

**Corporation of the Town of Essex
By-law Number 810**

**Being a by-law to prohibit heavy traffic
Within the municipal limits of the
Corporation of the Town of Essex**

Whereas Section 11 (3)(1) of the Municipal Act, 2001, and amendments thereto, provides that a lower-tier municipality may pass by-laws, subject to the rules set out in subsection (4), respecting matters within spheres of jurisdiction respecting highways, including parking and traffic on highways;

And Whereas Section 11 (3)(1) of the Municipal Act, 2001, and amendments thereto, provides if a sphere or part of a sphere of jurisdiction is assigned to an upper-tier municipality non-exclusively by the Table to this section, both the upper-tier municipality and its lower-tier municipalities have the power to pass by-laws under that sphere or part;

And Whereas, the Table in Section 11 of the Municipal Act, 2001 and amendments thereto respecting highways, including parking and traffic on highways is non-exclusive;

And Whereas, Section 27(1) of the Municipal Act 2001, and amendments thereto provides that except as otherwise provided in this Act, a municipality may pass by-laws in respect of a highway only if it has jurisdiction over the highway;

And Whereas the Council of the Corporation of the Town of Essex deems it expedient to prohibit heavy traffic on certain highways;

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

Part 1 –Definitions

For the purpose of this By-Law:

- a) **Heavy Traffic** means the use of a highway by a vehicle, object or contrivance for moving loads, having a gross weight, including the vehicle, object or contrivance and load, in excess of (five) 5 tones.
- b) **Highway** includes a common and public highway, street, avenue, parkway, driveway, square, place, viaduct or trestle, designated and intended for or used by, the general public for the passage of vehicles.
- c) **Municipally Owned Highway** includes any highway owned by and assumed by the Corporation of the Town of Essex.
- d) **Town** shall mean the Corporation of the Town of Essex.
- e) **Truck Routes** includes those highways listed in Schedule "A" attached hereto.
- f) **Vehicle** includes a motor vehicle, trailer, traction engine, farm tractor, road-building machine and any vehicle drawn, propelled or driven by any kind of power, including muscular power, but does not include a motorized snow vehicle or the cars of electric steam railways running only upon rails.

Part 2-Enforcement:

1. The Essex Police Service shall enforce the provisions of the By-Law or other such person or persons as designated by Council, including the By-Law Enforcement Officers for the Town.

Part 3-Designations:

1. Highways listed in Schedule "A" attached hereto and forming part of this By-Law shall be designated as "Truck Routes" within the municipal limits of the Corporation of the Town of Essex.

Part 4-General Prohibitions:

1. .When suitable signs have been erected and are on display, no person shall operate or cause to be operated a heavy traffic vehicle or combination of heavy traffic vehicles on any municipally owned highway except those designated as "Truck Routes" within the

municipal limits of the Corporation of the Town of Essex from January 1st to December 31st in each year.

Part 5-Penalties & Provisions:

1. Every person who contravenes any provision of this By-Law is guilty of an offence and on conviction is liable to a fine as provided for in the Provincial Offences Act.
2. The provisions of this By-Law shall not apply to:
 - a) Ambulance, emergency vehicles, or
 - b) Vehicles actually engaged in work undertaken for or on behalf of the Town, or
 - c) Security vehicles used for transporting of securities or security personnel, or
 - d) Police vehicles or municipal law enforcement vehicles while actually engaged in enforcement, or
 - e) Construction vehicles while actually engaged in construction work on property
 - f) Refuse collection vehicles while actually engaged in refuse collection, and adjacent to the location where the vehicle is parked, or
 - g) Blue Box collection vehicles while actually engaged in the collection of recyclable goods.

Part 6-Effective Date:

1. This By-Law shall come into force and take effect on the day of the final passing thereof.

Read a first, second, third time and finally passed this 5th day of March, 2007.

