

**TOWN OF STONEWALL
BY-LAW NO. 10-18**

Being a By-Law of the Town of Stonewall to amend the Traffic By-Law 8/04 for the regulation of Traffic within Town limits.

WHEREAS the Council of the Town of Stonewall has duly adopted and passed By-law 8/04, being a by-law for the regulation of traffic within the Town of Stonewall;

AND WHEREAS the Council of the Town of Stonewall has identified an amendment to Section 30 (d) of By-Law 8/04;

NOW THEREFORE the Council of the Town of Stonewall, duly assembled, hereby enacts that Section 30 (d) of By-Law 8/04 is repealed in its entirety and replaced with the following:

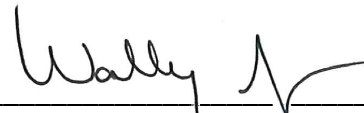
30. No person shall stop, stand or park or cause to stop, stand or park any vehicle on the following streets in the Town:

(d) Keith Cosens Drive between 5th Street West and Lions Way

DONE AND PASSED as a By-Law of the Town of Stonewall by Council duly assembled in the Town Hall this 9th day of January, A.D. 2019.



MAYOR



CHIEF ADMINISTRATIVE OFFICER

Read a first time this 19th day of December, A.D. 2018,

Read a second time this 9th day of January, A.D. 2019,

Read a third time this 9th day of January, A.D. 2019.

**TOWN OF STONEWALL
BY-LAW NO. 21/06**

Being a By-law of the Town of Stonewall to amend
Traffic By-law No. 8/04 by permitting the operation of
mini-bikes, dirt bikes, trail bikes and "pocket" motorcycles or dirt bikes
subject to compliance with the terms and conditions of Traffic By-law No. 8/04.

WHEREAS the Council of the Town of Stonewall has duly adopted and passed By-law No. 8/04, being a by-law for the regulation of traffic within the Town of Stonewall;

AND WHEREAS the Council of the Town of Stonewall is desirous of amending By-law No. 8/04;

NOW THEREFORE BE IT AND IT IS HEREBY ENACTED that By-law No. 8/04, being the Traffic By-law, is amended as follows:

PART V - RESTRICTED USE OF HIGHWAYS

Off-Road Vehicles - Section 55

1. THAT Sections 55 (1), (2), (3) and (4) of By-law No. 8/04 are repealed in their entirety and the following substituted therefore:

Off-Road Vehicles

55. (1) The following designated off-road vehicles may be operated upon a street within the Town, with the exception of the streets or portion thereof (being a portion of 2nd Ave North and a portion of 4th St. East) under the authority of the Province of Manitoba which are shown on the Map attached hereto as Schedule "F", provided the designated off-road vehicles are operated in compliance with subsection (3).
- (a) Snowmobiles,
 - (b) All Terrain vehicles
 - (c) A mini-bike, dirt bike, trail-bike and a "pocket" motorcycle or dirt bike;
- (2) The following designated off-road vehicles are not permitted to be operated upon a street or any other public property within the Town.
- (a) A four-wheel drive motor vehicle, a motorcycle or a snow vehicle not registered and licensed under The Highway Traffic Act or any other Act of the Legislature passed and enacted to govern the registration of vehicles;
 - (b) A miniature vehicle such as a dune or sport buggy
 - (c) An off-road maintenance vehicle; and
 - (d) An amphibious vehicle
- (3) The off-road vehicles designated in subsection (1) (a), (b) and (c) are permitted to operate upon a street within the Town provided the operation of the designated off-road vehicle;
- (a) Is the most direct route to and from a residence or other place of origination and the limits of the Town, and

- (b) Does not exceed a speed of 30 kilometers per hour, and
 - (c) Is operated by a person over the age of 16 years, and the off road vehicle is licensed and registered under The Off Road Vehicle Act, and
 - (d) Is operated by a person wearing on his head a properly adjusted and securely fastened helmet in compliance with the requirements contained in the regulations under The Off-Road Vehicle Act, and
 - (e) Is not operated in a careless manner or without due care and attention, and
 - (f) Is not operated without reasonable consideration for other persons and property or in a manner likely to cause damage or injury to other persons and property
- (4) No person shall operate a designated off-road vehicle;
- (a) On private property without the express or implied consent of the owner or lawful occupier of the property;
 - (b) Within 30 meters of a dwelling between the hours of 12:00 AM and 7:00 AM, unless the dwelling is located on the operator's own property or property under the operator's control or as an invited guest; or
 - (c) Within 30 meters of a playground, or area set aside for other recreational uses, unless the area is enclosed or fenced.

DONE and PASSED as a By-law of the Town of Stonewall by Council in open session duly assembled this 9th day of August A.D., 2006.

TOWN OF STONEWALL

Ross Thompson

MAYOR

Robert Potter

CHIEF ADMINISTRATIVE OFFICER

Read a first time this 12th day of July A.D., 2006,

Read a second time this 9th day of August A.D., 2006,

Read a third time this 9th day of August A.D. 2006.

TOWN OF STONEWALL TRAFFIC BY-LAW

No. 8/04

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LIST OF SCHEDULES

<u>SCHEDULE</u>	<u>DESCRIPTION</u>
“A”	Fines Penalties and Fees
“B”	Parking Ticket form
“C”	Notice of Breach form
“D”	Temporary Street Use Permit form
“E”	Overweight Load Permit form
“F”	Streets (or portion thereof) under Provincial jurisdiction / authority
“G”	Streets with Speed Limits greater than 50 km/h

BYLAW NO. 8/04

TOWN OF STONEWALL TRAFFIC BY-LAW

Being a By-law of the Town of Stonewall
For the Regulation of Traffic

WHEREAS The Municipal Act Part 7 Division 2 Section 231 provides in part the power given to a Council under this Division to pass by-laws is stated in general terms to give broad authority to the council to respect its right to govern the municipality in whatever way the council considers appropriate, within the jurisdiction given to it under this and other Acts;

AND WHEREAS Section 232(1) of The Municipal Act provides in part;

232(1) A council may pass by-laws for municipal purposes respecting the following matters:

- (b) people, activities and things in, on or near a public place or a place open to the public, including parks, municipal roads,
- (g) the operation of off-road vehicles on public or private property;
- (o) the enforcement of by-laws.

AND WHEREAS Section 236(1) of The Municipal Act provides a by-law passed under Section 232(1) (o) may include provisions for remedying a contravention of by-laws, including

- (i) creating offences,
- (ii) subject to Regulations, providing for fines and penalties, including the imposition of a penalty for an offence that is in addition to a fine or imprisonment, so long as the penalty relates to a fee, rate, toll, charge or cost that is associated with the conduct that gives rise to the offence, or related to enforcing the By-law,
- (iii) providing that an amount owing under sub-clause (ii) may be collected in any manner in which a tax may be collected or enforced under the Act,
- (iv) seizing, removing, impounding, confiscating and selling or otherwise disposing of plants, animals, vehicles, or other things related to a contravention,
- (v) charging and collecting costs incurred in respect of acting under sub-clause (iv),
- (vi) imposing a sentence of imprisonment for not more than six months for the commission of offences or non-payment of fines.

