

VILLAGE OF EDENWOLD

A BYLAW TO REGULATE THE OPERATION AND PARKING OF VEHICLES AND THE USE OF THE HIGHWAYS

The Council of the Village of Edenwold in the Province of Saskatchewan, enacts as follows:

1. This bylaw may be referred to as the Traffic Bylaw.

2. **DEFINITIONS**

For the purpose of this bylaw, the following terms and words shall have the following meanings:

- (a) “angle parking” means the parking of vehicles with the right front wheel drawn up on the right-hand side of the highway, or at a distance of not more than thirty(30) centimeters from such curb, the vehicles to be placed at an angle of forty-five (45) degrees with the curb;
- (b) “administrator” means the Administrator of the municipality;
- (c) “all terrain vehicle” and/or “ATV” means all terrain vehicle as defined in The All Terrain Vehicles Act;
- (d) “council” means the council of the Village of Edenwold;
- (e) “curb” means the lateral boundaries of a roadway, whether or not marked by curbing;
- (f) “highway” means a road, parkway, driveway, square, or place designated and intended for or used by the general public for the passage of vehicles, but does not include any area, whether privately or publicly owned, that is primarily intended to be used for the parking of vehicles and the necessary passageways on that area and does not include a provincial highway within the municipality as designated pursuant to the provisions of The Highways and Transportation Act, 1997;
- (g) “justice” means a justice of the peace as per The Interpretation Act, 1995;
- (h) “lug vehicles” means any vehicle with a portable engine or tractor engine having metal spikes, lugs or cleats projecting from the face of the wheels or tires thereof, or having metal track tread;
- (i) “municipality” means the Village of Edenwold;
- (j) “parallel parking” means the parking of a vehicle with both right wheels thereof drawn up to the curb on the right-hand side of the highway, or a distance of not more than thirty (30) centimeters from such curb;
- (k) “parking” has the meaning ascribed thereto by The Traffic Safety Act;
- (l) “Place of Public Assembly” means schools, theatres, churches, rinks and halls;

- (m) “power turn” means to maneuver a vehicle in such a manner to cause part of the vehicle to depart from its ordinary line of progress by the sudden use of acceleration and/or braking;
- (n) “designated officer” means the Administrator, Royal Canadian Mounted Police, Sheriff or any other person appointed to enforce municipal bylaws;
- (o) “speed bump” means an uneven patch of the highway constructed of asphalt, concrete or other like material for the purpose of controlling speed;
- (p) “speed zone” means any portion of a highway within the Village of Edenwold, as designated herein, and identified by a sign erected and maintained at each end thereof, indicating the maximum speed applicable thereto;
- (q) “u-turn” means the turning of a vehicle so as to cause it to proceed in the opposite direction from which it was proceeding immediately prior to the commencement of such turn;
- (r) “vehicle” means a vehicle, trailer or semi-trailer or a motor vehicle as ascribed to by The Traffic Safety Act.

3. **SCOPE**

- (a) “Stop” Streets: Brewer Street - 364 Highway exit

3rd Avenue - Brewer Street (4 way) New

3rd Avenue. - Chamberlain Street (3 way)

Hinton Street - 364 Highway exit

1st Avenue - Hinton Street

2nd Avenue - Hinton Street

3rd Avenue - Hinton Street

Caye Street - 1st Avenue

Eden Street - 1st Avenue

Kull Street - 1st Avenue

Brewer Street - 1st Avenue

Chamberlain Street - 1st Avenue

Caye Street - 2nd Avenue

Tate Street - 1st Avenue

- (b) “Yield” Streets: Chamberlain Street - 2nd Avenue (2)

2nd Avenue - Brewer Street (2)

2nd Avenue - Tate Street(1)

Nicole Drive

(c) “No U-Turn” Intersections: see Section 4 (h)

(d) “Loading Zones” highway locations or specified areas within the village.

4. **INFRACTIONS**

(a) **“Stop”** Streets; the provisions of The Traffic Safety Act shall apply to all traffic approaching and facing a “stop” sign erected and maintained in accordance with the provisions of subsection 5(a).

(b) **“Yield”** Streets; the provisions of The Traffic Safety Act shall apply to all traffic approaching and facing a “yield” sign erected and maintained in accordance with the provisions of subsection 5(b).

(c) **“Miscellaneous”** signs;

- i. No person shall, except where authorized by resolution of Council, or when duly authorized by law, erect upon or immediately adjacent to any highway, any sign or device.
- ii. No person shall deface, damage, destroy or remove marker erected pursuant to this bylaw.