Mayor

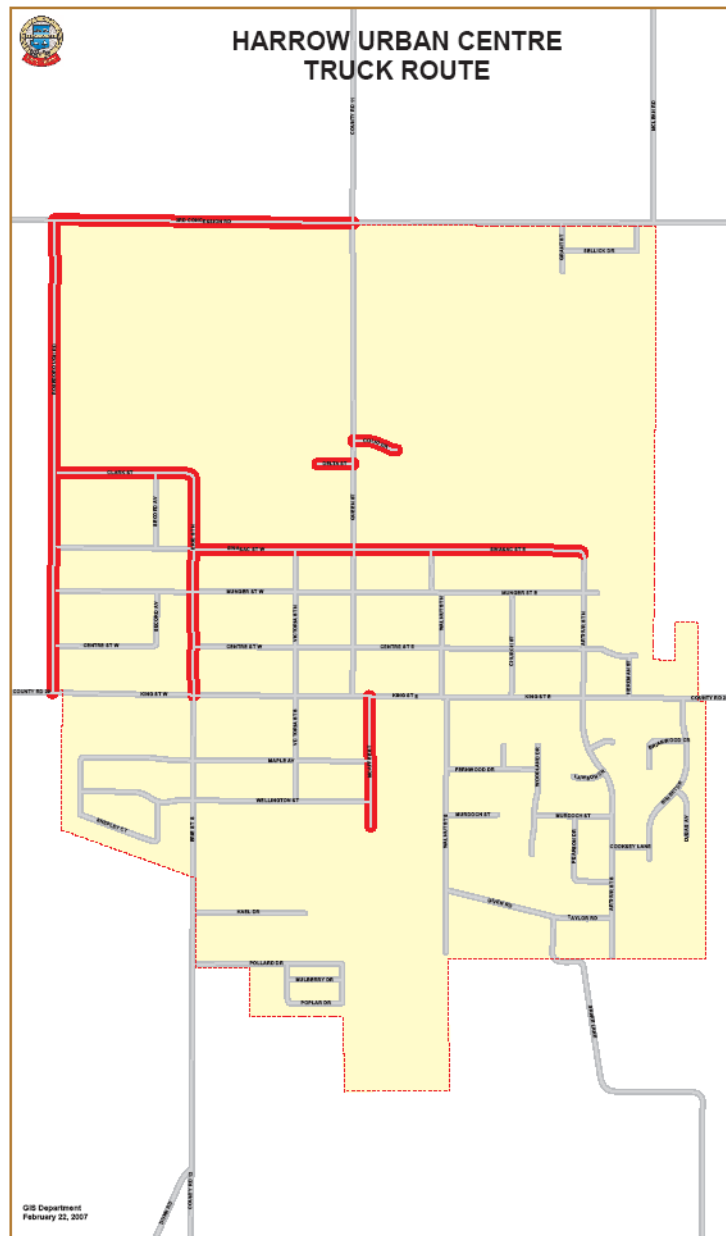
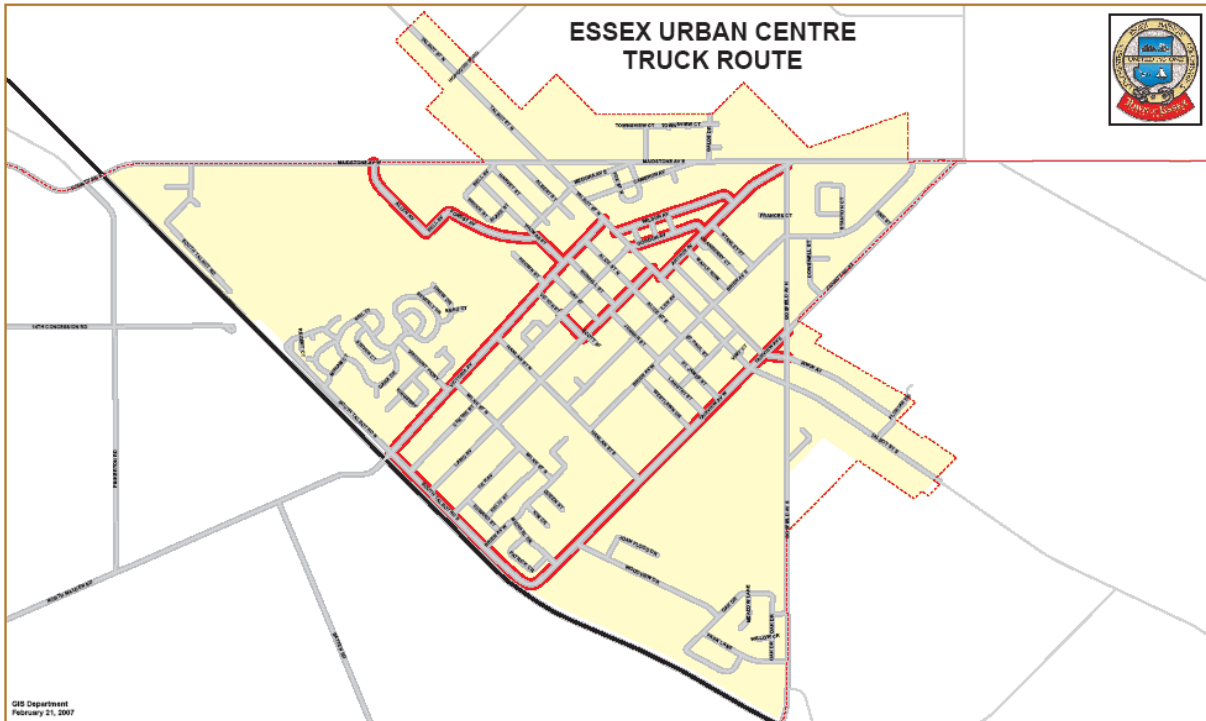
Clerk

