

THE RURAL MUNICIPALITY OF EAST ST. PAUL

BY-LAW NO. 96-44

A By-Law of the Rural Municipality of East St. Paul Concerning the Regulations of Traffic.

WHEREAS Part Five, Division One, and its subsections, of The Municipal Act, L.R.M. 1988, M225, respecting transportation, provides the municipality certain authorities.

AND WEHREAS Section 90(1) of The Highway Traffic Act allows the municipality to make certain rules and by-laws as the traffic authority;

NOW THEREFORE BE IT RESOLVED THAT the Council of the Rural Municipality of East St. Paul, duly assembled in Council Chambers, enacts as a By-Law as follows:

1. This By-Law may be referred to as “The Rural Municipality of East St. Paul Traffic By-Law”.
2. 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. i. In this By-Law “Bus Stop” means any section of roadway adjacent to the curb reserved for the loading and unloading of buses and where parking and stopping by all other vehicles is prohibited.
 - ii. “Boulevard” means that portion of the street between curb line or the lateral line of the roadway and the adjoining property line exclusive of the sidewalk, and that portion of a street between the curb line or lateral lines of the roadways of a divided highway.
 - iii. “Chief Constable” means the Chief Constable of the Rural Municipality of East St. Paul or such person as may be authorized by the said Chief Constable to exercise some or all of the powers vested in him by this By-Law.
 - iv. “Curb” means the lateral line of a roadway.
 - v. “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 expressions “drive” and “driving” have a corresponding meaning.

vi. “Holiday” or “Public Holiday” includes New Year’s Day, Good Friday, Victoria Day, Remembrance Day, the day set aside to celebrate the Queen’s Birthday, Canada Day, Civic Holiday, Labour Day, Thanksgiving Day, Christmas Day and Boxing Day or any other day proclaimed as a holiday.

vii. “Parade” means any procession or body of pedestrians excepting members of Her Majesty’s Armed Force, numbering more than thirty (30) standing, marching, or walking anywhere on a street, or any group of vehicles except a funeral procession or vehicles of Her Majesty’s Armed Forces, numbering ten (10) or more stopped or moving anywhere on a street.

viii. “Street” means a highway over which the Rural Municipality of East St. Paul has jurisdiction.

3. CAUSING OR PERMITTING OFFENCE

Any person who contravenes, fails to comply with, or permits a contravention of failure to comply with any provision of this By-Law is guilty of an offence.

4. SOLICITING RIDES PROHIBITED FROM ROADWAY

No person shall occupy a roadway for the purpose of soliciting a ride from the driver of a vehicle.

5. COASTER, SKATEBOARDS, ETC., PROHIBITED ON ROADWAY

No person shall ride upon or use any coaster, skateboard, sleigh, skis, toy vehicles or similar device on a roadway.

6. ARREST OF A PEDESTRIAN

Where a Peace Officer has reasonable grounds for believing that a pedestrian has committed or is committing a breach of the provisions of this By-Law that relate to pedestrian traffic, he may require the pedestrian to stop there and then to state correctly his name and address and to prove his identity to the satisfaction of the Peace Officer.

7. If a pedestrian refuses or fails to stop and state correctly his name and address or so to prove his identity when so required, the Peace Officer may arrest him without warrant.

8. PARADES

No person shall hold, take part in, or be a member of a parade unless:

- a. The parade is under the direction or control of a marshal or organizer; and
 - b. The parade has been duly permitted by the Chief Constable.
9. A person desiring to hold a parade shall apply in writing to the Chief Constable for a permit therefore not less than forty eight hours before the time set for the commencement of the parade, and shall when making his request, specify the nature of the parade, the day and hour at which it is to be held, the places or formation and dispersal, the exact route to be followed, the estimated length of time for the parade to pass a given point and pay such sums of money as the Chief Constable shall require for the purpose of publishing due notice of the parade and such diversion of traffic as he shall deem necessary as a result thereof.
10. The Chief Constable may issue a permit for a parade subject to any directions he may impose as to time, marshalling and route to be followed and every such permit shall be issued subject to compliance with all by-laws of The Rural Municipality of East St. Paul. If there is any deviation from the terms under which the permit is issued or if any such directions be not complied with save as directed by the Chief Constable, the permit shall be void and of no effect.
11. MOVEMENT PROHIBITED THROUGH PARADES
- Unless so directed by a Peace Officer, no person other than a driver of an ambulance travelling in an emergency or a police department vehicle or a fire department vehicle shall drive through a parade.
12. While a parade is in motion, pedestrians shall not walk through or into a parade.
13. INSTALLATION AND MAINTENANCE OF TRAFFIC CONTROL DEVICES
- The Chief Constable or the authorized agent of said Chief or Council (hereinafter referred to as "The Traffic Authority") may place and maintain or cause to be placed and maintained all approved traffic control devices authorized by Council and may erect or place temporary traffic control devices.
14. TEMPORARY TRAFFIC CONTROL DEVICES
- The Traffic Authority shall place and maintain or cause to be placed and maintained approved temporary traffic control devices to prohibit or regulate traffic in an emergency or for the purposes of carrying out any authorized work on the street including street cleaning and snow removal operations or as authorized by the Chief Constable to insure orderly movement of traffic, to prevent injury or damage to persons or property, or to permit action in any emergency.

