

Town of Treherne

TRAFFIC BY-LAW NO. 915/2014

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Town of Treherne

TRAFFIC BY-LAW NO. 915/2014

BEING A BY-LAW of Town of Treherne, in Manitoba, for the regulation of traffic and parking and the use of Streets and Sidewalks in the Town.

WHEREAS the Town of Treherne is empowered under Part 7 of The Municipal Act S.M. 1996 c.58; Parts III, IV and VI of The Highway Traffic Act RSM 1985/86 c.H60; and the Dangerous Goods Handling and Transportation Act RSM 1987 c.D12 to regulate traffic and parking and the use of Streets and Sidewalks by by-law and to impose penalties for the violation of such by-law;

AND WHEREAS it is deemed expedient and in the public interest to regulate traffic and parking and the use of Streets and Sidewalks in the Town of Treherne.

NOW THEREFORE THE COUNCIL OF THE TOWN OF TREHERNE IN OPEN SESSION ASSEMBLED, HEREBY ENACTS AS A BY-LAW AS FOLLOWS:

I INTERPRETATION, DEFINITIONS AND APPLICATION

1. INTERPRETATION

Pedestrians and all Persons driving, operating or using in any way a Vehicle on any Street, Public Walkway, Off Street Parking Area, other public property, or on Private Property (where and to the extent as authorized by this by-law), within the limits of the Town shall in all respects conform to the provisions of this by-law save and except where provisions of this by-law are inconsistent with provisions of relevant Provincial or Federal Statutes in which case the provisions of such statutes shall override the provisions of this by-law.

2. LIST OF SCHEDULES

Attached to and forming part of this by-law are the following schedules:

- Schedule "A" – Dangerous Goods Truck Routes
- Schedule "B" – Truck Routes
- Schedule "C" – No Parking Areas
- Schedule "D" – Request for Parade or Street Closure
- Schedule "E" – Speed Zones

3. AMENDMENT OF SCHEDULES

The Traffic Authority may from time to time, by resolution, amend each and every schedule attached to this By-Law.

4. CITATION

This by-law shall be known as "Town of Treherne Traffic By-Law".

5. DEFINITIONS

- a) Unless otherwise expressly provided or unless the context otherwise requires, words and expressions in this by-law have the same meaning as the same words and expressions in The Highway Traffic Act of the Province of Manitoba.

b) In this By-Law:

- 1) "Act" means The Highway Traffic Act of the Province of Manitoba and current amendments thereto unless otherwise indicated.
- 2) "Alley" means a Lane as defined hereinafter.
- 3) "Approach" means that portion of a Curb, Sidewalk or Boulevard improved or designed for the passage of vehicular traffic.
- 4) "Bicycle" means a device having any number of wheels upon which a person sits astride and which is propelled solely by human muscular power through use of pedals.
- 5) "Board" means The Highway Traffic Board as appointed by the Province of Manitoba pursuant to the Act.
- 6) "Boulevard" means that portion of a Street not meant for vehicular traffic between the Curb lines or the lateral lines of the Roadway and the adjoining property line, including the Sidewalk; and that portion of a Street between the Curb lines or lateral lines of the Roadways of a divided Street and includes Medians as hereinafter defined;
- 7) "Business" includes every trade, occupation, profession or venture conducted or carried on with a view to profit or gain.
- 8) "Cite" or "Cited" means the issuance of a Traffic Citation in relation to violation of parking offences.
- 9) "Chief Administrative Officer" means the Chief Administrative Officer for the Town as appointed by resolution and anyone acting or authorized to act on his/her behalf.
- 10) "Council" means the Council of the Town.
- 11) "Crosswalk" means that part of a Street in an Intersection or elsewhere distinctly indicated for Pedestrian crossing by Traffic Control Device or by lines or other markings on the surface thereof and shall include the area adjacent to an Intersection which is unmarked but has a Sidewalk on both sides of the Roadway.
- 12) "Curb" means a vertical or sloping Structure along the edge of a pavement or shoulder forming part of a gutter, strengthening or protecting the edge, and clearly defining the edge to Vehicle operators. The surface of the Curb facing the general direction of the pavement is called the "face".
- 13) "Curbside Parking" means to park in a parking lane.
- 14) "Dangerous Goods" means any product, substance or organism, including hazardous wastes, as referred to in The Dangerous Goods Handling and Transportation Act RSM 1987 C. D12 and the regulations thereto.
- 15) "Dangerous Goods Truck Routes" means Truck Routes designed for the purpose of transporting Dangerous Goods.
- 16) "Designated Highway", for the purpose of this by-law, means any Provincial Highway or portion thereof within the Town for which the Town is designated as the Traffic Authority but for which the Province provides maintenance, construction and Traffic Control Devices.
- 17) "Designated Officer" means a Designated Officer of the Town of Treherne.
- 18) "Detachment Commander" means the Detachment Commander for the RCMP for the Town and anyone acting or authorized to act on his/her behalf.

