

Corporation of the Town of Moosonee

BY-LAW No. 23-06

Being a By-law to repeal Tractor Train Route By-Law No. 21-95 and to enact a new Commercial Vehicle Route for the Town of Moosonee.

WHEREAS pursuant to the provision of the Municipal Act, R.S.O. 2001, the municipality wishes to repeal By-Law #21-95 being a By-Law to establish “tractor train” Routes, and replace it with a new By-law regulating Commercial Vehicle Routes in The Corporation of the Town of Moosonee;

BE IT THEREFORE ENACTED by Mayor and Council of the Corporation of the Town of Moosonee, as follows:

1. **DEFINITIONS:** Definitions for the purpose of this By-Law are as follows:

- a) “By-law Enforcement Officer” means a By-law Enforcement Officer appointed by The Corporation of the Town of Moosonee or any other person appointed to enforce the whole or part of this by-law;
- b) “Town” means The Corporation of the Town of Moosonee;
- c) “Commercial Vehicle” means a motor vehicle having permanently attached thereto a truck or delivery body and includes ambulances, hearses, fire apparatus, buses and tractors used for hauling purposes on the highways;
- d) “Council” means the Council of The Corporation of the Town of Moosonee;
- e) “driver” means a person who operates a vehicle on a highway;
- f) “gross weight” means the combined weight of vehicle and load;
- g) “heavy truck” means a commercial motor vehicle but not including a school bus or tour bus, but including vehicles having a gross vehicle weight, two (2) tonnes or greater for the purposes of this By-law;
- h) “highway” includes a common and public highway, street, avenue, parkway, driveway, road, 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 includes the area between the lateral property lines thereof;
- i) “motor vehicle” includes an automobile, motorcycle, motor assisted bicycle, 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*;
- j) “private road or private driveway” means any private road, lane, ramp or other means for vehicular access to and from a lot, building or structure and, may include part of a parking lot;
- k) “roadway” means that part of the highway that is improved, designed or ordinarily used for vehicular traffic, but does not include the shoulder, and where a highway includes two or more separate roadways, the term roadway” refers to any one roadway separately and not to all of the roadways collectively;
- l) “stop” or “stopping”, when prohibited, means the halting of a vehicle, even momentarily, whether occupied or not, except when necessary to avoid conflict with other traffic or in compliance with the directions of a police officer or a traffic control sign;
- m) “through highway” means a highway or part of a highway designated as such by the Minister of Transportation or by By-law of the Town, and, every such highway shall be marked by a stop sign or yield sign right-of-way sign in compliance with the Regulations of the Ministry;

2. The Corporation of the Town of Moosonee shall have the sole discretion to designate any vehicle as a “commercial vehicle” and that such vehicle so designed by The Corporation of the Town Of Moosonee shall be subject to the regulations set out in this By-Law.
3. The Corporation of The Town Of Moosonee hereby designates portions of highways set out in Schedule “A” attached hereto as “commercial vehicle” routes, seasonally as required.
4. The Corporation of The Town Of Moosonee hereby restricts the passage of heavy trucks and/or commercial vehicles on Revillon Road between First Street and Fifth Street to deter further damage to the slumping Moose River Shoreline.
5. The Corporation of The Town Of Moosonee shall have the sole discretion to amend Schedule “A” by either deleting, adding, or amending such highways as the Town may consider appropriate by way of resolution only and such notice of amendment shall be made public by advertisement through normal community means and such notice shall be deemed as good and valid advertisement to all persons.
6. Any person contravening this By-Law and thereby causing damage to the highways or surrounding lands including the Moose River shoreline, shall be liable for all damages caused by the inappropriate use of the said highways and the resulting contravention of this By-Law.
7. **PENALTIES:** Every person who contravenes any provision of this by-law is guilty of an offence and is liable, upon conviction, to a fine not exceeding Five Thousand (\$5,000.00) Dollars exclusive of costs, for each offence, recoverable under the *Provincial Offences Act*. The owner of a motor vehicle may be charged with and convicted of an offence for contravention of any provision of this by-law for which the driver of the vehicle is subject to be charged unless, at the time of the offence, the vehicle was in the possession of some person other than the owner without the owner’s consent, and on conviction the owner is obligated to the penalties prescribed for the offence.
8. **EMERGENCIES:** Emergency Services may erect emergency no parking signs in the event of fires, emergencies, parades or large assemblies and shall remove such signs within one hour of the event.
9. **NO PARKING HEAVY TRUCK OR COMMERCIAL VEHICLE:** No person shall park a heavy truck on any highway in a residential zone. The provisions do not apply to a motor vehicle carrying passengers and goods to and from premises which cannot be reached by highway except by way of a highway or portion thereof referred to in this section and do not apply to a commercial vehicle which attends at a residential premise within the prohibited area for the purpose of delivering or servicing a property and is parked for a temporary period only.
10. **EXEMPTIONS:** Where compliance herewith would be impracticable, the provisions set out above shall not apply to:
 - a) ambulance, police or fire department vehicles, public emergency vehicles;
 - b) vehicles actually engaged in works undertaken for or on behalf of the City;
 - c) vehicles contracted to provide snow removal services providing the snow is removed and deposited in the designated Snow Deposit Area.
11. This by-law shall come into effect immediately upon Third Reading.

**READ a first and second time
this 25th day of April 2006.**

Original Signed and Sealed

Mayor – Wayne Taipale

Original Signed and Sealed

Deputy Clerk – Nathalie G. Forget

**READ a third time and finally passed
this 25th day of April 2006.**

Original Signed and Sealed

Mayor – Wayne Taipale

Original Signed and Sealed

Deputy Clerk – Nathalie G. Forget

Schedule "A"

1. Commercial Vehicles and Heavy Trucks are at all times restricted from traveling on Revillon Road from First Street to Fifth Street to deter further damage to the slumping Moose River Shoreline
2. Designated Commercial Vehicle Routes during winter months when the Ice Road is the entry/exit point to the Town, the following Roads shall be utilized wherever possible:

Labelle's Hill ↔ Ferguson Road ↔ David Wynne Drive ↔ James Bay
Winter Road ↔ Truckers By-Pass Road ↔ Arena Road ↔ Industrial
Parkway (future) ↔ Percy's Way ↔ Quarry Road
3. Designated Commercial Vehicle Routes for the remainder of the year should utilize the following roads wherever possible:
 - Utilize the Atim Road Bridge when accessing the South portion of the Town, not the Ferguson Road Bridge.
 - Ferguson Road
 - David Wynne Drive
 - Industrial Parkway (future)
 - Atim Road
 - Percy's Road
 - Quarry Road