15. Any person undertaking authorized work of any form within a street or in any way interfering with or obstructing the normal use of a street shall place and maintain temporary traffic control devices as prescribed in The Highway Traffic Act or as directed by the Traffic Authority.

16. SPRING WEIGHT RESTRICTIONS

The Traffic Authority shall place and maintain or cause to be placed and maintained temporary traffic control devices to limit the weights of vehicles operated upon streets and roads that do not have concrete pavements, during periods of the year when damage to such streets and roads would otherwise reasonably be expected to occur.

17. COMPLIANCE WITH TEMPORARY TRAFFIC CONTROL DEVICES

No person shall drive a vehicle on any street or portion of street that is barricaded or otherwise indicated as being closed to vehicular traffic.

18. Unless otherwise directed by a Peace Officer, pedestrians and drivers shall obey the direction, instruction, limitation, restriction, or prohibition of any applicable traffic sign, traffic control signal, marking, barrier, or device placed or maintained by the Traffic Authority for the purpose of regulating or prohibiting traffic, for highway construction, repair, maintenance, painting or any emergency.

19. METHOD OF PARKING

No person shall stop or park a vehicle on any street other than parallel with the curb, headed in the direction of vehicular traffic movement on that side of the street, with the curb side wheels of the vehicle within 450 mm of that curb, and a clear space of at least one (1) meter remaining ahead of and behind the vehicle.

20. POLICE MARKING PARKED VEHICLES

A Peace Officer for the purpose of enforcing the provisions of this By-Law, or for any other by-law or regulation of The Rural Municipality of East St. Paul respecting the parking of vehicles, may place and mark upon a vehicle which is parked upon a street.

21. No person shall remove, alter, obliterate or deface a mark made or placed upon a vehicle by a Peace Officer as provided above until the vehicle has been moved through the nearest intersection.

22. TRAFFIC TICKET

The traffic ticket attached to this By-Law as Schedule "A" showing the rates and terms of payment be hereby ratified, approved and sanctioned.

23. REMOVAL OF TRAFFIC TICKET FROM VEHICLE

No person, other than a person having charge of a vehicle, shall removed from the vehicle a ticket or notice placed thereon by a Peace Officer to notify the owner or person in charge of the vehicle of an alleged contravention of a provision of this By-Law respecting the stopping or parking of vehicles.

24. STOPPING AND PARKING PROVISIONS NOT EXCLUSIVE

The provisions of this By-Law dealing with restrictions on stopping or parking shall not relieve any person from the duty to observe other and more restrictive provisions, prohibiting or limiting the stopping or parking of vehicles in specified places or at specified times.

25. COMPLIANCE WITH SIGNS REGULATING PARKING AND STOPPING

Council may, by resolution, regulate the parking and stopping on any street or part of a street in addition to the restrictions contained within Section 29 of this by-law and shall cause such restriction to be exhibited on traffic control devices at the appropriate location.

Where a traffic control device is placed or maintained.

- a. To prohibit the stopping or parking of vehicles at any time or during the hours stated on the sign on the street or any portion thereof; or
- b. To limit the time during which vehicles may be parked on the street or any portion thereof either during the whole of any day or during a part thereof,

No person shall stop or park a vehicle or cause or permit a vehicle to remain stationary on the street or portion thereof to which the device relates in contravention of the device or for a period longer than or otherwise than is authorized by the device.

26. PROHIBITIONS OF STOPPING OR PARKING

No person shall stop or park a vehicle on a street

- a. That is an alley;

- b. In a loading zone except temporarily, whether the vehicle is occupied or not, for the purpose of, and while actually engaged in, loading or unloading;
- c. As to obstruct the free flow of traffic.

27. BOULEVARDS

No person shall drive a vehicle onto or along a boulevard or park or stop a vehicle on a boulevard.

