



The Corporation of the Town of Milton

Report To: Council

From: Doug Sampano, Commissioner, Community Services

Date: December 8, 2025

Report No: COMS-015-25

Subject: Updates to Uniform Traffic By-Law 1984-1 and Road Occupancy, Fouling and Entrance Permit By-law 035-2020

Recommendation: THAT COMS-015-25, Updates to Uniform Traffic By-Law 1984-1 and Road Occupancy, Fouling and Entrance Permit By-law 035-2020 be received for information

THAT By-Law 1984-1 (Uniform Traffic By-Law) be amended as outlined in this Report and Appendix I

AND THAT By-Law 035-2020 (Road Occupancy, Fouling and Entrance Permit By-Law) be amended as outlined in this Report and Appendix II

EXECUTIVE SUMMARY

Updates to the Town of Milton Uniform Traffic and Parking By-law (1984-1) and to the Town of Milton Road Occupancy, Fouling and Entrance Permit By-law (035-2020) are required to address the following:

- Clearly define defences to Section 15 of the general provisions of by-law 1984-1 on routes signed as “No Heavy Trucks”
- Add definitions and clarity in by-law 035-2020, to confirm the Town’s ability to restrict illegal accesses, and to recover costs for roadway repair due to illegal use of the roadway
- Improve overall clarity and enforceability

This report outlines the updated language and presents the updated by-laws for Council approval.

REPORT

Background

The Town of Milton Uniform Traffic and Parking By-law is routinely updated with minor amendments, including adding roads to Schedule 26, which staff have the authority to bring to Council without an associated report, the last amendment being in November 2025. However, due to the nature of this update, staff deemed it prudent to bring a report to explain the proposed changes.

Regarding, the Town of Milton Road Occupancy, Fouling and Entrance Permit By-law (035-2020), the by-law currently references the ability to recover costs for certain acts on the roadway, and to close entrances; however, clarity is needed to address the scope of cost recovery and the ability to restrict or close entrances that are being used for illegal land uses. It is Town staff's experience that use of entrances (which have often been illegally modified or built) for illegal land uses can lead to significant damage to roads, road safety issues and unplanned traffic.

Both updates are needed and will help to improve overall clarity of the by-laws and help keep the Town's roads safe.

Discussion

Updates to Uniform Traffic Control By-law 1984-1 ("UTC")

This by-law is routinely updated via by-law amendments to Council, without a report under delegated authority to staff. Given the nature of the proposed amendments included in Appendix I of this report, it was decided by staff, in consultation with legal counsel, to bring an associated report to Council.

Section 15 of the UTC provides for prohibiting heavy traffic on certain designated roads. While the provision contemplates exemptions to the prohibition may be listed in Schedule 26 of the by-law, historically no exemptions have ever been provided for. It is staff's understanding that Halton Regional Police Services (HRPS) has in lieu of an exemption used its discretion as to when to issue tickets. Nonetheless, there may be circumstances where a person with a legitimate reason to use a road listed in Schedule 26 received a ticket. For this reason, staff propose to add a defence to s.17 of the by-law for uses such as the delivering of goods to a dwelling, heavy traffic going to a legally permitted construction site, agricultural equipment and uses, etc.

Updates to Road Occupancy, Fouling, and Entrance Permit By-law 035-2020

The last update to by-law 035-2020 was completed in 2022.

Discussion

The current proposed updates to this by-law are summarized as follows, and the updated language is included in Appendix II of this report:

- Add definition for “Commercial Motor Vehicle”
- Add definition for “Gross Weight”
- Add definition for “Heavy Traffic” and “Heavy Vehicle”
- Add definition for “Land Use Laws”
- Add definition for “Traffic By-Law”
- Provide that entrances are not to be used for “Heavy Vehicles” if the entrance is on a road prohibiting “Heavy Traffic” under the Town’s “Traffic By-Law” unless exemptions are in place under the “Traffic By-Law”.
- Provide that entrances may not be used in connection with illegal land uses
- Add language clarifying the Town’s ability and methods to close or restrict an access to the Town’s road, if that entrance is in contravention of the by-law
- Add language clarifying its powers to address by-law contraventions and recover costs for same.

The amendments harmonise with the UTC’s heavy traffic prohibitions and more directly address the impacts on Town road allowances of illegal land uses and illegally built or altered entrances. When a property goes through the legal process for a change of use, the various development permissions involved (for example rezoning and site plan approval) create a process where the ability of Town roads to support the use are evaluated, any upgrades are identified and paid for by the developer. This does not happen for illegal uses, which can lead to deterioration of roads and unsafe traffic conditions. In addition, illegal land uses also often have entrances that are unsafe for the use they are being put to, or that have been illegally built or widened in a manner contrary to Town standards, creating traffic hazards. Town staff have had direct experience with these issues arising from illegal land uses.

