

# MUNICIPALITY OF LEAMINGTON AGENDA



## PUBLIC MEETING

Proposed Changes to Traffic By-law  
Mersea Road E and Mersea Road 19

MONDAY, AUGUST 31, 2009  
COMMENCING AT 7:00 P.M.  
IN THE COUNCIL CHAMBERS

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### ITEMS FOR CONSIDERATION:

1. Notice of Public Meeting  
Pages 2-3
2. Report CL 08/09 dated May 22, 2009 re: Heavy Traffic By-law  
*(For Reference Only - Previously considered at the June 1, 2009 Council Meeting)*  
Pages 4-16
3. Correspondence from Gisele McLarty dated August 12, 2009 re: Mersea Road E Issue to Public for August 31, 2009  
Page 17
4. Correspondence from Crystal Farms Ltd. Dated August 17, 2009 re: Petition Regarding Proposed Changes to Mersea Road E and Mersea Road 19  
Page 18

/jb



## NOTICE OF PUBLIC MEETING

TAKE NOTICE that the Council of the Corporation of the Municipality of Leamington will hold a Public Meeting concerning proposed amendments to its Traffic By-laws on:

**Date of Meeting:** Monday, August 31<sup>st</sup>, 2009

**Time:** 7:00 p.m.

**Location:** Leamington Council Chambers  
38 Erie Street North, Leamington

The Municipality has received complaints of possible property damage and nuisances such as vibrations, dust and noise caused by heavy traffic in the area of Mersea Road E.

To help address these issues, the Municipal Council will consider the following proposals:

- (1) reduce the speed limit on Mersea Road E from 40 km/hr to 30 km/hr;
- (2) reduce speed limit on Mersea Road 19, between Mersea Road E and Mersea Road C, from 80 km/hr to 50 km/hr; and
- (3) designate Mersea Road 19 between Mersea Road E and Mersea Road D as one way traffic in a northerly direction.

**\*Please see sketch on reverse side of this Notice\***

Any person may attend the Public Meeting and/or make written or verbal representation either in support or in opposition to the proposal. If you have a written submission for Council, please deliver to the Clerk's Office at 38 Erie Street North prior to the meeting or by FAX (519) 326-2481 or by Email to [ksiddall@leamington.ca](mailto:ksiddall@leamington.ca) no later than August 26<sup>th</sup>, 2009.

Brian R. Sweet  
Director of Corporate Services  
The Corporation of the Municipality of Leamington  
38 Erie Street North  
Phone: (519) 326-5761  
Email: [clerks@leamington.ca](mailto:clerks@leamington.ca)



MERSEA RD B

KILDEER RD

MERSEA RD C

MERSEA RD 19

MERSEA RD D

COUNTY RD 33

MERSEA RD E

Lake Erie

Point Pelee National Park



## REPORT

TO: MAYOR AND MEMBERS OF COUNCIL  
FROM: BRIAN SWEET, DIRECTOR OF CORPORATE SERVICES  
DATE: MAY 22, 2009  
RE: HEAVY TRAFFIC BY-LAW

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### AIM:

To report upon the status of a proposed "No Heavy Trucks" by-law for the municipality.

### BACKGROUND:

Presently, there are three "Heavy Traffic" by-laws regulating traffic in the municipality.

The former Town of Leamington has a comprehensive traffic by-law which includes prohibiting heavy traffic on certain urban streets.

The former Township of Mersea has two separate by-laws that address the issue of heavy traffic on certain roads.

The municipality's engineering department is presently compiling information so that a new comprehensive by-law for the entire municipality can be considered by council. However, the municipality received complaints from residents on Mersea Road E about heavy trucks using that road. To attempt to assist in addressing these complaints, a proposed revised "No Heavy Trucks" by-law is being presented prior to the presentation of the comprehensive traffic by-law. It is intended that the provisions of this proposed by-law will be incorporated into the comprehensive traffic by-law when it is considered by council.

### PROPOSED BY-LAW:

For the most part, the roads upon which heavy trucks are prohibited are the same as the roads previously designated under existing town and township by-laws. The prescribed signs prohibiting heavy trucks are already posted and in place.

