CORPORATION OF THE

TOWN OF NIAGARA-ON-THE-LAKE

BY-LAW NO. 5157B-23

A BY-LAW TO AMEND BY-LAW 5157-19 AS AMENDED, BEING A BY-LAW REGULATING HEAVY VEHICLE TRAFFIC ON HIGHWAYS UNDER THE JURISDICTION OF THE TOWN OF NIAGARA-ON-THE-LAKE.

WHEREAS the Council of the Corporation of the Town of Niagara-on-the-Lake approved By-Law 5157-19 on the 5th day of May 2019;

AND WHEREAS Section 11 of the Municipal Act, R.S.O. 2001, Chapter 25, authorizes the Council of a Municipality to pass By-Laws respecting highways, including parking and traffic on highways;

AND WHEREAS Municipalities may pass By-Laws under the provisions of the Highway Traffic Act, R.S.O. 1990, c H8;

AND WHEREAS on April 9th, 2019 Council adopted a resolution to implement Heavy Vehicle Restrictions on certain streets in the Historic Old Town;

AND WHEREAS Council considers it desirable and necessary to amend the definition of a "Police Officer" to include Municipal By-Law Enforcement Officers;

AND WHEREAS Council considers it desirable and necessary to add definitions for "Drive", "Move", "Operate", "Park", "Stand" and "Stop";

AND WHEREAS Council considers it desirable and necessary to include penalties and fines for the contravention of By-Law 5157-19 as amended (Heavy Motor Vehicle By-Law) under By-Law 4744-14 as amended (the Administrative Penalties By-Law);

AND WHEREAS Council considers it desirable and necessary to amend Schedule "A" (Heavy Motor Vehicles Prohibited) attached to By-Law 5157-19 to include all streets located north of Picton Street and east of King Street;

NOW THEREFORE THE COUNCIL OF THE CORPORATION OF THE TOWN OF NIAGARA-ON-THE-LAKE enacts as follows:

1. That Section 2.2.3 of By-Law 5157-19, being a by-law to regulate heavy motor vehicle traffic on highways under the jurisdiction of the Town of

Niagara-on-the-Lake (the "Heavy Motor Vehicle By-Law") be repealed and replaced by the following definition:

2.2.3 "Police Officer" means each of;

i. a Municipal Law Enforcement Officer;

ii. a person authorized by Council with the responsibility for enforcing and administering the Administrative Penalties and Fines By-Law, the Parking and Traffic By-Law, the Private Property Parking By-law, the Fire Route By-Law and/or the Heavy Motor Vehicle Prohibition By-Law; and

iii. a police officer employed by the Niagara Regional Police Service, the Niagara Parks Police, the Ontario Provincial Police or the Royal Canadian Mounted Police.

2. That Section 2.2 of By-Law 5157-19 as amended, be amended by adding the following definitions:

"Drive or Driving" has the same meaning as in the Highway Traffic Act.

"Move or Moving" has the same meaning as in the Highway Traffic Act.

"Operate or Operating" has the same meaning as in the Highway Traffic Act.

"Park or Parking" has the same meaning as in the Highway Traffic Act.

"Stand or Standing" has the same meaning as in the Highway Traffic Act.

"Stop or Stopping" has the same meaning as in the Highway Traffic Act.

3.. That Section 3.1 of By-Law 5157-19 as amended, be repealed and replaced with the following:

3.1 When authorized signs are on display, no person shall:

3.1.1 Drive, move or operate a heavy motor vehicle with a RGW over 3,000 (kg) on any highway under the jurisdiction of the Town where said highway is named or described and set out in Schedule A to this by-law and any amendments hereto.

3.1.2 Stop, stand or park a heavy motor vehicle with a RGW over 3,000 (kg) on any highway under the jurisdiction of the Town where said highway is named or described and set

out in Schedule A to this by-law and any amendments hereto.

4. That Sections 6.1, 6.2 and 6.3 of By-Law 5157-19 as amended, be repealed and replaced with the following:

6.1 Any fine imposed pursuant to Section 3.1.1 of this by-law is subject to the provisions of the Provincial Offences Act. All other fines imposed or offences created by this By-Law shall be subject to the provisions of By-Law 4744-14, being a By-Law to establish a system of administrative penalties and administrative fines (the "Administrative Penalty By-Law") and the system of administrative penalties and fines established therein.

5. That Schedule "A" (Heavy Motor Vehicles Prohibited) attached to By-Law 5157-19 be amended by adding:

STREET	FROM	TO	TIMES/DAYS
BYRON STREET	KING STREET	EASTERLY LIMIT OF BYRON STREET	ANYTIME
KING STREET	QUEEN-PICTON STREET	NORTH LIMIT OF KING STREET	ANYTIME
MELVILLE STREET	BYRON STREET	RIVER BEACH ROAD	ANYTIME
NELSON STREET	RICARDO STREET	NORTH-EASTERLY DEAD END	ANYTIME
RICARDO STREET	KING STREET	NIAGARA RIVER PARKWAY	ANYTIME
TURNTABLE WAY	DELATER STREET	RIVER BEACH ROAD	ANYTIME
WELLINGTON STREET	PICTON STREET	RICARDO STREET	ANYTIME

6. That Schedule "A" (Heavy Motor Vehicles Prohibited) attached to By-law 5157-19, is hereby deleted and replaced with Schedule "A" (Heavy Motor Vehicles Prohibited) as amended attached hereto;

7. This by-law shall come into force and take effect immediately upon the passing thereof except where signs must be erected and public notice given, in which case the signs must be erected, public notice period completed and the by-law finally passed before those clauses shall come into effect.