Schedule "A"
To By-Law Number 810

Designated Truck Route:

Street Listing	From	To
Ward Number 1		
Victoria Avenue	Talbot Street North	Highway # 3
South Talbot Road	Victoria Avenue	Michael Drive
Fairview Avenue	Michael Drive	County Road # 23
Arthur Avenue	County Road # 8	Talbot Street South
Gordon Street	Talbot Street North	Arthur Avenue
Wilson Street	Talbot Street North	Arthur Avenue
Allen Avenue	County Road # 8	Bell Street
Bell Street	Allen Avenue	Forest Avenue
Forest Avenue	Thomas Street	Bell Street
Thomas Street	Victoria Avenue	Forest Avenue
Laird Avenue	Talbot Street South	Victor Street
Victor Street	Laird Avenue	Center Street
Irwin Avenue	Fairview Avenue	Gosfield Avenue
Ward Number 3		
3 rd Concession Road	Roseborough Road	County Road 11
Ward # 4		
Sinasac Street	Erie Street	Easterly Limit
Erie Street	King Street	Clark Street
Clark Street	Erie Street	Roseborough Road
Roseborough Road	King Street	3 rd Concession Road
Delta Street	Queen Street	Westerly Limit
Colio Drive	Queen Street	Easterly Limit
McAffee Street	King Street	Southerly Limit

Schedule "A" To By-Law Number 810




**Provincial Offences Act
THE CORPORATION OF THE TOWN OF ESSEX
BY-LAW #810**

**BEING A BY-LAW TO PROHIBIT HEAVEY TRAFFIC
WITHIN THE MUNICIPAL LIMITS OF THE
CORPORATION OF THE TOWN OF ESSEX**

COLUMN 1	COLUMN 2	COLUMN 3
ITEM	OFFENCE CREATING PROVISION OR DEFINING OFFENCE	SET FINE
SHORT FORM WORDING		
1. Operating a heavy traffic vehicle on an undesignated highway	Section 4	\$100.00
2. Causing a heavy traffic vehicle to be operated on a undesignated highway	Section 4	\$100.00

Penalty provisions for the offences indicated above is Part 5 of By-Law #810, a certified copy of which has been filed.



ONTARIO COURT OF JUSTICE

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. 810, of the Town of Essex, attached hereto are the set fines for those offences. This Order is to take effect April 16, 2007.

Dated at London this 16th day of April, 2007.