28. PARKING

No person shall park any vehicle on a street for a period of time longer than twenty-four hours. In addition to any penalty or fine levied as a result of any infraction under this By-Law, the Chief Constable may remove or cause to be removed any vehicle parked or operated in contravention of this By-Law, at the vehicle owner's expense.

29. TRUCK, TRUCK TRACTOR & TRAILER, MOTORHOME, BUS PARKING, LIMITED TO ONE HOUR

No person shall park a truck or truck tractor, and trailer, motor home, bus with more than four tires, for a period of time longer than one hour except for the purpose of and while actually engaged in loading or unloading, and except for the purpose of transporting a tradesman to and from premises in the immediate area being worked on by said tradesman. No person shall leave unattended or unattached, a trailer or any type upon highway.

30. PARKING ON ONE SIDE OF RESIDENTIAL STREETS

- a. Unless otherwise designated by traffic sign, no person shall park a vehicle upon the west side of a street extending in a north/south direction or on the south side of a street extending in an east/west direction, where there exists a single roadway of 12 meters in width or less excepting when otherwise required by other provisions in respect of particular streets or portions of streets.
- b. No person shall park a vehicle at any time upon the inner or shortest side of the roadway in a bay area where there exists a single roadway of 12 meters or less in width, excepting when otherwise required by other provisions in respect of particular streets or portions of streets.

31. PARKING EXEMPTIONS

The provision of this By-Law prohibiting or regulating stopping shall not apply to:

- a. Vehicles of the Police Department of The Rural Municipality of East St. Paul;

- b. Vehicles of or employed by The Rural Municipality of East St. Paul while in use in connection with work of necessity being done in or near a highway requiring them to stop or be parked in contravention of any such provisions; and
- c. Vehicles of the Government of Manitoba, the Government of Canada, or a public utility if such vehicles have the owner's name painted thereon and are actually engaged in work of necessity on or near a highway requiring them to stop or be parked in contravention of any such provisions.

32. REMOVAL OF VEHICLES TO ACCOMMODATE SNOW REMOVAL ON STREET MAINTENANCE

The Traffic Authority may remove or cause to be removed from a street, a vehicle that is stopped or parked in a position that causes it to interfere with removal of snow from the street or maintenance of the street.

33. ADVERTISING VEHICLES PROHIBITED FROM STOPPING

No person shall stop or park on a street an advertising vehicle, a vehicle displayed for sale, or a vehicle being used for the purpose of displaying goods, wares or merchandise, or a vehicle from which goods, wares or merchandise are being sold.

34. FUNERAL PROCESSIONS

The driver of every vehicle in a funeral procession indicated in a special manner, upon approaching a traffic control signal showing a red traffic control light, or a stop sign, shall cause the vehicle to slow down or stop as may be necessary for safety, but may then proceed cautiously past said traffic control signal or stop sign. The driver of each of the other vehicles in the procession shall have the right-of-way over all other vehicles upon the highway at the intersection or place where the signal or stop sign is situated.

35. TRAFFIC SIGNS AT A PRIVATE APPROACH

Where a traffic sign bearing words "Entrance Only", "Exit Only" or words to the same effect, or restricting or regulating the mode of entrance to or exit from a private approach, is erected at or near an approach, the driver of every vehicle shall obey the direction on any such traffic sign.

36. ROUTE OF TRUCK TRAVEL

All trucks and truck tractors within The Rural Municipality of East St. Paul shall be operated only over and along streets or sections of streets set fourth as full time Truck Routes (open Monday to Sunday, both inclusive, at all times) in Schedule "B", but any truck may operate upon any street where necessary to conduct the

business at a destination point, provided that Trucks Routes are used until reaching the intersection nearest to the destination point provided that Truck Routes are used until reaching the intersection nearest to the destination point. Upon leaving the destination point, a truck or truck tractor shall return by the shortest routing to a Truck Route.

