

**The Corporation of the
United Counties of Prescott and Russell**

By-law 2023-22

To regulate the movement of over-dimensional vehicles and designate reduced load periods on County Roads.

Whereas subsection 110 (1) of the *Highway Traffic Act*, R.S.O., 1990, c.H.8, as amended (the "*Highway Traffic Act*") authorizes the Corporation of the United Counties of Prescott and Russell by by-law to grant a permit for use of the highway by a vehicle or combination of vehicles in excess of the dimensional limits set out in the *Highway Traffic Act*;

And whereas subsection 122(7) of the *Highway Traffic Act* authorizes the Corporation of the United Counties of Prescott and Russell by by-law to 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.

The Council of the Corporation of the United Counties of Prescott and Russell enacts as follows:

1. Definitions.

- 1.1. "Applicant" means the Person making an application for a Permit under this by-law.
- 1.2. "Committee" means at least (2) members of Council of the Corporation of the United Counties of Prescott and Russell designated to consider any matter under this by-law.
- 1.3. "Corporation" means the Corporation of the United Counties of Prescott and Russell.
- 1.4. "Counties" means the Corporation of the United Counties of Prescott and Russell.
- 1.5. "Director" means the Director of Public Works of the Corporation of the United Counties of Prescott and Russell appointed to administer and manage the provisions of this by-law and includes his authorized subordinates and assistants.
- 1.6. "Emergency vehicle" means a vehicle or combination of vehicles which provide any emergency service and includes an ambulance, a fire truck, a police vehicle, or a cardiac arrest emergency vehicle.
- 1.7. "Highway" includes a common and public highway, street, avenue, parkway, driveway, square, place, bridge, viaduct or trestle, any part of which is intended for

or used by the general public for the passage of vehicles and pedestrians and includes the area between the lateral property lines thereof all of which are under the jurisdiction of the Corporation.

- 1.8. "Motor vehicle" includes an automobile, motorcycle, motor assisted bicycle unless otherwise indicated, 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.
- 1.9. "Municipal Service Vehicle" means 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.
- 1.10. "Officer" includes a police officer, a special constable or an officer appointed for carrying out the provisions of the Highway Traffic Act.
- 1.11. "Operator" means the driver of any vehicle for which a Permit has been issued and includes any Person employed, engaged or contracted by the "Owner".
- 1.12. "Owner" means the owner of an overweight and oversized vehicle, load, object or structure for which a Permit is sought or has been issued.
- 1.13. "Permit" means a permit issued under this by-law which grants a privilege to the holder thereof.
- 1.14. "Permit Holder" means the Person to whom a Permit is issued and includes an authorised Owner or Operator.
- 1.15. "Person" includes an individual, but also a partnership and body corporate and any association and the heirs, executors, administrators, successors and assigns or other legal representatives thereof to whom the context may apply.
- 1.16. "Reduced load periods" means the period of time weight loads may be reduced on highway under the jurisdiction of the Corporation of the United Counties of Prescott and Russell pursuant to this By-law.
- 1.17. "Road service vehicle" means a vehicle operated by or on behalf of a municipality or other authority having jurisdiction and control of a highway while the vehicle is being used for the purposes of highway maintenance.
- 1.18. "Sign", "Official Sign" means any sign as prescribed by regulation of the Highway Traffic Act , R.S.O., 1990, Chapter H.8, as amended.
- 1.19. "Trailer" means a vehicle that is at any time drawn upon a highway by a motor vehicle, except an implement of husbandry, a mobile home, another motor vehicle or any device or apparatus not designed to transport persons or property, temporarily drawn, propelled or moved upon such highway, and except a 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.

- 1.20. "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 a street car.

