

The Corporation of the County of Lennox and Addington

By-law No. 3589/23

A By-law to Repeal By-law No. 3457/19, As Amended, Designating the Effective Dates of a Reduced Load Period on Roads under the Jurisdiction of the County of Lennox and Addington

WHEREAS, pursuant to Section 122, Subsection (7), Chapter H.8, of the Highway Traffic Act, R.S.O. 1990, as amended, provides that a municipal corporation having jurisdiction over a highway may by by-law designate the date on which a reduced load period shall start or end and the highway or portion thereof under its jurisdiction to which the designation applies;

AND WHEREAS Section 122, (4) e of the Highway Traffic Act R.S.O 1990, Chapter H.8, provides for exceptions of public utility emergency vehicles including but not limited to Hydro One Networks Inc.;

AND WHEREAS the Council of the Corporation of the County of Lennox and Addington deems it necessary and expedient to repeal By-law No. 3457/19, as amended;

AND WHEREAS, a reduced load period is deemed necessary for the protection of certain highways located within the Corporation of the County of Lennox and Addington;

AND WHEREAS, the structure of certain County roads rehabilitated in recent years have been constructed to a standard that does not require a seasonal load restriction;

NOW THEREFORE, the Council of the Corporation of the County of Lennox and Addington enacts as follows:

PART 1 – DEFINITIONS

In this by-law,

- a) **Supervisor, Roads & Bridges** - means the Supervisor of the Roads & Bridges Department for the Corporation of the County of Lennox and Addington or a designate in their absence.
- b) **Highway** - means a common and public highway, road, street, avenue, parkway, driveway, square, place, bridge, viaduct or trestle designed and intended for, or used by, the general public for the passage of vehicles.
- c) **Motor Vehicle** - means a vehicle that is drawn, propelled or driven by any means other than by muscular power.
- d) **Trailer** - means a vehicle that is at any time drawn upon a highway by a motor vehicle.

- e) **Event** - means one day.
- f) **Official Sign** - means a load restriction sign erected in accordance with the regulation under the Highway Traffic Act.
- g) **Provincial Offences Officer** - means an individual appointed by by-law or other agencies designated by Council who are responsible for the administration of this by-law.
- h) **Reduced Load Period** - means a reduced load period within the meaning of the Highway Traffic Act.

PART 2 - GENERAL

1. That the provisions of Section 122, Subsections (1), (2), (3) and (4), Chapter H.8 of the Highway Traffic Act, R.S.O. 1990 apply to the highways named in Schedule "A" and attached hereto and forming part of this By-law, during the period from the fifteenth day of February to the fifteenth day of April inclusive in each and every year.
2. That the provisions of Section 122, Subsections (1), (2), (3) and (4), Chapter H.8 of the Highway Traffic Act, R.S.O. 1990 apply to the highways named in Schedule "B" and attached hereto and forming part of this By-law, during the period from the eighth day of March to the seventh day of May inclusive in each and every year.
3. That when signs have been erected and are on display, no commercial motor vehicle or trailer shall be operated on highways where the weight upon an axle exceeds 5 tonnes as named in Schedule "A" and Schedule "B", attached hereto and forming part of this By-law.
4. That if deemed necessary by the County of Lennox and Addington's Supervisor, Roads & Bridges or their designate, the restrictions as specified under conditions 1 and 2 above, may be implemented prior to or extend beyond the dates of any given year.
5. That if deemed appropriate by the County of Lennox and Addington's Supervisor, Roads & Bridges or their designate, the restrictions as specified under conditions 1 and 2 above, may be terminated at their discretion.
6. That if the County of Lennox and Addington's Supervisor, Roads & Bridges or their designate deems it appropriate; they may permit loads in excess of 5 tonnes per axel on an event, case by case, road by road basis. If the operator or driver submits by email a request for the exemption may be approved if weather and road conditions can accommodate the request on a short-term basis, if not greater than a 24-hour period.
7. That Hydro One Networks Inc. is identified as a public utility emergency vehicle for the purposes of this By-law.
8. That this by-law may be referred to as the "Seasonal Load Restriction By-Law".