- 19) "Driver" means a Person who drives or is in actual physical control of a Vehicle and includes anybody corporate in respect of Vehicles driven by its Officers, employees, or agents in the course of their employment, and the expression "Driver" and "driving" have a corresponding meaning.
- 20) "Driveway" means the same as "Approach".
- 21) "Emergency Vehicle" means
- i) a vehicle used by the RCMP,
 - ii) a vehicle used by a fire department,
 - iii) a vehicle used by an ambulance service,
 - iv) an authorized emergency vehicle,
 - v) a vehicle used to respond to emergencies and operated under the authority of a government emergency organization,
 - vi) a vehicle used for the purpose of maintaining a public utility and designated as an emergency vehicle by the Traffic Authority, or
 - vii) a vehicle not ordinarily used for emergency purposes that is operated by a volunteer, part-time or on-call firefighter or emergency medical responder for the purpose of responding to a fire, medical or other emergency.
- 22) "Encroachment" means any projection of a fence, wall, or other fixture, whether authorized or not, onto an adjacent Street.
- 23) "Fire Chief" means the Fire Chief for the Town and any one acting or authorized to act on his/her behalf.
- 24) "Fire Department" means the Fire Department for the Town.
- 25) "Holiday" or "Public Holiday" means any Public Holiday proclaimed by Canada, the Province of Manitoba or the Town.
- 26) "Horse" includes mule, ox or other beast of burden.
- 27) "Intersection" means the area embraced within the straight production of the lateral boundary lines of two or more Streets that join one another at an angle, whether or not such Street crosses the other.
- 28) "Lane" means a Street which is not numbered, named or otherwise designated.
- 29) "Median" means that portion of a divided Street separating the travelled ways for traffic in opposite directions.
- 30) "Motor Vehicle" means a Vehicle not run upon rails that is designed to be self-propelled, including motorcycles, mopeds, snowmobiles and off-road Vehicles, but excluding farm tractors and self-propelled implements of husbandry.
- 31) "Motorized Mobility Aid" means a device which is specifically manufactured or modified for operation by a physically disabled Person and which has:
- i) a maximum speed capability of not more than 15 kilometres per hour;
 - ii) maximum width of not more than 81 centimetres, and
 - iii) a maximum mass of not more than 226 kilograms, and includes a motorized wheelchair.
- 32) "Parade" means any procession or body of Pedestrians, excepting members of Her Majesty's Armed Forces, standing, marching or walking anywhere on a Roadway, or any group of Vehicles, except a funeral or wedding procession or Vehicles of Her Majesty's Armed Forces, standing or moving anywhere on a Street and shall include all animal drawn Vehicles used for the conveyance of one or

more Persons.

- 33) "Park" means to Stand a Vehicle whether occupied or not, except when it is caused to Stand temporarily for the purpose of, and while actually engaged in, loading or unloading, or in obedience to an Officer or a Traffic Control Device, and "Parking" has a corresponding meaning.
- 34) "Parking Lane" means an auxiliary Traffic Lane primarily or exclusively for the parking of Vehicles and shall be part of a Roadway as defined hereinafter.
- 35) "Pedestrian" means a Person afoot, or a Person in a wheelchair or a child's carriage or physically disabled Person operating a motorized mobility-aid.
- 36) "Person" means any individual and includes corporation, firm, partnership and association or company and utilities.
- 37) "Physically Disabled Parking Authorization" means a decal, placard, or permit issued to a Person or organization by the Province of Manitoba or its delegate under Section 124.3 of the Act.
- 38) "Private Property" means any property other than a 'Street'.
- 39) "Provincial Highway", for the purpose of this by-law, means any provincial trunk highway or provincial road or portion thereof within the Town for which the Minister of Highways and Transportation of the Province of Manitoba is designated as the Traffic Authority, and for which the provisions of this by-law shall apply.
- 40) "Public Walkway" means a path or Lane intended for the use of Pedestrians only and located other than within a Street right-of-way.
- 41) "Public Works Foreman" means the Public Works Foreman of the Town and any one acting or authorized to act on his/her behalf.
- 42) "RCMP" means the Royal Canadian Mounted Police.
- 43) "Roadway" means the portion of a Street that is improved, designed or ordinarily used for vehicular traffic and includes that portion thereof that, but for the presence of a safety zone, would be ordinarily so used and may contain more than one Traffic Lane but does not include the shoulder; and where a Street includes two or more separate Roadways, the term "Roadway" refers to any one Roadway separately and not all of the Roadways collectively.
- 44) "RTAC Truck Route" means a Truck Route designated by the Province of Manitoba for use by RTAC Vehicles.
- 45) "RTAC Vehicle" means a Vehicle which conforms to the criteria set out in Manitoba Regulation 575/88 and which displays, in a conspicuous place on both sides of the semi-trailer or full Trailer near the front of the Vehicle, the symbol for an RTAC Vehicle, in the form of a decal, as supplied by the Minister.
- 46) "Sidewalk" means that portion of a Street between the Curb or the edge of a Roadway and the adjacent property line that is improved or any other portion of a Street improved and contained within a raised Curb intended for the use of Pedestrians.
- 47) "Sidewalk Crossing" means the same as "Approach".
- 48) "Sign" means any writing (including letter, word or numeral), pictorial representation (including illustration or decoration), emblem (including device, symbol or trademark), Banner, pennant or any other figure of similar character which:

- i) is a Structure or any part thereof, or is attached to, painted on or in any other manner represented on or in a building or other Structure; and
 - ii) is used to identify, direct attention to, or advertise;
- 49) "Stand", as applied to a Vehicle, whether occupied or not, means
- i) when required, to cause the Vehicle to remain motionless in one place, and
 - ii) when prohibited, to cause the Vehicle to remain motionless in one place,
- except when necessary to avoid conflict with other traffic or in compliance with the directions of an Officer or a Traffic Control Device, and "STANDING" has a corresponding meaning.
- 50) "Stop", as applied to a Vehicle whether occupied or not, means
- i) when required, to cause the Vehicle to cease to move, and
 - ii) when prohibited, to cause the Vehicle to cease to move,
- except when necessary to avoid conflict with other traffic or in compliance with the directions of an Officer or a Traffic Control Device, and "STOPPING" has a corresponding meaning.
- 51) "Street" means any public right-of-way, including a highway or a Provincial Highway, providing primary access to abutting property, used as a public thoroughfare for Vehicles and Pedestrians including Streets under construction or repair, and where the context so requires, includes the whole of the area between the boundaries of the Streets as recorded in the Land Titles Office and includes all Lanes and Alleys.
- 52) "Structure" means anything constructed or erected with a fixed location on or below the ground, or attached to something having a fixed location on the ground and, without affecting the generality of the above, shall include such things as buildings, walls, paved portions of Roadways and Sidewalks, Utility housing, buried wires and cables, Utility poles, Utility duct lines, sewers, watermain, and, as well, posts, fences, projecting signs, signs, billboards, poster panels, light standards, vending machines and similar items.
- 53) "TAC" means the Transportation Association of Canada which is an interprovincial traffic standardization committee.
- 54) "Town" means Town of Treherne or the area contained within the boundaries thereof.
- 55) "Traffic Authority" means the Council of the Town of Treherne.
- 56) "Traffic Citation" means a Summons and/or Information Offence Notice and is the form issued in relation to violation of parking offences.
- 57) "Traffic Control Device" means a sign, or device, not inconsistent with The Act, placed or erected by the Traffic Authority for the purpose of regulating, warning or guiding traffic.
- 58) "Traffic Control Signal" means a Traffic Control Device, whether manually, electrically, or mechanically operated, by which, when operating, traffic is directed to Stop and to proceed.
- 59) "Traffic Lane" means a strip of Roadway intended to accommodate a single line of moving Vehicles.
- 60) "Trailer" means a Vehicle designed for carrying chattels, and for being towed by a Motor Vehicle or other Vehicle.
- 61) "Truck", means a Motor Vehicle or semi-trailer Truck that is not a delivery car and that is constructed or adapted to carry goods, wares, and merchandise, freight or commodities, but not passengers or luggage.

- 62) "Truck Route" means the route of travel prescribed by Schedule "B" hereto for heavy Vehicle traffic and may include RTAC Truck Routes.
- 63) "Truck Tractor" means a Motor Vehicle designed and used primarily for towing other Vehicles, and not so constructed as to carry a load other than the Driver thereof and a part of the weight of any Vehicle so towed including the load thereon.
- 64) "UTCDFC" means Uniform Traffic Control Devices for Canada Manual.
- 65) "Utility" means any corporation, company, Town department, or other legal entity established for the purpose of and engaged in the supplying of a service to the community at large through the distribution or collection, water, wastewater, solid waste, refuse, and recycling services.
- 66) "Vehicle", including Motor Vehicle, means a device, in, upon, or by which a Person or thing is or may be transported or drawn upon a Street and includes
- i) an implement of husbandry that is not a Motor Vehicle,
 - ii) a Bicycle,
- but does not include
- iii) a device designed to be moved by human power other than a Bicycle or used exclusively upon stationary rails or tracks,
 - iv) a Motorized Mobility Aid.
- Reference to a Vehicle in provisions respecting the stopping, standing, or parking of Vehicles shall be deemed to include the whole Vehicle or any portion thereof.
- 67) "Walkway" means a public right-of-way to be used solely by Pedestrians and non-motorized Vehicles and does not include a Street or Lane.

6. APPLICATION

- a) This by-law shall apply to the entire Town.
- b) The UTCDFC is hereby adopted as the standard for all traffic controls within the Town.
- c) All existing Traffic Control Devices, whether set out in the Traffic Sign Directory or not, are hereby acknowledged and the locations of and information set out thereon are approved.

II TRAFFIC CONTROL AND TRAFFIC CONTROL DEVICES

7. TRAFFIC AUTHORITY

- a) Until this by-law is amended to state otherwise, the Town Council shall be the Traffic Authority for all Streets within the Town excepting Private Property and those portions of Provincial Trunk Highways and Provincial Roads outside the jurisdiction of the Town.
- b) The Traffic Authority shall exercise all the powers authorized by The Municipal Act, The Highway Traffic Act and The Dangerous Goods Handling and Transportation Act and all powers as designated in this by-law.
- c) The location of all Traffic Control Devices other than those Traffic Control Devices located on Provincial Highways and Designated Highways by the Province of Manitoba Department of Highways shall be approved by the Traffic Authority.
- d) Notwithstanding the approval of the location of existing Traffic Control Devices by the passage of this By-law, and subject to the authority of the Board, the Traffic Authority may, by resolution during a duly constituted meeting of Town Council, authorize any locational changes to any or all Traffic Control Devices within the control of the Traffic Authority as the Traffic Authority determines to be reasonable.

8. TEMPORARY TRAFFIC CONTROL DEVICES

- a) The Public Works Foreman shall place and maintain, or cause to be placed and maintained, temporary Traffic Control Devices for the purpose of prohibiting or regulating traffic where a Parade, Street construction, repair, painting, snow removal or emergency occurs.