Although heavy trucks are prohibited on the designated streets, the proposed by-law provides for three exceptions to this rule:

1. The by-law does not prevent ambulances, buses, fire apparatus, or any vehicle owned or operated by a municipality, the Ministry of Transportation or any utility from using the road.
2. Any vehicle actually engaged in making delivery to or collection from premises which cannot be reached except by way of a portion of a highway designated for heavy traffic, provided that in making such delivery or collection the said highway is travelled upon only so far as is necessary for getting to and from such premises.

3. A heavy truck can be driven to the permanent residence of the driver or owner of the vehicle provided the permanent residence is in an agricultural zone the highway is travelled upon only so far as is necessary for getting to and from such premises.

### PART 1 - TICKETABLE OFFENCES:

It is recommended that council authorize violations of the by-law to be prosecuted as ticketable offences pursuant to Part 1 of the Provincial Offences Act. If council agrees, it is necessary for council to approve the Short Form Wording and proposed set fines attached as Schedule B to this report. The fines must be approved by the office of the Chief Judge of Ontario prior to coming into effect.

### OTHER POSSIBLE ACTIONS:

Other actions have also been reviewed with Engineering Services and other possible steps that could be taken to help alleviate the concerns about heavy traffic on Road E are;

1. One Way Traffic

During a previous council meeting when some Road E residents were in attendance, a discussion occurred over designating a portion of Mersea Road 19 as one-way, allowing traffic to travel only in a northerly direction. This may help prevent heavy trucks from accessing Mersea Road E from Mersea Road 19.

On the aerial map attached, the portion of Mersea Road 19 between Mersea Road E and Mersea Road D, marked in blue, illustrates a possible one-way traffic designation.



## 2. Speed Limit Reduction

Presently the speed limit on Concession Road E is forty kilometres an hour. This could be reduced to thirty kilometres an hour.

Also, Mersea Road 19 is a gravel road from Mersea Road C southerly to Mersea Road E. The speed limit could be reduced on this portion of road from eighty kilometres an hour to fifty kilometres an hour.

If council decides to consider any of these proposals to create one way traffic or to reduce speed limits, then it is suggested that comments be requested from the area residents prior to implementing the change.

### **RECOMMENDATION:**

That administration forward to council for consideration a proposed by-law to regulate heavy traffic on highways as described in Report CL/08/09;

And that the short form wording and set fines attached as Schedule "B" of Report CL/08/09 be approved.


Respectfully submitted,

Brian Sweet  
Director of Corporate Services

Attach.

BRS/jb

William J. Marck,  
Chief Administrative  
Officer and  
Management



Digitally signed by William J. Marck, Chief Administrative Officer and Management  
Date: 2009.05.28 15:46:46 -04'00'

**THE CORPORATION OF THE MUNICIPALITY OF LEAMINGTON****BY-LAW 910-09**

Being a by-law to regulate heavy  
traffic on Highways

WHEREAS, the Municipal Act, 2001 provides in Section 11 (3) The Corporation of the Municipality of Leamington may pass by-laws relating to highways including parking and traffic on highways;

**NOW THEREFORE BY ITS COUNCIL THE MUNICIPALITY OF LEAMINGTON HEREBY ENACTS AS FOLLOWS:**

1. In this by-law,
  - (a) "designated highway" means any highway described in column 1 of Schedule A of this by-law between the limits established in Column 2 and Column 3 of the said schedule.
  - (b) "heavy truck" means any commercial motor vehicle having an unloaded vehicle weight in excess of four thousand, five hundred (4,500) kilograms (9,925 pounds) but does not include ambulances, buses, fire apparatus, or any vehicle owned or operated by the Municipality, the Ministry of Transportation (Ontario) or any utility.
  - (c) "permanent residence" shall mean:
    - i) for a driver of a heavy truck, the address shown on the person's driver's licence issued by a government agency.
    - ii) for an owner of a heavy truck, the address as shown on the "Permit - Vehicle Portion" issued for a vehicle by the Minister of Transportation pursuant to the Highway Traffic Act, R.S.O. 1990, c. H. 8.
  - (d) "prescribed sign" means a No Heavy Trucks sign as prescribed by the Highway Traffic Act and regulations thereto.
  - (e) "unloaded vehicle weight" means the vehicle weight as shown on the "Permit - Vehicle Portion" issued for a vehicle by the Minister of Transportation pursuant to the Highway Traffic Act, R.S.O. 1990, c. H. 8.
2. When a prescribed sign is displayed, no person shall at any time move, drive or operate a heavy truck on a designated highway.

