

BY-LAW NO. 15-10

-of-

THE RURAL MUNICIPALITY OF SPRINGFIELD

BEING a By-Law of the Rural Municipality of Springfield to regulate the parking, stopping or standing, and special use of vehicles on certain municipal roads in the Rural Municipality of Springfield.

WHEREAS subsection 232(1)(b) of The Municipal Act provides that a Council may pass By-Laws for municipal purposes respecting municipal roads;

AND WHEREAS subsection 249(1) of The Municipal Act provides, in part, that a person who contravenes a by-law of a municipality is guilty of an offence;

AND WHEREAS subsection 249(2) of The Municipal Act provides that where a contravention continues for more than one day, the person is guilty of a separate offence for each day it continues;

AND WHEREAS Manitoba Regulation 50/97 of March 9, 1997 provides that the maximum fine that a council may impose in respect of a contravention of a By-Law is One Thousand (\$1,000.00) Dollars;

AND WHEREAS it is deemed necessary and expedient to regulate the standing, stopping, or parking of vehicles on certain municipal roads;

NOW THEREFORE, the Council of the Rural Municipality of Springfield enacts as a By-Law, here in after referred to as the Rural Municipality of Springfield Traffic By-Law, as follows:

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. The schedules to this by-law are part of the by-law and Council may from time to time, by resolution, amend each and every schedule attached to this By-law.

CONTINUING CONSOLIDATION

3. (a) The Chief Administrative Officer may cause to be prepared, and kept up to date, a continuing consolidation of this by-law, and indices and appendices thereto, and may make such arrangements with respect thereto, and with respect to matters incidental thereto, as may be required.

(b) Where a continuing consolidation of this by-law is prepared, all approved revisions thereto shall bear the designation and be located as follows:

- i) When a specific portion has been amended or replaced by an amending by-law, the designation ‘(AM. B/L #)’ shall be inserted immediately following the affected block of text.
- ii) When a specific portion has been repealed or deleted by an amending by-law, the designation ‘(REP. B/L #)’ shall be inserted adjacent to the current section, subsection, paragraph or clause number in place of the removed text.
- iii) When a new portion has been enacted herein by an amending by-law, the designation ‘(EN. B/L #)’ shall be inserted immediately following the added block of text.
- iv) When any of the designations referred to in i), ii) and iii) above are inserted within the text of this by-law, the figure ‘#’ shall be replaced by the actual number of the respective amending by-law.
- v) When more than one clause, paragraph or subsection of any particular section is affected by the same amending by-law, the designation may be placed at the end of each clause, paragraph or subsection so affected or, at the left aligned margin of the paragraph, subsection, or section so affected, whichever is deemed to have clarity in each particular instance.

DEFINITIONS

4. In this By-Law

“Chief of Police” means the Chief of Police of The Rural Municipality of Springfield or such person as may be authorized by the said Chief of Police to exercise some or all of the powers vested in him/her by this by-law

“Curb” means the lateral line or edge of a roadway.

“Director” means the Public Works Director of the RM of Springfield

“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.

“Loading Zone” means that portion of the roadway adjacent to the curb designated such by traffic control devices, intended for the loading or unloading of passengers or freight.

“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.

"Parade" means any procession or body of pedestrians excepting members of Her Majesty's Armed Forces, 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.

"Peace Officer" means a member of the Royal Canadian Mounted Police and any other police officer, police constable, municipal constable, municipal police constable or constable or any other person employed in the preservation and/or maintenance of the public peace, including a By-Law Enforcement Officer.

"Private approach" means that portion of a sidewalk and/or boulevard lawfully improved or designed for the passage of vehicular traffic.

"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.

"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 that has more than four tires.

"Vehicle" means a device in, upon or by which a person or thing is or may be transported or drawn upon a highway, except a device designed to be moved by human power, or a device used exclusively upon stationary rails or tracks, and shall include special mobile machines and implements of husbandry.

INSTALLATION AND MAINTENANCE OF TRAFFIC CONTROL DEVICES

5. The Public Works Director shall place and maintain or cause to be placed and maintained all traffic control devices authorized by Council.

TEMPORARY TRAFFIC CONTROL DEVICES

6. (a) The Director shall place and maintain or cause to be placed and maintained temporary traffic control devices to prohibit or regulate traffic in an emergency or for the purposes of carrying out any authorized work on the street including street cleaning and snow removal operations or as authorized by the Chief of Police to insure 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 Manual of Temporary Traffic Control, or as directed by the RM of Springfield.

COMPLIANCE WITH TEMPORARY TRAFFIC CONTROL DEVICES

7. 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.
8. Unless otherwise directed by a peace officer, pedestrians and drivers shall obey the direction, instruction, limitation, restriction, or prohibition of any applicable traffic sign, traffic control signal, marking, barrier, or device placed or maintained by the RM of Springfield for the purpose of regulating or prohibiting traffic, for highway construction, repair, maintenance, painting or any emergency

