

**RURAL MUNICIPALITY OF MONTCALM**

**BY-LAW NO. 746/15**

**Being a by-law to provide traffic and parking regulations in the LUD of St-Jean-Baptiste.**

**WHEREAS** a municipality has the direction, control and management of municipal roads within its boundaries;

**AND WHEREAS** Section 90 (1) of The Highway Traffic Act provides for a traffic authority to make rules or by-laws to regulate and control vehicular and other traffic and the parking thereof within its jurisdiction;

**AND WHEREAS** Section 90 (2) of The Highway Traffic Act provides for the council of the municipality to impose penalties for a violation of any such rule or by-law;

**AND WHEREAS** Section 90 (3) of The Highway Traffic Act provides for the council of a town to make rules or by-laws applicable to any part of a provincial highway within the town;

**AND WHEREAS** Section 236 (1) (b) (ii) of the Municipal Act L. M. 1996, c.58 Chap. M225 states: 236 (1) Without limiting the generality of clause 232 (1) (o) (enforcement of by-laws), a by-law passed under that clause may include provisions

- (b) remedying contraventions of by-laws, including
- (ii) subject to the 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.

**AND WHEREAS** the Council of the RM of Montcalm and the committee of the LUD of St-Jean-Baptiste, deems it necessary and in the best interest of the municipality to restrict the parking of vehicles over 4500 kg, semi-trailers, campers, boats, recreational vehicles, trailers, off road equipment, and other related vehicles on streets in the LUD of St-Jean-Baptiste;

**AND WHEREAS** the Council of the RM of Montcalm and the committee of the LUD of St-Jean-Baptiste, deems it necessary and in the best interest of the municipality to ban parking of all school buses on all streets within the LUD of St-Jean-Baptiste;

**AND WHEREAS** it is deemed necessary and expedient to pass a by-law to regulate and control vehicular and other traffic and the parking thereof within the LUD of St-Jean-Baptiste;

**THEREFORE BE IT AND IT IS ENACTED AS FOLLOWS:**

**Article 1 - Definitions**

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

“Park”, 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;

“Peace Officer” means the municipal By-law Enforcement Officer.

“Permit” means a valid physically disabled person’s parking permit issued under Section 124.3 of The Highway Traffic Act.

“Persons” shall mean any individual, firm, company, association, society, corporation or group.

“Public Works Department” shall mean all works and operating department staff of the LUD of St-Jean-Baptiste which perform work upon a public street or lane within the Village.

“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.

“Special event” shall mean a parade, procession, block party, or such other event held on a public street, lane or thoroughfare which will require closure to public traffic.

“Street” shall mean a municipal road for public use and includes a road allowance (including the shoulder), street, lane, thoroughfare, walkway, bridge and underpass, but does not include a departmental road as defined in The Highways and Transportation Act.

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

- (a) an implement or husbandry that is not a motor vehicle, and
- (b) a special mobile machine, but does not include;
  - (i) a device designed to be moved by human power or used exclusively upon stationary rails or tracks, and
  - (ii) a motorized mobility aid,
  - (iii) construction vehicles and construction trailers.

## **Article 2 - Temporary Street Barricades & Closures**

### **Section 2.1**

No person shall park in a public street or lane at such time or manner to obstruct the performance of scheduled or emergency maintenance work on the public street or lane. The LUD of St-Jean-Baptiste Public Works Department may post, close or detour any such streets or deems necessary in order to perform maintenance and/or construction work as necessary from time to time.

## **Article 3 - Traffic & Parking Restrictions**

### **Section 3.1**

No person shall park vehicles over 4500 kg, as well as semi-trailers, campers, boats, recreational vehicles, trailers, off road equipment, and other related vehicles on streets in the LUD of St-Jean-Baptiste except for the designated area on the east side of Caron Street beginning at the cemetery going north.

### **Section 3.2**

No person shall park a vehicle on a street in such a manner that it obstructs the entrance to a lane or to a driveway or an approach leading into a private premise or public pathway.

### **Section 3.3**

No person shall park a vehicle within 100 meters of the scene of a fire or emergency except firefighting equipment or other emergency vehicles required in the firefighting operations.

### **Section 3.4**

No school buses are allowed to park on any streets in the LUD of St-Jean-Baptiste.

### **Section 3.5**

No person shall park a vehicle upon or over a sidewalk or in front of a public pathway which will obstruct the use of the sidewalk/pathway by pedestrians.

## **“Snow Regulations”**

## **Article 4 - Street Parking Ban**

### **Section 4.1**

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

### **Section 4.2**

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.



**Article 5 - Enforcement****Section 5.1**

Any peace officer may issue a notice, hereinafter referred to as an "Information Offence Notice", to any person who has allegedly contravened any of the provisions of this By-law.

**Section 5.2**

The said "Information Offence Notice" shall state the Vehicle License Number; the Date and Time and Place of the violation; and briefly describe the alleged violation; after which the peace officer shall attach a copy of the "Information Offence Notice" to the vehicle, or hand the "Information Offence Notice" to the owner or operator.

**Section 5.3**

In the event that a violation under By-law is also a violation under the Highway Traffic Act, the peace officer may issue a "Information Offence Notice" under the provisions of this By-law or under the Highway Traffic Act, at his/her discretion.

**Article 6 - Penalties****Section 6.1**

In the event that a recipient of an "Information Offence Notice", for an offence, voluntarily makes payment at the Montcalm Municipal Office, a receipt shall be issued to the offender. No prosecution shall be proceeded with if the required penalty has been voluntarily paid within the time limit established under this Bylaw.

**Section 6.2**

Any person guilty of a breach of this by-law shall be liable for a penalty, the fees of which are outlined in Section 7.2 of this by-law. Response to the issued Information Offence Notice, payment or contestation, shall be made in accordance with directions provided on the front and back of the issued Information Offence Notice. Voluntary payment of the set penalty under this by-law may also be made at the Rural Municipality of Montcalm office 46 1<sup>st</sup> Street East, Letellier, Manitoba, and Monday through Friday, 8:30am to Noon and from 1:00 p.m. to 4:30 pm. When permitted under Provincial Legislation, non-payment of fines may be accrued to the Vehicle Registration License fees for the vehicle identified in an "Information Offence Notice", and paid for at the time of registration.

**Section 6.3**

That the amount of fines and penalties set out in this By-Law can henceforth be amended from time to time by Resolution of Council and will become part of the schedule of fees.

**Article 7 - Other****Section 7.1**

If any provision of this by-law is adjudged invalid the judgment shall not be construed to invalidate the remaining provisions of this by-law.

**Section 7.2**


This by-law shall come into force and effect immediately upon the passing thereof.

Any person guilty of a breach of By-law No. 746/15 shall be liable for a fine set out as follows:

- 1st Offense \$250.00**
- 2nd Offense \$1,000.00**
- 3rd and Consecutive Offense \$1,000.00 plus towing charges**

**DONE AND PASSED** as a by-law of the Rural Municipality of Montcalm in the province of Manitoba on this 18 day of November , 2015.

  
REEVE – Derek Sabourin

  
C.A.O. – Ernie Epp

**READ A FIRST TIME** this 21 day October of, A.D. 2015.

**READ A SECOND TIME** this 18 day November of, A.D. 2015.

**READ A THIRD TIME AND PASSED** this 18 day of November , A.D. 2015.