

**THE CORPORATION OF THE TOWNSHIP OF AMARANTH**

**BY-LAW NUMBER 44-2012**

**BEING A BY-LAW TO RESTRICT HEAVY TRUCKS  
ON TOWNSHIP HIGHWAYS AND  
TO REPEAL BY-LAW 78-2007**

WHEREAS Section 11 of the Municipal Act 2001, as amended, authorizes Council to pass by-laws regulating traffic on highways.

AND WHEREAS the Council of the Corporation of the Township of Amaranth deems it expedient to restrict heavy trucks on Township highways,

**NOW THEREFORE THE CORPORATION OF THE TOWNSHIP OF AMARANTH  
HEREBY ENACTS AS FOLLOWS:**

**1. Definitions:**

- 1.1 "heavy truck" means a commercial motor vehicle having a weight when unloaded, or when loaded, of five tonnes per axle or more.
- 1.2 "highway" includes a common and public highway or street, which is intended for or used by the general public for passage of vehicles and includes the area between the lateral property lines thereof.

**2. Heavy Truck Restrictions:**

- 2.1 Except as provided in Subsections 2.2., 2.3 and 2.4 of this section when authorized signs to that effect are erected, no person shall move, drive, park or operate a heavy truck, on the highways set out in Schedule "A".
- 2.2 Subsection 2.1 of this by-law shall not apply to any vehicle actually engaged in making a delivery to or a collection from premises which cannot be reached except by way of a highway or a portion of highway referred to in the said section, provided that in making such a delivery or collection, the said highway or portion of highway is travelled only insofar as is unavoidable in getting to and from such premises.
- 2.3 Subsection 2.1 of this section shall not apply to any vehicle actually engaged in leaving from or returning to the said vehicles owner's and/or operator's principal residence provided that in so leaving from or returning to their principal residence, the said portion of highway that is used is travelled only insofar as is unavoidable in getting to and from such premises and provided such storage of their vehicle is permitted under the Township's Zoning By-law.
- 2.4 Subsection 2.1 of this section does not apply to:
  - (a) vehicles operated by or on behalf of a municipality or other authority having jurisdiction and control of a highway, where the vehicles are engaged in highway maintenance, including the carriage and application of abrasives or chemicals to the highway, the stockpiling of abrasives or chemicals for use on a highway, or the removal of snow from a highway

- (b) vehicles used exclusively for the transportation of milk
  - (c) fire apparatus
  - (d) vehicles operated by or on behalf of municipality transporting waste or recycling material
  - (e) public utility emergency vehicle
  - (f) vehicles used exclusively for the transportation of livestock, feed and live poultry provided the weight upon an axle does not exceed 7.5 tonnes
  - (g) vehicles used exclusively for the transportation of liquid or gaseous heating fuel provided the weight upon the axle does not exceed 7.5 tonnes; and
  - (h) a person operating under an exception permit issued by the Township of Amaranth
3. This by-law shall not become effective until the portion of the highways affected are properly signed.
  4. Schedule "B" to this By-Law shall be effective upon the approval and/or amendment by the Regional Senior Justice of the Ontario Court of Justice.
  5. Every person who contravenes any of the provision of this By-Law is guilty of an offence and is liable to the penalty provided for under the Provincial Offences Act per Schedule "B" Short Form Wording and Set Fines.
  6. THAT By-Law 78-2012 be hereby repealed.

BY-LAW READ A FIRST AND SECOND TIME THIS 15<sup>TH</sup> DAY OF AUGUST 2012

BY-LAW READ A THIRD TIME AND PASSED THIS 15<sup>TH</sup> DAY OF AUGUST 2012

  
CLERK

  
HEAD OF COUNCIL

SCHEDULE 'A' TO BY-LAW<sup>44</sup> -2012

<u>ROAD</u>	<u>FROM</u>	<u>TO</u>	<u>WHEN</u>
Mono Amaranth Townline	20 Sideroad	Hwy 89	Anytime
2 <sup>nd</sup> Line	County Road 109	30 Sideroad	Anytime
4 <sup>TH</sup> Line	Highway 89	30 Sideroad	Anytime
9 <sup>th</sup> Line	County Road 109	Station Street	Anytime
10 <sup>th</sup> Line	County Road 109	5 Sideroad	Anytime
5 Sideroad	Mono Amaranth Townline	County Road 11	Anytime
5 Sideroad	10 <sup>th</sup> Line	Amaranth East Luther Townline	Anytime
20 Sideroad	County Road 11	Amaranth East Luther Townline	Anytime
30 Sideroad	Mono Amaranth Townline	2 <sup>nd</sup> Line	Anytime
30 Sideroad	County Rd. 11	County Road 12	Anytime

SCHEDULE 'B' TO BY-LAW 44 -2012

Part 1 Provincial Offences Act

By-Law 44- 2012 to Restrict Heavy Trucks on Township Highways

ITEM	SHORT FORM WORDING	PROVISION CREATING OF DEFINING OFFENCE	SET FINE
1	Move, drive, park or operate a heavy truck on a prohibited route.	Section 2.1	\$300.00

NOTE: The penalty provision for the offence indicated above is section 4 of this by-law, a certified copy of which has been filed.

