

RURAL MUNICIPALITY OF CORNWALLIS

PROVINCE OF MANITOBA

BEING A BYLAW of the Rural Municipality of Cornwallis for the purpose of classifying vehicles according to weight and for prescribing routes of travel within the Rural Municipality of Cornwallis, and for repealing By-Law No. 1494/13/94 and By-law No. 1531/16/97.

WHEREAS Section 90(1) of *The Highway Traffic Act*, S.M. 1985-86, C.3-Cap. H60, provides as follows:

"A traffic authority may classify vehicles according to dimensions, design, weight, kind of weight carried or otherwise, for any class or all classes of vehicles and may make rules or bylaws supplementary to, or in addition to, but not contrary to, any provision of this Act or regulations made thereunder and applicable on highways over which the traffic authority has jurisdiction or within any area over which the traffic authority has jurisdiction, with respect to

...

(d) prescribing routes of travel;

...

and may impose penalties for a violation of any such rule or by-law."

AND WHEREAS Section 232(1) of *The Municipal Act*, S.M. 1996, C.58-Cap. M225, provides as follows:

"A council may pass by-laws for municipal purposes respecting the following matters:

- (a) the safety, health, protection and well-being of people, and the safety and protection of property;
- (b) people, activities and things in, on or near a public place or a place open to the public, including parks, municipal roads, recreation centres, restaurants, facilities, retail stores, malls, and private clubs and facilities that are exempt from municipal taxation;

...

(m) local transportation systems;

..."

AND WHEREAS Section 232(2) of *The Municipal Act*, S.M. 1996, C.58-Cap. M225, provides as follows:

"Without limiting the generality of subsection (1), a council may in a by-law passed under this Division

- (a) regulate or prohibit;

...

- (c) deal with any development, activity, industry, business, or thing in different ways, or divide any of them into classes and deal with each class in different ways;

..."

AND WHEREAS the Rural Municipality of Cornwallis is the traffic authority for municipal roads within the limits of the Municipality;

AND WHEREAS the Council has deemed it to be in the best interests of the Municipality to classify certain vehicles according to weight and to prescribe routes of travel for same;

NOW THEREFORE the Council of the Rural Municipality of Cornwallis in open session assembled enacts as follows:

### 1. Definitions

1(1) In this ByLaw:

"HEAVY TRANSPORT TRUCKS" means vehicles with a gross vehicle weight in excess of 30,000 (Thirty Thousand) pounds, or having more than two axles.

"MUNICIPAL ROAD" means a highway for which the Municipality is the traffic authority in the meaning of *The Highway Traffic Act*, and in addition, means land that has been opened by the Municipality under authority of *The Municipal Act*, or constructed or maintained by the Municipality, as a road for public use; and has not been closed under *The Municipal Act*; but does not include a provincial road or a provincial trunk highway, as those terms are defined in *The Highways and Transportation Department Act*.

"PERSON" means any individual, business, corporation, firm, partnership, association or company.

### 2. Interpretation

2(1) Nothing in this by-law shall be interpreted so as to permit the operation of a heavy transport truck on any municipal road or portion thereof where such operation is in contravention of

- (a) the provisions of this or any other by-law of the Municipality; or
- (b) temporary restrictions put into place by the Municipality from time to time; or
- (c) any statute or regulation enacted by the Province of Manitoba or the Government of Canada.

2(2) This By-law may be referred to as the "Heavy Truck Route By-law".

### 3. General Provisions

3(1) Unless otherwise authorized in this By-law, no person shall operate a heavy transport truck on a municipal road or any portion thereof other than upon those designated herein as heavy transport truck routes, as follows:

- (a) Curries Landing Road, between Higgens Road and PTH 1;
- (b) Kissock Road, between Wardel Road and Curries Landing Road;
- (c) Wyton Road, between Magazine Road and Kissock Road;
- (d) Magazine Road, between PR 340 and Wyton Road;
- (e) Waggle Springs Road, between Magazine Road and Kissock Road;
- (f) Higgens Road;
- (g) Spring Valley Road, between PTH 10 and Road Plan No. 38198;
- (h) An unnamed section of municipal road, commonly known as 'Old 344', between Sections 3 and 4, in Township 10, Range 18 WPM and between Sections 33 and 34 and between Sections 27 and 28 in Township 10, Range 18 WPM;
- (i) An unnamed section of municipal road between Sections 4 and 5 and between Sections 8 and 9, and between Sections 16 and 17, in Township 9, Range 17 WPM;
- (j) an unnamed section of municipal road between the North East Quarter (1/4) of Section 17 and the South East Quarter (1/4) of Section 20, Township 9, Range 17 WPM;
- (k) An unnamed section of municipal road as taken out of Section 20, Township 9, Range 17 WPM, and registered at Brandon LTO as Plan of Road No. 38198;

as marked in red on the map attached hereto as Schedule "A".

- 3(2) All municipal roads designated as heavy transport truck routes pursuant to section 3(1) may be identified by the placement of traffic control devices or signage adjacent thereto, in such manner as the municipality deems necessary.
- 3(3) Municipal roads in the vicinity of designated heavy transport truck routes on which heavy trucks are not permitted, may be identified by the placement of traffic control devices or signage adjacent thereto, in such manner as the Municipality shall deem necessary.
- 3(4) Notwithstanding section 3(1) and subject to section 3(5), any person may operate a heavy transport truck on any municipal road where necessary in order to conduct business at a destination point, provided that provincial roads or provincial trunk highways or municipal roads designated as heavy transport truck routes are used until reaching the intersection nearest the destination point. Upon leaving the destination point, a heavy transport truck shall return by the shortest route to a heavy transport truck route or to a provincial road or provincial trunk highway.
- 3(5) Notwithstanding any other provisions of this by-law, no person shall operate a heavy transport truck on the following sections of municipal road unless it is necessary to conduct business at a destination point for which the said municipal road is the only means of access:
- (a) Thirty-fourth Street, between the southerly limit of the City of Brandon boundary and Patricia Avenue;
  - (b) Curtis Road, between Sections 33 and 34, in Township 10, Range 18 WPM;
- as marked in blue on the map attached hereto as Schedule "A".

4 Penalties

- 4(1) Every person who contravenes, or refuses, neglects, omits or fails to obey or observe any provision of this ByLaw, shall upon summary conviction, be liable to a fine of \$250.00 (Two Hundred and Fifty Dollars) for the First Offence, \$500.00 (Five Hundred Dollars) for the Second Offence, and \$1,000.00 (One Thousand Dollars) for the Third and each subsequent Offence; or to imprisonment for a term not exceeding 30 days in case of non-payment of the fine imposed by a magistrate or judge.
- 4(2) Where the contravention, refusal, neglect, omission, or failure, continues for more than one day, the person is guilty of a separate offence for each day that it continues.

5. Repeal

- 5(1) By-Law No. 1494/13/94 is hereby REPEALED.
- 5(2) By-law No. 1531/16/97 is hereby REPEALED.

RECEIVED First reading this 16<sup>th</sup> day of January 2001.

RECEIVED Second reading this 6<sup>th</sup> day of February 2001.

RECEIVED Third reading this 6<sup>th</sup> day of February 2001.

DONE AND PASSED in Council duly assembled this 6th day of February, 2001.

  
REEVE

  
CHIEF ADMINISTRATIVE OFFICER

