



1593 Four Mile Creek Road
P.O. Box 100, Virgil, ON L0S 1T0
905-468-3266 • Fax: 905-468-2959

www.notl.org

The Corporation of the Town of Niagara-on-the-Lake Information Report to Council

SUBJECT: Supplemental Information Regarding Report OPS-19-007

Date: April 04, 2019

Prepared By: Marci Weston

Department: Operations

BACKGROUND INFORMATION

Further to questions raised during Committee of the Whole on April 1, 2019 regarding report OPS-19-007, we offer the following information and comments:

Why is the maximum RGW proposed to be 3,000 kg when the weight of a bus is 10,000 kg and a transport truck is 15,000 kg?

The proposed maximum 3,000 kg RGW mirrors the existing 3,000 kg GVW restriction. This maximum was chosen so that the tour company extended passenger vans and small buses which were causing the greatest nuisance in residential areas of the Heritage District would be included in the prohibition.

Will delivery trucks, service vehicles and buses be prohibited from serving businesses on RGW restricted streets?

Exemptions in both the existing and proposed Heavy Vehicle by-laws ensure that service/delivery vehicles, transit buses, construction vehicles, emergency vehicles etc. with legitimate destinations on weight restricted streets can reach their destinations. There are many businesses on weight restricted streets currently being served by these vehicles, and as Councillor Erwin Wiens pointed out, commercial drivers are well aware of the exemptions.

Additionally, annual letters and bus route maps are sent out to the bus companies registering at the Fort George Tour Bus Parking Lot outlining the Town's

expectations, and the list of exemptions can be included in that mailing. On average the Town receives 3-4 calls each year from companies regarding the weight restrictions (mostly out-of-province moving companies, or buses being chartered to pick up at a private residence), and the information regarding the exemptions are provided at that time. Based on feedback from commercial operators to both By-law enforcement and the Operations Department, there appears to be a good understanding of restrictions and exemptions related to the by-law.

The original and continuing intent of heavy vehicle restrictions is to prevent tour buses from cruising through residential neighbourhoods (prior to the original bylaw tour operators were incorporating residential areas into their tours), and not to deter heavy vehicles with legitimate business on residential streets.

Can alternate signage be provided to advise heavy vehicles about exemptions to the proposed weight restrictions?

To be enforceable, regulatory signage must comply with the colours, sizes, shape, text, graphics and placement outlined in the Ontario Traffic Manual, Book 5 - Regulatory Signage. We are not permitted to alter these designs.

Can we legislate against buses only rather than impose a weight restriction on all vehicles?

There is no regulatory framework which will allow us to legislate against the movement of buses on public roadways as a class of vehicle. Any such prohibition must be based on weight.

No additional questions have been forwarded by Council since this matter was considered by the Committee of the Whole.

Although not included in the report, It should be noted that in addition to the concerns raised by residents at the Front/Simcoe intersection, last season the Town received a number of complaints from Riverbeach residents regarding tour buses which have begun to incorporate the Dock Area in their tours. Although we have reached out to the tour companies in question and asked them not to continue this practice, particularly on Riverbeach and the narrower streets, we currently have no effective legislative tool to enforce our request should they choose to disregard our wishes.

A mention was made during COTW discussion of expanding the current restrictions to include streets in Queenston under the new by-law. The 3,000 kg RGW restriction could definitely be applied in Queenston, and Schedule "A" of the proposed by-law may be amended at any time to add appropriate restrictions as required.

NEXT STEP / CONCLUSION

As noted during the Committee of the Whole meeting, Council has the option of

lifting and revisiting report OPS-19-007. As such, staff would respectfully request that, at minimum, consideration be given to converting the existing Heavy Vehicle restrictions from 3,000 kg GVW in the Parking and Traffic by-law to 3,000 kg RGW to the attached draft Heavy Motor Vehicle Prohibition by-law (incorporating the same roadways). This would provide the Town with a more efficient enforcement tool for than is currently available.

ATTACHMENTS



NNNN-19 Heavy Motor Vehicle Prohibition Draft Bylaw.pdf

HEAVY MOTOR VEHICLES PROHIBITED

**CORPORATION OF THE
TOWN OF NIAGARA-ON-THE-LAKE**

BY-LAW NO. NNNN-19

A BY-LAW TO REGULATE HEAVY MOTOR VEHICLE
TRAFFIC ON HIGHWAYS UNDER THE
JURISDICTION OF THE TOWN OF NIAGARA-ON-
THE-LAKE.