III GENERAL USE PROVISIONS

9. HORSES AND DOMESTIC ANIMALS

- a) Any person who brings a horse or domestic animal onto any Street, Boulevard or Sidewalk shall be solely responsible to keep it under control and to avoid it causing injury to any person or property. Such person shall immediately clean up and remove any fecal or other waste material deposited by his/her animal.
- b) Any person who brings a horse or horses and sleigh or wagon onto any Street, Boulevard or Sidewalk shall be responsible to ensure adequate safety measures are taken, in accordance with provisions in The Highway Traffic Act”.

IV GENERAL STREET REGULATIONS

10. WORKING IN OR UPON ANY ROADWAY

- a) Subject to the provisions of subsection b) hereof, in the interest of public safety, any Person desiring to work in or upon any Roadway within the jurisdiction of the Town must provide 48 hours notice to the Public Works Foreman.
- b) **Permission**
 - 1) No work shall be commenced in or upon any Roadway without prior Permission of the Designated Officer.
 - 2) The Designated Officer shall have the authority to restrict the hours during which such work shall be conducted to, in his/her opinion, minimize the disruption of traffic.

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- c) Subsections a) and b) above shall not apply to the Department of Highways, its agents or employees.

11. DAMAGING STRUCTURES IN STREETS

- a) It shall be an offence for any Person to damage any Structure in, upon or under any Street.
- b) It shall be an offence for any Person, other than a duly authorized employee or agent of the owner of the Structure, to climb, break, cut, willfully destroy, tear down, paint or deface or interfere with any Utility housing, or any light, power, telegraph, telephone, fire alarm or signal pole or tower or any other pole, tower, wire or cable or any guy wire or other support or accessory thereto.

12. NUISANCE AND DANGEROUS CONDITIONS

- a) It shall be an offence for any Person to place any Structure, or other obstruction in or upon any Street and any Person who has placed any such building, Structure or obstruction in or upon any such land previous to the passing of this By-law shall remove such building, Structure or other obstruction after being given a reasonable time to do so by the Town, subject to existing or future Encroachment agreements as authorized by the Traffic Authority, and in the event that an emergency arises requiring such building, Structure or other obstruction to be moved forthwith the Public Works Foreman shall direct that such building, Structure or obstruction be removed and the cost of such removal shall become a charge against the owner thereof and may be assessed and collected by the Town in the same manner as ordinary municipal taxes. This restriction shall not apply to approved Traffic Control Devices or other approved Structures installed or erected in accordance with the provisions of this by-law or the Act.
- b) It shall be an offence for any Person to throw, pile, deposit, or leave any articles, merchandise, water or material of any kind in or upon any Street or Boulevard or to carry out or permit any action causing or resulting in the creation of a nuisance or dangerous condition in or on any Street or Boulevard, but this section shall not be construed to interfere with the reasonable use of a portion of a Street or Boulevard for a reasonable time during the taking in or delivery of goods, wares, or merchandise.
- c) It shall be an offence for any Person other than a Utility to place or leave on or across any part of a Street, an unattended electrical cord or cable that is intended to be used for transmitting electrical energy from Private Property to or across a Street unless the cord has been raised a minimum of 2.2 metres above the grade level, is clearly marked, and extends across only a Sidewalk and/or a Boulevard and the installation is temporary.

13. SPECIAL EVENTS

- a) The Traffic Authority may, at his/her discretion, authorize the temporary use of Streets and/or Sidewalks for special events such as Sidewalk sales, block parties and other like events.
- 1) Any Person desiring to hold such an event as referred to in subsection a) above, shall make application to the Traffic Authority for permission for a Special Event. Authorization for such event shall be subject to compliance with all conditions and regulations imposed for said Special Event.

14. REMEDIAL ACTION

The Designated Officer may abate, remedy, remove or repair any nuisance or dangerous condition in a Street or remove any unauthorized Structure, pole, post or material in a Street or erect and maintain any barricades or other protective device in a Street for the purpose of preventing a breach of this by-law or to prevent a hazardous condition in a Street resulting from an action contrary to this by-law or a failure to act in accordance with this by-law. The cost of any remedial actions undertaken in accordance with the above authority may be charged to the Person responsible for the contravention of this by-law and collected in the same manner as ordinary municipal taxes.

15. SNOW, ICE OR DIRT – BUSINESS PREMISES

Every occupant, and in case there is no occupant, the owner or Person having charge or care of every business premises (hereinafter in this clause called the premises) fronting or abutting on any Street or public place within the Town shall:

- a) before 8:30 am each day, following every fall of snow, hail or rain which shall have frozen on the Sidewalk, or after a fall of snow or ice off any building, cause the same to be removed entirely off the Sidewalk fronting or abutting the premises and in the event the ice or snow shall be so frozen that removal would damage the Sidewalks, every such Person shall strew the Sidewalk with salt, sand or other like substances.
- b) before 8:30 am each day, remove from the Sidewalk fronting or abutting the premises all dirt and other obstructions.
- c) The responsibility to keep the sidewalks clear is the responsibility of the fronting or abutting property owner. Town public works department will only assist with snow removal and salting of sidewalks when time permits.