PART 3 – GRANT OF EXEMPTION

1. That upon application, in writing, via email a Request for Exemption may be granted to a person to permit the moving of heavy vehicles, loads, objects or structures in excess of the load restrictions set out in this by-law during the reduced load periods. The holder of a request for exemption email is exempt from the provisions of this by-law to the extent as set out in the email.
2. That a Request for Exemption issued under section 3.1 shall be effective only for that time period specifically set out for that request, and for the particular highway or highways set out for that request. The exemption granted by section 2.6 applies strictly and solely to the highways and times prescribed by the request itself. The issuance of such request shall be subject to the terms and conditions and permits as per Schedule C.
3. That the Supervisor, Roads & Bridges or their designate may impose any other reasonable conditions with respect to the permit referred to in section 3.1, including but not limited to those conditions necessary to:
 - a. Protect person and/or property from injury or damage;
 - b. Protect the structural integrity of the highway; and
 - c. Prevent any further damage to the structure of the highway, persons, or property.
4. That it is deemed to be a condition of every Request for Exemption issued, that the original email be carried in the vehicle for which the request was issued and be produced when demanded by a Provincial Offences Officer. Failure to comply with this condition constitutes an offence.

PART 4 – OFFENCES AND PENALTIES

1. That the penalties provided in Section 125 of the Highway Traffic Act, R.S.O. 1990 C.H.8, as amended, shall apply to offenses against this by-law.

PART 5 – FORCE AND EFFECT

1. That this By-law shall come into force and take effect upon the installation of the appropriate signage in accordance with the regulations of the Highway Traffic Act, Chapter H.8, R.S.O. 1990, as amended, and the specifications of the Manual of Uniform Traffic Control Devices and Ontario Traffic Manual.
2. That the following Schedules are annexed hereto:
 - a. Schedule A – Reduced load period - fifteenth day of February to fifteenth day of April each year

b. Schedule B – Reduced load period - eighth day of March to seventh day of May each year

c. Schedule C – Conditions of a Request for Exemption

Read a first, second and third time and finally passed this 15th day of November 2023.

Clerk

Warden

THE CORPORATION OF THE COUNTY OF LENNOX AND ADDINGTON

"SCHEDULE A" TO BY-LAW NO. 3589/23

Highways to which designation of reduced load period applies:-
**Reduced load period - fifteenth day of February to fifteenth day of April
 each year.**

County Road No.	From	To
3	West limit of King's Highway #41, Twp. of Stone Mills (former Camden East Twp.), Lot 2, Concession 9	North boundary Town of Greater Napanee (former Richmond Twp.), Lot 15, Concession 11
4	North limit of King's Highway #401 westbound off-ramp, Loyalist Twp. (former Ernestown Twp.) between Lots 20 and 21, Concession 5	West limit of King's Highway #41, Twp. of Stone Mills (former Sheffield Twp.), Lot 6, Concession 4
5	Line between Lots 27 and 28, Concession 7, Town of Greater Napanee (former North Fredericksburgh Twp.)	West limit County Road 4, Lot 20, Concession 7, Loyalist Twp. (former Ernestown Twp.)
6	North Intersection of County Road 6 and County Road 1, Twp. Of Stone Mills (former Camden East Twp.)	South limit of County Road 14, Twp. of Stone Mills (former Camden East Twp.), between Lots 41 and 42, Concession 7
7	North limit of King's Highway #33, Loyalist Twp. (former Village of Bath)	South limit of County Road No. 2, Loyalist Twp. (former Ernestown Twp.), between Lots 10 and 11, Concession 4
8	North limit of King's Highway #33, Town of Greater Napanee (former Adolphustown Twp.), between Lots 21 and 22, Concession 1	North limit County Road 21, Town of Greater Napanee (former South Fredericksburgh Twp.), Lot 16, Concession 2
9	West limit County Road 8, at boundary between former Town of Napanee and former North Fredericksburgh Twp., all in the Town of Greater Napanee	West limit County Road 8, Town of Greater Napanee (former North Fredericksburgh Twp.), line between Lots 18 and 19, Concession 5
10	North limit Westbound off-ramp Hwy. 401 at boundary between Lennox & Addington and Hastings Counties	Intersection of north limit County Road 11, Town of Greater Napanee (former Richmond Twp.), Lot 1 between Concessions 4 and 5
11	East limit County Road 10, at Lot 1 between Concessions 4 and 5, Town of Greater Napanee (former Richmond Twp.)	Intersection of north limit of Goodyear Road at Lot 6 and 7, between Concessions 1 and 2, Twp. of Stone Mills (former Twp. of Camden East)