AND WHEREAS Section 45 of The Off-Road Vehicles Act provides, subject to the Act, a Traffic Authority may pass by-laws respecting the operation of off-road vehicles;

AND WHEREAS The Highway Traffic Act S.M. 1985-86, c. 3 – Cap. H60, provides the Town of Stonewall, as the Traffic Authority, may pass by-laws for the control and regulation of traffic, vehicles, pedestrians and bicycles.

NOW THEREFOR be it and it is hereby enacted as a by-law of the Town of Stonewalls as follows:

PART I

INTERPRETATION

By-law Name

1. This By-law may be referred to as “The Traffic By-law” of the Town of Stonewall.

Definitions

2. In this Bylaw:

"alley" means a street intended primarily to give vehicles access to the rear or side of private or public property;

"bicycle" means a vehicle that is propelled by muscular power or combined muscular and electrical-assisted power, fitted with pedals that are continually operable to propel it, weighing no more than 35 kilograms and does not have sufficient electrical power to attain a speed greater than 32 kilometers per hour on level ground within a distance of 2 kilometers from a standing start which a person may ride, regardless of the number of wheels it may have;

"block" means the portion of a street which lies between two other streets neither of which is an alley and which both intersect the first named street;

"boulevard" means the strip of land between the curb and the sidewalk and between the sidewalk and the property line or, where there is no sidewalk, the strip of land between the curb and the property line;

"CAO" means the Chief Administrative Officer of the Town of Stonewall as appointed by Council;

"Chief of Police" means the Officer in charge of the Stonewall Royal Canadian Mounted Police Detachment;

"Council" means the Council of the Town of Stonewall;

"crosswalk" means

- (a) that part of a street 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 street 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 street 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 street, or
 - ii) of the lateral lines of any sidewalk that intersects or meets the street 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;

"cul-de-sac" means a street open at one end only and with special provision for turning around;

"curb" means the actual curb to a street, or where there is no curb, the dividing line between that part of a street intended for the use of vehicles and that part of a street intended for use by pedestrians;

"curb crossing" means that portion of a sidewalk or curb permanently improved or designed for the passage of vehicular traffic across the sidewalk or curb;

"dangerous goods" means dangerous goods as defined in The Transportation of Dangerous Goods Act (Canada);

"downtown" means the area of the Town bounded by 2nd Avenue North, 3rd Avenue South, 1st Street East and 1st Street West;

"driveway" means a private right-of-way, paved or unpaved, that provides access for vehicles and pedestrians from a boulevard, curb, or sidewalk to private property or public property or a carport, garage, parking pad, parking area, loading berth, or structure located on the private property or public property;

"emergency vehicle" means any vehicle used for police duty, by a fire department, or as an ambulance in the service of the Town of Stonewall, or under the authority of the Town of Stonewall;

"Engineering Manager" means the Engineering Manager of the Town as appointed by Council and who is a Designated Officer of the Town for the purposes of this By-law;

"Fire Department" means the Stonewall-Rockwood Fire Department as established, governed and operated by the Town of Stonewall;

"fire fighter" means a person duly appointed as a member of the Stonewall-Rockwood Fire Department;

"heavy vehicle" means:

- (a) a motor vehicle with a gross weight registration exceeding 9000 kilograms; or
- (b) a vehicle, including any combination of motor vehicle, trailer and load, with a total weight exceeding 9000 kilograms;

"holiday" means New Year's Day, Good Friday, Easter, Victoria Day, Canada Day, Civic Holiday, Labour Day, Thanksgiving Day, Remembrance Day, Christmas Day, Boxing Day and any day appointed by an Act of Parliament of Canada or by proclamation of the Governor General or the Lieutenant Governor as a Public Holiday and when a holiday other than Remembrance Day falls on a Saturday or Sunday, the expression "holiday" includes the following Monday;

"intersection" means that portion of the roadway where two or more streets intersect;

"loading zone" means the zone used for loading and unloading of people or goods, as defined by appropriate signs;

"mobility vehicle" means a device or vehicle which is specifically manufactured or modified for operation by a physically handicapped person and which has a maximum speed capability of more than 15 kilometres per hour but not more than 50 kilometres per hour;

"motor vehicle" means a vehicle not run upon rails and does not include an implement of husbandry, an off-road vehicle or a power assisted bicycle;

"motorized mobility aid" means a device which is specifically manufactured or modified for operation by a physically handicapped person and which has

- (a) a maximum speed capability of not more than 15 kilometres per hour,
- (b) a maximum width of not more than 81.2 centimetres, and
- (c) a maximum mass of not more than 226 kilograms,

and includes a motorized wheel chair;

"non-ambulatory" means a passenger who remains in a wheelchair or scooter while being transported in an accessible taxicab;

"off-road vehicle" means a vehicle as defined in The Off-Road Vehicles Act and for ease of reference means any wheeled or tracked motorized vehicle designed or adapted for cross country travel on land, water, ice, snow, marsh or swamp land or other natural terrain, and without limiting the generality of the foregoing includes

- (a) a four-wheel drive motor vehicle, a motorcycle or a snow vehicle not registered under The Highway Traffic Act;
- (b) an all-terrain vehicle;
- (c) a mini-bike, dirt-bike and trail bike;
- (d) a miniature vehicle such as a dune or sport buggy;
- (e) an amphibious vehicle;
- (f) a snowmobile;
- (g) an off-road maintenance machine; and
- (h) a "pocket" motorcycle

but does not include

- (i) an implement of husbandry
- (j) a farm tractor
- (k) a special mobile machine
- (l) a garden or lawn tractor; and
- (m) a golf cart

"operator" means any person who drives, operates, or is in charge of a vehicle;

"overdimensional vehicle" means any combination of vehicle or load that exceeds:

- (a) 2.10 metres in width for a passenger vehicle, or;
- (b) 2.60 metres for any other vehicle but not including the following s part of that width
 - i) loose hay, straw or fodder projecting beyond the sides of the vehicle to a total outside width not in excess of 3.70 metres
 - ii) one or more mirrors for the purpose of complying with The Highway Traffic Act, which do not extend more than 20 cm on each side beyond the total width of the vehicle and load
 - iii) a splashguard, load-covering device, load securement device, ladder, clearance lamp, dangerous goods placard, or other auxiliary device or piece of equipment not designed to carry cargo, that does not extend more than 10 cm on each side beyond the widest part of the vehicle and its load
- (c) 23.0 metres in length; or
- (d) 4.15 metres in height;

"parade" means a procession of 20 or more pedestrians standing, marching or walking along a street, excepting members of Her Majesty's Armed Forces, or any group of 10 or more vehicles proceeding on a street under a common leadership except funeral processions;

"parking" means the standing of a vehicle, whether occupied or not, on a street, otherwise than temporarily for the purpose of and while actually engaged in loading or unloading or in obedience to traffic regulations or signs;

"parking lane" means that portion of longitudinal division of a street of sufficient width to accommodate the storage of a single line of vehicles adjacent to the curb and where parking is permitted;

"parking stall" means a portion of a street or an area indicated by signs, markings, or physical barriers as a parking space for a single vehicle;

