



The Town of Niagara-On-The-Lake

Operations
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1593 Four Mike Creek
Road
P.O. Box 190
Virgil, Ontario
L0S 1T0

Report:	OPS-19-007	Committee Date:	April 01, 2019
		Due in Council:	April 08, 2019
Report To:	Operations Advisory Committee		
Subject:	Amendments to Heavy Vehicle Prohibitions in the Heritage District		

1. RECOMMENDATION

It is respectfully recommended

- 1.1 That Council direct staff to draft a Heavy Vehicle By-Law based on a maximum Registered Gross Weight (RGW).
- 1.2 That Council direct staff to erect the regulatory signage necessary to support the proposed Heavy Vehicle By-law as soon as practicable.
- 1.3 That Council direct staff to monitor the turning movements of large vehicles at the Front-Simcoe intersection and report back to Council after 3 months from adoption of the Heavy Vehicle By-law regarding the advisability of removing parking spaces from the Front-Simcoe intersection.

2. PURPOSE / PROPOSAL

The purpose of this report is to examine the merits of instituting additional heavy vehicle controls in the Heritage District, most particularly in the area bounded by Queen, King, Front and Simcoe streets or by Mary, King, Front and Simcoe streets. Additionally, to investigate the efficacy of removing parking spaces at the Front-Simcoe intersection to increase the available turning radius for buses.

3. BACKGROUND

Prior to 1991 the Town was having difficulty with the incursion of tour buses in the Heritage District, dropping off and picking up passengers at various locations on Queen St. and parking/idling on residential streets while waiting for their passengers. In 1991 the Town took steps to channelise these buses by providing an approved bus route through the Old Town including a bus stop/parking area on King St. fronting Simcoe Park and bus stops fronting the Oban Inn, the former Gate House restaurant, the Royal George Theatre and the Court House.

To encourage buses to remain on the approved route, a provision was added to the

Parking and Traffic By-law to restrict certain streets in the Heritage District to vehicles under 3,000 kg Gross Vehicle Weight (GVW), now Schedule "S" of By-law 4308-09. Weight restricted roadways were posted accordingly.

In 2001 the volume of buses using the Simcoe Street bus parking area and circulating within Town was having a notable negative impact on the environment, particularly in the "bowl" of Simcoe Park, on the streets surrounding the Park and on Queen Street. In a co-operative project between Parks Canada, the Chamber of Commerce and the Town, a bus parking lot and information centre/driver respite lounge was constructed at Fort George. Tour buses were redirected to the Fort Tour Bus Parking Lot and their passengers shuttled to the designated bus bay behind the Court House. Additionally, bus stops fronting the former Gate House and the Court House were removed. The bus stop fronting the Oban Inn remains, as does the stop fronting the Royal George Theatre which is limited to buses dropping off Theatre patrons subject to a permit system instituted by the Shaw Festival.

Subsequent to resident complaints regarding an increasing incursion of buses on Front, Simcoe and Prideaux Streets, Council approved a motion on December 17, 2018 to investigate the merits of enhanced heavy vehicle restrictions either in the area bounded by Queen, King, Front and Simcoe streets, or by Mary, King, Front and Simcoe Streets.

4. DISCUSSION / ANALYSIS

Regarding expanded Heavy Vehicle Restrictions:

It should be noted that there is no enabling legislation to permit the Town to restrict movement of buses as a class of vehicle. Prohibitions must be based on weight, so to regulate Heavy Traffic and the Town currently uses a maximum Gross Vehicle Weight (GVW) of 3,000 kg to control buses, including micro-buses.

Enforcement of heavy vehicles has always been problematic, primarily because Town enforcement officers have no right of detention and are not authorized to stop a moving vehicle, weigh a vehicle, or require a vehicle to proceed to the certified MTO scales in Jordan. Accordingly, the Town currently depends on enforcement by either the Niagara Regional Police or the Ministry of Transportation Enforcement Division, both of whom have refused to enforce our Schedule "S" weight restrictions. No Schedule "S" tickets have been issued since the inception of heavy vehicle restrictions in 1991.

In 2016 the Town of Grimsby ran into similar problems with controlling heavy vehicles. They subsequently crafted a Heavy Vehicle Restriction By-law imposing a maximum Registered Gross Weight (RGW). This restriction is based on the vehicles' permit plate portion, and while enforcement must still be done by the Niagara Regional Police it does not require the vehicle to be weighed. Neither the Town of Grimsby nor the Niagara Regional Police could provide statistics regarding the number of tickets written under this by-law, but both stated that it has been a more efficient means of enforcement than measuring Gross Vehicle Weight. Since Grimsby's concern was the control of

tractor-trailers, their maximum RGW was set at 15,000 kg. Tickets are written under Part 1 of the Provincial Offences Act with a set fine of \$120.00. A copy of the Grimsby By-law is attached as Appendix A for your information.