16. SNOW OR ICE – ALL PROPERTIES

- a) It shall be an offence for any Person to remove from any Private Property, public property, Street, Boulevard or Sidewalk any snow or ice and deposit same on any Street, Boulevard, parking lot, public place, or Sidewalk in such a manner that could negatively impact drainage, or create a hazardous condition for either vehicular or Pedestrian traffic, or otherwise impede the snow removal efforts of the Town or Manitoba Infrastructure and Transportation.
- b) Subsection a) shall not apply to the Town, the Department of Highways, their agents or employees who are actively engaged in snow removal from Streets, Boulevards or Sidewalks in the course of their employment or fulfillment of contract.
- c) Any Person occupying a property where a building abuts the property line adjacent to a Street in such a manner that snow cannot be cleared onto the property may pile the snow at the Curb line of the Street or in an area approved by the Public Works Foreman in such a manner that both vehicular and Pedestrian traffic can pass only if a hazardous condition is not created when snow is piled in this manner.

V GENERAL TRAFFIC REGULATIONS

17. SPEED IN TOWN

It shall be an offence for any person in control of a vehicle to travel on any street at a greater speed than 50 kilometers per hour, unless the speed is indicated otherwise by an appropriate traffic control device. [*Speed Limit Zones other than 50km/hr are shown on Schedule "E"*]

18. AVOIDING CONFLICT WITH FIRE APPARATUS

- a) It shall be an offence for any Person, except by direction of the Fire Chief to drive or bring any Vehicle within 30 metres of any fire apparatus on route to or at the scene of a fire.
- b) The Fire Chief or Designated Officer may have any Vehicle which is lawfully parked in or upon any Roadway or Lane at the scene of any fires in the Town block in which such Roadway or Lane is situated towed to the nearest available parking area. The Person responsible for ordering the Vehicle to be towed shall immediately notify the Municipal Office of such action stating where the Vehicle was removed from,

where it was relocated to, the reason for such relocation, and a description of the Vehicle involved. The Municipal Office shall then take all reasonable steps to notify the owner or RCMP if the owner is not known, of such action and advise where the Vehicle was relocated to. Under such circumstances, the Town shall be responsible for all related towing charges. Vehicles which are unlawfully parked shall be removed at the owner's expense in accordance with Section 28 herein.

19. **PARADES**

- a) It shall be an offence for any Person to hold, take part in or be a member of a Parade unless:
 - 1) the Parade is under the direction or control of a Parade Marshall or Organizer, and
 - 2) such Parade Marshall or Organizer shall obtain written approval from the Chief Administrative Officer.
- b) A Person desiring to hold a Parade shall apply to the Chief Administrative Officer in writing for approval not less than forty-eight (48) hours before the time set for the commencement of the Parade, and shall, when making his/her request, supply all such information as the Chief Administrative Officer may require. The Parade Marshall or Organizer must forthwith provide the RCMP with a copy of all Parade route and name of Parade Marshall or Organizer.
- c) **Driving Through Parades**
Unless so directed by an Designated Officer, it shall be an offence for any Person, other than the operator of an Emergency Vehicle, to drive a Vehicle through a Parade.

20. **DRIVING THROUGH BARRICADED STREETS**

Unless otherwise directed by an Designated Officer or Traffic Control Device, it shall be an offence for any Person to drive a Vehicle, except Vehicles engaged in related construction, on any portion of a Street roped, barricaded or otherwise indicated by the proper authority as being closed to traffic temporarily or permanently.

21. **VEHICLES NOT TO DAMAGE ROADWAYS**

It shall be an offence for any Vehicle having corrugated or flanged metal wheels, or any device which is dragged or hauled without wheels, or any thing so constructed or loaded in such a manner as to damage the Roadway, to be driven or hauled along, upon or across any of the Roadways in the Town; provided that should it be unavoidable to operate over any of the Roadways, the owner or operator of the Vehicle shall first obtain Permission from the Public Works Foreman and shall be responsible for any damage done to the pavement or other surface of any Roadway. Such repairs may be carried out by the Town and the costs paid by the owner and/or operator of the Vehicle which damaged the Roadway.

22. **VEHICLES – NO LOUD SPEAKER**

It shall be an offence for any Person to use a loud speaker on or from any Vehicle on the Roadway unless authorized and directed by the Fire Chief or Designated Officer.

23. **TRANSPORTATION OF WASTES**

Solid wastes must be properly contained and secured to prevent loss of materials during transport. The transporter shall be responsible for the collection and disposal of any materials which have fallen from a transport vehicle. The transporter shall also be responsible for any damages caused by the loss of uncontained wastes while in transit.

VI STOPPING, STANDING AND PARKING

24. GENERAL STANDING AND PARKING PROHIBITIONS

- a) Except when authorized by the Traffic Authority, no Person shall obstruct or encumber any Street or Sidewalk by placing thereon any goods, wares or merchandise or other articles, outside of any shop, warehouse, or other building, which shall project over any portion of the Sidewalk or Street beyond the line, or front, of such Person's property, but the provisions of this clause shall not be construed to interfere with the use of the portion of such Street or Sidewalk for a reasonable time during the taking in or delivering of goods, wares or merchandise.
- b) No Person shall Park any Vehicle:
 - i) in a Lane, on a Sidewalk or on a Boulevard;
 - ii) on any Street for a period of time longer than seven (7) consecutive days;
 - iii) at the entrance to a Lane or to any Approach leading into public or private premises so as to obstruct the ingress or egress of Vehicles;
 - iv) within an Intersection, or within 3 meters of an Intersection;
 - v) within 3 metres of a fire hydrant or when the hydrant is not located at the Curb, within 3 metres of the point on the Curb nearest the hydrant;
 - vi) on a Crosswalk, or within 3 metres of the Approach side of a Crosswalk;
 - vii) on the Roadway side of a Vehicle Stopped or parked at the Curb of a Street;
 - viii) on a Roadway with the left side of the Vehicle to the Curb;
- c) Except on those Streets and during those times shown on signs indicating that restricted parking is permitted, no Person shall park a Vehicle on any Street or portion of Street described in Schedule "C" hereto.
- d) Except on those boulevards to allow for residential parking during the winter months, when approved by the Designated Officer.

