



THE CORPORATION OF THE TOWN OF COBOURG

BY-LAW NUMBER 101-2015

BEING A BY-LAW TO AUTHORIZE THE DIRECTOR OF PUBLIC WORKS OR DESIGANTE TO ISSUE PERMITS TO MOVE VEHICLES, LOADS, OBJECTS OR STRUCTURES IN EXCESS OF WEIGHT AND SIZE LIMITS PERSCRIBED BY THE *HIGHWAY TRAFFIC ACT*, R.S.O. 1990, c. H.8 ON TOWN OF COBOURG ROADS AND TO ESTABLISH CONDITIONS FOR WHICH SUCH PERMITS MAY BE ISSUED.

WHEREAS the Corporation of the Town of Cobourg or other authority having jurisdiction over a highway may, upon application in writing, grant a permit for the moving of overweight vehicles, loads, objects or structures in excess of the dimensional limits pursuant to Section 109 or the weight limits set out in Part VIII (being sections 114 to 127) of the *Highway Traffic Act*, R.S.O, 1990, Chapter H.8, as amended.

AND WHEREAS Council of the Corporation of the Town of Cobourg reserves the right to suspend or revoke a permit and to establish an appeal procedure pursuant to the provisions of the *Statutory Powers Procedure Act*, R.S.O., 1990, Chapter S.22, as amended.

AND WHEREAS the Council of the Corporation of the Town of Cobourg deems it desirable to grant such permits.

NOW THEREFORE Council enacts as follows:

1. DEFINITIONS

“Applicant” shall mean the person making an application for a permit under this by-law;

“Corporation” shall mean the Corporation of the Town of Cobourg;

“Council” shall mean the Municipal Council of the Town of Cobourg;

“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., as amended.

“Director of Public Works” shall mean the person appointed to administer and manage the provisions of this by-law for the Corporation of the Town of Cobourg.

“Emergency Vehicle” shall mean

(a) a vehicle while used by a person in the lawful performance of his or her duties as a police officer, on which a siren is continuously sounding and from which intermittent flashes of red light or red and blue light are visible in all directions; or

(b) either of the following vehicles, on which a siren is continuously sounding and from which intermittent flashes of red light are visible in all directions within the meaning of the *Highway Traffic Act*:

(i) A fire department vehicle while proceeding to a fire or responding to, but not while returning from, a fire alarm or other emergency call, or

(ii) an ambulance while responding to an emergency call or being used to transport a patient or injured person in an emergency situation;

“Highway” shall mean a common and public highway lane, street, avenue, parkway, driveway, square, place, bridge, viaduct or trestle designed and intended for use by the general public for the passage of vehicles;

“Motor vehicle” shall mean an automobile, motorcycle, motor assisted bicycle unless otherwise indicated in this by-law, and any other vehicle propelled or driven otherwise than by muscular power, but does not include a street car, or other motor vehicles running only upon rails, or a motorized snow vehicle, traction engine, farm tractor, self-propelled implement of husbandry or road building machine within the meaning of the *Highway Traffic Act*;

“Municipal Service Vehicle” shall mean any vehicle owned by the Corporation or operated by employees of the Corporation and shall include any vehicle contracted by the Corporation for the purposes of providing municipal services.

“Officer” shall mean a Municipal By-law Enforcement Officer, a Police Officer, a Special Constable or a Peace Officer;

“Operator” shall mean the driver of any vehicle for which a permit has been issued and includes any person employed, engaged or contracted by the “Owner”;

“Owner” shall mean the owner of an overweight and oversized vehicle, load, object or structure for which a permit is sought or has been issued;

“Oversized Load” shall mean any load, cargo, building, structure or thing being transported on any vehicle which exceeds any of the dimensional limits and/or weight limits as defined in this By-law;

“Permit” shall mean a permit issued under this By-law that grants a privilege to the holder thereof;

“Permit Holder” shall mean the person to whom a permit is issued and includes an authorized owner or operator.