**By-law 910-09 - Regulate Heavy Traffic on Highways****Page 2**

3. (1) Section 2 shall not apply to any heavy truck actually engaged in making delivery to or collection from premises which cannot be reached except by way of a portion of a designated highway, provided that, in making such delivery or collection, the said highway or portion of highway is travelled only insofar as is unavoidable in getting to and from such premises.
- (2) Section 2 shall not apply to any person who is moving, driving or operating a heavy truck on a designated highway if the person is driving directly to or from the permanent residence of the owner or driver of the heavy truck provided:
  - a) that the permanent residence is located in an agricultural zone as designated in the municipality's Comprehensive Zoning By-law, as amended from time to time, and
  - b) that the designated highway is travelled only insofar as is unavoidable in getting to and from such premises.
4. Every person who contravenes any provision of this by-law is guilty of an offence and liable, upon conviction, to a fine as established pursuant to the Provincial Offences Act, R.S.O. 1190 Chapter P.33.
5. Where a Court of competent jurisdiction declares any section or part of a section of this by-law invalid, the remainder of the by-law shall continue in force unless the Court makes an Order to the contrary.
6. Subsection 6(n) of by-law 4284-95 of the former Town of Leamington and By-law Number 4559-88 and By-law Number 3225 of the former Township of Mersea are hereby repealed.

**READ A FIRST, SECOND AND THIRD TIME AND FINALLY ENACTED THIS DAY  
OF JUNE, 2009.**

\_\_\_\_\_  
JOHN ADAMS, Mayor

\_\_\_\_\_  
BRIAN R. SWEET, Clerk

**By-law 910-09 - Regulate Heavy Traffic on Highways****Page 3**

## Schedule "A"

<b><u>Column 1</u></b>	<b><u>Column 2</u></b>	<b><u>Column 3</u></b>
Albert Street	John Street	North limit
Alderton Street	Sherman Street	Bennie Avenue
Armstrong Drive	Talbot Street West	Oak Street West
Askew Street	Erie Street South	Fox Street
Audrey Street	Sherk Street	West limit
Baird Avenue	Clark Street West	John Street
Bayview Pl.	Conover	Park Street
Bennie Avenue	Oak Street East	Peter Avenue
Bowman Avenue	Marlborough East	Orange Street
Briarwood Avenue	Oak Street East	Marlborough Street East
Brown Street	Armstrong Drive	Noble Avenue
Bruce Avenue	Robson Road	Cherry Lane
Bryon Street	Warren Avenue	Danforth Avenue
Cambridge Crescent South	Camelot Avenue	West limit
Camelot Avenue	Oak Street East	Marlborough Street East
Cameo Crescent	Johnson Avenue	Kimball Avenue
Carolina Woods	Danforth	Joanne Court (north intersection)
Cedar Drive	Talbot Street East	North limit
Cherokee Lane	Robson Road	East limit
Cherrywood Avenue	Orchard HtSouth	West limit
Cheyenne Court	Cherry Lane	East limit
Christina Crescent South	Bennie Street	West limit
Churchill Avenue	Talbot Street West	Oak Street West
Claire Street	Jane Street	East limit