25. PARKING OF LARGE TRUCKS, BUSES, TRAILERS AND RECREATIONAL VEHICLES

- a) Notwithstanding any other provision contained in this by-law:
 - 1) No Driver of a Vehicle with a Trailer or semi-trailer attached or detached shall park such a Vehicle on any street in the Town for more than 48 hours.
 - 2) No person shall park or leave any recreational trailer, including a motor home, a bus which has been converted into a motor home, a fifth wheel whether or not it is connected to a motor vehicle, or any other recreational vehicle, on any street for more than 48 hours.
- b) No Person shall park a Vehicle on a Street, without permission of the Traffic Authority, when such Vehicle displays and/or advertises goods for sale.

26. EXEMPTIONS TO PARKING PROVISIONS

The provisions of this by-law, relating to Stopping, Standing or Parking shall not apply to:

- a) Vehicles of the RCMP and/or the Fire Department while used in the course of duty;
- b) Vehicles of, or employed by, the Town while in use in connection with work of necessity being done on or near a Street requiring them to Stop, Stand, or be parked in contravention of any such provisions;
- c) Vehicles of, or employed by, the Government of Manitoba, the Government of Canada, or a public Utility,

if such Vehicles have the owner's name painted thereon, or can otherwise be identified as such, and are actually engaged in work of necessity on or near a Street requiring them to Stop or be parked in contravention of any such provisions;

- d) any other Vehicles identified by a valid Special Parking Permit issued by the Traffic Authority insofar as same is provided in accordance with the terms set out on the permit.

27. PARKING FOR DISABLED PERSONS

a) In this Section:

- 1) "Designated Parking Space" means a space designated by signs or pavement markings as being for the sole use of Vehicles displaying a Physically Disabled Person's Parking Permit and that is located:
 - i) on a Street, or
 - ii) in a public parking lot or facility.
 - 2) "Physically Disabled Person's Parking Permit" means a valid Physically Disabled Person's Parking Permit issued under Section 123.3 of The Act.
- b) No Person shall Stop, Stand or Park a Motor Vehicle in a Designated Parking Space, or in a manner that makes a designated parking space inaccessible, unless the Vehicle displays a Physically Disabled Person's Parking Permit in accordance with The Highway Traffic Act and the regulations under that Act.

28. REMOVAL, IMPOUNDING AND RETURN OF VEHICLES

a) **Removal of Vehicles Unlawfully Parked**

- 1) Any Vehicle may be towed from a Street when, in the opinion of a Designated Officer, the Vehicle:
 - i) is impeding traffic flow; or
 - ii) is restricting access to or from a Street; or
 - iii) is a hazard to other Vehicle operators; or
 - iv) is a hazard to Pedestrians; or
 - v) is a hazard to private or public property; or
 - vi) has been parked for longer than seven consecutive days in accordance with Section 24.b)ii).
 - vii) has been parked for longer than 48 consecutive hours in accordance with Section 25.
- 2) where the same Vehicle has been Cited previously for the same or similar offences so as to constitute, to the Designated Officer involved, a course of conduct contrary to the provisions of this or other by-laws, The Highway Traffic Act or The Municipal Act, or alternatively, such prior breach may be a continuing offence where the Vehicle has not been moved since being Cited previously.

b) **Reasons to Tow Vehicle**

Any Vehicle shall be towed from a Street or from an off-Street Parking area when it:

- i) occupies or partially occupies a Fire Lane or other emergency access lane; or
- ii) is parked within 3 meters (9.84 feet) of a fire hydrant; or
- iii) is double parked; or
- iv) is parked in an area designated "no Parking" or
- v) Is a currently unregistered vehicle; or
- vi) Is parked on a boulevard without proper authorization.

c) **Recovery of Impounded Vehicle**

- 1) Any Person requesting the release of such Vehicle shall:
 - i) sign a receipt for its return,

- ii) pay the cost of removal,
 - iii) pay any cost of storage accrued.
- 2) Until paid, these charges constitute a lien on the Vehicle which may be enforced in the same manner as a garage keeper's lien in accordance with the provisions of The Garage Keeper's Act.
- d) **Record of Impounded Vehicle**
It shall be the duty of the Designated Officer to report to the Municipal Office each Vehicle removed in accordance with this By-law. The Municipal Office shall record and report to the RCMP a description of the Vehicle, its license plate number, the date and time of its removal, where it was removed from, its location, the name and address of its owner and last operator, if known, its final disposition, and the parking violation involved.
- e) **Authority to Remove Vehicles**
This Section shall be supplemental to any other provision of law granting Designated Officers authority to remove Vehicles.

