

THE RURAL MUNICIPALITY OF EAST ST. PAUL

BY-LAW NO. 2020-04

A By-Law of the Rural Municipality of East St. Paul for the Regulation of Traffic, Parking and the Use of Streets, Roads and Sidewalks.

WHEREAS The Rural Municipality is empowered under Part 7 of the Municipal Act S.M. 1996; Parts III, IV , VI and VII of The Highway Traffic Act, and the Dangerous Goods Handling and Transportation Act RSM 1987 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 Rural Municipality of East St. Paul.

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) TITLE

This By-Law may be referred to as "**The Rural Municipality of East St. Paul Traffic By-Law**".

2) DEFINITIONS

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 or Dangerous Goods Handling and Transportation Act of the Province of Manitoba.

"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.

"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.

"Crosswalk" means:

- (a) that part of a highway at an intersection distinctly indicated for pedestrian crossing by a traffic control device or by lines or other markings on the surface thereof, or
- (b) that part of a highway elsewhere than at an intersection distinctly indicated for pedestrian crossing by a traffic control device and by lines or other markings on the surface thereof, or
- (c) that part of a highway that is included within the straight production across the roadway, directly and not diagonally
 - i. of the lateral lines of the sidewalk on either side of any roadway intersecting or meeting the highway, or
 - ii. of the lateral lines of any sidewalk that intersects or meets the highway on either side thereof, measured, in each case, from the curb, or in the absence

of curbs, from the edge of the roadway on which the crosswalk is situated and includes a pedestrian corridor.

"Curb" means the lateral line of a roadway.

"Dangerous Good" means a product, substance or organism that

- (a) is prescribed, designated or classified as a dangerous good or hazardous waste in the regulations, or
- (b) by its nature conforms to the classification criteria for one or more classes of dangerous goods or hazardous wastes set out in the regulations;

"Derelict Vehicle" means an object that is not a new and unused vehicle, and

- (a) is not in operating condition;
- (b) It does not have attached thereto, and exposed thereon, one or more number plates issued under The Highway Traffic Act for the current registration year under that Act.
- (c) It is kept in the open; and
- (d) The owner thereof either
 - i. Has abandoned it; or
 - ii. Is keeping it primarily for the purposes of salvaging or selling parts therefrom, or for the eventual sale thereof as scrap metal; and a derelict vehicle also includes the body or chassis of a used motor vehicle all or some of the parts of which have been removed, and to which clauses (b), (c) and (d) apply.

"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.

"Emergency Vehicle" means:

- (a) a vehicle used by a police force,
- (b) a vehicle used by bylaw enforcement officers under *The Planning and Municipal Acts* for the purpose of enforcing all applicable bylaws and any applicable provincial statutes that have been authorized to be enforced,
- (c) a vehicle used by a fire department,
- (d) a vehicle used by an ambulance service,
- (e) an authorized emergency vehicle,
- (f) a vehicle used to respond to emergencies and operated under the authority of a government emergency organization,
- (g) a vehicle used for the purpose of maintaining a public utility and designated as an emergency vehicle by a traffic authority, or
- (h) a vehicle not ordinarily used for emergency purposes that is operated by a volunteer, part-time or on-call fire-fighter or emergency medical responder for the purpose of responding to a fire, medical or other emergency

"Enforcement Officer" means anyone appointed by the Municipality as a designated officer under section 130 of the Municipal Act or a member of the Royal Canadian Mounted Police.

"Lane" means a street constructed and intended to provide a secondary means of access to and service at the rear or side of places of residence or business having a width of not more than 9 metres (29.52 feet).

"Number Plate" means number plate as defined in *The Drivers and Vehicles Act*.

"Off-Road Vehicle" means an off-road vehicle as defined in "The Off-Road Vehicles Act" for the Province of Manitoba.

"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.

"Park" means to stand a vehicle whether occupied or not, except

- (a) when it is caused to stand temporarily for the purpose of, and while actually engaged in, loading or unloading, or
- (b) in obedience to an Officer or a Traffic Control Device, and "Parking" has a corresponding meaning.

"Pedestrian" means a person afoot, or a person in a wheelchair or a child's carriage or physically handicapped person operating a motorized mobility-aid.

