

# RURAL MUNICIPALITY OF LAC DU BONNET

## RESTRICTED TRUCK ROUTES

### BY-LAW NO. 4-18

*BEING a by-law of the Rural Municipality of Lac du Bonnet to prohibit and establish No-Thru Truck Route on municipal roads and to repeal By-Law No. 5-07;*

WHEREAS; Section 232(1) (d) and (m) of *The Municipal Act*, S.M. 1996, c.58 empowers a municipality to pass by-laws respecting municipal roads and local transportation systems;

AND WHEREAS; Section 232(2) (e) of *The Municipal Act*, S.M. 1996, c.58 empowers a municipality to provide for a system of permits and approvals, and;

#### **AND WHEREEAS Section 86 (9) of The Highway Traffic Act states Changes re use of other highways and structures**

With or without conditions and in accordance with subsection (10), a traffic authority other than the minister may, in respect of a highway under its authority or a structure forming part of the highway,

- (a) prohibit drivers from using, or restrict their use of, the highway or structure;
- (b) restrict the permissible dimensions of vehicles that use the highway or structure; or
- (c) restrict the permissible weights of vehicles that use the highway or structure.

AND WHEREAS; Subsections 236(1)(b)(ii) of *The Municipal Act*, S.M. 1996, c.58, Section 3 of the Fees, Discounts and Penalties Regulations authorizes a municipality to impose fines for bylaw contravention;

NOW THEREFORE the Council of the Rural Municipality of Lac du Bonnet in session assembled enact as follows:

#### DEFINITIONS:

1. **"highway" means any place or way, including any structure forming part thereof, which or any part of which the public is ordinarily entitled or permitted to use for the passage of vehicles, with or without fee or charge therefor, and includes all the space between the boundary lines thereof; but does not include any area designed or intended, and primarily used, for the parking of vehicles and the necessary passageways thereon; (« route »)**

“truck” - a motor vehicle or semi trailer truck that is not a delivery car and that is constructed or adapted to carry goods, wares, merchandise, freight or commodities but not passengers or luggage;

“semi trailer truck” – a truck tractor and semi trailer combined;

“truck tractor” – a motor vehicle having a net weight of more than 4,000 kilograms, equipped with the lower half of a fifth wheel coupler designed to be used to pull a semi-trailer by coupling to the king pin attached to the semi-trailer;

“motor vehicle” – a “vehicle not run upon rails that is designed to be self-propelled or propelled by electric power obtained from overhead trolley wires, and includes a snow vehicle capable of registration under subsection 4.11(2), but does not include a farm tractor, or implement of husbandry, a special mobile machine or an off road vehicle;

"traffic authority" means

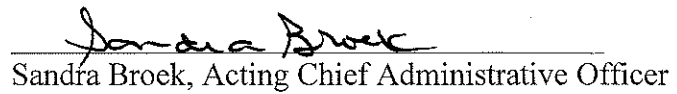
- (a) in the case of provincial highways, and highways in unorganized territory, and the forest reserves to which reference is made in subsection 90(9), the minister,
  - (b) in the case of inter-municipal highways, the municipalities acting together or one of the municipalities acting with the approval of The Municipal Board,
  - (c) in the case of highways within municipalities, except those on privately-owned land, the municipality within the limits of which the highway is situated,
  - (d) in the case of a highway, in an Indian Reserve except a provincial highway, the council of the band on the reserve,
  - (e) in the case of a highway on privately-owned land, the owner thereof,
  - (f) in the case of a highway in a local government district, or part thereof, that has been designated in an order made under section 321, that local government district; (« autorité chargée de la circulation »)
2. THAT no person shall operate or move a truck or semi trailer truck over or upon the following municipal roads, as a **Thru-Truck Route**, in the Municipality.
  3. **THAT the Municipality designates the municipal roads listed in Schedule "A" as No-Thru Truck Routes**
  4. THAT the Council of the Municipality may, in its absolute discretion, issue a **special permit** authorizing a truck or semi trailer truck to be operated or moved over that portion of the noted municipal roads notwithstanding such operation and movement as is otherwise prohibited under this by-law. **Form attached as Schedule B.**
  5. THAT in granting a special permit Council of the Municipality may require the vehicle (s) to be operated or moved under such conditions as Council may, in its discretion, impose.
  6. THAT this By-law does not apply to vehicles operated or moved by the municipality or the public works operations during road construction, during road maintenance or any other purpose
  7. THAT this By-law does not apply to the Province of Manitoba or any public utility licensed to operate in Manitoba.
  8. THAT every person operating or moving a vehicle under authority of a special permit shall comply with all conditions imposed.
  9. THAT for the purpose of this By-law and for prosecutions thereunder, a person shall be conclusively deemed to have operated or moved a vehicle if the vehicle has been operated or moved by another person who
    - a) is an employee, agent or servant of the person first mentioned; and
    - b) while operating or moving the vehicle, is acting within the general scope of his or her employment of agency.
  10. **THAT every person who breaches any provision of this By-law is guilty of an offence and is liable, on summary conviction, to a fine as set out in Schedule C.**
  11. If the contravention, refusal, neglect, omission or failure, continues for more than one day, the person is guilty of a separate offence for each day it continues.

12. THAT school buses and emergency vehicles be exempt from this bylaw.

DONE, PASSED AND ENACTED by Council duly assembled in the Council Chambers of the Rural Municipality of Lac du Bonnet, in the Province of Manitoba, this 22<sup>nd</sup> day of May 22, 2018.



Loren Schinkel, Reeve



Sandra Broek, Acting Chief Administrative Officer

READ A FIRST TIME:	April 17, 2018	Resolution # 2018 0186
READ A SECOND TIME:	May 8, 2018	Resolution # 2018 0227
READ A THIRD TIME:	May 22, 2018	Resolution # 2018 0252

## **Schedule A to Bylaw 4-18**

### Designated No-Thru Truck Routes

- a) McArthur Avenue from Town of Lac du Bonnet limits south to PTH #11
- b) **Bruneau Road from McArthur Avenue to PTH #11**
- c) **Bilan Road South from PTH #317 to PTH #11**

# Schedule B to Bylaw 4-18

Special Permit Form



DATE: \_\_\_\_\_

NAME: \_\_\_\_\_

ADDRESS: \_\_\_\_\_

TELEPHONE NUMBER: \_\_\_\_\_

A **"SPECIAL PERMIT"** is being requested to allow for the **APPLICANT** to access

\_\_\_\_\_ Road/Avenue for the purpose of \_\_\_\_\_  
\_\_\_\_\_

between the hours of \_\_\_\_\_ and \_\_\_\_\_ on the following date(s): \_\_\_\_\_

Signature of Applicant: \_\_\_\_\_  
\_\_\_\_\_

## OFFICE USE ONLY

PERMISSION GRANTED / NOT GRANTED: \_\_\_\_\_

PUBLIC WORKS MANAGER SIGNATURE: \_\_\_\_\_

SPECIAL CONDITIONS (if any): \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

DATE APPROVED / NOT APPROVED: \_\_\_\_\_

<b>Schedule "C"</b> <b>Fine Schedule</b> <b>By-Law 4-18</b> <b>Offences pertaining to Restricted Municipal Truck Routes</b>				
Section		1 <sup>st</sup> offence	2 <sup>nd</sup> offence	Subsequent offence
	Operating a truck, semi-trailer, semi-truck with trailer, truck tractor on a prohibited Municipal Road Route without the required permit	\$100	\$200	\$300