**By-law 910-09 - Regulate Heavy Traffic on Highways****Page 4**

<u>Column 1</u>	<u>Column 2</u>	<u>Column 3</u>
Clarence Avenue	Sutton Drive	Bennie Avenue
Clark Street East	Erie Street North	Victoria North
Clark Street East	Victoria North	Whitney Avenue
Clark Street West	Erie Street North	Elliott Street
Conover Avenue	Erie Street South	Forest Avenue
Coronation Avenue	Erie Street South	Sherk Street
Countess Street	Erie Street South	McGaw Street
Crozier Crescent South	Alderton Street	North limit
Csorgo Drive	Wilkinson Drive	South limit
Danforth Avenue	Oak Street East	Seacliff East
Debergh Avenue	Whitwam Avenue	East limit
Deer Run Road	Mersea Road 2	Milo Road
Donald Avenue	Bruce Avenue	Robson Road
Eastern Avenue	Bennie Avenue	East limit
Eastgrove Crescent	Bennie Avenue	West limit
Elizabeth CreSouth	Lutsch Avenue	Mill Street East
Emerson Avenue	Bennie Avenue	Clarence Avenue
Erie Glen Crescent	Robson Road	North limit
Evans Avenue	Oak Street East	Bennie Avenue
Fader Avenue	Talbot Street West	Oak Street West
Fair Street	Wigle Street	Jones Avenue
Forest Avenue	Seacliff Drive West	Park Street
Foster Avenue	Erie Street South	East limit
Foundry Street	Victoria North	Cedar Drive
Fox Run Road	Essex County Road 37	Pulley Road
Franklin Road	Erie Street South	East limit

**By-law 910-09 - Regulate Heavy Traffic on Highways****Page 5**

<u>Column 1</u>	<u>Column 2</u>	<u>Column 3</u>
Fraser Road	Essex County Road 34	Essex County Road 20
Fuller Avenue	Talbot Street West	Pearl Street
Garrison Avenue	Oak Street East	Alderton Street
Georgia Avenue	Erie Street South	Chestnut Street
Gerrard Street	Talbot Street East	Wigle Street
Gerrard Street	Wigle Street	East limit
Gladstone Avenue	Sherk Street	Henry Avenue
Gold Coast Road	Erie Street South	West limit
Grace Avenue	West limit	East limit
Grovedale Lane	Eastgrove Crescent	Wakefield Avenue
Hayward Street	Danforth Avenue	Sutton Drive
Henry Avenue	Georgia Avenue	South limit
Hodgins Street	Smith Avenue	Wilkinson Drive
Howard Street	Victoria Avenue North	Whitney Avenue
Hutchins Court	Elliott Street	West limit
Hyatt Crescent	Lutsch Avenue	Marlborough Street East
Ivan Street	Victoria Avenue North	Street Joseph Street
James Street	Maxon Avenue	South limit
Jane Street	Margaret Street	Audrey Street
Jay Avenue	Bruce Avenue	Marlene CreSouth
Joanne Court	Carolina Woods Crescent	North limit
John Street	Elliott Street	Albert Street
Johnson Avenue	Talbot Street West	Cameo Drive
Jones Avenue	Talbot Street East	Fair Street

**By-law 910-09 - Regulate Heavy Traffic on Highways****Page 6**

<u>Column 1</u>	<u>Column 2</u>	<u>Column 3</u>
Kimball Avenue	Grace Avenue	Cameo Crescent
King Street	Whitwam Avenue	Bowman Avenue
LaMarsh Street	Fader Avenue	Westmoreland Avenue
Lewis Lane	John Street	Talbot Street West
Lithgow Avenue	Bennie Avenue	Alderton Street
Longfield	Oak Street East	Robinson Street
Lorne Avenue	Sherk Street	Henry Avenue
Lucy Crescent	Whitwam Avenue	East limit
Lutsch Avenue	Talbot Street East	Oak Street East
Malibu Drive	Robson Road	Cherokee Lane
Maple Street	Askew Street	South limit
Margaret Street	Sherk Street	West limit
Marlborough Street East	Erie Street South	Victoria Street South
Marlborough Street East	Victoria Street South	Wigle Street
Marlborough Street East	Wigle Street	Sturgeon Meadows
Marlborough Street West	Erie Street South	Fox Street
Marlene Crescent South	Donald Avenue	South limit
Martin Drive	Whitwam Avenue	Robinson Street
Maxon Avenue	Sherman Street	West limit
Maynard Street	Whitwam Avenue	Bowman Avenue
McGaw Street	Countess Street	South limit
Melrose Avenue	Sherk Street	Erie Street South
Mersea Road 10	Highway 77	Essex County Road 37
Mersea Road 11	Essex County Road 37	Kent Road 1
Mersea Road 12	Mersea Road 5	Essex County Road 33
Mersea Road 15	Mersea Road 2	Mersea Road 5