"Pedestrian Control Signal" means a traffic control signal directed to pedestrians.

"Pedestrian Corridor" means a crosswalk, at an intersection or elsewhere, that has been designated as a pedestrian corridor by the proper traffic authority and that is illuminated and distinctly indicated for pedestrian crossing by

- (a) such lights and other traffic control devices on the highway, and
- (b)) such lines or other markings on the surface of the roadway, as are prescribed in the Highway Traffic Act regulations.

"Safety Mark" means a design, symbol, device, sign, label, placard, letter, word, number or abbreviation, prescribed in the regulations, or any combination of these things, that is to be displayed

- (a) on dangerous goods or containers for dangerous goods, and
- (b) on means of transport used in transporting, offering for transport or otherwise handling dangerous goods, or at facilities used in those activities, to show the nature of the danger, or to indicate compliance with the safety standards prescribed for the containers, the means of transport or the facilities.

"Sidewalk" means a footpath, whether or not paved or improved, that is intended primarily for the use of pedestrians and that either

- (a) forms part of that portion of a highway that lies between the curb line or, if there is none, the lateral boundary line, of the roadway and
 - i. the adjacent property lines, or
 - ii. the straight production of the adjacent property lines to the curb line or if there is none, to the lateral boundary line, of an intersecting highway, or
- (b) although not part of a highway, is a publicly maintained right-of-way, set aside for pedestrian traffic only and for the purpose of giving access to property adjacent thereto.

"Stand", as applied to a vehicle, whether occupied or not, means

- (a) when required, to cause the vehicle to remain motionless in one place, and
- (b) 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 a enforcement officer or a traffic control device.

and **"standing"** has a corresponding meaning.

"Stop", as applied to a vehicle whether occupied or not, means

- (a) when required, to cause the vehicle to cease to move, and
- (b) 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 enforcement officer or a traffic control device.

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

"Traffic" includes any of the following, singly or in combination, while on a highway:

- (a) vehicles and other conveyances,
- (b) bicycles,
- (c) pedestrians,
- (d) ridden or herded animals

"Traffic Control Device" means a sign, signal, light, marking or device approved under the regulations or authorized under subsection 81(3) of *The Highway Traffic Act* to be used

- (a) as a traffic control device, and
- (b) for a specified purpose;

"Truck" means a motor vehicle or semi-trailer truck that is constructed or adapted to carry goods, wares and merchandise, freight or commodities, but not passengers or baggage and that has more than four tires. (Amending By-Law 2000-3)

"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 part of the weight of any vehicle so towed including the load thereon and has more than four tires. (Amending By-Law 2000-3)

3) CAUSING OR PERMITTING OFFENCE

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

4) 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.

5) CONTROL OF TRAFFIC BY ENFORCEMENT OFFICERS AND OTHERS

- (a) When an Enforcement Officer or firefighter considers it reasonably necessary
 - i) to ensure the orderly movement of vehicles and other traffic;
 - ii) to prevent injury or damage to persons or property; or
 - iii) to permit proper action in any emergency.
- iv) He may direct vehicles and other traffic and erect temporary traffic control devices to direct vehicles and other traffic.
- (b) An enforcement officer may require the driver of a vehicle to stop, and the driver of the vehicle, when signalled or requested to stop by an enforcement officer who is readily identifiable as such, shall immediately come to a safe stop and remain stopped until permitted by the enforcement officer to depart.

6) PEDESTRIANS

- (a) Every Pedestrian shall obey the instructions of a Traffic Control Device or Traffic Control Signal operating at an intersection unless directed to do otherwise by an Enforcement Officer.
- (b) Where Traffic Control Signals or Traffic Control Devices are not in place or not in operation when a pedestrian is crossing a highway within a crosswalk, and the pedestrian is upon the half of the highway upon which a vehicle is travelling, or he is approaching from the other half of the highway and is so close that he is in danger, the driver of the vehicle shall yield the right-of-way to the Pedestrian.
- (c) Where there is a sidewalk that is reasonably passable on either or both sides of a highway, a Pedestrian shall not walk on a roadway.
- (d) Where an Enforcement Officer has reasonable and probable grounds for believing that a pedestrian has committed or is committing a breach of those provisions of this by-law relating to pedestrian traffic, he may require the pedestrian to stop and then to state correctly his name and address, and to prove his identity to the satisfaction of the enforcement officer.
- (e) No person shall occupy a roadway for the purpose of soliciting a ride from the driver of a vehicle.
- (f) 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 another person.
- (g) No driver of a vehicle shall splash water or mud on a pedestrian.

