

BY-LAW #06/19

OF THE

RURAL MUNICIPALITY OF ROCKWOOD

Being a By-Law of the Rural Municipality of Rockwood to regulate Routes of Truck Travel within the Rural Municipality of Rockwood.

WHEREAS Section 90(1)(d) of The Highway Traffic Act, being S.M. 1985-86, c. 3 – Cap. H60, provides, in part, as follows:

“**90(1)** A traffic authority may classify vehicles according to dimensions, design, weight, kind of weight carried or otherwise, for any class or all classes of vehicles and may make rules or by-laws supplementary to, or in addition to, but not contrary to, any provision of this Act, *The Drivers and Vehicles Act* or the regulations under either Act and applicable on highways over which the traffic authority has jurisdiction or within any area over which the traffic authority has jurisdiction, with respect to

...

(d) prescribing routes of travel, including prohibiting certain traffic from travelling on certain routes of travel or requiring certain traffic to travel only on certain routes of travel;

...

and may impose penalties for a violation of any such rule or by-law.”;

AND WHEREAS Section 232 of The Municipal Act, being S.M. 1996, c.58 – Cap. M225, provides that a Municipality may pass by-laws respecting activities on municipal highways as routes of travel;

AND WHEREAS the Council of the Rural Municipality of Rockwood deems it expedient and in the public interest to regulate the routes of truck travel;

NOW THEREFORE the Council of the Rural Municipality of Rockwood, in Council duly assembled, enacts as follows:

1. **SHORT TITLE:**

THAT this By-Law, #06/19, may be referred to as “The Truck Route By-Law”.

2. **DEFINITIONS:**

THAT, unless otherwise expressly provided or unless the context otherwise requires, works and expressions in this By-Law shall have the same meaning as the same words and expressions in The Highway Traffic Act of the Province of Manitoba.

THAT in this By-Law:

- a) **“By-Law Enforcement Officer”** means the By-Law Enforcement Officer appointed by the Council of the Rural Municipality of Rockwood.
- b) **“Municipality”** means the Rural Municipality of Rockwood.
- c) **“Not a Truck Route”** means a route not to be used as a route of truck travel as outlined under Section 4 herein.
- d) **“Operator”** means the driver of a truck.

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- e) “Truck” means a motor vehicle or semi-trailer truck that is constructed or adapted to carry goods, wares and merchandise, freight or commodities, but not passengers or luggage.

3. **ROUTES OF TRUCK TRAVEL:**

- a) **THAT** all trucks, truck tractors or combinations of either one of them with a trailer or trailers within the Municipality shall be operated only over and along the roads or sections of roads set forth as Truck Routes hereto, but any truck or truck tractor or combination of either one of them with trailer or trailers may operate upon any “Not a Truck Route” road where necessary to conduct business at a destination point or when attending and leaving the private residence of a truck operator, provided that Truck Routes are used until reaching the intersection nearest the destination point or private residence. Upon leaving the destination point or private residence, a truck or truck tractor or combination of either one of them with a trailer or trailers shall return by the shortest route to a Truck Route.
- b) **THAT** where “Not a Truck Route” signs, of the type approved by The Highway Traffic Board of the Province of Manitoba for use in and adjacent to the Municipality, are installed and maintained on a road or section of road, the road or section of road shall be deemed to be “Not a Truck Route”.
- c) **THAT** all Provincial Trunk Highways, Provincial Roads and Municipal Roads, excepting those Municipal Roads determined as “Not a Truck Route” as described in Section 4, within the Municipality shall be deemed to be designated Truck Routes within the terms of this By-Law.

4. **“NOT A TRUCK ROUTE”:**

THAT the following Municipal Roads shall be deemed as “Not a Truck Route”:

- a) Road 76N between Roads 6E & 9E
 - three (3) miles
 - between Sections 28, 29 & 30-13-2 EPM and Sections 19, 20 & 21-13-2 EPM
 - Winfield Road, being three (3) miles between Highway #67 & Highway #7;
- b) John Street in Gunton
 - that portion of John Street from Mary Street to Road 90N
- c) Road 8E running north and south between Roads 93N & 94N
 - one (1) mile
 - between Sections 20-16-2E and 21-16-2 EPM;
- d) Quarry Road (Road 74N) between Road 10E (Old Hwy #7) and Vincent Road in NW 11-13-2 EPM;
- e) Vincent Road from Quarry Road (Road 74N) to Sellars Hill Road (Road 11E) n SW/SE 14-13-2 EPM;
- f) Road 7E – Between PR 67 and Road 78N;
- g) Road 8E – One-half mile north of PR 67;
- h) Road 8E – Between one-half mile north of Road 79N and PR 323;
- i) Road 78N – One-half mile east of PR 236 to Road 5E;

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j) Road 75N – Between PTH #7 and PR 236

5. **PENALTY:**

- a) **THAT** every person who contravenes, or refuses, neglects, omits, or fails to obey or observe any provision of this By-Law, unless a penalty or fine is specifically provided therefore, is guilty of an offence under this By-Law and is liable to a fine not exceeding \$1,000.00 in the case of an individual, or not exceeding \$5,000.00 in the case of a corporation, in addition to costs.
- b) **THAT** every person found guilty of a breach of Section 4 (Not a Truck Route) of this By-Law shall be liable to a minimum fine of \$75.00 in addition to costs.

6. **LIABILITY OF OWNERS TO CONVICTION:**

THAT where an offence, consisting of a violation of any provision of this By-Law

- a) is committed by means of, or with respect to, of any vehicle; or
- b) occurs by reason of, or with respect to, the ownership, use or operation of any vehicle;

the owner of the vehicle may be charged with the commission of the offence and, if the Judge or Justice before whom the charge is tried, is satisfied that the offence was committed, the owner is guilty of the offence and is liable, upon summary conviction, to the penalty herein provided for the offence unless the owner satisfies the Judge or Justice that, at the time of the violation, the vehicle was in the possession of a person other than the owner without the consent of the owner.

7. **LIABILITY OF OPERATOR:**

THAT nothing in Section 5 relieves the operator of the vehicle from any liability to conviction of the offence to which he may be subject.

8. **THAT** By-Law #11/15 is hereby repealed.

DONE AND PASSED in Council assembled in the Council Chambers of the Rural Municipality of Rockwood, at Stonewall, in the Province of Manitoba, this 13th day of June, A.D., 2019.

THE RURAL MUNICIPALITY OF ROCKWOOD



 J. WESLEY TAPLIN, REEVE



 CHRIS LUELLEMAN, CAO

GIVEN First Reading this _____ 8th day of _____ May _____, A.D., 2019.
 GIVEN Second Reading this _____ 12th day of _____ June _____, A.D., 2019.
 GIVEN Third Reading this _____ 12th day of _____ June _____, A.D., 2019.