

THE CORPORATION OF THE CITY OF QUINTE WEST

BY-LAW NUMBER 00-143

BEING A BY-LAW TO REGULATE THE
TRANSPORTATION OF OVERSIZED LOADS ON
HIGHWAYS WITHIN THE CITY OF QUINTE WEST

WHEREAS the Council of the Corporation of the City of Quinte West deems it in the public interest to regulate the moving and transportation of Oversized Loads on highways within the City of Quinte West;

AND WHEREAS pursuant to Section 210 (123) and Section 314(1) of The Municipal Act, R.S.O. 1990, c. M.45 as amended, a Council may regulate traffic on its highways and prohibit or regulate the obstructing, encumbering, injuring of highways or bridges within its corporate limits;

AND WHEREAS Section 110(1) of the Highway traffic Act, R.S.O. 1990, c. H.8, as amended, authorizes a Municipal Corporation to grant permits for the moving of heavy vehicles, loads, objects or structures in excess of the weight limits and/or the dimensional limits as set out in the said Highway Traffic Act;

NOW THEREFORE the Municipal Council of the Corporation of the City of Quinte West enacts as follows:

1. This By-law shall be entitled **"The Oversized Loads Permit By-law"**.
2. "Director of Public Works" means the Director of Public Works for the City of Quinte West.
3. In this By-law;
 - (a) "Applicant" means a person that is the owner or lessee of a vehicle used or to be used to move or transport any Oversized Load on any highway within the City of Quinte West and may include the owner's or lessee's agent duly authorized as such by the owner or lessee in writing;
 - (b) "Director of Public Works" means the Director of Public Works for the Corporation of the City of Quinte West.
 - (c) "Council" means the Municipal Council of the Corporation of the City of Quinte West;
 - (d) "Dimensional Limits" shall mean those limits as to width, length and height of vehicle loads or contents as set out in Section 109 of The Highway Traffic Act, R.S.O. 1990, c. H.8, as amended;
 - (e) "Highway" shall mean any road, road allowance, street, lane or other public thoroughfare under the jurisdiction of the City of Quinte West;
 - (f) "Person" shall include an individual, firm, society, joint venture, partnership, association or corporation and the legal representative of such;
 - (g) "Permit" shall mean a permit issued pursuant to this By-law;
 - (h) "Vehicle" includes a motor vehicle, trailer, traction engine, farm tractor, road building machine and any vehicle drawn, propelled or driven by any kind of power, including muscular power but does not include any motor vehicles and/or road building machines operated by or on behalf of the City of Quinte West or any other governmental authority having jurisdiction and control of a highway within the boundaries of the City of Quinte West if such vehicles are engaged in road maintenance or repair including the removal of snow;

4. (a) No person shall move or transport any Oversized Load on any highway within the City of Quinte West without a Permit first being issued for such purpose by the Director of Public Works pursuant to this By-law.
- (b) No owner or lessee of a vehicle shall allow or permit the said vehicle to be used for the movement or transportation of any Oversized Load on any highway within the City of Quinte West without a Permit first being issued for such purpose by the Director of Public Works pursuant to this By-law.
5. The duties of the Director of Public Works under this By-law are:
 - (a) To furnish application forms to all applicants for Permits to move or transport an Oversized Load on any highway within the City of Quinte West and to provide each applicant with a copy of this By-law;
 - (b) To receive and process all applications for a Permit to move or transport an Oversized Load on any highway within the City of Quinte West;
 - (c) To receive all fees for applications for Permits to move or transport an Oversized Load on any highway within the City of Quinte West and to account for same to Council;
 - (d) To issue Permits to move or transport an Oversized Load on a highway within the City of Quinte West to persons in situations which meet the requirements of this By-law;
 - (e) To enforce the provisions of this By-law; and
 - (f) To report to Council with respect to the performances of his or her administrative duties under this By-law as requested to do so from time to time.
6. The duties of the Director of Public Works under this By-law may be performed by any member of the Public Works Department for the City of Quinte West as designated in writing by the Director of Public Works.
7. Each person who applies for a Permit to move or transport an Oversized Load on any highway with the City of Quinte West shall:
 - (a) Properly complete an application for a Permit in the form prescribed by the City of Quinte West.
 - (b) Submit to the Director of Public Works the completed application form with the applicable application fee payable to the City of Quinte West;
 - (c) Provide to the Director of Public Works, as part of the application, a letter from an insurance company satisfactory to the City of Quinte West and duly authorized by law to underwrite public liability and property damage insurance addressed to the City of Quinte West certifying that the applicant has property damage and public liability insurance in an amount not less than Two Million Dollars (\$2,000,000.00);
 - (d) Sign an Indemnity (in a form satisfactory to the City of Quinte West) prior to the issuance of the Permit wherein the applicant agrees to indemnify and save harmless the City of Quinte West from and against all actions, causes of action, losses, damages, liens, suits, judgements, orders, awards, claims and/or demands whatsoever, whether the same shall be with or without merit and from all costs and/or expenses which the City of Quinte West may incur (including without limiting the generality of the foregoing, the costs of defending or settling any such action, causes of action, suits, claims or demands) which arise either directly or indirectly, by reason of or as a consequence of , or in any way related to the moving or transporting of the Oversized Load whether caused by the applicant or any employee, workman, agent or servant of the Applicant;