READ A FIRST, SECOND AND THIRD TIME AND PASSED THIS 21st DAY OF NOVEMBER 2023.

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LORD MAYOR GARY ZALEPA   TOWN CLERK GRANT BIVOL

SCHEDULE "A"

HEAVY MOTOR VEHICLES PROHIBITED

STREET	COLUMN 2		COLUMN 3
	FROM	TO	TIMES/DAYS
ANNE STREET	NIAGARA STONE ROAD (REG RD 55)	KING STREET	ANYTIME
BALL STREET	RICARDO STREET	NORTH LIMIT OF BALL STREET	ANYTIME
BUTLER STREET	SOUTH LIMIT OF BUTLER STREET	GAGE STREET	ANYTIME
BUTLER STREET	JOHNSON STREET	QUEEN STREET	ANYTIME
BYRON STREET	KING STREET	EASTERLY LIMIT OF BYR0N STREET	ANYTIME
CASTLEREAGH STREET	KING STREET	WELLINGTON STREET	ANYTIME
CENTRE STREET	DORCHESTER STREET	KING STREET	ANYTIME
CHARLOTTE STREET	NIAGARA STREET	JOHN STREET	ANYTIME
COTTAGE STREET	RYE STREET	SHAW'S LANE	ANYTIME
DAVY STREET	NELLES STREET	PICTON STREET	ANYTIME
DELATER STREET	KING STREET	MELVILLE STREET	ANYTIME
DIXIE AVENUE	LAKESHORE ROAD (REG RD 87)	CIRCLE STREET	ANYTIME
DORCHESTER STREET	SOUTH LIMIT OF DORCHESTER STREET	QUEEN STREET	ANYTIME
FRONT (QUEENSTON) STREET	YORK STREET	PARTITION STREET	ANYTIME
FRONT (NIAGARA) STREET	EAST LIMIT OF KING STREET	SIMCOE STREET	ANYTIME ANYTIME
GAGE STREET	DORCHESTER STREET	KING STREET	ANYTIME
GARRISON VILLAGE DRIVE	SAMUEL STREET	VILLAGE ROAD	ANYTIME
GATE STREET	SOUTH LIMIT OF GATE STREET	FRONT STREET	ANYTIME
GREEN STREET	NIAGARA STREET	FLYNN STREET	ANYTIME
JOHANNA DRIVE	FOUR MILE CREEK ROAD (REG RD 100)	END OF STREET	ANYTIME
JOHN STREET	BUTLER STREET	REGENT STREET	ANYTIME
JOHNSON STREET	NIAGARA BOULEVARD	KING STREET	ANYTIME
KING STREET	SOUTH LIMIT OF KING STREET	JOHN STREET	ANYTIME
KING STREET	QUEEN-PICTON STREET	NORTH LIMIT OF KING STREET	ANYTIME
LOCKHART STREET	BALL STREET	MELVILLE STREET	ANYTIME
MELVILLE STREET	BYRON STREET	RIVER BEACH ROAD	ANYTIME
NASSAU STREET	LAKESHORE ROAD (REG RD 87)	QUEEN STREET	ANYTIME
NELLES STREET	KING STREET	DAVY STREET	ANYTIME
NELSON STREET	RICARDO STREET	NORTH LIMIT OF NELSON STREET	ANYTIME
NIAGARA BOULEVARD	SHAKESPEARE AVENUE	QUEEN STREET	ANYTIME
NIAGARA STREET	EAST AND WEST LINE	RYE STREET	ANYTIME
OAK DRIVE	LAKESHORE RD (REG RD 87)	CIRCLE STREET	ANYTIME
PLATOFF STREET	KING STREET	WELLINGTON STREET	ANYTIME
PRIDEAUX STREET	SIMCOE STREET	KING STREET	ANYTIME
PRINCESS STREET	PARTITION STREET	NORTH LIMIT OF PRINCESS ST	ANYTIME
QUEEN STREET	NIAGARA BOULEVARD	MISSISSAUGA ST	ANYTIME
QUEENSTON STREET	NIAGARA RIVER PARKWAY	CLARENCE STREET	ANYTIME
REGENT STREET	ANNE STREET	JOHN STREET	ANYTIME
REGENT STREET	MARY STREET	FRONT STREET	ANYTIME
RICARDO STREET	KING STREET	NIAGARA RIVER PARKWAY	ANYTIME
RIVER BEACH ROAD	BALL STREET	MELVILLE STREET	ANYTIME
RYE STREET	NIAGARA STREET	PAFFARD STREET	ANYTIME

SCHEDULE A - CONT'D

HEAVY MOTOR VEHICLES PROHIBITED

SHAKESPEARE AVENUE	LAKESHORE ROAD	NIAGARA BOULEVARD	ANYTIME
SHAW'S LANE	KING STREET	SIMCOE STREET	ANYTIME
SIMCOE STREET	SHAW'S LANE	FRONT (NIAGARA) STREET	ANYTIME
VICTORIA STREET	SIMCOE STREET	FRONT STREET	ANYTIME
WELLINGTON STREET	CASTLEREAGH STREET	RICARDO STREET	ANYTIME
WILLIAM STREET	CIRCLE STREET	REGENT STREET	ANYTIME