7) BICYCLES

A person who is operating a bicycle shall comply with the following provisions, namely:

- (a) No person shall operate on a sidewalk a bicycle with a rear wheel the diameter of which exceeds 410 mm. Subject to clause (a), the person shall ride as closely as practicable to the right-hand edge or curb of the roadway.
- (b) A person shall keep at least one-hand on the handlebars;
- (c) A person shall not ride other than upon or astride a regular seat of the bicycle, as provided by the manufacturer;
- (d) A person shall not use the bicycle to carry more persons at one time than the number for which it is designated and equipped by the manufacturer;
- (e) A person shall not ride a bicycle on a highway where signs prohibit their use;
- (f) A person shall give the signals required under subsection (1) of Section 125 of The Highway Traffic Act.
- (g) No person riding a bicycle shall ride it upon a roadway if there is, adjacent to the roadway, a usable path intended for the use of bicycles.

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 Parade Marshall, and such Parade has been duly authorized by the council of the Municipality.
- (b) A person desiring to hold a parade shall apply in writing to the Chief Administrative Officer of the Rural Municipality of East St. Paul for permission therefore not less than four weeks 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.
- (c) Upon approval of the parade application, by written confirmation of the CAO, the Manager of Operations shall arrange to provide for barricade pickup and placement by the Parade official.
- (d) The Parade Marshall shall be responsible for ensuring the proper policing of streets, directing of traffic during the parade and the return of barricades after the parade.
- (e) While a parade is in progress, pedestrians not participating shall be restricted to the adjoining sidewalk.
- (f) Unless so directed by an enforcement officer, it shall be an offence for any Person, other than the operator of an Emergency Vehicle, to drive a Vehicle through a Parade.

9) TEMPORARY TRAFFIC CONTROL DEVICES

- (a) The Traffic Authority shall place and maintain, or cause to be placed and maintained, temporary traffic control devices to:
 - i) prohibit or regulate traffic in an emergency
 - ii) carry out any authorized work on the street; including street cleaning and snow removal operations
 - iii) ensure orderly movement of traffic to prevent injury or damage to persons or property, or to permit action in any emergency.
- (b) 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.
- (c) 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.

10) COMPLIANCE WITH TRAFFIC CONTROL DEVICES

Unless otherwise directed by an Enforcement Officer, drivers, pedestrians and cyclists shall obey the direction and instructions on or conveyed by means of, an applicable traffic control device.

11) REQUIREMENT TO STOP

- (a) An Enforcement Officer, in the lawful execution of his or her duties and responsibilities, may require the driver of a vehicle to stop, and the driver of the vehicle, when signaled or requested to stop by an Enforcement Officer who is readily identifiable as such, shall immediately come to a safe stop and remain stopped until permitted by the Enforcement Officer to depart.
- (b) Without limiting the generality of subsection 11a), an Enforcement officer may, at any time when a driver is stopped, require the driver to give his or her name, date of birth and address to the officer.

12) SPRING WEIGHT RESTRICTIONS

- (a) No person shall at any time of the year 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.
- (b) 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 during periods of the year when damage to such streets and roads would otherwise reasonably be expected to occur.
- (c) All streets and sections of streets on which spring weight restrictions are placed are listed in "**Schedule D**" to this by-law.
- (d) Overweight penalties shall be as set out in the Municipality's POA bylaw.
- (e) An Enforcement Officer may at any time stop and weigh, or cause to be weighed, any vehicle or any vehicle and load; and, for that purpose, he may require that the vehicle be driven to any scale capable of weighing the vehicle and its load and which is available for use at the time of the demand made by the Enforcement Officer
- (f) Every person shall
 - i) Stop his vehicle when required to do so by a signal from an Enforcement Officer under subsection 12 e); and
 - ii) When so required by an Enforcement Officer under subsection 12e), drive his vehicle to a scale capable of weighing the vehicle and its load and which is available for use at the time of the requirement made by the Enforcement Officer.
- (g) A person, who has taken a vehicle to scales or stopped a vehicle at an inspection station, as required under this section, must render such reasonable assistance to an Enforcement Officer or inspector in the weighing or inspection of the vehicle as the Enforcement Officer or inspector requires.