- (e) Provide to the Director of Public Works a Schedule setting out the specific date and time during which the Oversized Load shall be moved or transported within the City of Quinte West;
 - (f) Provide to the Director of Public Works the exact route to be followed in the movement or transportation of the Oversized Load within the City of Quinte West;
 - (g) A deposit may be required in cash or by certified cheque, in an amount to be established by the Director of Public Works in his/her sole discretion, prior to the issuance of the Permit to be applied towards any expenses that may be incurred by the City of Quinte West as a result of the movement or transportation of the Oversized Load and/or the application for the permit. The said deposit or the balance thereof, if any, remaining after the deduction of any costs and/or expenses incurred by the City of Quinte West as aforesaid, shall be returned to the applicant; and
 - (h) Obtain the written consent of the following persons and agencies, where applicable (as determined in the sole discretion by the Director of Public works);
 - 1) Director of Fire Services for the City of Quinte West;
 - 2) Director of Police Services for the City of Quinte West;
 - 3) Bell Canada;
 - 4) Ontario Hydro;
 - 5) Ministry of Transportation (if applicable);
 - 6) Canadian National Railway and Canadian Pacific Railway;
 - 7) Cable Television Company;
 - 8) Any other government agency having jurisdiction or an interest that could be affected by the movement or transportation of the Oversized Load.
8. When an application for a Permit is made in accordance with the provisions of this By-law and the applicant meets all of the requirements of this By-law, the Director of Public Works shall issue a Permit.
9. The person moving or transporting the Oversized Load on a highway in the City of Quinte West shall carry on the work in such a manner as to create the least interference with traffic and shall use proper precautions during such moving operations.
10. No person shall be permitted to move or transport any Oversized Load on any highway within the City of Quinte West on any Saturday, Sunday or Statutory Holiday unless the prior written permission of the Director of Public Works is obtained.
11. Any permit issued pursuant to the provisions of this By-law shall be valid for and only for the specific date, time and route specified therein.
12. Nothing in this By-law shall be deemed to restrict the responsibility and liability of the applicant for any and all costs and/or damages that may be caused to the Highway and/or any other public or private property by reason of or as a consequence of the moving and/or the transporting of the Oversized Load.
13. Every Permit issued pursuant to this By-law shall be carried in the vehicle used in the moving or transporting of the Oversized Load and shall be produced forthwith upon demand by a police officer or any officer appointed for carrying out the provisions of the Highway Traffic Act.

14. Schedules A and B attached hereto are deemed to be a part of this By-law to the same extent and effect as if incorporated herein.
15. (a) Every person who contravenes any provision of this By-law shall, upon conviction, be guilty of an offence and subject to such penalties as are prescribed under the Provincial Offences Act, R.S.O. 1990, c. P.33, as amended from time to time.

(b) In addition to the foregoing, if any provision of this By-law contravened is in respect of any weight allowed under the permit, a fine shall be imposed as if the person had not been issued a permit under this By-law and had been convicted of an offence under Section 116, 117 and 188 of The Highway Traffic Act in respect of any gross vehicle weight, axle unit weight or axle group weight in excess of the maximum allowable weights permitted under The Highway Traffic Act or the regulations thereunder.
16. If any provision or requirement of this By-law or the application thereof to any person shall to any extent be held to be invalid or unenforceable, the remainder of this By-law or the application of such provision or requirement to all persons other than those to which it is held to be invalid or unenforceable, shall not be affected thereby and it is hereby declared to be the intention of Council that each provision and requirement of this By-law shall be separately valid and enforceable to the fullest extent permitted by law.
17. In this By-law, words importing the singular shall include the plural and words importing the masculine gender shall include the feminine and neuter gender and vice versa.
18. This By-law shall come into force and take effect upon final passing hereof.

