

CORPORATION OF THE TOWNSHIP OF SEVERN

BY-LAW NO. 2004-90

BEING A BY-LAW TO PROVIDE FOR THE ISSUING OF PERMITS FOR THE MOVING OF HEAVY VEHICLES, LOADS, OBJECTS OR STRUCTURES ON HIGHWAYS UNDER THE JURISDICTION OF THE TOWNSHIP OF SEVERN

WHEREAS the *Highway Traffic Act*, R.S.O. 1990, Chapter H.8, Section 110., provides for a Municipality to grant permits for the moving of heavy vehicles, loads, objects or structures over highways under its jurisdiction;

AND WHEREAS the *Municipal Act*, S.O. 2001, Chapter 25., Section 27.(1), provides that a municipality may pass By-laws in respect of a highway over which it has jurisdiction;

AND WHEREAS it is deemed expedient to provide for the issuing of permits for the moving of heavy vehicles, loads, objects or structures on highways under the jurisdiction of the Township of Severn;

NOW THEREFORE THE COUNCIL OF THE CORPORATION OF THE TOWNSHIP OF SEVERN HEREBY ENACTS AS FOLLOWS:

1. Definitions

- 1.1 **"Annual Moving Permit"** shall be a permit issued to a company or individual for the term of one (1) year.
- 1.2 **"Heavy vehicle, load, object or structure"** when used severally or separately in this by-law, shall mean any vehicle, load, object or structure 2.6m (8.5 feet) in width, 12.5m (41 feet) in length or 4.15m (13.6 feet) in height.
- 1.3 **"Highway"** shall mean 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 includes the area between the lateral property lines thereof.
- 1.4 **"Municipal Law Enforcement Officer"** means a person appointed by the Township of Severn to enforce the by-laws of the Township of Severn.
- 1.5 **"Temporary Moving Permit"** shall be a permit issued to a company or individual for a specific time period.
- 1.6 **"Township"** means the Corporation of the Township of Severn.

2. That no person shall transport or move or cause to be transported or moved a heavy vehicle, load, object or structure on or over any Township Highway without an approved permit issued by the Township.
3. That every approved permit shall be carried in the vehicle for which the permit is issued and shall be produced, when demanded, to any Police Officer and/or Municipal Law Enforcement Officer.
4. That an Application for a permit shall be made on the prescribed forms as set out in Schedules "A" and "B" of this by-law and shall be accompanied by the following:
  - a) **Schedule "A"** - A map or listing of the route, showing which Township highways will be traversed.
  - b) **Schedules "A" and "B"** - Certificate of Liability Insurance in the amount of \$2,000,000.00 naming the Township of Severn as an additional insured.
5. The Director of Public Works or his/her designate a Municipal Law Enforcement Officer have the authority to issue a permit as required in Section 2. of this By-law, after having determined that the route chosen and the road conditions are acceptable and the application is complete.
6.
  - a) The permit fee shall be \$550.00.
  - b) \$500.00 of the fee is refundable provided that there has been no damage resulting to Township property as a result of the move. Where in the opinion of the Director of Public Works or his/her designate damage has been sustained as a result of the transportation or moving of the heavy vehicle, load, object or structure he or she may use any or all of the \$500.00 to repair such damage and reduce the refundable portion by such amount.
  - c) Where the cost of such repair of damage exceeds \$500.00 the permit holder shall be responsible and shall pay to the Municipality that amount in full.
7. When the temporary permit is issued the permit holder shall use only that route as approved in the application. Where transportation under the terms of the permit has commenced and through an act of God or other unforeseen circumstance the route cannot be followed, the permit holder shall immediately cease all transportation and notify the Township Municipal Law Enforcement Officer or Director of Public Works, to arrange an alternate route.
8. Every person who contravenes any provision of this by-law is guilty of an offence and upon conviction is liable to a fine or penalty as provided for in the Provincial Offences Act.
9. Nothing in this by-law shall relieve any person from laws, procedures or requirements of any other agency having control over the transportation of vehicles, loads, objects or structures.
10. Farm equipment shall be exempt from this permit process in accordance with the *Highway Traffic Act*, R.S.O. 1990, Chapter H.8, Section 113(1)(2).

11. That By-law No. 2001-33 be and it is hereby repealed.


By-law read a first and second time this 3<sup>rd</sup> day of June, 2004.

By-law read a third and finally passed this 3<sup>rd</sup> day of June, 2004.