13) MARKING PARKED VEHICLES

An Enforcement 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.

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

14) REMOVAL OF TRAFFIC TICKET FROM VEHICLE

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.

15) 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.

16) 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 16 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,
- (c) 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.

17) PROHIBITIONS OF STOPPING, STANDING OR PARKING

Except where specifically required by other provisions of this by-law or where permitted by Traffic Control Devices or Traffic Control Signals or except where necessary to avoid conflict with traffic or to comply with the directions of an enforcement officer, no person shall stop, stand or park a vehicle.

- (a) on a sidewalk or boulevard;
- (b) in front of a driveway;
- (c) within an intersection or within 3 metres thereof or such greater distance as may be prescribed by the appropriate traffic authority;
- (d) within three metres from the point on the curb or edge of the roadway immediately opposite a fire hydrant;
- (e) on a crosswalk;
- (f) within 3 metres of the approach side of a crosswalk;
- (g) within 9 metres upon the approach to any flashing beacon, stop sign, or traffic control signal situated at the side of a roadway, or within such greater distance therefrom as may be prescribed by the appropriate traffic authority;
- (h) within 30 metres of the nearest rail of a railway crossing, or, except in the case of a railway crossing a provincial trunk highway, within such greater or lesser distance therefrom as may be prescribed by the appropriate traffic authority;
- (i) of the type known as a trailer, semi-trailer or semi-trailer truck, a bus, a motor home, a truck or a van with a design capacity of more than one tonne on a street for a period of time longer than one hour except where actually loading or unloading;
- (j) within 6 metres of a driveway entrance to a fire station, or on the side of a street opposite the entrance to a fire station within 30 meters of the entrance when properly marked with signs, or, except in the case of a fire station adjoining or facing a provincial highway, within such greater or lesser distance as may be prescribed by the appropriate traffic authority;
- (k) alongside or opposite a street excavation or obstruction when stopping, standing, or parking obstructs traffic;

- (l) on any highway other than parallel with the curb, heading in the direction of vehicular traffic movement, with the curb-side wheels of the vehicle within 45 centimeters of the curb, and a clear space of 1 meter left ahead and behind;
- (m) in a lane, except while loading or unloading, and when so parked the driver shall leave available not less than two meters of width of the roadway for the free movement of vehicular traffic;
- (n) upon a highway for a period longer than 24 hours at any one time;
- (o) parked for the purpose of advertising;
- (p) designed for the carriage of bulk gasoline or fuel if left unattended;
- (q) if displayed for sale;
- (r) for the principal purpose of washing, greasing or repairing such vehicle, except the immediate repair necessitated by an emergency;
- (s) at any time on any portion of a street on which the Manager of Operations has caused snow removal or street cleaning operations to occur and upon which he has caused to be placed, on or before 7:00 p.m. on the preceding day, "No Parking" signs indicating the portion of the street upon which parking is so prohibited;
- (t) on the roadway side of a vehicle stopped or parked at the edge or curb of a street;
- (u) in a place in contravention of a Traffic Control Device that gives notice that stopping, standing or parking there is prohibited or restricted and in that regard unless the vehicle in question is moved completely through the nearest intersection, it shall be deemed to have remained stationary;
- (v) in such manner that;
 - i) it constitutes a hazard on the highway, or
 - ii) it is parked in contravention of any provision of The Highway Traffic Act or this by-law;
- (w) upon a street in such a manner as to leave available less than 2 meters of the width of the roadway for free movement of traffic.
- (x) 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.