**SCHEDULE "A"**  
**To By-law 7 - 2018**

**Schedule 'B'**

**THE CORPORATION OF THE TOWNSHIP OF AMARANTH**

**PART I, *Provincial Offences Act***

**By-Law 44-2012 to Restrict Heavy Trucks on Township Highways, as amended**

ITEM	SHORT FORM WORDING	PROVISION CREATING OR DEFINING OFFENCE	SET FINE
1	Move, drive or operate a heavy truck on a prohibited route.	Section 2.1	\$300.00

**NOTE:** the general penalty provision for the offence listed above is section 5 of By-law 44-2012, as amended, a certified copy of which is filed.

*Approved  
SW.  
March 26/18*

## **PROVINCIAL OFFENCES ACT**

### **Part I**

IT IS ORDERED pursuant to the provisions of the *Provincial Offences Act* and the rules for the Ontario Court of Justice, that the amount set opposite each of the offences in the schedule of offences under the Provincial Statutes and Regulations thereunder and Municipal By-law No. 44-2012, as amended, for The Corporation of the Township of Amaranth, attached hereto is the set fine for that offence. This Order is to take effect March 29, 2018.

Dated at Hamilton, this 29th day of March, 2018.



Sharon Nicklas  
Regional Senior Justice  
Central West Region

SCHEDULE "B"  
To By-law 7- 2018

Schedule 'C'

THE CORPORATION OF THE TOWNSHIP OF AMARANTH  
PART II, *Provincial Offences Act*  
By-Law 44-2012 to Restrict Heavy Trucks on Township Highways, as amended

ITEM	SHORT FORM WORDING	PROVISION CREATING OR DEFINING OFFENCE	SET FINE
1	Park a heavy truck on a prohibited route.	Section 2.1	\$300.00

**NOTE:** the general penalty provision for the offence listed above is section 5 of By-law 44-2012, as amended, a certified copy of which is filed.

*Approved  
SW  
March 25/18*

## **PROVINCIAL OFFENCES ACT**

### **Part II**

IT IS ORDERED pursuant to the provisions of the *Provincial Offences Act* and the rules for the Ontario Court of Justice, that the amount set opposite each of the offences in the schedule of offences under the Provincial Statutes and Regulations thereunder and Municipal By-Law No. 44-2012, as amended, for The Corporation of the Township of Amaranth, attached hereto is the set fine for that offence. This Order is to take effect March 29, 2018.

Dated at Hamilton this 29th day of March, 2018.



Sharon Nicklas  
Regional Senior Justice  
Central West Region



OFFICE OF THE REGIONAL SENIOR JUSTICE  
ONTARIO COURT OF JUSTICE  
CENTRAL WEST REGION



CABINET DU JUGE PRINCIPAL RÉGIONAL  
COUR DE JUSTICE L'ONTARIO  
RÉGION DE CENTRE-OUEST

COURT HOUSE  
45 MAIN STREET EAST, SUITE 762  
HAMILTON, ONTARIO L8N 2B7

PALAIS DE JUSTICE  
45 RUE MAIN EST, PIÈCE 762  
HAMILTON (ONTARIO) L8N 2B7  
TELEPHONE/TÉLÉPHONE (905) 645-5344  
FAX/TÉLÉCOPIEUR (905) 645-5377

March 29, 2018

Via Courier

Gregory G. Sills  
Thomson Rogers – Lawyers  
Suite 3100, 390 Bay Street  
Toronto, ON M5H 1W2

Dear Mr. Sills:

Re: Township of Amaranth - Set Fine Application  
Part 1 & 11 *Provincial Offences Act*  
By-law 44-2012, as amended: Heavy Trucks  
Your File No.: 050525

Please find enclosed the signed Orders and Schedules of set fines for the above-noted By-Law. I am also returning the original certified copies of By-law 44-2012 and By-law 7-2018.

The setting of the fines does not constitute my approval of the short form of wording used to describe the offences.

Copies of the Orders, Schedules of set fines, and the certified copies of the above-noted By-laws, have been forwarded to Nicole Shearman, Manager with the Town of Orangeville, County of Dufferin. Copies of the Orders and Schedules of set fines have also been forwarded to Kerry-Lee Thompson at Crown Law Office-Criminal.

Yours truly,

A handwritten signature in black ink, appearing to read 'Sharon Nicklas', written over a horizontal line.

Sharon Nicklas  
Regional Senior Justice  
Central West Region

Enclosures

Nicole Shearman, Manager, Town of Orangeville  
Kerry Lee Thompson – Crown Law Office - Criminal