“passenger vehicle” means a motor vehicle classified by a manufacturer as a passenger car or which is designed, constructed or adapted for the principal purpose of transporting passengers and includes a delivery car but does not include a motor cycle, moped or motor vehicle which his designed, constructed or adapted for the purpose of carrying goods or commodities;

"Peace Officer " means any Member of the Royal Canadian Mounted Police Force and any other police officer, police constable, constable or other person appointed and employed by the Town of Stonewall for the preservation and maintenance of the public peace and any person lawfully authorized to direct or regulate traffic and to enforce this By-law;

"pedestrian" means any person on foot, confined to a wheelchair or a child’s stroller;

"pedestrian-assisted activity" includes any human-powered activity such as in-line skating, roller-skating, skate-boarding, snowboarding, skiing and tobogganing, but excludes walking, running and jogging;

"pedestrian corridor" means a crosswalk, at an intersection or elsewhere, that has been designated as a pedestrian corridor by the Town of Stonewall and that is illuminated and distinctly indicated for pedestrian crossing by:

- (a) such lights and other traffic control devices on the street, and
- (b) such lines or other makings on the surface of the roadway,

as are prescribed in the Regulations under The Highway Traffic Act;

“person” includes an individual, partnership, firm and/or corporation;

“private property” means any real property which is not owned or under the control and management of the Town of Stonewall;

"public property" means any real property owned or under the control and management of the Town of Stonewall;

"recreational vehicle" means a vehicle, portable structure, trailer or watercraft that can be towed, hauled, carried on a vehicle or trailer, or driven and which is designed to be used for travel or recreational purposes, including:

- (a) a motor home, camper, travel trailer, fifth wheel trailer, tent trailer, truck camper, boat, canoe, kayak, snowmobile, all-terrain vehicle, jet ski, motorcycle, or other similar vehicle; or
- (b) a trailer designed to carry an item listed in (a).

"road construction equipment" means self-propelled or towed equipment used directly in road construction, but does not include a truck, trailer, semi-trailer unit or road construction equipment transported on a truck, trailer or semi-trailer unit;

“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, 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;

"service vehicle" means:

- i) an emergency vehicle;
- ii) a vehicle operated by or on behalf of the Town of Stonewall for Town purposes;

"sidewalk" means the actual sidewalk where constructed on or adjacent to a part of a street or that portion of a street intended primarily for use by pedestrians or any structure in a park or other public place designed and intended for use by pedestrians;

"slow moving vehicle" means any slow moving vehicles or equipment, any animal-drawn vehicle or any other machinery designed for use at speeds less than 40 kilometres per hour or which normally travels or is used at speeds of less than 40 kilometres per hour;

"snowmobile" means a vehicle that:

- (a) is not equipped with wheels but is equipped with tractor treads alone or with skis and a propeller; or
- (b) is a toboggan equipped with tractor treads or a propeller; and
- (c) is designed primarily for operating over snow and is used exclusively for that purpose;
- (d) is designed to be self propelled; and
- (e) does not weigh more than 454 kilograms;

"stop" means:

- (a) when required, a complete cessation from movement; and
- b) when prohibited, any stopping, even momentarily, of a vehicle, whether occupied or not, except when necessary to avoid conflict with other traffic or in compliance with the directions of a peace officer;

"street" means a highway, alley or other road designed and intended for or used by the general public for the passage of vehicles and includes all the space between the boundary lines thereof, but does not include any privately or publicly owned area primarily intended to be used for the parking of vehicles and the necessary passageways on that area;

"traffic" means the movement of pedestrians, vehicles or livestock on any public highways in the Town;

"traffic control device" means any sign, signal, pavement marking, barricade or other device erected, placed or marked on, at or above a street pursuant to The Highway Traffic Act and the manual of Uniform Traffic Control Devices for Canada for the purpose of regulating, warning or guiding the public pursuant to this By-law;

"traffic lane" means a longitudinal division of a street of sufficient width to accommodate the passage of a single line of vehicles;

"traffic marker" means an object intended to be used for the purpose of channelling traffic on a street;

"Town" means the Town of Stonewall;

"vehicle" means a device in, on or by which a person or thing is or may be transported or drawn on a street and includes special mobile machines and agricultural implements, and, for the purpose of parking and stopping restrictions, includes any portion of a vehicle;

"working day" means a day from Monday to Friday other than a holiday;

TRAFFIC SIGNS & TRAFFIC ROUTES

PART II

Installation and Maintenance of Signs

3. The Engineering Manager is hereby authorized to install and maintain traffic control devices for the purpose of the control, warning, guidance, information and direction of traffic in conformity with this Bylaw and the manual of Uniform Traffic Control Devices for Canada .
4. The Engineering Manager is hereby authorized to install and maintain temporary traffic signs for the purpose of prohibiting or regulating traffic where highway construction, repairs, traffic marking painting, snow plowing and removal, water and wastewater main and service line installation or repairs or other situation of emergency occurs.

Inventory of Signs

5. The Engineering Manager shall keep an inventory of the location of all traffic control signs and the information shall be open to inspection at the Town of Stonewall Municipal Office during normal business hours.

Dangerous Goods Routes

6. (1) The streets set out as **Dangerous Goods Route** are:
 - (a) 2nd Avenue North between the easterly limit of the Town and 4th Street East (PTH No. 67)
 - (b) 4th Street East between the northerly limit of the Town and 2nd Avenue North (PR 236)
 - (c) 4th Street East between 2nd Avenue North and the southerly limit of the Town (PTH No. 67)
 - (d) Provincial Trunk Highway No. 67 between 4th Street East and the westerly limit of the Town.
- (2) No person shall operate a vehicle transporting or designed for transporting dangerous goods in bulk other than on a Dangerous Goods Route except while such vehicle:
 - (a) 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;
 - (b) 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;
 - (c) is proceeding to or from a garage for the purpose of repairs, servicing or refuelling, 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;
 - (d) is being operated in the service of the Town; or
 - (e) is under escort by a marked vehicle operated by a peace officer or the Fire Department, pursuant to a valid Temporary Street Use Permit.

in which case the vehicle shall travel on the route approved by the Town necessary to reach a permitted destination.

- (3) Notwithstanding subsection (2), no person shall operate a vehicle transporting or designed for transporting dangerous goods in bulk on any route other than on a Dangerous Goods Route between the hours of 7:00 A.M. to 9:00 A.M. and 4:00 P.M. to 7:00 P.M. except:
 - (a) where the operator is in the course of delivering heating fuel to a residential dwelling unit; or
 - (b) where the operator is in the course of delivering cylinders containing oxygen for medical purposes, provided no cylinder being transported may weigh more than 60 kilograms, the total weight of cylinders being transported may not exceed 1,900 kilograms and not exceeding 36 cylinders.
- (4) Notwithstanding sub-sections (2) or (3), this section does not apply:
 - (a) to the transportation of dangerous goods of a weight measure equal to or less than such weight measures as are exempted under Federal regulations; or
 - (b) to fuel in the fuel tank of the vehicle transporting or designed to transport dangerous goods, provided that the fuel is carried in permanently mounted tanks with direct lines to the fuel system of the vehicle.