18) 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) The east side of Raleigh Street shall be designated as a "no parking zone" from Hoddinott Road to Applecross Drive and traffic signs shall be erected to that effect. (Amending By-Law 2009-08)
- (c) No person shall park a vehicle on the north side of Hoddinott Road between Dorcon Drive and Manlius Street on Sundays between the hours of 09:00 and 15:00 during the months of June to October. (Amending By-Law 2017-05)
- (d) No person shall park a vehicle on the east side of Orkney Drive between Applecross Drive and Hoddinott Road. (Amending By-Law 2016-08)
- (e) The west side of Raleigh Street shall be designated as a "parking zone" from Hoddinott Road to Applecross Drive. (Amending By-Law 2009-08)
- (f) 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. (Amending By-Law 2009-08)
- (g) No person shall park a vehicle on Hall Road between Camsell Avenue and Garven Avenue. (Amending By-Law 2008-06).

- (h) No person shall park a vehicle on Eagle Creek Drive within 50 metres from the northbound lane on Henderson Highway. (Amending By-Law 2008-06).

19) TWO HOUR PARKING LIMIT

- (a) No person shall park a vehicle for a period of time longer than two hours along any street or section of street as outlined in Schedule "B" hereof, which shall be designated as a two-hour parking limit area.
- (b) All streets or sections of streets set forth in Schedule "B" as two-hour parking limit areas shall be further identified as a two-hour parking limit area with appropriate traffic control devices. (Amending By-Law 2003-15)

20) HANDICAPPED PARKING TIME LIMITS

- (a) Notwithstanding any Traffic Control Device in the Rural Municipality of East St. Paul setting out a time limit for parking, where any vehicle otherwise lawfully parked displays a Handicapped Parking Permit issued by the Manitoba Public Insurance Corporation of the Province of Manitoba, the time that such vehicle shall be entitled to remain parked or standing shall be double that displayed on the Traffic Control Device.

21) UNLAWFULLY PARKED VEHICLES

Moving of Vehicle Unlawfully Parked

Where an Enforcement Officer or the Manager of Operations has reasonable and probable cause for believing that a vehicle is standing, or is parked

- (a) In violation of any of the provisions of this by-law; or
- (b) In a position that causes it to interfere with removal of snow from a highway or the cleaning of streets; or
- (c) In a position that causes it to interfere with firefighting; he may move the vehicle or cause it to be moved or may require the driver in charge of the vehicle to move it to a position determined by the Enforcement Officer, Manager of Operations, or other authorized person.
- (d) It shall be the duty of the Enforcement Officer to keep a record of each Vehicle removed in accordance with this By-Law. The record as set out in **Schedule "C"** shall include 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.

Costs of Towing Or Moving And Storage

The cost and charges incurred in towing or moving and storing a vehicle, under Section 21 is a lien on the vehicle that may be enforced under The Garage Keepers Act by the person who moved or stored the vehicle at the request of the Enforcement Officer or the Manager of Operations.

22) PARKING EXEMPTIONS

The cost and charges incurred in towing or moving and storing a vehicle, under Section 21 is a lien on the vehicle that may be enforced under The Garage Keepers Act by the person who moved or stored the vehicle at the request of the Enforcement Officer or the Manager of Operations.

- (a) Vehicles used by the RCMP and any other law enforcement agency;
- (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.

23) DERELICT VEHICLES

Prohibition

- (a) No person shall within the territorial limits of the Rural Municipality of East St. Paul park or leave a derelict vehicle on private or public property with or without the consent of the owner of such property.

Impounding A Derelict Vehicle

Where a derelict vehicle is parked or left on private or public property in contravention of this by-law, an Enforcement Officer is authorized:

- (b) To cause the derelict vehicle to be removed from the private property, and for this purpose, to enter upon the property, from time to time, by such agents, assistants and employees, and with such equipment as he/she shall deem necessary; and
- (c) To cause the impoundment, storage, destruction or other disposition of any derelict vehicle so removed as he/she may in his/her sole discretion decide to be appropriate in each case; and
- (d) To give no notice or such notice as he/she may in his/her sole discretion decide to be appropriate in each case to the owner of the vehicle and/or the owner of the property before acting upon paragraphs a) and b) above.