The proposed amendments to the by-laws outlined in this report will support staff efforts to keep Town Roads safe and in good repair.

Appendix I – Amendments to 1984-1 Uniform Traffic Control By-Law

THE CORPORATION OF THE TOWN OF MILTON

BY-LAW NO. XXX-2025

BEING A BY-LAW TO AMEND BY-LAW NO. 1984-1, AS AMENDED, BEING A BY-LAW TO REGULATE TRAFFIC AND PARKING ON HIGHWAYS UNDER THE JURISDICTION OF THE TOWN OF MILTON

WHEREAS the Council of the Corporation of the Town of Milton deems it expedient to amend By-law No. 1984-1, as amended, being a By-law to regulate traffic and parking on highways under the jurisdiction of the Town of Milton;

NOW THEREFORE the Council of the Corporation of the Town of Milton hereby enacts as follows:

1. **THAT** Section 15 – HEAVY TRAFFIC to By-law No. 1984-1 is repealed in its entirety and replaced with the following:

SECTION 15 - HEAVY TRAFFIC

1. Prohibition

Where authorized signs prohibiting heavy traffic are on display, no person shall park or drive any heavy traffic upon any highway or part thereof described in Column 1 of Schedule '26' to this by-law, from the location identified in Column 2 to the location identified in Column 3 during the time(s) set out in Column 4 of said schedule.

2. Exemption

Subsection 15(1) above does not apply to:

- a) *authorized emergency vehicles, road service vehicles, a vehicle operated by a local board, Board of Education, hydro-electric commission, public or private utility, telephone company.*

2. **THAT** Subsection 17 (2) – Minimum and Maximum Penalties to By-law No. 1984-1 is amended by adding 17(2)(c), as follows:

c) In respect of a charge violation of subsection 15(1) of this by-law a person may not be found guilty of an offence where the person establishes that the person was:

- i. *undertaking a local delivery to a dwelling, as defined in the applicable municipal zoning by-law;*
- ii. *driving an agricultural vehicle or heavy traffic carrying agricultural equipment or supplies to or from a property under active agricultural use;*

- iii. *driving a construction vehicle or heavy traffic delivering construction vehicles, equipment and supplies or from a property under construction or site alteration that has received all applicable Town approvals to undertake construction or site alteration; or*
- iv. *entering or leaving a property with legally permitted commercial or industrial uses that are under the applicable Town zoning by-laws, or where applicable, under the development control provisions of the Niagara Escarpment Planning and Development Act, R.S.O. 1990, c. N.2,*

- 3. **AND THAT** this By-law shall come into full force and effect when the appropriate signs have been erected and are on display.
- 4. **AND FURTHER THAT** all other provisions of By-law No. 1984-1, as amended, remain in full force and effect.

PASSED IN OPEN COUNCIL ON DATE.

_____ Mayor
Gordon A. Krantz

_____ Town Clerk
Meaghen Reid

Appendix II – Amendments to 035-2020 Road Occupancy, Fouling and Entrance

Permit B-Law

THE CORPORATION OF THE TOWN OF MILTON

BY-LAW NO. xxx-2025

BEING A BY-LAW TO AMEND BY-LAW NO. 035-2020, AS AMENDED, BEING A BY-LAW TO REGULATE THE CONSTRUCTION, INSTALLATION, WIDENING, ALTERING OF ENTRANCES TO AND THE OCCUPATION OR FOULING OF ROAD ALLOWANCES UNDER THE JURISDICTION OF THE TOWN

WHEREAS the Council of the Corporation of the Town of Milton deems it expedient to amend By-law No. 035-2020, as amended, being a By-law to regulate the construction, installation, widening, altering of entrances to and the occupation or fouling of road allowances under the jurisdiction of the Town of Milton;

AND WHEREAS Council deems it desirable to amend By-Law 035-2020, as amended;

NOW THEREFORE the Council of the Corporation of the Town of Milton hereby enacts as follows:

1. **THAT** Part I – Definitions of By-law 035-2020 as amended, section 1 is amended by adding the following definitions, and that all definitions be renumbered accordingly:
 - (3) Commercial Motor Vehicle” means a motor vehicle having permanently attached thereto a truck or delivery body operating with a valid commercial license plate and includes ambulances, hearses, casket wagons, fire apparatus, buses and tractors used for hauling purposes;
 - (11) “Gross Weight” means the combined weight of vehicle and load.
 - (12) “Heavy Traffic” or “Heavy Vehicle” means any Commercial Motor Vehicle having a registered Gross Weight or actual Gross Weight in excess of four thousand, five hundred (4,500) kilograms, but does not include ambulances, buses owned and operated by Milton Transit, police services vehicles, fire apparatus, or vehicles owned by or operated for the Corporation of the Town of Milton, Regional Municipality of Halton, the Ministry of Transportation (Ontario), or any utility vehicle;
 - (31) “Traffic By-Law” means the applicable in force Town traffic by-law, as amended;

(33) “Land Use Law” means the applicable in force Town zoning by-law or in areas under development control where no zoning by-laws apply, *Niagara Escarpment Planning and Development Act*, R.S.O. 1990, c. N.2

2. **THAT** Part I – Definitions of By-Law 035-2020 as amended, Section 1 is amended by repealing the definition of “Town Standards” and replacing it with the following:

(29) “Town Standards” means those standards, requirements and specifications set out in the Town’s Engineering and Parks Standards Manual and Right of Way Construction Standards Manual as may be amended from time to time and all other applicable policies and by-laws of the Town as may be amended from time to time, including without limitation, applicable Land Use Laws;

3. **THAT** Part II – Prohibitions of By-Law 035-2020 as amended, is amended by adding the following sections, and that all other sections in By-Law 035-2020 as amended be renumbered accordingly:

8. No Person may use an Entrance for the ingress or egress of a Heavy Vehicle on a Road Allowance where Heavy Traffic is not permitted under the Town Traffic By-law, except in accordance with an exemption or defence set out in the Town Traffic By-Law.

9. No Person may use an Entrance in connection with a Land Use not permitted under an applicable Land Use Law.

4. **THAT** Part VIII - Orders and Powers of By-Law No. 035-2020 as amended section 30 be repealed and replaced with the following:

32. Where the Town has reason to believe that any Person is or will be in contravention of this By-law, or any term or condition of a Permit, the Town may issue a Stop Order directing the activities cease immediately upon service of the Order on the Person or Persons listed in the Order.

5. **THAT** Part VIII - Orders and Powers of By-Law No. 035-2020 as amended section 35 be repealed and replaced with the following:

37. The Town may at any time without issuing an Order, and without notice or compensation to any Person:

(a) remove, repair or alter any Entrance or Road Occupancy for which a

Permit has not been issued;

- (b) remove, repair, alter or take any other corrective action or work with respect to any contravention of this By-Law or an Order or Permit issued under this By-law;
- (c) close or restrict access to an Entrance, being used in contravention of sections 8 or 9 of this By-Law, by such means as the Town deems appropriate, including without restriction, the installation of signs, gates, barriers, electronic monitoring devices and the use of paid duty officers or security services;
- (d) undertake any other work within the Road Allowance for any reason the Town deems appropriate.

6. **THAT** Part VIII - Orders and Powers of By-Law No. 035-2020 as amended section 36 be repealed and replaced with the following:

38. Where the Town undertakes any removal, repair, alteration, corrective action or work pursuant to Section 36 and 37 (a), (b), (c) or (d):

(a) anything removed may be destroyed or disposed of without notice or compensation to any Person; and

(b) any Person the Town reasonably determines is in contravention of this By-law or any term or condition of a Permit, including without restriction a Permit Holder or Owner, shall be jointly and severally responsible for all costs of the Town incurred in the exercise of the powers thereunder, including administrative costs and interest. Such costs, as determined by the Director, shall constitute a charge under the Municipal Act, 2001, S.O. 2001, c. 25 as amended, and may be added to the tax roll of Property held by the Permit Holder, Owner or other Person in the manner provided for therein.

7. **THAT** Part VIII - Orders and Powers of By-Law No. 035-2020 as amended be amended by adding the following section:

39. The owner, operator or mover of a heavy vehicle, load, object or structure in respect of which a permit is granted under this section is nevertheless responsible for all damages that may be caused to the highway by reason of the driving, operating or moving of any such heavy vehicle, load, object or structure.

8. **THAT** all other provisions of By-law No. 035-2020, as amended, remain in full force and effect.

9. **AND THAT** this By-law shall come into force and effect and take on the date of its passing.

PASSED IN OPEN COUNCIL ON DECEMBER 8, 2025.

_____ Mayor

Gordon A. Krantz

_____ Town Clerk

Meaghen Reid