MOVING VIOLATIONS

PART III

Speed Limits

7. (1) The speed limit on a street within the boundaries of the Town shall be 50 kilometres per hour except on those streets within the Town that have been designated under this By-law, and as are shown on Schedule "F" attached hereto. Said designated streets and speed limits having been approved by The Highway Traffic Board or as prescribed by The Highway Traffic Board to have a different rate of speed.
- (2) Notwithstanding subsection (1), the speed limit shall be 25 kilometres per hour within Stonewall Quarry Park.

Obstructing Traffic

8. (1) No person shall obstruct, interfere with or interrupt the free passage of traffic on any street within the Town.
- (2) No person shall obstruct, interfere with or interrupt the free passage of traffic on any crosswalk, pedestrian corridor or sidewalk.

Prohibited Movements

9. (1) No person operating a vehicle shall proceed in a direction other than that indicated by the traffic control device.
- (2) No person operating a vehicle shall turn where prohibited by signs or markings.
- (3) No person operating a vehicle shall drive the vehicle in reverse around the corner at a street intersection.

U-Turns

10. (1) No person operating a vehicle shall turn the vehicle on a street so as to proceed in the opposite direction except:
 - (a) at a street intersection not patrolled by a school safety patrol; or
 - (b) where there are no signs prohibiting U-Turns.
- (2) No person operating a vehicle, having turned or turning the vehicle so as to proceed in the opposite direction, shall proceed until it is safe to do so.
- (3) No person shall turn a vehicle so as to proceed in the opposite direction at any intersection on Main Street in the Town between the northern limit of Main Street at Fourth Avenue North where said Avenue intersects Main Street and the southern limit of Main Street at the entrance to the Veterans Memorial Sports Complex.

Hitchhiking

11. No person shall stand or walk along a street, sidewalk or boulevard for the purpose of soliciting a ride from the operator of a vehicle.

Soliciting from Vehicle

12. (1) No person shall solicit business from a vehicle, except where licensed to do so by the Town.
- (2) No person shall annoy any person by soliciting or enticing any person to a vehicle.

Splashing

13. No person operating a vehicle on a street shall:
 - (a) splash any pedestrian; or
 - (b) project dirt or water at or onto any pedestrian or other vehicle by spinning tires or accelerating quickly.

Pedestrian Assisted Activities

14. (1) No person shall engage in any pedestrian-assisted activity on any street, excepting in-line skating.
- (2) No person shall engage in any pedestrian-assisted activity on any sidewalk in the downtown.
- (3) No person shall in-line skate:
 - (a) on any street two or more abreast;
 - (b) on any street that does not have a parking lane;
 - (c) without due care and attention to that person's own safety and in a manner and at a speed appropriate to the surface being skated upon;
 - (d) without due care and attention for the safety of other users of the street or other property; or
 - (e) on any street with a speed limit of greater than 50 kilometers per hour.

Crossing Curb

15. No person operating a vehicle shall drive the vehicle across a curb or sidewalk except at a defined curb crossing.

Crossing Fire Hose

16. No person operating a vehicle shall drive the vehicle across or stop a vehicle on any fire equipment, including water hose, which is in use or intended to be used by members of the Fire Department.

Crossing Wet Paint Lines

17. No person shall drive a vehicle across, walk on, or otherwise cross over any freshly painted line on any street when that line is indicated or protected by signs, flags or other warning devices.

Tracking Mud or Debris Upon a Public Highway

18. (1) No person shall drive, operate or permit to be driven or operated, any vehicle or equipment of any nature or kind in such a manner as to track mud or debris upon a street to such an amount, that in the opinion of a Peace Officer, results in a dangerous and/or unsafe condition on the said street.

(2) Any person who tracks upon a street, contrary to subsection (1), in addition to the penalty specified in Schedule "A" attached hereto, shall be liable to the Town for costs of clean up or removal of the mud or debris.

Excessive Noise

19. No person shall create or cause a disturbance of the peace by playing a vehicle audio system, blowing of horns, or squealing vehicle tires, or operate a vehicle with an improper muffler or no muffler at all within the Town.

Engine Retarder Brakes

20. No person operating a vehicle shall use engine retarder brakes in the Town, except to avoid or reduce the impact of a collision or in the case of such other emergency.

PARKING AND STOPPING

PART IV

Parking

21. (1) The Engineering Manager is hereby authorized to install and maintain traffic control devices regulating parking in conformity with this By-law.

(2) Where a traffic control device indicates parking or stopping restrictions by directional arrow, that restriction shall continue in the direction of the arrow to the next street intersection unless interrupted by a similar traffic control device with a directional arrow or by permitted parking traffic control devices.

(3) The Engineering Manager shall keep an inventory of the location of all traffic control devices restricting parking and that inventory shall be open to inspection at the Town Municipal Office during normal business hours.

(4) Restricted parking traffic control devices shall indicate those times during the day or those days of the week when parking is restricted or prohibited.

- (5) Parking limit traffic control devices shall indicate the maximum time period and the days of the week when parking is limited or permitted.

Parking at Curb

22. No person shall park a vehicle on a street except on the right-hand side of the street with the vehicle parallel to the curb or street edge.
23. (1) No person shall park a vehicle on a street where parallel parking is provided:
- (a) with the front or rear wheel nearest the curb more than 0.45 metres from that curb;
 - (b) within 0.6 metres of any vehicle previously parked in front of or behind the vehicle.
- (2) Notwithstanding subsection (1), where the vehicle is a solo motorcycle, the operator shall park the vehicle at an angle of 45 degrees to the curb with the rear wheel within 0.3 metres of the curb.

No Parking

24. Except where otherwise indicated by a traffic control device, a driver shall not stop, stand or park a vehicle in any of the following places.
- (a) On a sidewalk or boulevard.
 - (b) At the entrance to an alley or to a driveway or an approach leading into public or private property so as to obstruct the ingress or egress of vehicles.
 - (c) Within an intersection, or within 6 meters of an intersection, including the intersection of an alley.
 - (d) Within 3 meters of a fire hydrant or when the hydrant is not located at the curb, within 3 meters of the point of the curb nearest the hydrant.
 - (e) On a crosswalk.
 - (f) Within 6 meters of any crosswalk.
 - (g) Within 5 meters of any railway crossing (i.e. cross buck) sign
 - (h) Along side or opposite any street excavation or obstruction when stopping, standing or parking would obstruct traffic.
 - (i) On the left side of any vehicle parked on a street.
 - (j) Within 9 meters of a stop sign.
 - (k) In front of a fire station, whether on the same or opposite side of the street.
 - (l) In contravention of any traffic control device.
25. No person shall stop, stand or park or cause to stop, stand or park, any vehicle on a street, that has not been duly registered as provided by The Highway Traffic Act or any other Act of the Legislature passed and enacted to govern the registration of vehicles.