29. PARKING VIOLATIONS

- a) Vehicles parked in violation may, at the option of the property owner, be towed from the property and impounded.
- b) The towing of any Vehicle pursuant to this section shall be subject to provisions of Section 28.
- c) The RCMP shall be notified by the towing contractor of the removal of a Vehicle pursuant to this section and such notice shall include the following details; make, model, and license plate number of the Vehicle, date and time of its removal, where it was removed from, its final disposition and the parking violation involved.

30. OTHER REGULATIONS

a) Routes for Truck Travel

1) Use of Truck Routes

- i) All Trucks shall be operated only over and along the Streets or sections of Streets set forth as Truck Routes on Schedule "B" hereto or on such other routes as designated by the Traffic Authority.
 - ii) Notwithstanding paragraph i) above, Trucks with a gross Vehicle weight of less than 5,773 kilograms (12,727 lb.) may travel on all Streets within the Town.
 - iii) Notwithstanding paragraph i) above, any Truck may operate on any Street where necessary to the conduct of business at a destination point, provided that Truck Routes are used until reaching the Intersection nearest the destination point. Upon leaving the destination point, a Truck shall return by the shortest route to a Truck Route.
- 2) All routes identified or designated as Truck Routes pursuant to paragraph 1)i) above, shall be identified by the placement of Traffic Control Devices adjacent thereto.
 - 3) All Streets and/or sections of Streets designated as Truck Routes may be used as such for the full twenty-four hours of each day.
 - 4) Where, at any time, conditions arise whereby, in the opinion of the Public Works Foreman, the Street is or is likely to be damaged by the operation of any class of Vehicle, the Public Works Foreman may order an immediate discontinuance of the operation of any class of Vehicle or all Vehicles over that

Street or portion of Street until such time as the Public Works Foreman re-opens the Street or portion of Street.

- 5) The Traffic Authority may by resolution prohibit the operation of any Truck on any Street or Lane.

31. TRANSPORTATION OF DANGEROUS GOODS

It shall be an offence for any Truck or other Vehicle carrying Dangerous Goods, notwithstanding such Vehicles' gross vehicle weight, to travel over or along any Streets or sections of Streets within the City other than those designated as Dangerous Goods Truck Routes on Schedule "A" hereto.

VII PENALTIES

32. LIABILITY OF OWNERS TO CONVICTION

- a) Any Person who violates, contravenes, disobeys or refuses, omits, neglects, fails to observe, obey or comply with any or all provisions of this By-law is guilty of an offence and is liable on summary conviction to a fine not exceeding \$500.00 or to imprisonment for a term not exceeding 3 months, or to both such fine and such imprisonment.
- b) Pursuant to Section 249 of The Municipal Act where such contravention, refusal, neglect, omission, or failure to obey or observe continues for more than one day, the Person is guilty of a separate offence for each day that it continues.

VIII REPEAL

33. REPEAL OF BY-LAWS

- a) This By-Law repeals By-Laws No. 9/1949, 25/1949, 29/1950, 176/1964, 221/1967, 317/1973, 442/1978, 708/1990, and 757/1993.


34. COMING INTO FORCE

That this By-law shall come into full force and effect upon passing thereof.

DONE AND PASSED by the Council of the Town of Treherne duly assembled this 12 day of June, A.D. 2014.



Mayor – J. Knockaert



CAO J. Jenkinson

Read a first time this 8 day of May A.D. 2014

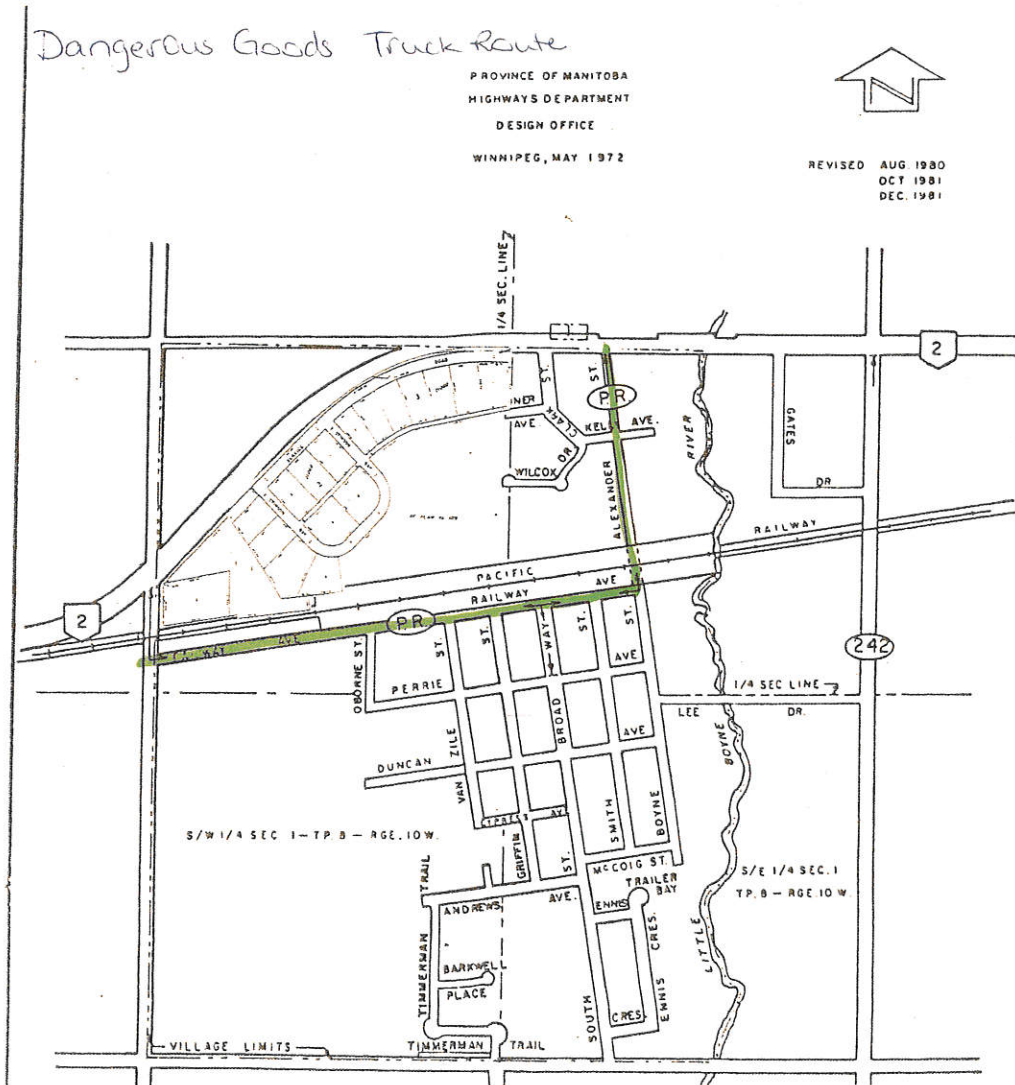
Read a second time this 12 day of June A.D. 2014