CORPORATION OF THE TOWNSHIP OF SEVERN

  
\_\_\_\_\_

MAYOR

  
\_\_\_\_\_

CLERK-TREASURER

**SCHEDULE "A" TO BY-LAW NO. 2004-90**

**TEMPORARY MOVING PERMIT**

Permit authorizing the moving of various equipment (heavy vehicles, loads, objects or structures) on or over the Township of Severn roads for a specific date.

<b>Company/Individual:</b> _____ Contact Person (if applicable) _____ Address: _____ Phone Number: _____
<b>Name of Carrier (if other than applicant):</b> _____ Address: _____ Phone Number: _____
<b>Description of Load:</b> _____ <b>Date of Move</b> _____ Height: _____ Width: _____ Length: _____ Gross weight of load & vehicle: _____ Route from: _____ to: _____ <b>(see attached map for specific route)</b>
<b>Insurance (please attach):</b> Carrier insured with: _____ for an amount of \$ _____ - Policy # _____.
<b>Agencies Notified (please check):</b> <input type="checkbox"/> Hydro One <input type="checkbox"/> Bell Canada <input type="checkbox"/> Other where applicable _____ (please state) <input type="checkbox"/> Simcoe County approval received <input type="checkbox"/> MTO approval received

I hereby acknowledge receipt of this permit and agree to comply with the terms and conditions therein:

\_\_\_\_\_  
Applicant's Signature

\_\_\_\_\_  
Date

**Township Approval:**

Municipal Law Enforcement Officer

\_\_\_\_\_  
Signature

Director of Public Works  
or designate

\_\_\_\_\_  
Signature

**Schedule "A" to By-law No. 2004-90 (cont'd)**

**Conditions**

1. The permit holder shall be responsible for
  - o all damages that might occur on Township road allowances during the move
  - o the regulation of traffic
  - o all overhead utility lines and proper arrangements for utility assistance
  - o to arrange for a police escort, if required.
2. The permit holder shall provide a Certificate of Liability Insurance in the amount of \$2 million naming the Township of Severn an additional insured.
3. The permit holder is fully responsible for any claims for any accident or damage that may arise against the Corporation of the Township of Severn due to the various equipment occupying our roadways while the move(s) is being performed.
4. That this permit is not valid at anytime from 1 ½ hours after sunset and 1 ½ hours before sunrise, or at any other time when due to insufficient light or unfavourable atmosphere, conditions, persons and vehicles are not clearly discernible at a distance of 150 metres or less.

**SCHEDULE "B" TO BY-LAW NO. 2004-90**

**ANNUAL MOVING PERMIT**

Permit authorizing the moving of various equipment (heavy vehicles, loads, objects or structures) on or over the Township of Severn roads for a one (1) year period.

Maximum Width                    3.70 m (12.14 ft.)  
Maximum Height                 4.26 m (14 ft.)  
Maximum Weight                 In accordance with the *Highway Traffic Act*

<b>Company/Individual:</b> _____
Contact Person (if applicable) _____
Address: _____
Phone Number: _____
<b>Insurance (please attach):</b> Carrier insured with: _____ for an amount of \$ _____ - Policy # _____.
This permit is valid from _____ to _____ and subject to renewal on an annual basis.

**Conditions**

1. The permit holder shall be responsible for
  - o all damages that might occur on Township road allowances during the move
  - o the regulation of traffic
  - o all overhead utility lines and proper arrangements for utility assistance
  - o to arrange for a police escort, if required.
2. The permit holder shall provide a Certificate of Liability Insurance in the amount of \$2 million naming the Township of Severn an additional insured and a copy of their C.V.O.R.
3. During the load restriction period, special permission must be obtained to move loads greater than five (5) tonnes per axle on Township roads.
4. The permit holder is fully responsible for any claims for any accident or damage that may arise against the Corporation of the Township of Severn due to the various equipment occupying our roadways while the move(s) is being performed.
5. That this permit is not valid at anytime from 1½ hours after sunset and 1½ hours before sunrise, or at any other time when due to insufficient light or unfavourable atmosphere, conditions, persons and vehicles are not clearly discernible at a distance of 150 metres or less.

I hereby acknowledge receipt of this permit and agree to comply with the terms and conditions therein:

\_\_\_\_\_  
Applicant's Signature

\_\_\_\_\_  
Date

**Township Approval:**

Director of Public Works/designate or  
Municipal Law Enforcement Officer

\_\_\_\_\_  
Signature