**By-law 910-09 - Regulate Heavy Traffic on Highways****Page 7****Column 1**

Mersea Road 2  
 Mersea Road 3  
 Mersea Road 4  
 Mersea Road 5  
 Mersea Road 6  
 Mersea Road 7  
 Mersea Road 7  
 Mersea Road 8  
 Mersea Road C  
 Mersea Road D  
 Mersea Road E

**Column 2**

Evans Avenue  
 Essex County Road 31  
 Highway 77  
 Essex County Road 31  
 Essex County Road 31  
 Essex County Road 31  
 Essex County Road 37  
 Essex County Road 31  
 Essex County Road 33  
 Essex County Road 33  
 Essex County Road 33

**Column 3**

Essex County Road 37  
 Hodgins Street  
 Mersea Road 12  
 Essex County Road 37  
 Essex County Road 37  
 Mersea Road 12  
 Kent Road 1  
 Kent Road 1  
 Mersea Road 19  
 Mersea Road 19  
 Mersea Road 19

Mill Street East  
 Montgomery Street

Wigle Street  
 Erie Street South

Worcester Avenue  
 Victoria Avenue South

Nancy Avenue  
 Navajo Court  
 Noble Avenue

West limit  
 Cherokee Lane  
 Talbot Street West

East limit  
 East limit  
 Oak Street West

Ontario Street  
 Orange Street  
 Orchard Heights South  
 Otton Lane

Oak Street East  
 Wigle Street  
 Ellison Avenue  
 Elliott Street

Robinson Street  
 East limit  
 North limit  
 West limit

Park Street  
 Parkdale Avenue  
 Pearl Street  
 Pickwick Drive  
 Pickwick Lane  
 Plumbrook Drive

Forest Avenue  
 Erie Street South  
 Johnson Avenue  
 Oak Street East  
 Pickwick Drive  
 Oak Street East

Erie Street South  
 West limit  
 East limit  
 Plumbrook Drive  
 Plumbrook Drive  
 Alderton Street

**By-law 910-09 - Regulate Heavy Traffic on Highways****Page 8**

<u>Column 1</u>	<u>Column 2</u>	<u>Column 3</u>
Poplar Street	Oak Street West	Askew Street
Princess Street	Oak Street East	Settlington Street
Pulford Avenue	Carolina Woods Crescent South	70m West of Theresa Trail
Pulford Street	Sherk Street	A point 245 feet (74.67 m) West of Erie Street
Queens Street	Clark Street West	John Street
Rickway Drive	Erie Street South	Franklin Road
Robert East Street	Countess Street	South limit
Robinson Street	Erie Street South	Victoria Street South
Robinson Street	Victoria Street South	Wigle Street
Robinson Street	Wigle Street	East limit
Robson Road	Cherry Lane	East limit
Rudgate Lane	Alderton Street	Sutton Drive
Russell Street	Talbot Street West	Chestnut Street
Satinwood Crescent	Sutton Drive	West limit
Selkirk Avenue	Baird Avenue	Queen Street
Settlington Street	Wigle Street	Whitwam Avenue
Shady Avenue	Georgia Avenue	Morgan Avenue
Shawnee Cr.	Cherry Lane	East limit
Sherman Street	Maxon Avenue	Alderton Street
Sherwood Avenue	Worcester Avenue	Sturgeon Meadows
Smith Avenue	Hodgins Street	Elliott Street
Southbridge	Plumbrook Drive	Alderton Street

**By-law 910-09 - Regulate Heavy Traffic on Highways****Page 9**

<b><u>Column 1</u></b>	<b><u>Column 2</u></b>	<b><u>Column 3</u></b>
Street Joseph Street	Foundry Street	Cedar Drive
Sturgeon Meadows	Briarwood	North limit
Sunset Court	Elliott Street	West limit
Sutton Drive	Alderton Street	South limit
Theresa Trail	Pulford Avenue	Carolina Woods
Wakefield Avenue	Sutton Drive	East limit
Wallace Street	Emerson Avenue	Clarence Avenue
Warren Avenue	North limit	South limit
Wellington Street	Nelson Street	Clark Street East
White Street	Oak Street West	Askew Street
Whitney Avenue	Howard Street	Ivan Street
Whitwam Avenue	Oak Street East	Orange Street
Wigle Street	Oak Street East	Maxon Avenue
William Avenue	Sherk Street	Henry Avenue
Windwood Drive	Southbridge Street	West limit
Worcester Avenue	Marlborough East	North limit

Schedule "B" to Report CL/08/09

Set Fine Schedule

## THE CORPORATION OF THE MUNICIPALITY OF LEAMINGTON

*Part 1 Provincial Offences Act***By-law 910-09 :** Being a by-law to regulate heavy traffic on highways.