2. General

- 2.1. Except as provided in this By-law and unless otherwise authorized by permit issued by the Corporation of the United Counties of Prescott and Russell, the provisions of this By-Law shall apply to all motor vehicles or any combination of vehicles travelling on all highways or portions thereof under the jurisdiction of the Corporation of the United Counties of Prescott and Russell.
- 2.2. The provisions of this By-Law shall not apply to emergency vehicles, municipal service vehicles and road service vehicles.
- 2.3. That the Public Works Director of the Corporation of the United Counties of Prescott and Russell, or designate, be authorized to start and end reduced load period to all highways, except on highways or portions thereof as identified in Schedule A of this by-law, under the jurisdiction of the Corporation of the United Counties of Prescott and Russell.
- 2.4. That the effective start of the reduced load period commences, and be enforced, once "Official Signs" have been posted or erected in compliance with the Highway Traffic Act or any Regulations thereto upon the appropriate highway.
- 2.5. Except on highways or portions thereof as identified in Schedule A of this by-law, during the reduce load period the provisions of Section 122 of the Highway Traffic Act shall apply to all highways under the jurisdiction of the Corporation of the United Counties of Prescott and Russell

3. Over-dimensional vehicles

3.1. General for over-dimensional vehicles

- 3.1.1. No Person shall move upon wheels, rollers or otherwise over or upon a Highway under the jurisdiction of the Corporation, heavy vehicles, loads, objects or structures in excess of the dimensional and weight limits prescribed by the *Highway Traffic Act*, without a Permit to do so issued by the Director.

3.2. Administration and enforcement

- 3.2.1. The Council of the Corporation hereby appoints and authorises the Director to:
 - a) administer the provisions of this by-law;

- b) issue Permits on behalf of the Corporation;
 - c) sign all Permits on behalf of the Corporation;
 - d) limit the time for which a Permit is issued;
 - e) designate particular Highways or parts thereof which may be used by a Permit holder;
 - f) make procedures relating to the protection of Persons and property from injury or damage;
 - g) undertake any technical investigation or inspection for the purposes of administering this by-law;
- 3.2.2. The Permits referred to in this section are to grant to an Applicant who has filed a written application the privilege of moving vehicles, loads, objects or structures in excess of weight and dimensional limits as set out in the appropriate sections of the *Highway Traffic Act*.
- 3.2.3. The Director is authorised to evaluate 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.
- 3.2.4. The Director is also authorised to demand identification of any documentary proof from any Person making an application for a Permit under this by-law.
- 3.2.5. The Director may report to Council any breach of the law by any Permit holder.
- 3.2.6. The Council of the Corporation hereby appoints any Officer to enforce the provisions of this by-law including any provisions of the *Highway Traffic Act*.
- 3.2.7. The Director and an Officer are authorised to:
- a) demand the Permit, identification, vehicle registration or other document from any Permit holder or operator to whom the by-law may apply, and;
 - b) inspect any vehicle, load, object or structure and any ledger, weight bill or document for which a Permit was issued in order to verify or confirm the dimensions, weight, destination and type of materials as provided in the application.

3.3. Obstruction

- 3.3.1. No Person shall obstruct or cause to obstruct, hinder or interfere with the Director of Public Works or an Officer in the lawful performance of his duties.

3.4. Permit required

- 3.4.1. A Permit shall be obtained annually by every Owner or Operator of any vehicles, loads, objects or structures for the purpose of this By-law.
- 3.4.2. When required, a separate single move Permit shall be obtained by every Owner or Operator in respect of each vehicle, load, object or structure as required by this By-law.