26. No person shall stop, stand or park or cause to stop, stand or park any vehicle on Main Street in the Town between Second Avenue North and Third Avenue South for a period of more than two hours between the hours of 8:00 A.M. and 8:00 P.M. Monday through Saturday, both inclusive. This subsection shall not apply when businesses in the Town are closed because of a holiday.
27. No person shall park or cause to park any vehicle on any street within the limits of the Town, including all the space between the boundary lines of such street, for a period of more than 2 hours during the period from the 1st day of November in any year to the 31st day of March, in the following year, both dates inclusive.
28. No person shall park or cause to be parked, a vehicle on any portion of a street upon which has been placed the preceding day temporary “No Parking Signs” indicating the portion of the street upon which parking is so prohibited.
29. Unless specifically permitted by Resolution of Council, no person shall park or cause to be parked on any street:
 - (a) An advertising vehicle.
 - (b) A gasoline tank truck unattended.
 - (c) A vehicle, for the principal purpose of washing, greasing or repairing such vehicle, except the immediate repairs necessitated by an emergency.
 - (d) A vehicle displayed for sale.
30. No person shall stop, stand or park or cause to stop, stand or park any vehicle on the following streets in the Town:
 - (a) Fifth Street West between Second Avenue North and Centre Avenue between the hours of 8:00 A.M. and 5:00 P.M. Monday through Friday, inclusive.
 - (b) East side of First Street East between Market Street South and First Avenue North.
 - (c) First Avenue North between Fourth Street West and Fifth Street West.
 - ~~(d) South side of Keith Cosens Drive between 5th Street West and Lions Way.~~
SEE AMENDING BY-LAW 10-18
 - (e) East side of First Street East a distance of one hundred and sixty (150) meters north of the intersection of First Street East and Centre Avenue.

No Stopping

31. (1) No person shall stop a vehicle:
 - (a) on any street where stopping is prohibited by display of an appropriate traffic control device, except those vehicles or classes of vehicles specifically permitted by the traffic control devices.
 - (b) in a traffic lane of any street, except where directed by a Peace Officer or traffic control device;
 - (c) in any alley within two metres of any private or public property access;
 - (d) within 6 meters of a street intersection, unless permitted by the presence of a traffic control device;
 - (e) within 3 meters of a fire hydrant, measured parallel to the curb;
 - (f) within 5 meters of any railway crossing (i.e. cross buck) sign;
 - (g) within 6 meters of a crosswalk

- (h) within 3 meters of any curb crossing;
- (2) "No stopping" traffic control devices for specific hours shall indicate that stopping is prohibited during the time period on the days prescribed, in the direction indicated thereon.
- (3) No person shall stop a vehicle on any street adjacent to a school or school ground marked with appropriate traffic control devices, except those vehicles or classes of vehicle specifically permitted by the traffic control devices.

Off-Street Parking

- 32. No person shall enter, leave or park in an off-street parking area except in accordance with the directional signs installed in that area.

Private Property

- 33. (1) No person shall park or stop a vehicle on private property in a zone indicated by signs as "no parking" or "no stopping".
- (2) No person shall park or stop a vehicle on private property within a stall on private property marked by signs as reserved for persons with disabilities, unless the vehicle displays in the front windshield a placard issued for persons with disabilities.
- (3) No person shall park or stop a vehicle on private property in areas other than subsection (1) or (2), without the express consent of the owner, occupant or permittee of that property.

Public Property

- 34. (1) No person shall park a vehicle on public property other than a street or on any park, playground, public reserve or school ground, except as authorized by this By-law or permitted by traffic control devices erected by the Town or other public authority having jurisdiction.
- (2) No person shall drive any vehicle on or across any public property other than a street, including any ditch, park, playground, public reserve or school ground, except as authorized by this By-law or indicated by traffic control devices erected by the Town or other public authority having jurisdiction.
- (3) This section shall not apply to service vehicles.

Oversized Vehicle Parking

- 35. (1) No person shall park a vehicle with:
 - (a) an actual weight or gross registered weight over 2,725 kilograms; or
 - (b) an overall length of more than six metres;on any street for more than two (2) hours.
- (2) Subsection (1) shall not apply to vehicles owned by or leased to the Town.

Dangerous Goods Vehicle Parking

- 36. (1) No person shall stand, stop or park a vehicle transporting or designed for transporting dangerous goods in bulk on private property or public property including any street within the Town.
- (2) Notwithstanding subsection (1), a vehicle carrying or transporting dangerous

goods may be parked within 150 metres of any residence, educational institution or place of public assembly for such period of time only as is necessary to unload the contents, provided that:

- (a) it is not possible for the contents to be unloaded from any other area; and
- (b) the vehicle and the unloading procedure are under constant supervision during the entire time the vehicle is parked.

Parking Zones for Persons With Disabilities

- 37. (1) No person shall park or stop a vehicle in any on-street parking stall or zone marked by traffic control devices as reserved for persons with disabilities unless the vehicle displays in the front windshield a placard issued for persons with disabilities.
- (2) No person shall park or stop a vehicle displaying a placard issued for a person with a disability in any on-street parking stall or zone marked by traffic control devices as reserved for persons with disabilities for a longer period than 24 hours, except for Saturdays and holidays, or such lesser time as may be allowed by the traffic control devices.

Trucks Loading

- 38. (1) No person shall park any vehicle on any street with the vehicle backed up to the curb except:
 - (a) while actually loading or unloading goods onto or from the vehicle; and
 - (b) where the vehicle does not obstruct more than three metres of the street, measured perpendicular to the curb.

Removal of Vehicles

- 39. Where a Peace Officer has reasonable and probable cause for believing that a vehicle is in breach of any of the provisions of Part IV of this By-law respecting the stopping, standing or parking of vehicles then the Peace Officer may remove the vehicle or cause it to be removed and take the vehicle into custody and cause it to be taken to and stored in a suitable place pursuant to Section 68. hereof.
- 40. Any costs and charges incurred in moving or storing a vehicle or both, under Section 39. hereof are 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 Peace Officer or other authorized person.
- 41. The removal and storage of any vehicle is in addition to and not a substitution for any other penalties, fines or costs which may be prescribed or levied for breach of this By-law as prescribed in Schedule "A" attached hereto.

Specific Penalties

- 42. Whenever any motor vehicle without an operator is found parked or stopped in breach of any provision of Part IV of this By-law, the Peace Officer finding such vehicle shall take its registration number and may take any further information displayed on the vehicle which may identify its operator and shall conspicuously affix to such vehicle a Town Parking Ticket on a form approved and provided by the Town, and as set out in Schedule "B" attached hereto. The Parking Ticket shall indicate the amount of the fine for the breach as prescribed in Schedule "A" attached hereto. The Parking Ticket shall further provide that the Town will accept voluntary payment in a reduced amount of the fine as prescribed in Schedule "A" attached hereto and as provided for in Section 66 hereof.

43. Where the Town receives voluntary payment of the prescribed amount, the person receiving the Parking Ticket and the owner of the vehicle shall not be liable to prosecution for the alleged breach.
44. Any person who breaches any provision under Part IV of this By-law is subject to the provisions, fines and/or penalties and the costs as prescribed under Part VIII of this By-law.
45. In any prosecution charging a breach of any provision under Part IV of this By-law governing the standing, or parking of a vehicle, proof that the particular vehicle described in the evidence of the Peace Officer was parked in breach of this By-law, together with proof that the operator named in the information was at the time of such parking the registered owner of such vehicle, shall constitute in evidence a prima facie presumption that the registered owner of such vehicle was the person who parked or placed such vehicle at the point where, and for the time during which, such breach occurred.