“Person” shall mean an individual, but also a partnership and a corporation and any association and the heirs, executors, administrators, successors and assigns or other legal representatives thereof to whom the context may apply;

“Trailer” shall mean a vehicle that is at any time drawn upon a highway by a motor vehicle, except a mobile home, another motor vehicle device or apparatus not designed to transport persons or property, temporarily drawn, propelled or moved upon such highway, and except as side car attached to a motorcycle, and shall be considered a separate vehicle and not part of the motor vehicle by which it is drawn;

2. PERMIT

- 2.1 A permit shall be obtained by every:
- a) Owner, or
 - b) Operators of any vehicles, loads, objects or structures for the purpose prescribed in section 3.0 of this by-law.
- 2.2 No person shall operate or cause to be moved an overweight and oversized vehicle, load, object or structure upon any highway or part thereof within the Town of Cobourg until such permit has been procured by the owner or operator to do so.
- 2.3 No person shall be deemed to have been issued a permit until the Director of Public Works or designate has issued the permit. A application for a permit does not constitute a permit.
- 2.4 No owner, operator or any person shall operate a vehicle or combination of vehicles contrary to any conditions of a permit.

3. ADMINISTRATION

- 3.1 The Council of the Town of Cobourg through the provisions of this By-law to appoint and authorize the Director of Public Works or designate to:
- a) Administer the provisions of this by-law;
 - b) Issue permits on behalf of the Town of Cobourg;
 - c) Sign all permits on behalf of the Corporation;
 - d) Limit the time for which the permit is issued;
 - e) Designate particular highways or parts thereof which may be used by a permit holder;
 - f) Impose conditions on the permit holder that, in the discretion of the Director of Public Works or designate, which are deemed necessary for the protection of persons and property of injury or damage; and
 - g) Undertake any investigation or inspection for the purposes of administering this by-law.
- 3.2 The permits in this section are to be approved to an applicant who has filed a written application for the moving of vehicles, load, objects or structures in excess of the weight and size limits as set out in Part VIII of the *Highway Traffic Act*, R.S.O. 1990, c. H, as amended.
- 3.3 The Director of Public Works or designate is authorized to evaluate and consider an application and may require that the applicant provide a bond or other security sufficient to cover the cost of repairing any possible damage to a highway within the jurisdiction of the Corporation.

- 3.4 The Director of Public Works or designate and officer is authorized to demand:
- a) Identification or any documentary proof from any person making an application for a permit;
 - b) the permit, identification, vehicle registration or other document from any owner, permit holder or operator to whom the by-law may apply; and

4. APPLICATIONS

- 4.1 To submit an application for a permit, the Applicant shall complete the prescribed form attached hereto as Schedule "A" and shall supply the Town of Cobourg with all required information, documentation, and other means of identification as the Corporation may direct to be submitted by the Applicant. All applications shall be submitted to the Director of Public Works or designate.
- 4.2 No permit shall be issued to the applicant unless and until he/she is in receipt of a non-refundable certified cheque payable to the Town of Cobourg as set out in the fees and charges by-law for an oversized/overweight permit.
- 4.3 The applicant shall file with the Corporation the duration and the routes of the equipment and vehicles requiring a permit in order that unnecessary traffic hazards or delays are avoided.
- 4.4 Each permit shall indicate the date on which the permit expires.
- 4.5 Any permit issued under this by-law shall remain the property of the Town of Cobourg and such permit is not transferable to any other person except between an owner of a vehicle and the operator, and is not transferable to any other vehicle, load, object or structure.
- 4.6 Each application for a permit shall be on the prescribed form as set out in Schedule "A" to this By-law.
- 4.7 The applicant shall obtain the written consent of the following persons and agencies (as required);
- a) The Director of Public Works or designate;
 - b) Lakefront Utilities;
 - c) Town of Cobourg Fire Department;
 - d) Cobourg Police Service;
 - e) Ministry of Transportation;
 - f) Bell Canada (if applicable);
 - g) Canadian National Railway and Canadian Pacific Railway (if applicable);
 - h) Cable Television Company (if applicable);
 - i) The County of Northumberland (if applicable);
 - j) Any other government agency having jurisdiction over an interest that could be affected by the movement or transportation of the oversized load.

