

The Corporation Of The Town Of Essex

By-Law Number 809

Being A By-Law To Designate Class "B" Roads Within The Municipal Limits Of The Corporation of The Town Of Essex

Whereas, Section 120 of the Highway Traffic Act and amendments thereto provides that no vehicle or combination of vehicles shall be operated on a Class B Highway where the weight upon one axle exceeds 8,200 kilograms, or, if the axles are spaced less than 2.4 metres apart, where the weight upon one axle exceeds 5,500 kilograms;

And Whereas, Section 122 (7) of the Highway Traffic Act and amendments thereto provides that the municipality or other authority 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, the reduced load period is deemed necessary for the protection of certain highways within the municipal limits of the Corporation of the Town of Essex.

Now therefore be it resolved that the council of the Town of Essex enacts as follows:

Part 1-Definitions:

1. For the purposes of this By-Law:
 - a) **Heavy Vehicle** includes vehicle or combination of vehicles where the weight upon one axle exceeds 8,200 kilograms, or, if the axles are spaced less than 2.4 metres apart, where the weight upon one axle exceeds 5,500 kilograms.
 - b) **Highway** includes a common and public highway, street, avenue, parkway, driveway, square, place, viaduct or trestle, designated and intended for or used by, the general public for the passage of vehicles.
 - c) **Town** shall mean the Corporation of the Town of Essex.
 - d) **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 a motorized snow vehicle or the cars of electric steam railways running only upon rails.

Part 2-Enforcement:

2. The Essex Police Service shall enforce the provisions of the By-Law or other such person or persons as designated by Council, including the By-Law Enforcement Officers for the Town.

Part 3-Designations:

3. Highways listed in Schedule "A" attached hereto and forming part of this By-Law shall be designated as "Class B" highways within the municipal limits of the Corporation of the Town of Essex.

Part 4-General Prohibitions:

4. When suitable signs have been erected and are on display, no person shall operate or cause to be operated a heavy vehicle or combination of heavy vehicles on a Class B highway within the municipal limits of the Corporation of the Town of Essex from January 1st to December 31st in each year.

Part 5-Penalties and Provisions:

5. Every person who contravenes any provision of this By-Law is guilty of an offence and on conviction is liable to a fine as provided for in the Provincial Offences Act.
6. The provisions of this By-Law shall not apply to:
 - a) Ambulance, emergency vehicles, or
 - b) Vehicles actually engaged in work undertaken for or on behalf of the Town, or
 - c) Security vehicles used for transporting of securities or security personnel, or
 - d) Police vehicles or municipal law enforcement vehicles while actually engaged in enforcement, or
 - e) Construction vehicles while actually engaged in construction work on property

adjacent to the location where the vehicle is parked, or
f) Refuse collection vehicles while actually engaged in refuse collection, and
g) Blue Box collection vehicles while actually engaged in the collection of recyclable goods.

Part 6-Effective Date:

7. By-Law #1885 of the former Town of Essex, By-Law #790 of the former Town of Harrow, By-Law # 2170 of the former Township of Colchester North and By-Law #1600 of the former Township of Colchester South are hereby repealed.
8. This By-Law shall come into force and take effect on the day of the final passing thereof.

Read a first, second, third time and finally passed this 5th day of March, 2007.

Mayor

Clerk

Schedule "A"
To By-Law Number 809

Class "B" Road Schedule

Street Listing	From	To

14 th Concession	East Limit	County Road # 11
13 th Concession	North Malden Road	County Road # 11
12 th Concession	North Malden Road	County Road # 11
11 th Concession	North Malden Road	County Road # 11
Pinkerton Side Road	North Malden Road	County Road # 8
Hyland Side Road	North Malden Road	County Road # 8
Old Malden Road	12 th Concession	14 th Concession
Walker Side Road	North Malden Road	County Road # 8
North Malden Road	Highway # 3	County Road # 11
Batten Side Road	North Malden Road	County Road # 12
Mole side Road	North Malden Road	County Road # 12
Gesto Side Road	North Malden Road	County Road # 12
Brush Side Road	North Malden Road	County Road # 12
Trembley Side Road	North Malden Road	County Road #12
7 th Concession	County Road # 11	Smith Side Road
South Malden Road	County Road # 11	County Road # 23
10 th Concession	County Road # 23	South Malden Road
9 th Concession Road	County Road # 23	South Malden Road
8 th Concession Road	County Road # 23	County Road # 15
Ferris Side Road	County Road # 18	South Malden Road
Coulter Side Road	County Road # 18	South Malden Road
Giardini Road	8 th Concession	County Road # 18
Britton Side Road	South Malden Road	Country Road # 18
6 th Concession Road	County Road # 23	Smith Side Road
5 th Concession Road	County Road # 23	Smith Side Road
4 th Concession Road	County Road # 23	Smith Side Road
3 rd Concession Road	County Road # 23	County Road # 11
3 rd Concession Road	Roseborough Road	Smith Road
Johnson Road	5 th Concession Road	6 th Concession Road
Hickory Lane	4 th Concession Road	Southerly Limit
McCormick Road	County Road # 18	County Road # 20
Ferris Road	5 th Concession Road	Gore Road
Mclean Road	4 th Concession Road	3 rd Concession Road
Drummond Road	County Road # 20	5 th Concession Road
Smith Side Road	County Road # 20	County Road # 18
Rizzo Nicola Road	6 th Concession Road	County Road # 18
2 nd Concession Road	County Road # 20	County Road # 41
Gore Road	County Road # 20	Ridge Road
Dolson Road	County Road # 50	Iler Road
Iler Road	County Road # 50	County Road # 20
Ridge Road	County Road # 50	County Road # 20
Huffman Road	Ridge Road	Iler Road
Snake Lane	Arthur Street	Gore Road
Bell Road	County Road # 50	Gore Road
Dunn Road	County Road # 13	County Road # 50
Wright Road	Gore Road	Southerly Limit
Fox Road	County Road # 20	Gore Road

Part 1 Provincial Offences Act

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Class "B" Roads
within the municipal limits of the
Corporation of the Town of Essex**

Item	Column 1 Short Form Wording	Column 2 Offence Creating Provision Or Defining Offence	Column 3 Set Fine
1.	Operating a heavy vehicle on a Class B highway	Part 4	\$100.00
2.	Causing a heavy vehicle to be operated on a Class B highway	Part 4	\$100.00

Penalty provisions for the offences indicated above is Section 5 of By-Law #809, a certified copy of which has been filed.

ONTARIO COURT OF JUSTICE

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. 809, of the Town of Essex, attached hereto are the set fines for those offences. This Order is to take effect April 16, 2007.

Dated at London this 16th day of April, 2007.



Alexander M. Graham
Regional Senior Justice
West Region