ITEM	COLUMN 1 Short Form Wording	COLUMN 2 Provision Creating or Defining Offence	COLUMN 3 Set Fine
1	Operate a heavy truck where prohibited.	Section 2	\$300.00

Penalty Provision for the offences indicated above in Section 4 of By-law 910-09, a certified copy of which has been filed.

**Kim Siddall**

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**From:** McLarty, Gisele [mailto:gmclarty@windsorjordanly.com]  
**Sent:** Wednesday, August 12, 2009 9:48 AM  
**To:** Kim Siddall  
**Subject:** Mersea Road E issue to public for Aug 31,2009

Clerk's office:

In regards to the issue of a public meeting held to discuss the matter of damage and nuisances on Mersea Road E,

I am in support of item #1, reducing the speed on Mersea Road E from 40 to 30 km/hr. Since that road is in such disrepair, it is also a matter of safety for folks using that road.

I am in opposition for Item #2 and Item #3, as 50 km/hr is too slow for that road, and I see no advantages to making this change, to support the traffic on Road E. Forcing traffic to Point Pelee Drive for south bound travel, when it is already a narrow, heavily used road for the National Park is both adding more danger to the people utilizing that road, and congestion especially during the summer months, with summer activities occurring and many small children on that road with the cottages. It becomes a matter of safety as well. In the winter time, emergency response vehicles have one access into this whole area, via Point Pelee Drive, which can become snow covered and impassable with the drifting off the lake during periods of heavier snowfalls and winds. This occurred several times during the winter of 2008-2009. This is also a safety concern.

Thank you for your time on this matter.

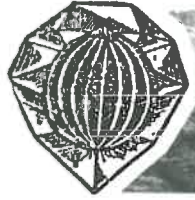
Gisele McLarty  
1104 Point Pelee Drive,  
Leamington, Ont.

# Crystal Farms Ltd.

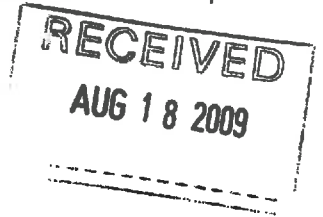
R.R. 1, Concession D  
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Attention: Brian R. Sweet  
Director of Corporate Service  
The Corporation of the Municipality of Leamington

August 17, 2009

This is a petition regarding the changes occurring on Mersea Rd. E and Mersea Rd. 19.

We feel that it is not necessary to change Mersea Rd. E into a one way street. By doing this it will effect the other roads in the area. Such as, Mersea Rd. D, it will have a lot more traffic and as stated by the town this road cannot handle a lot of traffic going down it. As well, by this change the people of the community will be very unhappy with the greater unnecessary distance they have to travel.

As well, Mersea Rd. 19 could not be a one way do for the same reasons as stated above. However, the speed limit could be changed from an 80 km/h into a lower speed limit. Vehicles fly down this dirt road and this is very dangerous. By people driving fast it is very dangerous for the Farmers that are exiting their field with a load of produce; this is an accident waiting to happen.

P.S

There are a lot of big weeds on t he town's property on Mersea Rd. 19, that need to be cut down. They are seven feet high or taller; this as well is a very big hazard. The people in the community cannot see around them to on coming traffic.

Thank you,  
John Tatomir Sr.

*Dear Brian*  
*Connie Zaccagnini*

*Crystal Farms Ltd*

*John Tatomir Sr* *Anna Perma*  
*Ken Pos*  
*James Anne Bartel* *Ken B Post*  
*John Tatomir* *Judy Allard* *Robert Desrosiers*  
*Tom Platko*  
*George Diebrecht* *Sylvia Plot*  
*Charles* *Melanie Ann Barbone*  
*Walter Wolf* *Paul Barber*