Redemption

Any vehicle removed and impounded as aforesaid may within a period of 7 days of impounding be redeemed by the owner thereof upon paying all removal impoundment, storage and other costs and charges incurred by the Rural Municipality of East St. Paul to that date.

Recovery of Costs and Damages

The costs and charges incurred in the removal, impoundment, storage, destruction, or disposition of any derelict vehicle removed from private property under the authority of this by-law shall be a debt owed by the owner of the derelict vehicle and the owner of the property from which it was removed jointly and severally, to the Rural Municipality of East St. Paul and may be recovered by the Rural Municipality of East St. Paul in any court of competent jurisdiction.

24) 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.

25) 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.

26) ROUTE OF TRUCK TRAVEL

- (a) A driver and/or a company owning trucks or truck tractors shall operate a truck and/or truck tractors or a combination thereof within The Rural Municipality of East St. Paul only over and along streets or sections of streets set forth as full time Truck Routes (open Monday to Sunday, both inclusive, at all times) in Schedule "A". Any truck or truck tractor or combination thereof may operate upon any street where necessary to conduct the business at a 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.
- (b) All streets and sections of streets set forth as Truck Routes in Schedule "A" shall be further identified as Truck Routes by appropriate Truck Route signs except where Section 26. c. applies and shall remain open as Truck Routes, Monday to Sunday, both days inclusive, at all times.
- (c) 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.
- (d) 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.
- (e) The Manager of Operations shall keep and maintain a current map setting out the streets and section of streets set forth as Truck Routes in Schedule A hereto, and shall make available to the public, copies of the map at no charge.
- (f) 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.
- (g) 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.

27) TRANSPORTATION OF DANGEROUS GOODS

- (a) The following highways, roads and streets, or portions thereof are hereby designated as a Dangerous Goods Route:
 - i) Henderson Highway
 - ii) Perimeter Highway
 - iii) Birds Hill Road
 - iv) Lagimodiere Boulevard
- (b) No person shall operate or move a vehicle transporting or designed for transporting dangerous goods in bulk other than on a Dangerous Goods Route except while such vehicle:
 - i) is making collection or delivery, provided that the operator proceeds by the most direct route to or from the point of collection or delivery, as the case may be, to or from the nearest Dangerous Goods Route;
 - ii) Is proceeding to or from the business premises of the owner or operator of the vehicle, provided that the operator proceeds by the most direct route to or from the business premises, as the case may be, to or from the nearest Dangerous Goods Route;
 - iii) Is proceeding to or from a garage for the purpose of repairs, servicing or refueling, provided that the operator proceeds by the most direct route to or from the garage, as the case may be, to or from the nearest Dangerous Goods Route; Is being operated in the service of the Municipality; or
 - iv) An enforcement officer of the Rural Municipality of East St. Paul may in his/her discretion, issue special approval authorizing a vehicle to be operated and moved on or over a Truck Route, or any other highway, road or street within the municipality, notwithstanding that such operation and movement is otherwise prohibited under this By-Law.
- (c) No person shall stop or park a vehicle transporting dangerous goods on a Dangerous Goods Route.
- (d) Every vehicle that is required to have a safety mark shall comply with the requirements of this By-Law and the provisions of The Dangerous Goods Handling and Transportation Act.
- (e) For the purpose of this By-Law and prosecutions thereunder, a person shall be conclusively deemed to have operated and moved a vehicle if the vehicle has been operated or moved by another person who:
 - i) is an employee or agent of the person first mentioned; and
 - ii) while operating or moving the vehicle, is acting within the general scope of his or her employment or agency.

28) ENGINE RETARDER BRAKES

No person shall operate, apply or otherwise use an engine retarder brake on a vehicle unless the vehicle is driven on a highway permitting the operation of vehicles and the usage of retarder breaks, or in an emergency where it is necessary to use such brakes.