PART V

RESTRICTED USE OF HIGHWAYS

Temporary Street Closure

46. (1) No person shall operate a vehicle on any street temporarily closed to vehicle traffic by authority of this By-law, or any other By-law of Council, or any Resolution passed by Council.
- (2) No person shall park or stop a vehicle on any street where parking or stopping is temporarily restricted by authority of this By-law, or any other By-law of Council, or any Resolution of Council.
- (3) Notwithstanding any other provision in this Bylaw, the CAO shall have authority to temporarily close to vehicle traffic or restrict parking or stopping on any street as follows:
 - (a) to enable work to be carried out by or on behalf of the Town, including road construction and/or maintenance, street cleaning, snow removal and sewer or water line construction, repair or improvements;
 - (b) to facilitate the moving of any building, structure, machine or other object;
 - (c) to facilitate the construction, repair or demolition of a building, structure or other object; and
 - (d) to facilitate public gatherings.
- (4) Notwithstanding any other provision in this By-law, the Chief of Police shall have authority to temporarily close to vehicle traffic or restrict parking or stopping on any street for the purpose of a parade or assembly of persons.
- (5) Where a street is temporarily closed, the Engineering Manager shall cause the street to be marked with a sign or barricade indicating the closure and the hazards, if any, that would be encountered in its use.

Temporary Street Use Permit

47. (1) No person shall occupy any street, sidewalk or boulevard or cause any encroachment or obstruction thereon in the manner contemplated in this section without first obtaining a Temporary Street Use Permit.
- (2) The CAO may issue Temporary Street Use Permits, as prescribed in Schedule "D"

attached hereto, for temporary use of a public highway, sidewalk or boulevard.

- (3) Temporary Street Use Permits shall be restricted to situations involving major deliveries, the construction, repair, demolition or relocating a building or other object, and to special uses the CAO deems appropriate.
- (4) Notwithstanding subsection (2), Temporary Street Use Permits shall only be issued by the CAO on:
 - (a) receipt of a written application not less than three working days, or in the case of an application for an outdoor restaurant 15 days prior to the commencement of the temporary street use;
 - (b) the issuance of necessary permits or approvals by authorities having jurisdiction over the activity or area for which the temporary street use is sought;
 - (c) receipt of the Applicant's written agreement, to bear all costs associated with the Temporary Street Use, to carry insurance in amounts acceptable to the Town, to indemnify the Town from and against third party claims, and to repair or pay costs of repairing any damage done by the Applicant to Town property or to streets, sidewalks and boulevards;
 - (d) receipt of a fee prescribed in Schedule "A" attached hereto; and
 - (e) upon the CAO being satisfied that the Temporary Street Use Permit will not result in an activity which unduly interferes with the movement of traffic or constitutes a threat to public safety.
- (5) The CAO may impose conditions on the issuance of a Temporary Street Use Permit. Failure to meet any of the conditions outlined in the Street Use Permit may result in the Applicant being subject to a fine as specified Schedule "A" attached hereto.
- (6) Any person who obtains a Temporary Street Use Permit shall abide by the conditions imposed by the CAO pursuant to this Section.
- (7) The CAO may revoke or suspend a Temporary Street Use Permit when the Applicant fails to observe conditions of permit issuance or where in the opinion of the CAO the activity of the Applicant has proven to unduly interfere with the movement of traffic or is constituting a threat to public safety, or otherwise in accordance with rights reserved by the CAO as a condition of permit issuance.

Parade Permit

48. (1) 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 person acting as Marshall or Organizer.
 - (b) The parade has been duly permitted by the Chief of Police of the Town.
 - (c) Any person desiring to hold a parade shall apply to the Chief of Police of the Town in writing for a permit therefore not less than 48 hours prior to the time set for 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 of 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 of Police 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.
 - (d) The Chief of Police on receipt of an application made in

accordance with the provisions of this section shall, as he may deem necessary, make arrangements to properly police the streets during the passage of the Parade, to divert traffic and barricade or obstruct streets, lanes, roadways or portions thereof.

- (e) While a parade is in process, pedestrians not participating shall be restricted to the adjoining sidewalk or boulevards.
- (f) No person shall drive a vehicle through a parade, obstruct or interfere with a parade or drive a vehicle on any portion of a street that has been roped off, barricaded or otherwise indicated to traffic.

Repair of Vehicle

- 49. (1) No person shall wash, repair, dismantle or otherwise work on a vehicle on a street, except in case of emergency and then only in the curb lane of the street.
- (2) No person shall leave any vehicle for more than three hours on any street when that vehicle has been placed on a jack or blocks.

Cord Across the Sidewalk

- 50. (1) No person shall place or leave any cord or cable across, above, or on any street or sidewalk.
- (2) No person shall allow any cord or cable left across, above, or on any street or sidewalk to be attached to their vehicle while that vehicle is parked on a street.

Intersection Sight Line Controls

- 51. (1) No person shall obstruct sight lines at the intersection of a street with any other street, alley or driveway.
- (2) The Engineering Manager may remove or cause the removal of that obstruction at the cost of the person who caused or allowed the obstruction and may destroy or otherwise dispose of the obstruction.
- (3) This Section does not apply to mature trees situated within identified site lines provided that all branches and foliage of any such tree are cut back from ground level to a height of 2 meters measured from the grade of the nearest curb.
- (4) Subject to subsection (2), no owner or occupant of a property shall cause or permit:
 - (a) the planting, erection, maintenance or keeping of any plant, tree, fence or other obstruction; or
 - (b) the piling or placing of snow; or
 - (c) the parking of a recreational vehicle;

on that portion of the adjacent boulevard so as to cause an obstruction.

- (5) Subject to subsection (4), the Engineering Manager may remove any recreational vehicle, plant, tree, structure or snow that has been placed on the adjacent boulevard.
- (6) This section does not apply to buildings located and erected in compliance with the Town Zoning By-law and Building By-law as now in effect and as amended from time to time.

RESTRICTED VEHICLES

PART VI

Vehicle Licensing

52. (1) No person shall park a vehicle on any street unless it displays valid license plates, with current and valid validation stickers or a registration permit, displayed in the manner prescribed in The Highway Traffic Act or any other Act of the Legislature passed and enacted to govern the licensing and registration of vehicles.
- (2) No person shall operate an unlicensed motor vehicle on any street, park, public reserve, sidewalk or other public property.

Overweight Vehicles

53. (1) No person shall operate on any street a heavy vehicle or load, or both, as defined in this By-law, except where the Engineering Manager has approved such operation by the issuance of an Overweight Load Permit, as set out in Schedule "E" attached hereto, and the payment of the applicable Permit Fee as prescribed in Schedule "A" attached hereto.
- (2) The maximum load on any tire shall not exceed 9 kg/mm of tire width, to a maximum load of 3,000 kilograms.
- (4) The allowable load on adjacent axle units shall be the sum of the individual allowable axle load, subject to the minimum interaxle spacing of:
- (a) 5.5 metres between a tandem axle group and tandem axle;
- (b) 5.0 metres between two tandem axle groups; and
- (c) 3.0 metres between two single axles.
- (5) This section does not apply to any vehicle owned by or under contract to the Town or any other public utility vehicle while that vehicle is:
- (a) actually engaged in maintenance or construction of public works; or
- (b) travelling to any location for the purpose of carrying out maintenance or construction of public works.
- (6) Every operator of a vehicle shall comply with a request of a Peace Officer to immediately proceed to the nearest Weigh Scale and there allow the vehicle to be weighed for the purpose of determining whether the vehicle is overweight.