Read a third time this 12 day of June A.D. 2014

SCHEDULE "A"
to
By-Law No. 915/2014

DANGEROUS GOODS TRUCK ROUTES

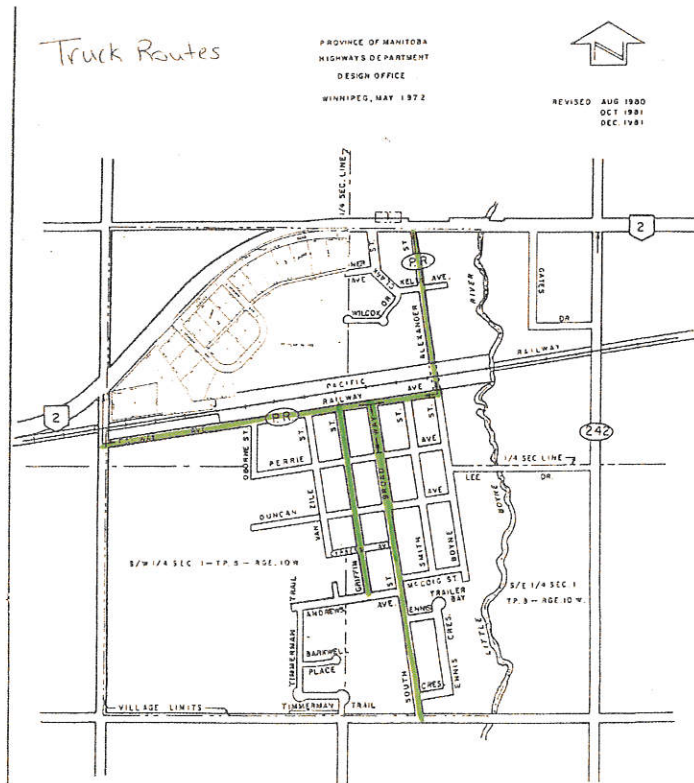
1. Alexander Street.
2. Railway Avenue.



SCHEDULE "B"
To
By-Law No. 915/2014

TRUCK ROUTES

1. Alexander Street.
2. Railway Avenue.
3. Broadway Street.
4. South Street.
5. Griffin Street (alternate for local truck traffic)



SCHEDULE "C"
to
By-Law No. 915/2014

A. NO PARKING AREAS

1. West side and South side of Timmerman Trail.
2. East side of Timmerman Trail from the South side of the driveway on Lot 27, Block 2, Plan 1447 to Andrews Avenue.
3. West side of Smith Street from Perrie Avenue South.
4. West side of Boyne Street from Perrie Avenue South.
5. No parking on Clark Street.



SCHEDULE "D"
to
By-Law No. 915/2014

Request for Parade or Street Closure

REQUEST FOR PARADE OR STREET CLOSURE	
PARADE:	STREET CLOSURE:
PROPOSED DATE:	START TIME:
	CONCLUSION TIME:
GROUP OR EVENT NAME:	
CONTACT PERSON:	
MAILING ADDRESS:	
TELEPHONE #:	
PROPOSED ROUTE OR AREA: (List streets affected or make a sketch of the route)	
APPLICANT'S SIGNATURE:	DATE:
APPROVED BY:	DATE:

Schedule "E"
to
By-Law No. 915/2014

Speed Zones
(all speed zones within Town Limits are 50 km/h unless otherwise posted)

Location	<u>Speed Limit</u>
1. School zone - South Street from Cypress Avenue to the southerly limits of Town.	40 km/h
2. School zone - All of Andrews Avenue .	40 km/h
3. All Lanes in the Cottonwood Campground (Cottonwood Park & Basswood Bay)	15 km/h
4. Road 42N from 54W to 600 Ft West from South entrance to Timmerman Trail	70 km/h