County Road No.	From	To
11	Intersection of east limit of County Road 16 at Lot 10 between Concessions 1 and 2, Twp. of Stone Mills (former Twp. of Camden East)	West limit of County Road 27, Twp. of Stone Mills (former Village of Newburgh)
12	Intersection of South limit of Hastings' County Road 6, at boundary between Lennox & Addington and Hastings Counties, at Town of Greater Napanee (former Richmond Twp.), Lot 1, Concession 7	West limit King's Highway #41, Town of Greater Napanee (former Richmond Twp.), between Lots 21 and 22, Concessions 6 and 7
13	Boundary between County of Lennox and Addington and the Municipality of Tweed at Township of Stone Mills (former Sheffield Township), Lot 4, Concession 1	West limit of County Road No. 41 in Township of Stone Mills (former Sheffield Township), Lot 8, Concession 3
14	East limit of King's Highway #41, Twp. of Stone Mills (former Camden East Twp.), Lot 1 between Concessions 7 & 8	East boundary Twp. of Stone Mills (former Camden East Twp.), Gore Lot 53, Concession 7
15	North limit County Road 4, Twp. of Stone Mills (former Sheffield Twp.), Lot 6 between Concessions 6 and 7	North boundary Twp. of Stone Mills (former Sheffield Twp.), Lot 26, Concession 13
17	East limit County Road 27, Twp. of Stone Mills (former Village of Newburgh)	West limit County Road 4, Twp. of Stone Mills (former Camden East Twp.), Lot 25, between Concessions 2 and 3
24	North limit King's Highway #33 at boundary between Lennox & Addington County and City of Kingston (former Frontenac County)	South limit of County Road 23, at the boundary between Lennox & Addington County and City of Kingston (former Frontenac County)
25	North limit of County Road 8, Town of Greater Napanee (former South Fredericksburgh Twp.), Lots 6 and 7, Concession 2 Additional	South limit of Bay Shore Road, Town of Greater Napanee (former South Fredericksburgh Twp.), Lot 12, Concession 3 Additional
27	North limit of County Road 1, Twp. of Stone Mills (former Village of Newburgh)	South limit of County Road 14, Twp. of Stone Mills (former Camden East Twp.), Lot 15, Concession 8

THE CORPORATION OF THE COUNTY OF LENNOX AND ADDINGTON

"SCHEDULE B" TO BY-LAW NO. 3589/23

Highways to which designation of reduced load period applies:-
Reduced load period - eighth day of March to seventh day of May each year.

County Road No.	From	To
29	Boundary between County of Lennox and Addington and Municipality of Tweed at Addington Highlands Township (former Kaladar Township), Lot 16, Concession 1	West limit of County Road No. 41 in Addington Highlands Township (former Kaladar Township), Lot 22, Concession 7
30	East limit of King's Highway No. 41 in Addington Highlands Township (former Denbigh Township), Lot 20, Concession 3	Boundary between County of Lennox and Addington North Frontenac Township at Addington Highlands Township (former Abinger Township), Lot 1, Concession 1

Conditions of a Request for Exemption (To Be Accompanied Via Email)

1. Acts and By-Laws

- a. The permit holder shall move the vehicle in accordance with the Highway Traffic Act, R.S.O. 1990, Chapter H.8, as amended and any amendments thereto.
- b. This request is not valid on highways or structures otherwise restricted by County By-law.
- c. All moves are subject to By-laws of the municipalities or corporations, within which the move is being made.

2. Control of Permit

- a. The permit may be withdrawn on written notice at any time by the Supervisor, Roads & Bridges or their designate.
- b. Highways or structures may be restricted at any time.
- c. The permit is granted subject to the condition that the permit is used at and within the time limits specified and that the particular highways used will be in accordance with those designated by the Supervisor, Roads & Bridges or their designate.

3. General

- a. No moves are to be made on Sundays.
- b. Vehicles, loads, objects or structures that are in excess of the width, length or both, prescribed under section 109 of the Highway Traffic Act R.S.O. 1990, c.H.8, shall be marked with flags, lights or both and signs are prescribed.
- c. If it is necessary to cross a sidewalk with the load mentioned herein, the sidewalk must be covered with 4" planking.

4. Axle Loads

- a. Where the axle loads of any proposed loading arrangement cannot be easily calculated or are in doubt, it will be the applicant's responsibility to establish adequate proof of the accurate axle loadings, to the satisfaction of the Supervisor, Roads & Bridges or their designate. Any expenses so incurred will be borne by the applicant.

The applicant understands that under the provisions of the Highway Traffic Act R.S.O. 1990, c.H.8, as amended, the owner, operator or mover of a heavy vehicle, load, object or structure, in respect of which a permit is granted under that section, is nevertheless responsible for all damages that may be caused to the highway by reason of the driving operating or moving of any such vehicle, load, object or structure and shall reimburse the County of Lennox and Addington for all costs associated with repairing such damage.

The applicant shall indemnify and save harmless the County of Lennox and Addington from any action, claim, damage or loss, arising from and in relation to the protection of persons and property, that may be caused by reason of driving, operating or moving of any such vehicle, object or structure.