Slow Moving Vehicle

54. (1) No person shall operate a slow moving vehicle, as defined in this By-law, on any street between the hours of 7:00 A.M. and 9:00 A.M. , inclusive, or 4:00 P.M. and 6:00 P.M., inclusive Monday to Friday, inclusive, or from one-half hour before sunset to one-half hour after sunrise.
- (2) Notwithstanding subsection (1), a slow-moving vehicle may be operated between sunset and sunrise, if the vehicle is preceded and followed by a pilot car or the slow moving vehicle is equipped with head lights and tail lights and has activated and is operating its hazards lights and head and tail lights.

- (3) Pilot cars are to be identified in conformity with weights and dimensions required by regulation under The Highway Traffic Act.

Off-Road Vehicles – SEE AMENDING BY-LAW 21/06

55. ~~(1) The following designated off road vehicles may be operated upon a street within the Town, with the exception of the streets or portion thereof (being a portion of 2nd Ave North and a portion of 4th St. East) under the authority of the Province of Manitoba which are shown on the Map attached hereto as Schedule “F”, provided the designated off road vehicles are operated in compliance with subsection (3).~~

- ~~(a) Snowmobiles,
(b) All Terrain vehicles~~

~~(2) The following designated off road vehicles are not permitted to be operated upon a street or any other public property within the Town.~~

- ~~(a) A four wheel drive motor vehicle, a motorcycle or a snow vehicle not registered and licensed under The Highway Traffic Act or any other Act of the Legislature passed and enacted to govern the registration of vehicles;
(b) A mini bike, dirt bike, trail bike and a “pocket motorcycle or dirt bike”;
(c) A miniature vehicle such as a dune or sport buggy
(d) An off road maintenance vehicle; and
(e) An amphibious vehicle~~

~~(3) The off road vehicles designated in subsection (1) (a) and (b) are permitted to operate upon a street within the Town provided the operation of the designated off road vehicle;~~

- ~~(a) is the most direct route to and from a residence or other place of origination and the limits of the Town, and
(b) does not exceed a speed of 30 kilometers per hour, and
(c) is operated by a person over the age of 16 years, and the off road vehicle is licensed and registered under The Off Road Vehicle Act, and
(d) is operated by a person wearing on his head a properly adjusted and securely fastened helmet in compliance with the requirements contained in the regulations under The Off Road Vehicle Act, and
(e) is not operated in a careless manner or without due care and attention, and
(f) is not operated without reasonable consideration for other persons and property or in a manner likely to cause damage or injury to other persons and property~~

(4) No person shall operate a designated off-road vehicle;

- (a) on private property without the express or implied consent of the owner or lawful occupier of the property;
(b) within 30 meters of a dwelling between the hours of 12:00 AM and 7:00 AM, unless the dwelling is located on the operator’s own property or property under the operator’s control or as an invited guest; or
(c) within 30 meters of a playground, or area set aside for other recreational uses, unless the area is enclosed or fenced.

Mobility Vehicle / Motorized Mobility Aid

56. (1) A mobility vehicle or a motorized mobility aid may be operated upon a street within the Town provided the mobility vehicle or motorized mobility aid is operated
- (a) by a person who is licensed pursuant to The Driver's License Regulation
 - (b) as closely as practicable to the right-hand edge of the roadway
 - (c) except when overtaking or passing is not operated beside another mobility vehicle, motorized mobility aid or bicycle that is operating in the same lane
 - (d) at all times, with at least one hand on the handle bar
 - (e) is not operated in a careless manner or without due care and attention.
- (2) A motorized mobility aid may be operated upon a sidewalk within the Town provided it is not operated in a careless manner or without due care and attention.

PART VII

BICYCLISTS

Rules of the Road Prevail

57. Every cyclist shall operate a bicycle in accordance with the applicable rules of the road as set forth in The Highway Traffic Act.

Restrictions on Bicyclists

58. (1) No person shall operate a bicycle with a wheel diameter of 40 centimeters or more on any sidewalk or boulevard, except where permitted by an appropriate traffic control device.
- (2) No person shall operate a bicycle while carrying more persons at one time than the number for which it is designed and equipped.
- (3) No person shall operate a bicycle in a reckless or negligent manner.
- (4) No person shall operate a bicycle while riding more than two abreast of another cyclist except for the purpose of passing on the left side.
- (5) No person shall operate a bicycle while carrying a load in excess of that for which the bicycle is designed and equipped.
- (6) No person shall operate a bicycle without having at least one hand on the handle bars.
- (7) No person shall operate a bicycle between one-half hour before sunset and one-half hour after sunrise, unless the bicycle is equipped with:
- (a) a lighted headlamp which is visible from the front of the bicycle; and
 - (b) a red tail light that is visible from the rear of the bicycle.

Bicycle Parking

59. (1) No person shall chain or otherwise secure a bicycle to a pole, tree or other structure on any street, sidewalk or public place, other than;
- (a) a bicycle stand provided for that purpose; or
 - (b) a pole which has been designated by the Engineering Manager as one that may be utilized for bicycle parking.
- (2) No person shall leave a bicycle in a reclining position on any street, sidewalk or public place.

Impoundment

60. Any person guilty of a breach of the provisions of Part VII of this By-law shall be liable to seizure of his bicycle and the bicycle may be held under seizure by the Town until such time as the person guilty of such breach has paid the fine set forth in Schedule "A" attached hereto. Any bicycle impounded and unclaimed for 90 days or more shall be dealt with as lost or unclaimed personal property.

PART VIII

ENFORCEMENT

Emergency Traffic

61. (1) A Peace Officer is hereby authorized to direct traffic in conformity with this Bylaw and The Highway Traffic Act.
- (2) Notwithstanding any other provisions of this Bylaw, a Peace Officer, a person designated by a Peace Officer, or a fire fighter are hereby authorized to direct or prohibit traffic on any street in any manner they deem necessary to expedite traffic, safeguard pedestrians, prevent accidents or meet any unforeseen conditions, whether or not in conformity with this Bylaw or The Highway Traffic Act, in the event of a fire, traffic accident or other emergency.
- (3) Every person shall comply with a direction or signal of a Peace Officer, a person designated by a Peace Officer, or a fire fighter given under authority of this Section.

Notice of Breach

62. (1) When a Peace Officer has reason to believe that a person has breached or a vehicle is in contravention of any provision of Parts II, III, V, VI and/or VII of this By-law, the Peace Officer may issue a Notice of Breach, on a form approved and provided by the Town, and as set out in Schedule "C" attached hereto, to the person or place the Notice of Breach on the vehicle. The Notice of Breach shall provide the amount of the fine for the breach as prescribed in Schedule "A" attached hereto. The Notice of Breach shall further provide that the Town will accept voluntary payment in a reduced amount of the fine as prescribed in Schedule "A" attached hereto and as provided for in Section 66 hereof.
- (2) Where the Town receives voluntary payment of the prescribed amount, the person receiving the Notice of Breach and the owner of the vehicle shall not be liable to prosecution for the alleged breach.
- (3) In any prosecution charging a breach of any provision under Parts II, III, V, and/or VII of this By-law, proof that the particular vehicle described in the evidence of the Peace Officer was in breach of this By-law, together with proof that the operator named in the information was at the time of the breach the

registered owner of such vehicle, shall constitute in evidence a prima facie presumption that the registered owner was the person responsible for the vehicle when such breach occurred.