3.5. Applications and issuance of permit

- 3.5.1. On the application for a Permit, the Applicant shall complete the prescribed form and shall furnish the Corporation such information, documents and other means of identification as the Corporation may direct to be furnished. Such application shall be submitted to the Director of Public Works.
- 3.5.2. Each application for a permit shall provide and maintain comprehensive/ commercial general liability insurance and automobile liability insurance acceptable to the Corporation and subject to limits specified in Schedule B.
- 3.5.3. No Permit shall be issued by the Director of Public Works unless and until he is in receipt of full payment in the amount of the Permit fees as set out in the Fees and Charges By-law, as amended, and where applicable, the bond or the security as prescribed in this by-law.
- 3.5.4. The Corporation retains the right to not issue an over-dimensional vehicle permit, if, in the opinion of the Director, for reasons of public health, safety or protection of infrastructure a permit should not be issued.
- 3.5.5. Each Permit shall indicate the date on which it expires.
- 3.5.6. Any Permit issued under this by-law shall remain the property of the Corporation and such a Permit is not transferable to any other Person and not transferable to any other vehicle, load, object or structure.
- 3.5.7. No Person shall give false or incorrect information for the purposes of obtaining a Permit.
- 3.5.8. No Permit may be issued by the Director unless the Applicant has paid all outstanding fines in respect to this by-law ordered by a court of competent jurisdiction at any time and in any year prior to making the application.
- 3.5.9. The Corporation retains the right to not issue an over-dimensional vehicle permit, if, in the opinion of the Director, the Applicant has contravened any provisions of this by-law in the past.

3.5.10. The Corporation retains the right to not issue an over-dimensional vehicle permit if any amount remains unpaid as a result of damages, to public property or infrastructure, incurred under a previously issued permit under this by-law.

3.6. Permit Holder's duty

3.6.1. Every Permit holder shall ensure that:

- a) the Permit is supplied to the Operator in order that it may be produced upon demand to the Director or an Officer;
- b) the Operator of the vehicle used to transport the item for which a Permit was issued travels upon the authorised route only;
- c) the Permit is used for only the item for which it was issued;
- d) the Operator stops when directed to do so by Officer.

3.7. Offences

3.7.1. No Permit holder shall:

- a) fail or refuse to produce the Permit upon demand;
- b) use any unauthorised Highway or part thereof;
- c) use the 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 or refuse to identify himself to the to an Officer;
- f) fail or refuse to produce the motor vehicle registration to the Officer;
- g) when applicable, fail to produce the weigh bill for the current load to the Officer.

3.8. Suspension / Revocation

3.8.1. The Director may revoke any or each of the Permits issued to any Person for cause and without limiting the generality of the foregoing for:

- a) a breach of the law;
- b) any material violation of the provisions of this by-law;
- c) failure to maintain sufficient liability insurance policy.
- d) Non-compliance with the issued permit; or
- e) Any other offences identified in section 2.8 of this by-law.

- 3.8.2. The Director may suspend a Permit for cause, during any period that is less than the unexpired portion of the Permit period in lieu of revocation as provided herein.
- 3.8.3. The provisions of this section may be exercised in addition to any prosecution or other legal action.

3.9. Notice of suspension or revocation

- 3.9.1. When a Permit has been suspended or revoked, the Director shall send a notice of suspension or revocation by registered mail or personal service to the Permit holder at his last known address.
- 3.9.2. Service by registered mail shall be deemed to have been made on the fifth (5th) day after the notice was mailed.
- 3.9.3. The notice shall contain details of the reason(s) for the suspension or revocation and shall also contain a paragraph to advise the Person when he may be authorized to apply for new or future permit under this by-law.

3.10. Indemnification and Damages

- 3.10.1. Over dimensional vehicle permit holders shall defend, indemnify and save harmless the Corporation of the United Counties of Prescott & Russell, their elected officials, officers, and employees from and against any and all claims, actions, losses, expenses, fines, costs (including legal costs), interest or damages of every nature and kind whatsoever, including but not limited to bodily injury or to damage or destruction of tangible property including loss of revenue arising out of or allegedly attributable to the negligence, acts, errors, omissions, whether willful or otherwise, on the part of the permit holder, their officers, agents, employees, volunteers, guests, invitees, contractors, subcontractors or others who the applicant is legally responsible. This indemnity shall be in addition to and not in lieu of any insurance to be provided by the permit holder in accordance with this by-law.
- 3.10.2. Where damage to public property infrastructure occurs, as a result of the movement of an over-dimensional vehicle on a highway or over or under a bridge, the Counties shall be compensated by the Permit holder for the cost of any repairs including engineering and legal costs. The Director may, at their discretion, require the submission of a refundable security deposit prior to issuing a moving permit.