WHEREAS Section 11 of the *Municipal Act*, 2001, c.25 provides the Corporation of the Town of Niagara-on-the-Lake the power to pass by-laws respecting highways under its jurisdiction and traffic on said highways;

AND WHEREAS the Council of the Corporation of the Town of Niagara-on-the-Lake has approved the recommendations in Report OPS-19-007;

NOW THEREFORE the Council of the Corporation of the Town of Niagara-on-the-Lake enacts as follows;

PART 1 SHORT FORM TITLE

- 1.1 This By-law may be cited as the Town of Niagara-on-the-Lake Heavy Motor Vehicle Prohibition By-law.

PART 2 DEFINITIONS

- 2.1 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.
- 2.2 In this by-law:
- 2.2.1 “authorized sign” means any traffic control device of 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.
- 2.2.2 “Council” means the Council of the Corporation of the Town of Niagara-on-the-Lake.
- 2.2.3 “heavy motor vehicle” means a vehicle or combination of vehicles unloaded having a registered gross weight of 3,000 kilograms (kg) or greater as identified by the vehicle’s plate portion but does not include exemptions as identified within this By-law.
- 2.2.1 “highway” means a highway or a part of a highway under the jurisdiction of the Town of Niagara-on-the-Lake.
- 2.2.2 “Highway Traffic Act” means the Highway Traffic Act, R.S.O. 1990, c.H.8 as amended and regulations made thereunder.
- 2.2.3 “police officer” means an employee of the Niagara Regional Police Service who is appointed as a peace officer pursuant to the Police Services Act.

- 2.2.4 “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.
- 2.2.5 “Town” means the Corporation of the Town of Niagara-on-the-Lake.

PART 3 VEHICLE RESTRICTIONS

Heavy Motor Vehicle Prohibition

- 3.1 When authorized signs are on display, no person shall 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 thereto.
- 3.2 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.

Exemptions

- 3.3 Section 3.1 of this By-law shall not apply to:
- 3.3.1 Motor vehicles less than 3,000 kg in RGW.
- 3.3.2 Ambulances, fire department vehicles and emergency response vehicles.
- 3.3.3 Public utility vehicles.
- 3.3.4 School buses.
- 3.3.5 Vehicles operated on or on behalf of the Town or any other authority having jurisdiction on the highway.
- 3.3.6 Farm vehicles.
- 3.3.7 Recreation vehicles.
- 3.3.8 Heavy motor vehicles in excess of 3,000 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 which;
- (a) The vehicles are making bona fide delivery to or collection from or are providing service or maintenance or construction works or carrying passengers to or from the said premise; or,
 - (b) The vehicle is owned by the owner of the said premise and is to be legally parked within the land containing said premise.

PART 4 ENFORCEMENT AND AUTHORITIES

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

PART 5 HIGHWAY TRAFFIC ACT

- 5.1 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 6 PENALTIES

- 6.1 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.
- 6.2 The voluntary payment set fine for each offence is \$120.00 plus other applicable costs and surcharges.
- 6.3 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 7 SEVERABILITY

- 7.1 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 8 REPEAL

- 8.1 Section 603.01 (Heavy Traffic Prohibited – Schedule “S”) of By-law 4308-09 is hereby repealed.

PART 9 EFFECTIVE DATE

- 9.1 This By-law shall come into full 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.

**READ A FIRST, SECOND AND THIRD TIME AND PASSED THIS 8th DAY
OF APRIL 2019.**

LORD MAYOR BETTY DISERO

TOWN CLERK PETER TODD

SCHEDULE “A” TO BY-LAW NNNN-19 (page 1 of 1)

HEAVY MOTOR VEHICLES PROHIBITED

COLUMN 1	COLUMN 2		COLUMN 3
INTERSECTION	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
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 STREET (QUEENSTON)	YORK STREET	PARTITION STREET	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	FRONT-RICARDO STREET	NORTH LIMIT OF KING STREET	ANYTIME
LOCKHART STREET	BALL STREET	MELVILLE STREET	ANYTIME
NASSAU STREET	LAKESHORE ROAD (REG RD 87)	QUEEN STREET	ANYTIME
NELLES STREET	KING STREET	DAVY 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	MELVILLE STREET	ANYTIME
RIVER BEACH ROAD	BALL STREET	MELVILLE STREET	ANYTIME
RYE STREET	NIAGARA STREET	PAFFARD STREET	ANYTIME
SHAKESPEARE AVENUE	LAKESHORE ROAD	NIAGARA BOULEVARD	ANYTIME
SHAW'S LANE	KING STREET	SIMCOE STREET	ANYTIME
SIMCOE STREET	SHAW'S LANE	QUEEN STREET	ANYTIME
VICTORIA STREET	SIMCOE STREET	FRONT STREET	ANYTIME
WELLINGTON STREET	CASTLEREAGH STREET	PICTON STREET	ANYTIME
WELLINGTON STREET	BYRON STREET	RICARDO STREET	ANYTIME
WILLIAM STREET	CIRCLE STREET	REGENT STREET	ANYTIME