Placing Tickets / Notices

63. (1) No person, other than a Peace Officer may place a Parking Ticket or warning ticket or a Notice of Breach on any vehicle.
- (2) No person, other than the operator of the vehicle, shall remove a Parking Ticket, warning ticket or other Notice of Breach from a vehicle.

Penalty/Fine

64. (1) Any person who breaches any provision of this Bylaw is guilty of an offence and is subject to, upon conviction before a Provincial Court Judge, Magistrate or Justice of the Peace, a fine of not more than \$200.00, plus all applicable Court costs and, if applicable, the costs of impoundment of a vehicle.
- (2) Nothing in this Section shall be construed to prevent any person from exercising his or her right to defend a charge of breach of this By-law.
- (3) The Town may proceed to collect any fines, penalties and costs against a person who has been convicted under this By-law by any means available to the Town by law for the collection of outstanding property taxes, including without limitation, adding the fines, penalties and costs to the realty taxes on any property owned by the person within the Town.

Cancellation of Tickets

65. The CAO may stay or cancel any Notice of Breach or Parking Ticket, where in the opinion of the CAO the Notice of Breach was issued improperly or in error.

Reduction for Early Payment

66. (1) Where a Peace Officer has issued a Parking Ticket or a Notice of Breach pursuant to this By-law the Parking Ticket or the Notice of Breach shall provide that the Town shall accept voluntary payment of a fine in an amount as prescribed in Schedule "A" attached hereto provided such voluntary payment is paid to the Town, by way of mail or attendance to the Town administration offices during regular working hours, within fourteen (14) days of the date of the Parking Ticket or the Notice of Breach. In the event that a person does not pay the voluntary payment of the fine amount prescribed in Schedule "A" attached hereto within the said fourteen (14) day period, the Peace Officer may lay an Information with respect to the breach of the By-law and a Summons may be issued for the person to attend before a Provincial Court Judge, Magistrate or Justice of the Peace.
- (2) Where the Town receives voluntary payment of the fine as set out in Section 66. (1), neither the person receiving the Notice of Breach or the Parking Ticket nor the owner of the vehicle shall be liable to prosecution before a Provincial Court Judge, Magistrate or Justice of the Peace for the breach of the By-law.

Enforcement of Highway Traffic Act

67. A Peace Officer, as defined under this By-law, may enforce the provisions of The Highway Traffic Act and any Regulations of said Act subject to the authority granted to the Town and the Peace Officer by the Province of Manitoba by Memorandum.

Impoundment of Vehicles

68. (1) Any Peace Officer may move or remove or cause to be moved or removed any vehicle that is unlawfully parked, placed, left or kept on any street, public parking place or other public property.
- (2) Any vehicle removed pursuant to subsection (1):
- (a) shall be impounded at the cost of the owner for a period of 30 days after the date of removal of the vehicle unless the costs of removal, impoundment and storage and any outstanding fines are sooner paid;
 - (b) may be released to the owner on payment of the cost of removal, impoundment and storage and any outstanding fines within 30 days after the date of the removal of the vehicle.
- (3) If the vehicle is not redeemed within 30 days pursuant to clause (2)(b):
- (a) the vehicle shall be dealt with as lost or unclaimed personal property; and
 - (b) the Town shall have the right to recover from the owner of the vehicle the costs of removal, impoundment and storage, including the actual cost of advertising, by action in a court of competent jurisdiction, sale of the vehicle at public auction, or by private sale of the vehicle where the vehicle cannot be disposed of at a public auction.
- (4) Notwithstanding subsections (1) to (3), any person empowered pursuant to subsection (1) to move or remove vehicles may cause the removal of a vehicle stopped or parked in contravention of Sections 27 and 28 within a temporarily closed or regulated street and may deposit that vehicle at a location on a street in proximity to the original location of the vehicle so moved.

Removal of Obstruction

69. Where an obstruction, encumbrance or encroachment is created or left on any street, boulevard or sidewalk, any Peace Officer may remove or cause the removal of that obstruction, encumbrance or encroachment at the cost of the person who caused the obstruction, encumbrance or encroachment and may destroy or otherwise dispose of the obstruction, encumbrance or encroachment.

False Statement

70. No person shall make any false statement, written report or document with respect to any material fact relating to any provision and/or aspect of this By-law.

PART IX

ADMINISTRATION

Severable

71. If any Section, subsection, sentence, clause, phrase or other portion of this Bylaw is for any reason held invalid or unconstitutional by any Court of competent jurisdiction, that portion shall be deemed a separate, distinct and independent provision and the holding of the Court shall not affect the validity of the remaining portions of the Bylaw.

72. If any Section or provision of this By-law is inconsistent with The Highway Traffic Act or a Regulation of the Act, The Highway Traffic Act shall prevail.
73. Wherever the singular or masculine are used throughout this By-law, the same shall be construed as meaning plural or feminine or neutral, where the context so requires.

Repeal of Previous By-Laws

74. By-laws 4/81, 10/82, 30/84, 43/86 are hereby repealed. This Bylaw comes into force on the 1st day of January A.D., 2006.

DONE and PASSED by the Council of the Town of Stonewall in the Province of Manitoba this 28th day of September A.D., 2005.

TOWN OF STONEWALL

Ross Thompson

MAYOR

Robert Potter

CHIEF ADMINISTRATIVE OFFICER

Read a first time this 13th day of April A.D., 2005.

Read a second time this 11th day of May A.D., 2005

Read a third time this 28th day of September A.D. 2005, as amended

SCHEDULE "A"

To By-law No. 8/04

Fines / Penalties

1.	Breach of provisions under Part II - Traffic Signs and Traffic Routes	\$100.00
2.	Breach of provisions under Part III – Moving Violations	\$ 50.00
3.	Breach of provisions under Part IV – Parking and Stopping	\$
50.00		
4.	Breach of provisions under Part V – Restricted Use of Highways	\$ 100.00
5.	Breach of provisions under Part VI – Restricted Vehicles	\$100.00
6.	Breach of Part VII – Bicyclists	\$ 20.00

**Voluntary Payment
Of
Fines / Penalties
Section 43 and Section 64**

1.	Breach of provisions under Part II - Traffic Signs and Traffic Routes	\$ 50.00
2.	Breach of provisions under Part III – Moving Violations	\$ 25.00
3.	Breach of provisions under Part IV – Parking and Stopping	\$
25.00		
4.	Breach of provisions under Part V – Restricted Use of Highways	\$ 50.00
5.	Breach of provisions under Part VI – Restricted Vehicles	\$ 50.00
6.	Breach of Part VII – Bicyclists	\$ 10.00

**Fees
Section 46 and Section 52**

1.	Temporary Street Use Permit – Section 46	\$ 50.00
2.	Overweight Load Permit – Section 52	\$ 250.00

