

Authority: Item 18, Public Works Committee
Report 07-011
CM: September 26, 2007

Bill No. 285

CITY OF HAMILTON

BY-LAW NO. 07-285

To Amend By-law 01-215 respecting Heavy Traffic

WHEREAS Council desires to provide for the protection of highways under its jurisdiction from damage, and for the purpose of controlling of traffic, and in particular to limit heavy traffic on roads not designated for their use so as to limit the effect of such traffic on the highway and public using such highways;

AND WHEREAS sections 8, 9 and 10 of the *Municipal Act, 2001*, S.O. 2001, c. 25, authorize the City of Hamilton to pass by-laws as necessary or desirable for the public and municipal purposes, and in particular paragraphs 4 through 8 of subsection 10(2) authorize by-laws respecting: assets of the municipality, the economic, social and environmental well-being of the municipality; health, safety and well-being of persons; the provision of any service or thing that it considers necessary or desirable for the public; and the protection of persons and property;

NOW THEREFORE the Council of the City of Hamilton enacts as follows:

1. Section 56 of By-law No. 01-215 as amended, is hereby further amended by adding the following as subsection (1a) immediately after subsection (1):

“(1a) The intent of this section is to protect highways under the jurisdiction of the City from the potential for damage from heavy traffic and also to limit such traffic as much as possible on such highways, for the purposes of maintaining the condition of the highways, limiting municipal repair and maintenance costs and for the control of traffic, unless the highway or part has specifically been designated for heavy traffic use by this by-law and its schedules, being a “designated highway” as referred to in this section, and the Council for the City intends that interpretation of this section and the relevant schedules of the by-law should recognize and conform to this intent and purpose.”

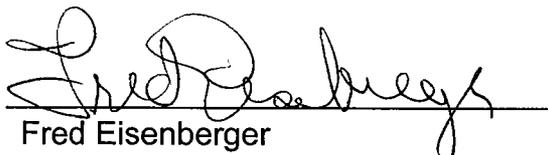
2. Section 56 of By-law No. 01-215 as amended is hereby further amended by repealing and replacing subsection (3) with the following:

“(3) Subsection 56(2) shall not apply where heavy traffic is required to travel on City highways which are not designated for heavy traffic in order to reach a property for such purposes as are provided in this subsection, provided that the vehicle takes the shortest route possible from the designated highway on non-designated City highways both to the property at which said purposes are carried out and in returning from such property to a designated highway, and said purposes shall be as follows:

- a) for the purpose of garaging or storing the vehicle where it is normally stored by the operator or owner when not in use;
- b) for the purpose of having the vehicle maintained or repaired at the premises of the operator or owner, or at a commercial motor vehicle repair facility;

- c) for the purpose of delivery or receipt of goods to a property or for a similar commercial or other purpose requiring the heavy traffic at the property; or
 - d) when attending multiple properties for the purposes in (c) which properties are not reachable from designated highways and where the travel between such properties involves less use of non-designated City highways than if the vehicle were required to return from each property to designated highways, provided further that the route taken by the vehicle between such properties is the shortest possible in terms of its use of non-designated City highways. "
3. Section 56 of By-law No. 01-215 as amended, is hereby further amended by adding the following as subsections (3a) and (3b) respectively, immediately after subsection (3):
- "(3a) Subsection 56(3) does not apply to any property where the property can be accessed by use of a designated highway and without use of highways under the jurisdiction of the City which are not designated for heavy traffic other than crossing a non-designated highway, except a non-designated City highway may still be used for the purpose of access to a building, loading or work area on the property which can only be reached by the heavy traffic from a non-designated City highway provided that the heavy traffic takes the shortest route possible on non-designated City highways between the property and a designated highway.
- (3b) Subsection 56(2) shall not apply where vehicles included in the definition of heavy traffic are operated in compliance with the requirements for travel in subsection 56(7)."
4. Section 56 of By-law No. 01-215 as amended, is hereby further amended by renumbering subsection (6) as was added by amending By-law No.02-181, as subsection (7).
5. In all other respects, By-law No. 01-215 as amended be and the same is hereby confirmed.
6. This By-law comes into force and effect on the day it is passed and enacted.

PASSED and ENACTED this 10th day of October, 2007.


Fred Eisenberger
Mayor


Rose Caterini
Acting City Clerk