In discussion with the Niagara Regional Police, we have been advised that they are unlikely to dedicate significant manpower to the enforcement of existing or new weight limits in the Old Town, since ticket numbers would be too low to justify the necessary manpower. The Town does have the option of hiring pay-duty officers for enforcement of the by-law and any subsequent court attendance regarding disputed tickets.

Enforcement issues notwithstanding, there are already heavy vehicle restrictions posted on all internal streets bounded by Mary, King, Front and Simcoe Streets, with the exception of Queen Street, King Street, Front Street and Simcoe Street. Although the use of King and Queen by buses is discouraged, continued access to the Royal George Bus drop-off and the Dock Area is necessary and it is not recommended that Queen Street or King Street be included in the heavy vehicle restrictions. A map showing existing and proposed restrictions is attached as Appendix B.

Periodically buses also miss the signage directing them from Niagara Stone Road to the preferred bus route along East and West Line/Niagara River Parkway to the Fort George Tour Bus Parking Lot. Those buses subsequently enter Old Town via Mississagua/Mary/King Streets or Mississagua/Queen Streets. Restricting the above noted boundary would trap some of those buses at the Queen/Simcoe intersection with no safe or legal means of turn-around or egress.

Primary focus therefore lies in the area bounded by Queen, King, Front and Simcoe Streets. The majority of these streets are already restricted and only the addition of Front Street and Simcoe Street would be required. It should be noted that unless a roadway or parts thereof (bridges, culverts) have been deemed structurally unsafe, Town by-laws cannot prohibit service/delivery/construction vehicles, school/transit buses or any bus delivering passengers to a destination only accessible via a weight limited roadway from using that roadway.

To discourage buses from using Front Street as a parking area it would be helpful to convert the bus bay fronting the Oban Inn to parking for private vehicles. With the removal of the Front St. bus bay, buses travelling to the Oban and the Niagara-on-the-Lake Golf Club will be required to double-park or to use a no parking or delivery zone to disembark and board their passengers.

Until recently, posting the 3,000 kg GVW restriction has been an adequate deterrent to prevent buses from circulating through the residential areas of Old Town and reports of buses north of Queen Street are occurring mainly in areas where there are no heavy vehicle restrictions. Implementing the requested restrictions and posting regulatory signage may provide sufficient deterrent even without supporting enforcement activity.

Implementing weight restrictions based on Registered Gross Weight (RGW) will require

either an amendment of our current Parking and Traffic by-law or a separate by-law. For expedience and ease of application by the Niagara Regional Police, a separate by-law is recommended. Either course will require approval of the Town's proposed set fine by the Ontario Court of Justice before enforcement can commence, however regulatory signage may be erected to provide a deterrent before enforcement begins.

It should be noted that all current 3,000 GVW restriction signage will require upgrading or replacement to 3,000 RGW signage. An audit of the condition of the existing signage will determine whether signage is upgraded or replaced.

Regarding Parking Space Removal at the Front/Simcoe Intersection.

Further to Council's referral regarding buses mounting the curb while turning at the Front/Simcoe intersection, several site observations were undertaken. It should be noted that while some curb scuffing was observed there is no apparent turf wear at the subject corner and no damage or markings on the street name sign and fire hydrant located in close proximity to the intersection. An October 2018 Google Streeview is attached as Appendix C for your reference.

There have also been no reportable collisions at this location in the past 5 years. Although traffic moves slowly through the intersection (particularly in the presence of a horse-drawn caleche, as is the case at many intersections along their route) and there is not sufficient room for two large vehicles to transit the intersection simultaneously, the corner turning radius and parking stall setbacks are consistent with similar intersections throughout the Heritage District. Available evidence would indicate a limited number of problematic turning movements to date.

In theory, restricting buses from the area bounded by Queen, King, Front and Simcoe Streets should reduce the number of buses transiting this intersection. To improve intersection clearances in both directions, the two most westerly parking spaces on Front Street and the two most northerly spaces on Simcoe St. could be eliminated, thereby removing 4 spaces from the parking inventory. It should however be noted that a 2011 study parking identified a parking deficiency of 130 spaces in the Heritage District, and with the intervening growth in tourism and loss of parking through development that deficit is now estimated to be approaching 200 spaces. It may therefore be prudent to evaluate the efficacy of implementing heavy vehicle restrictions along Front and Simcoe Streets as well as monitoring for damage at the intersection (if any) before opting to remove parking spaces.