5.0 CONDITIONS FOR OBTAINING A PERMIT

5.1 No permit may be issued by the Director of Public Works unless:

- a) All the information pertaining to the vehicles, loads, objects, or structure has been provided in writing on the application form;
- b) the applicant has supplied proof of property damage and public liability insurance for the minimum amount of five million (5,000,000) dollars for the term of the permit as well as proof of insurance covering any vehicle requiring such permit. Failure to provide liability insurance shall immediately render the permit null and void;
- c) the owner, operator or permit holder of any such vehicle or equipment, who has obtained a permit is responsible for all damages of whatsoever nature that may be caused by reason of driving, operating or moving of any such vehicles and/or equipment; and;
- d) the permit may contain any special conditions or provisions that in the opinion of the Director of Public Works or designate may be deemed necessary for the protection of the public and/or highway.
- e) Any permit issued pursuant to the provisions of this by-law shall be valid for and only for the specific date and time and route specified therein and included on the prescribed application form.

6.0 PERMIT HOLDER'S DUTY

6.1 Every Permit holder shall ensure that:

- a) the original permit is supplied to the operator in order that it may be produced upon demand by the Officer;
- b) the operator of the vehicle used to transport the Oversized Load for which a permit was issued, travels upon the authorized highways only.

7.0 OFFENCES

7.1 No permit holder shall:

- a) fail to refuse to produce the permit upon demand;
- b) use any unauthorized highway or part thereof;
- c) use any permit to move anything other than the item for which the permit was issued;
- d) fail or refuse to stop when directed to do so by an officer;
- e) fail to abide by the conditions of the permit.

8.0 SUSPENSION/REVOCACTION

8.1 The Director of Public Work or designate may revoke any or each of the permits issued for cause and without limiting the generality of the forgoing:

- a) a breach of the By-law;
- b) any violation of the provisions of this By-law.

9.0 NOTICE OF SUSPENSION

9.1 When a permit has been suspended or revoked, the Director of Public Works or designate shall send a Notice of Suspension or Revocation by registered mail or personal service to the permit holder at his/her last known address.

9.2 Service by registered mail shall be deemed to have been made on the seventh (7th) day after the notice was mailed.

9.3 The notice shall contain details of the reason(s) for the suspension or revocation and shall also contain a paragraph to advise the person that he/she may appeal the decision by filing an appeal according to the provisions of this by-law.

9.4 Any person contravening any of the provisions of this By-law while under suspension shall be regarded as though no permit had been issued.

10.0 APPEAL OF SUSPENSION OR REVOCATION

10.1 Any person whose permit has been suspended or revoked may appeal Municipal Council within fifteen (15) days immediately following the date the Notice was served.

10.2 Municipal Council shall, within reasonable time after receiving an appeal notice, hold a hearing at a place and time convenient to both parties in order to afford the person an opportunity to make representation.

11.0 SEVERABILITY

11.1 If any section, clause or provision of this By-law, is for any reason declared by a court of competent jurisdiction to be invalid, the same shall not affect the validity of this By-law as a whole or any part thereof other than the section, clause or provision so declared to be invalid and it is hereby declared to be the intention of Council for the Town that all remaining sections, clauses or provisions of this By-law shall remain in full force and effect until repealed, notwithstanding that one or more provisions thereof may have been declared invalid.


12.0 PENALTIES

- 12.1 Any person who contravenes any provision of this by-law or who operates a vehicle or combination of vehicles contrary to any conditions of a permit is guilty of an offence and upon conviction, is liable to a fine of not less than two hundred (\$200.00) dollars and not more than twenty thousands, (\$20,000.00) dollars exclusive of cost.
- 12.2 Any person who contravenes any provision of this By-law, for which a penalty is provided in this By-law is guilty of an offence and upon conviction, is subject to the penalties, provided in this By-law and pursuant to the provisions of the *Highway Traffic Act*.
- 12.3 Every person who operates or permits the operation of a vehicle or combination of vehicles where the gross vehicle weight exceeds the gross vehicle weight allowed under the permit is guilty of an offence and on conviction, a fine shall be imposed as if the person had not been issued the permit under this by-law and had been convicted of an offence under Section 116, 117 or 118 of the *Highway Traffic Act* in respect of any gross vehicle weight, axel unit weight or axle group weight in excess of the maximum allowable weights under the *Highway Traffic Act* or the regulations.

13.0 REPEALS

The following By-law No. 153-92 is hereby repealed

READ a first, second and third time and finally passed in Open Council this 21st day of December, 2015.


