

RURAL MUNICIPALITY OF ROLAND

BY-LAW NO. 9-2008

Being a by-law providing for the regulation of traffic and parking of vehicles within the Villages of Roland (L.I.D.#1) and Myrtle (L.I.D.#2) within the Rural Municipality of Roland

WHEREAS the Council of the Rural Municipality deems it necessary and expedient to pass a by-law regulating and controlling traffic and the parking of vehicles within the said Municipality, pursuant to the provisions of *The Municipal Act* and *The Highway Traffic Act*, and amendments thereto;

NOW THEREFORE BE IT ENACTED AS FOLLOWS:

INTERPRETATIONS

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

2) Where used in this by-law:

“Highway, Street or Lane” shall mean a public thoroughfare within the Rural Municipality of Roland. Every highway shall be deemed to include all space between the property lines on either side, and whenever the expression “highway”, “street”, or “lane” is used in this by-law, it shall mean a highway, street or lane within the Rural Municipality of Roland. Whenever in this by-law, any highway that is referred to by name or number as a street or avenue such street or avenue so named or numbered shall mean the street or avenue within the Rural Municipality of Roland commonly bearing such name or number;

“Motor vehicle” means a motor vehicle as defined in The Highway Traffic Act.

“Parking”, when prohibited, 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 a peace officer or a traffic control device,

and “parking” has a corresponding meaning;

“Semi Trailer” means a trailer so constructed that its weight and the weight of its load is carried partly upon an axle of the truck tractor towing it, and partly upon an axle of the trailer.

“Trailer” means a vehicle designed for carrying persons or chattels, and for being towed by a motor vehicle, and includes a farm trailer but does not include an implement of husbandry that is temporarily towed, propelled, or moved upon a highway.

“Truck” means a motor vehicle or semi trailer truck, that is not a delivery car and that is constructed or adopted to carry goods, wares, and merchandise, freight or commodities, but not passengers or luggage.

“Truck tractor” means a motor vehicle designed and used primarily for towing other vehicles, and not so constructed as to carry a load other than the driver thereof and a part of the weight of any vehicle so towed including the load thereon.

“Traffic” includes pedestrians, ridden or herded animals, vehicles, and other conveyances, either singly or together, while using any highway.

“Vehicle” means a device, in, upon, or by which a person or thing is or may be transported or drawn upon a highway.

GENERAL REGULATIONS

No person shall stop, stand or park a vehicle:

- (i) in areas so designated by appropriate signs erected by the R.M. of Roland prohibiting standing, stopping and/or parking.
- (ii) to interfere with or interrupt the passage of other vehicles and/or pedestrians.
- (iii) to obstruct the entrance to a lane or to a driveway or an approach leading into private premises
- (iv) on a lane, but this provision shall not apply to any vehicle standing temporarily for the purpose of and while engaged in loading or unloading.
- (v) on a boulevard or a sidewalk
- (vi) displayed for sale, on a highway.
- (vii) that is not in running condition or is under repair, on a street.

TRUCK PARKING

No person shall park any truck over 4500 kg in weight, truck tractor, trailer or semi trailer unit on any highway, except to stop temporarily for the purpose of, and while actually engaged in loading or unloading.

SNOW REGULATIONS

Persons shall remove parked vehicles and refrain from parking on public streets and lanes during and after snowfall events which will require the removals of accumulated snow. Persons may resume parking on streets after snow removal operations have been completed.

No person shall deposit snow from private properties onto public roads, streets, lanes and ditches. Persons found depositing snow on public roads, streets, lanes and ditches may be charged the cost to remove such snow.

TEMPORARY TRAFFIC SIGNS

The Public Works Foreman is authorized to place and maintain or cause to be placed, and maintained, temporary control devices for the purpose of prohibiting or regulating traffic where highway construction, repair, painting, snow removal, street cleaning or any emergency occurs.

AUTHORITY TO MOVE VEHICLES UNLAWFULLY PARKED

Where any vehicle is standing or is parked:

- a) In contravention of the provisions of this by-law;
- b) In a position that causes it to interfere with the movements of persons or machinery engaged in any of the operations of Rural Municipality of Roland works, such as grading, snow removal and other works hereof;
- c) In a position that causes it to interfere with the movements or operating of emergency equipment, the Public Works Foreman or any person appointed by him, any member of the Royal Canadian Mounted Police, the Fire Chief of the Rural Municipality of Roland, may move the said vehicle or cause it to be moved, or may require the driver or person in charge of the vehicle to move it to a position determined by the aforesaid party or parties, or may authorize the removal and detention of the violating vehicle and store it in a suitable place.

The costs and charges incurred in moving and/or storing any vehicle that is impounded pursuant to the provisions of this by-law shall be considered a lien on the vehicle that may be enforced under the Garage Keepers Act by the person who moved and/or stored the vehicle at the request of the Public Works Foreman or other authorized person.

EXCEPTIONS TO PROVISIONS OF BY-LAW

The provisions of this by-law, relating to stopping, standing, or parking, shall not apply to:

- a) Vehicles owned and operated by the Royal Canadian Mounted Police.
- b) Vehicles of, or employed by, the R.M. of Roland, while in use in connection with work being done on or near a highway.
- c) Vehicles of Her Majesty's mail, or of the Government of Canada or of the Province of Manitoba, and of any public utility, if such vehicles have the owner's name painted thereon and are actually engaged in works of necessity on or near a highway requiring them to stop or be parked in contravention of any such provisions.

PENALTY

Every person found guilty of a breach of any provision of this by-law, unless a penalty or fine is specifically provided therefore, shall be liable on summary conviction, to a fine not exceeding \$1,000.00 in the case of an individual, or not exceeding \$5,000.00 in the case of a corporation, in addition to costs.

LIABILITY OF OWNERS TO CONVICTION

Where an offence, consisting of a violation of any provision of this by-law

- (a) is committed by means of, or with respect to, a motor vehicle; or
- (b) occurs by reason of, or with respect to, the ownership, use or operation of a motor vehicle, the owner of the motor vehicle may be charged with commission of the offence and, if the Judge or Magistrate before whom the charge is tried, is satisfied that the offence was committed, the owner is guilty of the offence and is liable on summary conviction, to the penalty herein provided for that offence unless the owner satisfies the Judge or Magistrate that, at the time of the violation the motor vehicle was in the possession of a person other than the owner, without the consent of the owner.

REPEAL

By-law No. 6/86 and No. 7/87 and all other existing by-laws of the R.M. of Roland relating to traffic control and regulations are, hereby, repealed.

DONE AND PASSED in Council, duly assembled this 9th day of September, 2008.

W.M. Whitehead

W.M. (Bill) Whitehead,
Reeve

Dianne Toews

Dianne Toews,
Chief Administrative Officer

Read a first time June 9, 2008.
Read a second time September 9, 2008.
Read a third time September 9, 2008.