5. STRATEGIC PLAN

N/A

6. OPTIONS

Regarding expanded Heavy Vehicle Restrictions:

1. Status quo - not satisfactory.
2. Restrict heavy vehicles in an area bounded by Mary, King, Front and Simcoe Streets - not advisable as it will eliminate use of the Royal George Theatre Bus drop-off and trap buses which miss the East and West Line/Niagara River Parkway bus route signage.
3. Restrict heavy vehicles in an area bounded by Queen, King, Front and Simcoe Streets, excluding Queen and King Streets while including Front and Simcoe Streets - most desirable option which addresses the focal area of complaints.

Regarding Parking Space Removal at the Front/Simcoe Intersection.

1. Status quo - feasible should a revised/expanded Heavy Traffic By-law be effective.
2. Removal of 4 parking spaces - increases the Heritage District parking deficit and may not be necessary.

7. FINANCIAL IMPLICATIONS

Regarding expanded and Heavy Vehicle Restrictions:

Addition of new regulatory signage and upgrading or replacement of existing "Maximum 3,000 kg GVW" signage with "Maximum 3,000 kg RGW" signage throughout Old Town, including the new areas of restriction will cost \$10,000 (estimated, depending on the condition of existing signage) to be funded from account C01698-Council Initiated Traffic Control Devices which has a current budget of \$50,000.

Regarding Parking Space Removal at the Front/Simcoe Intersection.

Removal of the existing painted parking stalls and relocation of the existing corner "No Parking" signs will cost an estimated \$750 to be funded from the current Parking Enforcement operating budget.

Of more significant value is the loss of 4 parking spaces from the already deficient Heritage District parking inventory. The 2019 cash-in-lieu value of one Old Town parking stall is \$24,757, therefore the removal of 4 spaces from the Front/Simcoe intersection would cost \$99,028 to replace elsewhere, funded by the cash-in-lieu of parking reserve. Replacement in 2019 is unlikely and historically the estimated cost of new parking development has increased 3% - 11% annually depending on inflation, real estate values and the availability of suitable property in or near the Heritage District. The 2018 to 2019 increase was 5.2%.

Enforcement

The Niagara Regional Police may be engaged to provide pay duty police officers at a 2019 rate of \$427.15 per minimum 4-hour block of time for enforcement and court activities. The level of enforcement effort would be determined at Council's direction.

There are currently no operating funds budgeted for this purpose.

It should be noted that the Heavy Vehicle by-law requires some minor technical corrections and the inclusion of new through streets in the area bounded by King, Anne and Simcoe Streets. These adjustments will be made as part of the new Heavy Vehicle by-law.

8. COMMUNICATIONS

Upon approval of the recommended Heavy Vehicle by-law by Council, it would be submitted to the Ontario Court of Justice for approval and confirmation of the proposed set fine.

The necessary supporting signage to advise vehicles of new and revised heavy vehicle restrictions will be posted immediately, subject to production of the necessary custom signage. Priority of installation will be given to the area bounded by Queen/King/Front and Simcoe Streets as this is the focal problem area.

Upon approval by the Ontario Court of Justice, bus companies using the Fort George Tour Bus Parking Lot will be notified by letter of pending enforcement activity and provided with an enforcement start date, copy of the by-law and a map of weight restricted streets in the Heritage District. At the same time, the Niagara Regional Police will be formally requested to begin enforcement or contracted to provide a pay-duty officer and also provided with the by-law and map.

The travelling public will be advised of any parking stall adjustments at the Front-Simcoe intersection through revised pavement markings and relocation of the existing "No Parking" signs.

The Oban Inn and the Niagara-on-the-Lake Golf Club will be notified regarding the removal of the Front Street bus bay.

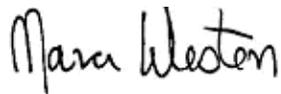
9. CONCLUSION

Adoption of a new Heavy Vehicle by-law based on a vehicle's Gross Registered Weight (GRW) provides the Town with an efficient enforcement tool to be utilised through the Niagara Regional Police without the necessity of weighing large vehicles. Using the Grimsby by-law as a model aligns our enforcement efforts with the proven "best practice" of another Regional Municipality and provides a much needed method to control the incursion of heavy vehicles into the residential areas of Old Town.