MAYOR


MUNICIPAL CLERK

APPENDIX "A"



APPLICATION FOR PERMIT TO
MOVE OVERSIZED LOADS WITHIN
THE TOWN OF COBOURG
Pursuant to By-law #101-2015

Application # _____

APPLICANT INFORMATION:

NAME: _____

ADDRESS: _____

PHONE #: _____ EMAIL: _____

OWNER INFORMATION:

BUSINESS NAME: _____

ADDRESS: _____

DESCRIPTION OF OVERSIZED LOADS _____

LOAD INFORMATION:

VEHICLE YEAR, MAKE & MODEL: _____

VEHICLE LICENCE PLATE: _____

OVERALL WIDTH: _____ OVERALL HEIGHT: _____

OVERALL LENGTH: _____ OVERALL WEIGHT(kg) _____

MOVE DATE: _____

ROUTE FROM: _____ ROUTE TO: _____

ROUTE (attach map): _____

APPROVAL CHECKLIST:

OBTAIN IF APPLICABLE:

- THE DIRECTOR OF PUBLIC WORKS OR DESIGNATE
- LAKEFRONT UTILITIES
- TOWN OF COBOURG FIRE DEPARTMENT
- COBOURG POLICE SERVICE
- MINISTRY OF TRANSPORTATION
- BELL CANADA

*Personal Information on this form is collected under the authority of the *Municipal Freedom of Information and Protection of Privacy Act*, R.S.O. 1990 c. M56, as amended. Inquiries about the collection of personal information should be directed to the Municipal Clerk.

- CANADIAN NATIONAL RAILWAY AND CANADIAN SPECIFIC RAILWAY
- CABLE TELEVISION COMPANY
- THE COUNTY OF NORTHUMBERLAND
- ANY OTHER GOVERNMENT AGENCY HAVING JURISDICTION OVER AN INTEREST THAT COULD BE AFFECTED.

LICENCE HISTORY

Have you ever been refused a Permit or had one suspended or revoked?

- Yes No

If yes, details: _____

AGREEMENT

I/We hereby make application to move the above-mentioned load, subject to the provisions and conditions as laid out by the By-law and Provincial Legislation. I/We state that the information is true to my/or knowledge. I/We accept all liability as a result of the move and save harmless the Corporation until Completion.

Date

Signature of Applicant

Applicant(s) also agree:

- a) To notify all necessary authorities of the exact time of moving and to adhere to the approved route for such moving;
- b) That the Town of Cobourg reserves the right to change the hours of moving and also to cancel the permit at any time without prior notice.
- c) That I shall notify the Director of Public Works or designate for the Town of Cobourg and all other authorities of any proposed change in date and/or time of moving, and any change must have the prior approval of the Director of Public Works or designate and all other authorities;
- d) To indemnify and save harmless the Town of Cobourg from and against all action, losses, damages, liens, suits, judgments, 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 Town of Cobourg may incur (including and 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, servant of the Applicant;
- e) To provide to the Director of Public Works or designate prior to the issuance of a permit pursuant to this Application, a letter from the insurance company satisfactory to the Town of Cobourg and duly authorized by law to underwrite public liability and property damage insurance addressed to the Town of Cobourg certifying that the applicant has property damage and public liability insurance in an amount not less than five million (5,000,000.00), dollars;
- f) To submit to the Director of Public Works or designate with this application form, the applicable fee payable to the Town of Cobourg as set out in the fees and charges by-law.

APPENDIX "A"

g) To submit with this application, a certified cheque in the amount of Two Thousand Five Hundred (\$2,500.00) dollars to be held by the Town of Cobourg as a deposit towards any costs and/or expenses that may be incurred by the Town of Cobourg as a result of the movement or transportation of the oversized load;

h) That I have received a copy of By-law No. 00-2015 Being a By-law to Authorize the Director of Public Works or Designate to issue permits to move vehicles, loads, objects, or structures in excess of weight and size limits prescribed by the *Highway Traffic Act*, R.S.O, 1990 Chapter H.8 on Town of Cobourg Roads and to Establish Conditions for which such permits may be issued.

Dated at _____ this _____ day of _____, 20__

For Office Use Only

Application Fee: \$250.00

Cash _____ Cheque _____ Debit Author # _____ (Please attach Receipt)

Received by _____ Date Received _____

Permit Issue Date: _____

Assigned Licence #:

Authorizing Signature: _____

Licence is Valid from Date and time specified on the Application and approved by the Town