(d) **“Parking”**

- i. Except as otherwise provided herein, the parking of vehicles is permitted on all highways within the municipality.

ii.(a)

Subject to the provisions of sub-clause 4(f)(ii)(b),

No person shall park a vehicle in any lane, or in any street so as to obstruct the entrance to any lane or to a driveway or approach leading to private premises;

- (b) Notwithstanding the provisions of sub clause 4(e)(ii)(a), a vehicle may be parked in any lane for the purpose of taking on or discharging cargo, provided no such vehicle shall be parked for a period exceeding thirty (30) minutes at one time, unless written permission has first been obtained from the administrator or a special constable of the municipality for an extension of such time.

iii.(a)

Every person parking a vehicle upon a highway within the municipality where parking is permitted, shall parallel park the same.

- iv. No person shall park a vehicle in any “No Parking” area as designated at any time whether such areas are marked on the curb or otherwise by signs.

- v. No person shall park a vehicle within five (5) meters of any street intersection or fire hydrant.
- vi. No person shall park any vehicle in any private place or on any private property unless he is the owner, occupant, licensee or permittee of the parking place or private property, except with the consent of such owner, occupant, licensee or permittee.
- vii. No person shall park a vehicle on any highway at one place for any period of time exceeding twenty-four (24) consecutive hours.

viii.(a)

Subject to sub-clause 4(e)(viii)(b), no person shall park any vehicle designated for carrying or intended for the carrying of oil, gasoline or other flammable, combustible or explosive material, within 30 metres from the building in the municipality used or intended for use, in whole or in part, as a place of dwelling, a hotel or place of public assembly.

(b)

Nothing in sub-clause 4(e)(viii)(a) shall be deemed to restrict the parking of any such vehicle for such period of time as may be necessary to take on or discharge cargo.

(e) **Power Turns;** The operator of a vehicle shall not execute “power turns” on any highway or street within the Municipality.

(f) **Speed;**

- i. No person shall operate a vehicle in the municipality at a speed greater than **30 km** unless the zone is specifically marked otherwise (with exception to responding emergency vehicles).

(g) **U-Turns;**

- i. No person shall cause a vehicle to make a U-Turn between intersections, and at the intersection of a highway with a lane or an alley in the municipality.

(h) **Vehicles on Public Reserves, etc.**

- i. No person may operate or park a vehicle on any area designated on Appendix B.
- ii.

The provisions of Clause (j) (i) shall not apply to maintenance or vehicles using a designated parking area.

(i) **All Terrain Vehicles and Snowmobiles**

- i. The operation of All Terrain Vehicles (ATV's) and Snowmobiles is strictly prohibited on:
 - a) the untravelled portion of the whole or any part of a highway, other than a provincial highway, in the municipality;
 - b) any municipal land in the municipality, and
 - c) any Crown land in the municipality that is used or occupied otherwise than by the Crown;
- ii. The operation of ATV's and Snowmobiles shall be lawful between the hours of 7 a.m. and 10 p.m. on any roadway within the boundaries of the Village.
- iii. All drivers must obey the laws within the Village regarding speed and traffic signage.
- iv. Drivers ONLY USE THE PUBLIC STREETS as a method of quickest possible route when leaving or entering the Village.
- v. This portion of the traffic bylaw restricts the driver from using the streets within the Village as a means of reckless entertainment (defined as racing, stunting, or any other careless or damaging behaviour by nature).
- vi. The use of ATV's or Snowmobiles on private property other than the driver's own property, shall be strictly prohibited without permission of the property owner.

5. **SIGNS**

- (a) Council shall cause to be erected and maintained at all stop streets in Clause 3 (a), at a distance of approximately three (3) meters from point of intersection, an appropriate sign containing the word "Stop", so placed to face the traffic approaching the intersection.
- (b) Council shall cause to be erected and maintained at all yield streets listed in Clause 3 (a), at a distance of approximately three (3) meters from point of intersection, an appropriate "Yield" sign, so placed to face the traffic approaching the intersection.

6. **PENALTIES**

- (a) Signs:

Any person who contravenes any of the provisions of clauses 5(a) and 5(b) of this bylaw is guilty of an offence and liable on summary conviction.

- (b) Parking, U-Turns, Public Reserve, Loading Zones:

A person who contravenes any of the provisions of this bylaw or fails to comply therewith or with any notice or order given there-under shall be guilty of an offence and upon summary conviction, shall be liable to penalties as follows:

\$100.00 Clause 4(f)

\$100.00 Clause 4(i)

(c) Notice of Violation

i) A violator of any of the subsections of this bylaw, as set out in subsection 6(c) upon being served with a Notice of Violation, may during regular office hours, voluntarily pay the penalty at the municipal office within thirty (30) days and upon payment as so provided, that person shall not be liable to prosecution of the offence.