Taking an incremental approach to the removal of parking spaces at the Front-Simcoe intersection will allow us to evaluate whether the need to remove these valuable spaces actually exists once the Heavy Traffic by-law is in place and being consistently enforced.

Prepared by,

Reviewed by,



Marci Weston
Engineering Tech.



Jeffrey Vyse, C.S.T.
Manager of Public Works

Respectfully submitted,



Sheldon Randall
Director of Operations



Holly Dowd
Chief Administrative Officer

ATTACHMENTS



Appendix A - Grimsby Heavy Vehicle Bylaw.pdf



Appendix B - Current and Proposed Restrictions.pdf



Appendix C - Google Streetview Front-Simcoe.pdf

WEB ATTACHMENTS

ATTACHMENTS FOR LINK

First Capital of Upper Canada - 1792

OFFICE OF THE REGIONAL SENIOR JUSTICE
ONTARIO COURT OF JUSTICE
CENTRAL WEST REGION



COURT HOUSE
45 MAIN STREET EAST, SUITE 762
HAMILTON, ONTARIO L8N 2B7

file - cc RL
John Seb.

CABINET DU JUGE PRINCIPAL RÉGIONAL
COUR DE JUSTICE L'ONTARIO
RÉGION DE CENTRE-OUEST

PALAIS DE JUSTICE
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HAMILTON (ONTARIO) L8N 2B7
TELEPHONE/TÉLÉPHONE (905) 645-5344
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November 10, 2016

Via Courier

R. LeRoux
Director of Public Works
160 Livingston Avenue
P.O. Box 159
Grimsby, ON L3M 4G3



Dear Mr. LeRoux:

Re: Town of Grimsby, Niagara Region
Set Fine Application
Pat 1 *Provincial Offences Act*
By-law 16-65: Heavy Motor Vehicles

Please find enclosed the original signed Order and the Schedule of Set Fines. I am also returning the original By-law 16-65.

The setting of the fines does not constitute my approval of the short form of wording used to describe the offences.

I have forwarded copies of the Order and the Schedule of Set Fines to Joanne Spriet, Associate Director at the Provincial Offences Court in Niagara Falls, and to Kerry-Lee Thompson, Crown Law Office – Criminal.

Yours truly,

Sharon Nicklas
Regional Senior Justice
Central West Region

Enclosures

- c. Kerry-Lee Thompson, w/encl.
- Joanne Spriet, w/encl.

PROVINCIAL OFFENCES ACT

Part I

IT IS ORDERED pursuant to the provisions of the *Provincial Offences Act* and the rules for the Ontario Court of Justice, that the amount set opposite each of the offences in the schedule of offences under the Provincial Statutes and Regulations thereunder and Municipal By-law No. 16-65, for the Town of Grimsby, Niagara Region, attached hereto is the set fine for that offence. This Order is to take effect November 10th, 2016.

Dated at Hamilton, this 10th day of November, 2016.



Sharon Nicklas
Regional Senior Justice
Central West Region

Part 1, Provincial Offences Act

Town of Grimsby By-law 16-65

Heavy Motor Vehicle Prohibition

Item	Column 1 Short Form Wording	Column 2 Offence Creating Provision or Defining Offence	Column 3 Set Fine
1.	Drive, move or operate heavy motor vehicle on prohibited highway	Part III 1	\$120.00

Note: The general penalty provision for the offences listed above is Part VI of By-law 16-65, a certified copy of which has been filed.

*Approved
JN
Nov 7/16*

The Corporation of the Town of Grimsby

By-law 16-65

A By-law to regulate heavy motor vehicle traffic on highways under the jurisdiction of the Town of Grimsby

Whereas Section 11 of the Municipal Act, 2001, C.25 provides the Corporation of the Town of Grimsby the power to pass by-laws respecting highways under its jurisdiction and traffic on said highways;

Now therefore the Council of the Corporation of the Town of Grimsby enacts as follows:

Part I – Short Form Title

This By-law may be cited as the Town of Grimsby Heavy Motor Vehicle Prohibition By-law.

Part II - Definitions

The definitions contained within the Highway Traffic Act shall apply in the interpretation of this By-law except where they are inconsistent with this By-law in which case the definitions herein shall apply.

For the purposes of this By-law:

Authorized sign means any traffic control device or traffic control signal that has been erected on a highway under the authority of this By-law for the purpose of regulating, warning or guiding traffic.