Alexander M. Graham
Regional Senior Justice
West Region

Corporation of The Town Of Essex

By-Law Number 366

Being A By-Law To Prohibit Heavy Traffic

Whereas Section 210, Sub-section 123 of the Municipal Act, R.S.O. 1990, Chapter M.45, states that By-Laws may be passed by the Council of local municipalities, for regulating traffic on highways and for prohibiting heavy traffic;

And Whereas, Section 210, Sub-section 123 (a) of the Municipal Act, R.S.O. 1990, Chapter M.45, states a By-Law passed under this paragraph may prohibit or regulate the parking, standing or stopping of vehicles, or any class thereof on highways or parts of a highway, and such By-Law may classify vehicles according to size or weight;

And Whereas the Council of the Corporation of the Town of Essex deems it expedient to prohibit traffic on certain highways;

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

Part 1 –Definitions

For the purpose of this By-Law:

- a) Heavy Traffic means the use of a highway by a vehicle, object or contrivance for moving loads, having a gross weight, including the vehicle, object or contrivance and load, in excess of (five) 5 tones.
- b) Highway includes a common and public highway, street, avenue, parkway, driveway, square, place bridge, tressle, designated and intended for, or used by, the general public for the passage of vehicles.
- c) Parking when prohibited means the standing of a vehicle, whether occupied or not, except when standing temporarily for the purpose of or actually engaged in the loading or unloading of merchandise or passengers.
- d) Vehicle includes a motor vehicle, trailer, traction engine, farm tractor, road-building machine and any vehicle drawn, propelled or driven by any kind of power, including muscular power, but does not include a motorized snow vehicle or the cars of electric or steam railways running only upon rails.

Part 2-Obedience To Parking Regulations

- (1) Police To Enforce By-Law

The Essex Police Service shall enforce the provisions of this By-Law or other such person or persons as designated by Council.

Part 3 –General Prohibitions

- (1) When suitable signs have been erected and are on display, the operation or parking of heavy traffic is prohibited on highways or parts of highways set out in Schedule "A"-Ward 1 (former Town of Essex), Schedule "B"-Ward 2 (former Township of Colchester North), Schedule "C"-Ward 3 (former Township of Colchester South) and Schedule "D"-(former Town of Harrow).
- (2) The provisions of this By-Law shall not extend to the use of the said highways or parts of highways for deliveries to or removals from any premises abutting thereon, to ambulances, to police or fire department vehicles, to public utility emergency vehicles, to vehicles actually engaged in works undertaken for or on behalf of the Corporation, or to a privately-owned vehicle driven to or from the owner's residence abutting thereon.

Part 4-Penalties

- (1) Every person who contravenes any provision of this By-Law is guilty of an offence and on conviction is liable for a fine as provided in the Provincial Offences Act.
- (2) This By-Law shall come into force and take effect on the day of the final passing thereof.

Read a first and second time this 5th day of November, 2001.

Read a third time and finally passed this 5th day of November, 2001.

Deputy-Mayor

Clerk

Schedule "A" To By-Law Number 366
(former Town of Essex)
General Prohibitions

Highway	From	To
Medora Ave. West	Albert Street	Talbot Street North

Schedule "B" To By-Law Number 366
(former Township of Colchester North)
General Prohibitions

Highway

From

To

Schedule "C" To By-Law Number 366
(former Township of Colchester South)
General Prohibitions

Highway

From

To

Schedule "D" To By-Law Number 366
(former Town of Harrow)
General Prohibitions

Highway

From

To

**TOWN FO ESSEX
SET FINES FOR USE UNDER PART II OF THE
PROVINCIAL OFFENCES ACT**

**BY-LAW # 366
BEING A BY-LAW TO PROHIBIT HEAVY TRAFFIC**

Item	Column 1-Short Form Wording	Column 2-Offence creating provision or defining offence	Column 3 Set Fine
1.	Parking a heavy vehicle in a prohibited area.	3(1)	\$100.00

NOTE: The penalty provision for the offences indicated above is Part 4 (Penalties) of By-Law # 366, a certified copy of which has been filed.



ONTARIO COURT OF JUSTICE

PROVINCIAL OFFENCES ACT

PART II

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. 366 of The Town of Essex, attached hereto is the set fine for those offences. This Order is to take effect December 20, 2001.

Dated at London, Ontario this 20th day of December, 2001.

A handwritten signature in black ink, consisting of several overlapping, slanted strokes that form a stylized, somewhat abstract representation of the name Alexander M. Graham.

Alexander M. Graham
Regional Senior Justice
West Region