(d) All Terrain Vehicle Contravention

The penalty for the contravention of section 4 (i) shall be liable to the penalty imposed by section 32 of The All Terrain Vehicles Act.

(e) Speed, Failing to Stop, Failing to Yield etc.

The penalties for these and other traffic violations other than parking under The Traffic Safety Act, The Snowmobile Act and The School Operating Regulations shall be liable to the penalties imposed by The Summary Offences Procedure Act and/or any other applicable legislation.

(f) Every person who is guilty of an offence is liable on summary conviction to:

(i) in the case of an individual, a fine of not more than \$10,000, to imprisonment for not more than one year, or to both; and

(ii) in the case of a corporation, a fine of not more than \$25,000, to imprisonment of the directors of the corporation for not more than one year, or to both, and

(iii) in the case of a continuing offence, to a maximum daily fine of not more than \$2,500 per day.

(g) Every person who contravenes any provision of any bylaw of a municipality is guilty of an offence and liable on summary conviction:

(i) to the penalty specified in the bylaw or in another bylaw providing for a penalty with respect to the contravention of that bylaw; or

(ii) if no penalty is provided for by bylaw:

a. \$2,000 in the case of an individual; or

b. \$5,000 in the case of a corporation.

NOTICE RESPECTING VOLUNTARY PAYMENT WITHOUT COURT

Where the penalty for the above violation is \$150.00 or less, you may make voluntary payment of the above penalty at the municipal office of the Village of Edenwold during regular office

hours or by mail within thirty (30) days from the date of service of this Notice of Violation.

If you do not make a voluntary payment within the time set out above, you shall be liable to prosecution and, upon summary conviction, you shall be liable to the penalty provided under Section 6 of the said bylaw.

7. IMPOUNDING

- (a) In addition to and notwithstanding any provisions contained within Section 6 hereof, any person appointed as a designated officer pursuant to this bylaw;
 - i. may remove or cause to be removed any vehicle that:
 - 1. is unlawfully placed, left or kept on any street, public parking place, or other public place;
 - 2. is unlawfully parked pursuant to clause 4 (e) (vii) when requested by the owner, occupant, licensee or permit holder of the said land, or
 - 3. is found on a street, public parking place, other public place or municipality-owned property when:
 - a. the owner of the vehicle owes three or more outstanding fines to the municipality for parking offences;
 - b. the appeal period against the imposition and amount of the said fines has expired;
 - c. at least two notices that the fines are outstanding were sent to the owner at least one week apart; and
 - d. a justice, having been satisfied by evidence provided by way of oath, affidavit or statutory declaration of the existence of the facts mentioned above in clauses 7 (a)(i)(3) (a) to (c), has issued an order authorizing the removal and impoundment
 - ii. and seize, impound or store such vehicle.
- (b) The municipality may retain a vehicle which has been impounded or stored after it has been removed under subsection 7(a) until the amount of outstanding fines, if any, and the costs incurred in removing and impounding or storing the vehicle have been paid, and upon payment of said outstanding fines and costs the vehicle shall be released to the owner.
- (c) If the fines and costs described in subsection 7(b) have not been paid within a period of 30 days (longer if Council wishes), the municipality shall have the right to recover same from the owner of the vehicle by:
 - i. legal action in a court of competent jurisdiction;

- ii. sale through public auction; or
- iii. by private sale of the vehicle.

(d) Prior to the sale of a vehicle which has been impounded or stored under this section, the municipality shall provide notice designating the time and place of the sale at least 14 days prior to the sale by:

- i. publishing a notice in a newspaper circulating in the municipality;
- ii. sending a copy of said notice by regular mail to the owner at the address last appearing on the vehicle registration; and
- iii. by any other means which council may consider appropriate.

(e) The proceeds from such sale shall be applied firstly on the fines and costs described in subsection 7 (b) and the balance remaining, if any, shall be paid to the owner.

(f) If the proceeds from such sale are insufficient to satisfy the fines and costs described in subsection 7 (b), the amount of the shortfall shall be a debt due and owing from the owner and enforceable by the municipality in any manner allowed by law.

7. That **Bylaw No. 03-10**, Traffic Bylaw, **be repealed** on the day of coming into force.

8. **COMING INTO FORCE**

This bylaw shall come into force and effect on the day it is approved by the **Highway Traffic Board**

Mayor

Administrator

Read a Third Time and Adopted

This ____ day of _____, 2013.

Certified a true and exact copy,

Administrator/Clerk