Council means the Council of the Corporation of the Town of Grimsby.

Heavy motor vehicle means a vehicle or combination of vehicles unloaded having a registered gross weight of 15,000 kilograms (kg) or greater as identified by the vehicle's permit plate portion but does not include exemptions as identified within this By-law.

Highway means a highway or a part of a highway under the jurisdiction of the Town of Grimsby.

Highway Traffic Act means the Highway Traffic Act, R.S.O. 1990, c. H.8 as amended and regulations made thereunder.

Police Officer means an employee of the Niagara Regional Police Service who is appointed as a peace officer pursuant to the Police Services Act.

Registered Gross Weight (RGW) (Reg. Gross Wt.) means the weight for which a permit has been issued under the Highway Traffic Act and which is based on the weight of the vehicle or combination of vehicles and load.

Town means the Corporation of the Town of Grimsby.

Part III – Vehicle Restrictions

1. Heavy Motor Vehicle Prohibition

When authorized signs are on display, no person shall drive, move or operate a heavy motor vehicle with a RGW over 15,000 (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 thereto.

2. For the purpose of enforcing this By-law, the RGW as identified on the permit plate portion is to be considered whether the vehicle(s) is loaded or unloaded.

3. Exemptions

Part III, Section 1 of this By-law shall not apply to:

- Motor vehicles less than 15,000 kg in RGW.
- Ambulances, fire department vehicles and emergency response vehicles.
- Public utility vehicles.
- School buses.
- Vehicles operated on or on behalf of the Town or any other authority having jurisdiction on the highway.
- Farm vehicles.
- Recreation vehicles.
- Heavy motor vehicles in excess of 15,000 kg that require access to any premise or premises or lands located on that section of highway as prohibited and set out in Schedule A to the By-law and also Highland Drive and which,
 - i. The vehicles are making bona fide delivery to or a collection from or are providing service or maintenance or construction works for the said premise; or,
 - ii. The vehicle is owned by the owner of said premise and is to be legally parked within the land containing said premise.

Part IV – Enforcement and Authorities

A police officer may enforce the provisions of this By-law.

Part V – Highway Traffic Act

The provisions of this By-law shall be subject to the provisions of the Highway Traffic Act, R.S.O. 1990, c.H.8 and any amendments thereto.

Part VI – Penalties

Every person who contravenes a provision of this By-law is guilty of an offence and upon conviction is liable to a fine as provided for in the Provincial Offences Act, R.S.O. 1990, c.P.33, as amended.

The voluntary payment set fine for each offence is \$120.00 plus other applicable costs and surcharges.

If the set fine is not paid within the time period required, procedures of the Provincial Offences Act, R.S.O. 1990, c.P.33 as amended, shall apply.

Part VII – Severability

Should any part, section or provision of the By-law be declared by a court of competent jurisdiction to be invalid, the same shall not affect the validity of the By-law as a whole or in part thereof, other than the part that was declared to be invalid.

Part VIII – Effective Date

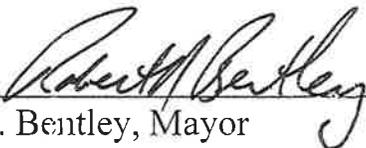
This By-law shall come into force and effect on the date that the authorized signs are installed on the section of highway as identified and set out in Schedule A to this By-law.

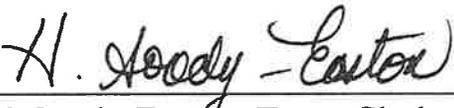
Part IX – Repeal

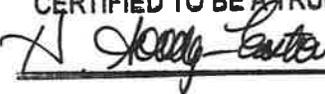
That By-law 16-34 is hereby repealed.

Read a first time this 3rd day of October 2016.

Read a second and third time and finally passed this 3rd day of October 2016.