37. Every person found guilty of breach of Section 35 shall be liable to a minimum fine of \$75.00 in addition to costs.
38. All streets and sections of streets set fourth as Truck Routes in Schedule 1 shall be further identified as Truck Routes by appropriate Truck Route signs except where Section 39 applies and shall remain open as Truck Routes, Monday to Sunday, both days inclusive, at all times.
39. Where "Route" signs of the type approved by The Highway Traffic and Motor Transport Board of the Province of Manitoba for use in and adjacent to The Rural Municipality of East St. Paul are installed and maintained on a street or section of street, the street or section of street shall be deemed to be a Truck Route within the terms of the By-Law.
40. Where Provincial Truck Highway signs or Provincial Road signs of the Province of Manitoba are installed and maintained on a street or section of street, the street or section of street shall be deemed to be a Truck Route within the terms of the By-Law
41. The Public Works Superintendent shall keep and maintain a current map setting out the streets and section of streets set forth as Truck Routes in Schedule 1 hereto, and shall make available to the public, copies of the map at no charge.
42. No person shall drive or move, or permit or cause to be driven or moved, a truck or truck tractor or combination of either one of them with a trailer or trailers on any street in The Rural Municipality of East St. Paul when the gross weight thereof is in excess of that set out in the provisions of The Highway Traffic Act and regulations applicable thereto.
43. The operator of a truck may go off the Truck Route to his residence or business, if the truck is unladen except for non-commercial goods or belongings or for the purpose of emergency repairs.
44. No person shall park any vehicle on a highway in front of the entrance to a place of worship, school, theatre, curling rink, skating rink, dance hall or any hall where public gathering are held.

45. No person, or persons, shall stand in groups, or sit, or lounge on any of the highways or sidewalks in such a manner as to cause, or to be likely to cause, any obstruction to the free use of said highways and/or sidewalks by any other person.

46. No driver of a vehicle shall splash water or mud on a pedestrian.

47. AGE OF DRIVER OF A HORSE DRAWN VEHICLE

No person under the age of 16 years shall ride a horse or drive a horse drawn vehicle upon any street or portion of street.

48. TIME

A reference to time shall be deemed to be a reference to Daylight Saving Time when such is in current use in The Rural Municipality of East St. Paul and at all other times to Central Standard Time applicable to The Rural Municipality of East St. Paul.

49. PENALTY

Every person or corporation found guilty of a breach of any provision of this By-Law, unless a penalty or fine is specifically provided therefore, shall be liable to a fine not exceeding One Thousand Dollars (\$1,000.000) in addition to costs.

50. SCHEDULES TO BY-LAW

The Schedules to this By-Law are part of the By-Law and shall be identified by the signatures of the Reeve and the Secretary – Treasurer of the Municipality.

51. LIABILITY OF OWNERS AND DRIVERS

The owner of a vehicle shall incur the penalties provided for a violation of this By-Law unless at the time of the violation the motor vehicle was in the possession of some person other than the owner or his chauffeur without the owner's consent, and the driver of a motor vehicle who is not the owner shall also incur the penalties provided for any such violation.

52. That By-Law No. 90-30, By-Law No. 93-29 and By-Law No. 94-28 are hereby rescinded.

53. This By-law shall come into force and effect on the date of the final reading thereof.

DONE AND PASSED by the Council of the Rural Municipality of East St. Paul, in Council duly assembled in East St. Paul, in Manitoba, this 21st day of May, A.D. 1996.

Originally signed by Dave Gera

Deputy Reeve

Originally signed by Janet Nysten

Secretary – Treasurer

Read a first time this 21st day of May, A.D. 1995

Read a Second time this 21st day of May, A.D. 1995

Read a Third time this 21st day of May, A.D. 1995

SCHEDULE "B" TO BY-LAW NO. 96-44

Full Time Truck Routes

1. Lagimodiere Boulevard
 - East St. Paul South Boundary to Wenzel Street
 - Garven Road to Coronation Avenue
 - East St. Paul North boundary to Garven Road
 - Wenzel Street to South boundary
2. Garven Road
 - Lagimodiere Boulevard to Waugh Road
3. Highway #202
 - Coronation Avenue to Lagimodiere Boulevard
4. Hoddinott Road
 - Henderson Highway to Highway #202
5. Henderson Highway
 - Glenway Avenue to Lagimodiere Boulevard
6. Perimeter Highway
 - Henderson Highway to Lagimodiere Boulevard
7. Provincial Service Road
 - from Camsell Avenue to Hall Road
8. Hall Road
 - Camsell Avenue to Garven Road
9. Sperring Avenue from Highway #202
 - Henderson Highway
10. McGregor Farm Road from Norris Road
 - Laigimodiere Boulevard
11. Ross Farm Road from Garven Road to Coronation Avenue
12. Norris Road from R.M. of East St. Paul South boundary for McGregor Farm Road
13. DeVries Avenue from Henderson Highway to Raleigh Street
14. DeVries Avenue from R.M. of East St. Paul South boundary to Perimeter Highway #101 bridge

15. Service Road (English Road area) from Garven Road to Lagimodiere Boulevard.