29) SECURING OF LOADS ON MOTOR VEHICLES AND TRAILERS

- (a) No person shall operate, or permit to be operated, upon a highway any motor vehicle or trailer unless the load that the motor vehicle or trailer is carrying is firmly bound with approved ratchet straps, cargo netting and if required is sufficiently covered, or otherwise secured or loaded, in such a manner that no portion of the load may become dislodged or fall from the motor vehicle or trailer.
- (b) The tailgate of every truck being driven on a highway shall be closed and fastened, except where the truck is carrying an article of such length that it cannot conveniently be carried thereon unless the tailgate is open.
- (c) No person shall deposit, dump, throw, place any matter, substance, waste or anything whatsoever on a highway.

30) UNNECESSARY NOISE OR SMOKE

No person in control or charge of a motor vehicle shall,

- (a) Unless the vehicle is an emergency vehicle, sound or permit the sounding of any bell, horn, or other signalling device so as to make an unnecessary noise, or
- (b) Permit any unnecessary amount of smoke to escape from the motor vehicle; or
- (c) Cause the motor vehicle to make an unnecessary noise by cutting out the muffler or otherwise.
- (d) No person shall start, drive, turn or stop a motor vehicle, or accelerate the motor of a motor vehicle while it is stationary, in such a manner as to cause any loud and unnecessary noise in, or from, the engine, exhaust system or braking system, or from the contact of tires with the roadway.

31) DANGEROUS OR UNSAFE RIDING

No person as a rider or passenger shall:

- (a) Ride in or on a vehicle on a highway without being seated on a part of the vehicle that is designed and equipped for passenger seating.
- (b) Ride in or on a trailer being towed on a highway.

As a driver:

- (c) Drive a vehicle on a highway when a person is in or on a part of the vehicle that is not designed and equipped for passenger seating.
- (d) Tow a trailer on the highway when a person is riding in or on the trailer.

32) DRIVE/DRIVING CARELESSLY

No person shall drive carelessly.

33) AGE OF DRIVER OF A HORSE DRAWN VEHICLE

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.

34) 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.

35) SCHEDULES TO BY-LAW

The Schedules to this By-Law are part of the By-Law and shall be identified by the initials of the Mayor and the Chief Administrative Officer of the Municipality.

36) LIABILITY OF OWNERS AND DRIVERS

- (a) Where an offence, consisting of a violation of any provision of this by-law
- i) is committed by means of, or with respect to any vehicle; or
 - ii) occurs by reason of, or with respect to, the ownership, use, or operation of any vehicle;

The owner of the vehicle shall incur the penalties provided for a violation of this By-Law unless it can be proven that at the time of the violation the motor vehicle was in the possession of some person other than the owner without the owner's consent.

- (b) Nothing in 36. a. relieves the driver of the vehicle from any liability for breaching any provisions of this By-Law.

37) That By-Laws No. 96-44, 2000-3, 2003-15, 2005-17, 2008-06, 2009-08, 2016-08 and 2017-05 are hereby rescinded.

38) 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 **26th** day of **May, 2020**.

Shelley Hart
Mayor

Sheila Mowat
Chief Administrative Officer

Read a first time this **12th** day of **May, 2020**

Read a second time **26th** day of **May, 2020**

Read a third time **26th** day of **May, 2020**

The Rural Municipality of East St. Paul

SCHEDULE "A" TO BY-LAW NO. 2020-04

ROADWAY	LOCATION FROM	LOCATION TO
Lagimodiere Blvd	East St. Paul South Boundary	Wenzel St
Lagimodiere Blvd	Garven Rd	Coronation Ave
Lagimodiere Blvd	East St. Paul North Boundary	Garven Rd
Lagimodiere Blvd	Wenzel St	South Boundary
Garven Rd	Lagimodiere Blvd	Waugh Rd
Birds Hill Rd (Hwy #202)	Coronation Ave	Lagimodiere Blvd
Hoddinott Rd	Henderson Hwy	Birds Hill Rd (Hwy #202)
Henderson Hwy	Glenway Ave	Lagimodiere Blvd
Perimeter Hwy	Henderson Hwy	Lagimodiere Blvd
Provincial Service Rd	Camsell Ave	Hall Rd
Hall Rd	Camsell Ave	Garven Rd
Sperring Ave	Birds Hill Rd (Hwy #202)	Henderson Hwy
McGregor Farm Rd	Norris Rd	Lagimodiere Blvd
Ross Farm Rd	Garven Rd	Coronation Ave
Norris Rd	East St. Paul South Boundary	McGregor Farm Rd
English Rd	Garven Rd	Lagimodiere Blvd