R.N. Bentley, Mayor


H. Soady-Easton, Town Clerk

THE CORPORATION OF THE TOWN
OF GRIMSBY
CERTIFIED TO BE A TRUE COPY
 CLERK

Oct 19/16

Hazel Soady-Easton,
Clerk, Town of Grimsby,
a Commissioner, etc.,
Regional Municipality of Niagara,
for the Town of Grimsby,

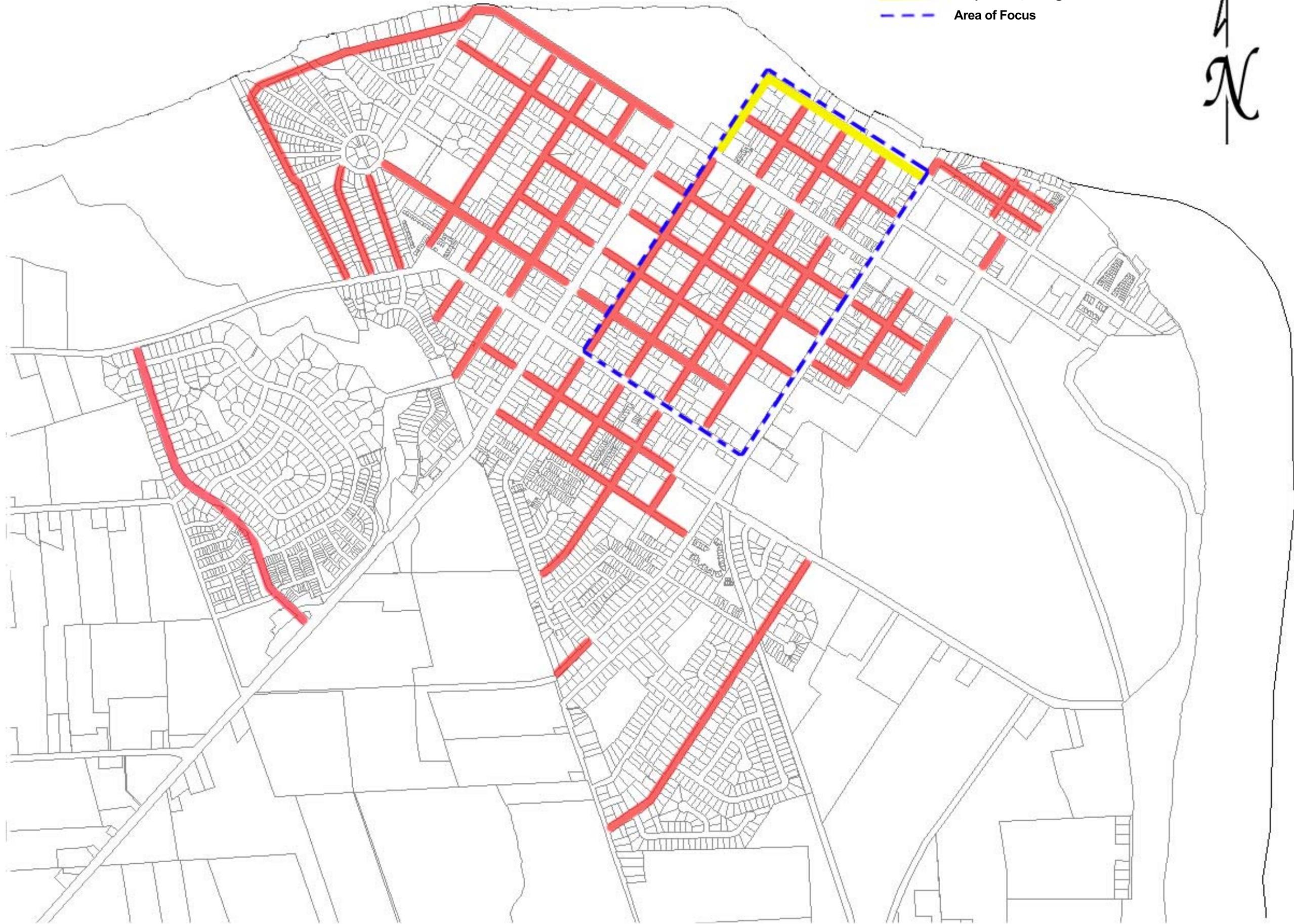
Schedule A to By-law 16-65

The highway or portion of highway described and set out within this Schedule shall be subject to the provisions and conditions and prohibitions as set out in the Town's By-law 16-65

Highway	From	To	Times/days
Park Road	Ridge Road East	Main Street East (Regional Road #81)	Any time
Woolverton Road	Ridge Road West	Main Street West (Regional Road #81)	Any time

Appendix B - Current and Proposed Heavy Vehicle Restrictions

- Current 3,000 kg Restriction
- Proposed 3,000 kg Restriction
- Area of Focus



116 Simcoe St
Niagara-on-the-Lake, Ontario

Google

Street View - Oct 2018

No turf rutting or wear

No damage or markings

No turf rutting or wear

Curb scuffing

Appendix C - Google Streetview (Oct. 2018) Front-Simcoe Intersection