4. Penalties

- 4.1. Any person who contravenes any provision of this By-Law, for which a penalty is provided in the appropriate section of the *Highway Traffic Act* is guilty of an

offence and upon conviction is subject to the penalties provided therefore in the *Highway Traffic Act*.

5. Repeal

5.1. That By-laws 2013-24 and 2023-09 are hereby repealed..

By-law read a first, second, and third time, and passed on May 24, 2023.

Normand Riopel, Warden

Mélissa Cadieux, Clerk

Schedule A to By-law 2023-22

Reduce loads – Exempted Highways

The Council of the Corporation of the United Counties of Prescott and Russell hereby designate highways or portions thereof which are exempted from the reduced load restrictions as prescribed by Section 3.1.5 of this By-law. The exempted highways are identified in Column 1 between two points as set out in Column 2

Column 1 Highway	Column 2 Between
County Road 2	County Road 9 in the Township of Alfred and Plantagenet and County Road Number 19, in the Township of Alfred and Plantagenet.
County Road 3	County Road 28 in the Village of Embrun, in the Township of Russell and St-Isidore Road in the Municipality of Casselman
County Road 5	County Road 7 in the Nation Municipality and Calypso Street in the village of Limoges, in the Nation Municipality
County Road 7	St-Isidore Road in the Village of Casselman and County Road 5 (Rocky Hill Road) in the Nation Municipality
County Road 9	Highway 417 interchange, south of St-Isidore in the Nation Municipality and County Road Number 17, in the village of Plantagenet, in the Township of Alfred and Plantagenet.
County Road 10	County Road 9 in the Nation Municipality to the boundary between East Hawkesbury Township and the Province of Quebec
County Road 14	Highway 417 interchange in the Township of East Hawkesbury to County Road 10 in the village of St-Eugène, in the Township of East Hawkesbury
County Road 14	County Road 10 in the village of St-Eugène, in the Township of East Hawkesbury to County Road 25 in the Township of East Hawkesbury
County Road 14	County Road 25 in the Township of East Hawkesbury to County Road 18 in the village of Ste-Anne de Prescott, in the Township of East Hawkesbury
County Road 17	City of Ottawa and Prescott-Russell boundary (Canaan Road) and Highway 417 interchange in the Township of East Hawkesbury.
County Road 19	County Road 17 in the Township of Alfred-Plantagenet to Concession 10 Road in the

	village of Pendleton, on the boundary between the Township of Alfred-Plantagenet and the Nation Municipality
County Road 28	Highway 417 interchange in the Township of Russell to County Road 3 in the Township of Russell
County Road 31	County Road 10 and Highway 417 interchange

Schedule B to By-law 2023-22

Commercial General Liability Insurance

Commercial General Liability Insurance issued on an occurrence basis for an amount of not less than \$5,000,000. per occurrence / \$5,000,000. annual aggregate for any negligent acts or omissions by the Permit holder while carrying out the work associated with the permit. Such insurance shall include, but is not limited to bodily injury and property damage including loss of use; personal injury; contractual liability; premises, property & operations; non-owned automobile; broad form property damage; broad form completed operations; owners & contractors protective; occurrence property damage; products; employees as Additional Insured(s); contingent employers liability; tenants legal liability; cross liability and severability of interest clause

Such insurance shall add the Corporation of the United Counties of Prescott and Russell as additional insured with respect to the operations of the Permit holder. This insurance shall be non-contributing with and apply as primary and not as excess of any insurance available to the Counties.

Automobile Liability Insurance

Automobile liability insurance with respect to owned or leased vehicles used directly or indirectly in the performance of the Permit holder covering liability for bodily injury, death and damage to property with a limit of not less than \$2,000,000. inclusive for each and every loss.

Cancellation of policies

The above noted policies shall not be cancelled, altered or lapsed unless the Insurer notifies the Counties in writing at least thirty (30) days prior to the effective date of the change or cancellation.