SCHEDULE "A" Page 2 TO BY-LAW NO. 2020-04



The Rural Municipality of East St. Paul

SCHEDULE "B" TO BY-LAW NO. 2020-04

Two Hour Parking Limit Areas

1. East side of Eastwood Drive between the Southern Boundary of the R.M. of East St Paul and the Northern limit of said Eastwood Drive. (Amending By-Law 2003-15)
2. East side of Raleigh Street from Hoddinott Road 150 meters south of the intersection of Hoddinott Road and Raleigh Street. (Amending By-Law 2005-17)



The Rural Municipality of East St. Paul

SCHEDULE "C" TO BY-LAW NO. 2020-04

VEHICLE TOW/REMOVAL FORM					
PART 1 – IDENTIFICATION					
1. VEHICLE IDENTIFICATION					
a. MAKE	b. MODEL	c. YEAR	d. COLOR	e. LIC PLATE #	
f. VIN					
2. REGISTERED OWNER			3. VEHICLE OPERATOR <i>(if applicable)</i>		
a. NAME (surname, given, middle initial)			a. NAME (surname, given, middle initial)		
b. ADDRESS (street, house or apartment #)			b. ADDRESS (street, house or apartment #)		
c. CITY	d. PROV	e. POSTAL CODE	c. CITY	d. PROV	e. POSTAL CODE
PART 2 - DESCRIPTION					
4. REASON FOR IMPOUNDMENT <i>(x all that apply)</i> ☐ Derelict ☐ Illegally Parked (Fire Hydrant) ☐ Illegally Parked (Other)			5. CONDITION OF VEHICLE WHEN IMPOUNDED <i>(x all that apply)</i> ☐ Doors Locked ☐ Doors Unlocked ☐ Keys In Car		
6. DAMAGE TO VEHICLE					
EXAMPLE 			a. SHADE DAMAGED AREA(S) OF VEHICLE 		
b. <i>(Describe damage to the vehicle)</i>					
7. LOCATION OF VEHICLE					
8. REMARKS					
PART 3 - DISPOSITION					
9. DATE IMPOUNDED		10. TIME IMPOUNDED		13. AUTHORIZING OFFICER	

The Rural Municipality of East St. Paul

SCHEDULE "D" TO BY-LAW NO. 2020-04

Spring Weight Restrictions

The dates for the Spring Weight Restrictions will be designated by the Operations Manager but will generally follow the Province of Manitoba's implementation and end dates for the current year. Loading will be restricted to 65 percent of normal loading for all axles, including the steering axle, on all roads except the following:

- Aldergrove Place
- Besson Street
- Briarwood Place
- Brookside Cove
- Buksak Cove
- Carriage Cove
- Commodore Rise
- Deerledge Place
- Deerledge Trail
- Dovewood Court
- Eagle Court
- Eagle Creek Drive
- Fieldberry Way
- Glenlivet Way
- Glenwood Way
- Granite Cove
- Haarsma Street
- Hall Road
- Harvest Way
- Heatherglen Cove
- Highland Park Drive
- High Meadow Drive
- Horizon Ridge
- Jadestone Place
- Kindersley Drive
- Kristine Place
- Marglen Drive
- Mariners Way
- Maxwell King Drive
- Midford Drive
- Moon Shadow Cove
- Mulder Road
- Neyedli Drive
- North Orchard Place
- Old Orchard Road
- Sandstone Place
- Southlands Drive
- Stonebridge Place
- Sulkers Avenue
- Tartan Way
- Thyme Road
- Tielmann Drive
- Timberwood Place
- Whidbey Harbour Drive
- Woodstone Drive
- Yarema Bay
- Mowat Road from Southlands Drive north to Eagle Creek Drive
- Wenzel Street from Highway 59 to approximately 500 metres South

Council requests the co-operation of its citizens and the trucking industry.
The Operations Department of East St. Paul reserves the right to lower the allowable
Spring Weight Restrictions on any road without notice.