THIS BY-LAW READ A FIRST, SECOND AND THIRD TIME and finally passed this 18th day of December, 2000.


Robert J. Campney, Mayor


C. Ken Rose, Clerk

'SCHEDULE A'

**APPLICATION FOR PERMIT TO MOVE OVERSIZED LOADS WITHIN
THE MUNICIPAL LIMITS OF THE CITY OF QUINTE WEST**

APPLICATION NO. _____

NAME OF APPLICANT: _____

ADDRESS: _____ PHONE: _____

NAME OF OWNER OF OVERSIZED
LOAD TO BE MOVED: _____

ADDRESS: _____ PHONE: _____

1. DESCRIPTION OF OVERSIZED LOAD _____

MAX. WIDTH LOADED _____ MAX. HEIGHT LOADED _____

MAX. LENGTH LOADED _____ MAX. WEIGHT LOADED _____

2. PRESENT LOCATION: _____

3. DESTINATION: _____

4. PROPOSED ROUTE: (Applicant to attach schedule describing in detail the exact route
to be followed in moving the oversized load.)

5. Type of Permit - one month
- six month
- annual

6. MOVING EQUIPMENT _____
(Properly licensed motor vehicle & trailer)

7. APPROVALS: (Obtain where applicable and attach copies of approvals)

- (A) BY BELL CANADA _____
- (B) BY ONTARIO HYDRO _____
- (C) BY MINISTRY OF TRANSPORTATION _____
- (D) BY RAILWAY COMPANIES
- CNR _____; - CPR _____
- (E) BY CABLE T.V. CO. _____
- (F) DIRECTOR OF POLICE SERVICES _____
- (G) DIRECTOR OF FIRE SERVICES _____
- (H) OTHER _____

8. AGREEMENTS: In making this Application for a permit to move an oversized load, I agree:

- (A) To notify all the necessary authorities of the exact time of moving and to adhere to the approved route for such moving;
- (B) That the City of Quinte West reserves the right to change the hours of moving within a minimum of 24 hours notice;
- (C) That the City of Quinte West reserves the right to cancel the permit within a minimum of 24 hours notice;
- (D) To notify the Director of Public Works for the City of Quinte West and all other authorities of any proposed change in date and/or time of moving within a minimum of 24 hours notice, and any change must have the prior approval of the Director of Public Works and all other authorities.
- (E) To indemnify and save harmless the City of Quinte West from and against all actions, causes of action, losses, damages, liens, suits, judgements, orders, awards, claims and/or demands whatsoever (whether the same shall be with or without merit) and from all costs and/or expenses which the City of Quinte West may incur (including without limiting the generality of the foregoing, the costs of defending or settling any such action, causes of action, suits, claims or demands) which arise either directly or indirectly, by reason of or as a consequence, of, or in any way related to the moving or transporting of an oversized load whether caused by the Applicant or any employee, workman, agent or servant of the Applicant;

- (F) To provide to the Director of Public Works, prior to the issuance of a permit pursuant to this Application, a letter from an insurance company satisfactory to the City of Quinte West and duly authorized by law to underwrite public liability and property damage insurance addressed to the City of Quinte West certifying that the Applicant has property damage and public liability insurance in a an amount not less than Two Million Dollars.

The applicant certifies that he/she/they have read and are familiar with the City of Quinte West By-law number 00-143, and the Highway Traffic Act and applicable regulations as they pertain to vehicle loads, weights and dimensions, and that they will comply with all requirements of the By-law, the Act and the regulations.

Dated at _____ this _____ day of _____, 20__.

Witness

Signature of Applicant

Permit Fee: \$ _____

Approved:

Director or Deputy Director of Public Works

Date

Expiration Date of Permit

NOTE: Signature from above authorities is sufficient except in cases where there are special conditions in which approvals are to be in writing.

'SCHEDULE B'

**FEE SCHEDULE FOR PERMIT TO MOVE OVERSIZED LOADS WITHIN
THE MUNICIPAL LIMITS OF THE CITY OF QUINTE WEST**

\$50.00 – PERMIT VALID FOR ONE MONTH

\$100.00 – PERMIT VALID FOR SIX MONTHS

\$200.00 – PERMIT VALID FOR ONE YEAR.