PARKING PROHIBITIONS

9. No person shall park, stop, or stand a vehicle over, upon or on any portion of the government road allowances described in Appendix "A" to this By-Law except:
- (i) for the purpose of loading or unloading passengers or freight provided that such loading or unloading does not exceed a total of fifteen (15) minutes and the vehicle is actually being loaded or unloaded.
 - (ii) for the purpose of attending a place of worship or a cemetery, for the express purpose of paying respect, provided always that said attendance at a place of worship or cemetery does not exceed a duration of two hours.
 - (iii) when ordered to do so by a person having authority or a posted traffic control device.
10. Except when necessary to comply with the directions of a peace officer or traffic control device, no person shall stop, stand or park a vehicle:
- (1) on or across a sidewalk;
 - (2) in front of a driveway;
 - (3) within an intersection or within three (3) metres thereof;
 - (4) within three (3) metres from the point on the curb or edge of the roadway immediately opposite a fire hydrant;
 - (5) on a crosswalk;
 - (6) within three (3) metres of the approach side of a crosswalk;
 - (7) in such manner that constitutes an obstruction or hazard on the highway;
 - (8) on the roadway side of a vehicle stopped or parked at the edge or curb of a street;
 - (9) except when a traffic authority otherwise permits, or on a one-way roadway when not forbidden by the traffic authority, a driver shall not stop, stand or park a vehicle other than on the right side of a highway and with the right-hand wheels parallel to that side, and where there is a curb, within 450 millimetres of the curb

11. It shall be an offence for any person to stand, stop, or park a vehicle on any portion of the government road allowances described in Appendix "A" hereto except for the purposes expressly provided for in clauses 9(i), 9(ii), and 9(iii) hereof.
12. No person shall drive a vehicle onto or along a boulevard or park or stop a vehicle on a Boulevard or public Right-of-Way.

COMPLIANCE WITH SIGNS REGULATING PARKING AND STOPPING

13. (a) Where a traffic control device is placed or maintained 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, 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.
- (b) Subject to section 13 (a) where a traffic control device is placed or maintained to limit the period of time during which vehicles may be parked or stopped on the street or any portion thereof, no person shall stop or park a vehicle or cause or permit a vehicle to remain stationary on the street or portion thereof to which the device relates for a period longer than authorized by the device.
- (c) Except when necessary to comply with the law, or the directions of a peace officer, or traffic control device, no person shall stop, stand or park a vehicle within nine metres upon the approach to any flashing beacon, stop or arrêt sign or traffic control signal situated at the side of a roadway.

TRUCK, TRUCK TRACTOR, TRAILER, MOTOR HOME OR BUS PARKING LIMITED TO ONE HOUR

14. LARGE VEHICLE PARKING LIMITED TO ONE HOUR

- (1) Subject to subsection (2), no person may park any of the following vehicles on a street for more than one hour:
 - (a) a truck weighing more than 3,000kg (6,600lbs);
 - (b) a truck tractor;
 - (c) a trailer;
 - (d) a motor home;
 - (e) a bus or other vehicle, having more than 4 tires;
 - (f) a bus or other vehicle originally having more than 4 tires which has been modified to have only 4 tires; or
 - (g) a vehicle that exceeds 6.7m (22 feet) in length;

EXCEPTIONS TO LARGE VEHICLE PARKING LIMITATION

- (2) Subsection (1) does not apply to
 - (a) a vehicle that is shown to be in active use by a tradesperson working on premises in the immediate area; or
 - (b) a vehicle parked pursuant to a Permit issued under the By-law.

PARKING ON ONE SIDE OF RESIDENTIAL STREETS

15. (1) No person shall park a vehicle at any time upon the east side of a street extending in a north/south direction or on the south side of a street extending in and east/west direction, where there exists a single roadway of 12 metres in width or less excepting when otherwise required or authorized by other provisions in respect of particular streets or portions of streets.

(2) No person shall park a vehicle at any time upon the inner or shortest side of the roadway in any bay where there exists a single road of 12 metres or less in width, excepting when otherwise required by other provisions in respect of particular streets or portions of streets.

PARKING EXEMPTIONS

16. The provisions of this by-law prohibiting or regulating stopping and parking shall not apply to:

- (a) vehicles of the RM of Springfield Police Service, the Royal Canadian Mounted Police, or any other Law Enforcement agency;
- (b) vehicles of, or employed by, the RM of Springfield 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.

REMOVAL OF VEHICLES BY PEACE OFFICERS

17. Any vehicle, parked, stopped, or left unattended standing on any portion of the government road allowances described in Appendix "A" hereof in contravention of this by-law may be removed on order of any peace officer by, for, and on behalf of the Rural Municipality of Springfield and may be towed or transported and be stored and impounded at the sole cost and expense of the registered owner of the vehicle.
18. Any vehicle so towed, transported or stored and impounded may only be released to the registered owner thereof, or his/her agent, or the person in charge or control of said vehicle, on payment of all costs, fees and other charges for removing, transporting, impounding and storing said vehicle.
19. In addition to ordering the removal, transportation, storage and impoundment of a vehicle found to be in contravention of this by-law, any Peace Officer may issue a Common Offence Notice describing the violation(s). Service of such notice shall be deemed to have been completed by personal service to the operator of the vehicle, by leaving a true copy of said notice affixed to the vehicle or by sending a true copy of the notice, by ordinary mail postage prepaid, to the address noted on the vehicle registration.

PENALTIES

20. Any person or persons committing an offence under this by-law shall be liable, on summary conviction, to a fine as stipulated in appendix B of this bylaw.
21. Where any offence continues for more than one day, the person is guilty of a separate offence for each day the offence continues.

PARADES

22. No person shall hold, take part in, or be a member of a parade unless:
 - (a) the parade is under the direction or control of a marshal or organizer, and
 - (b) the parade has been duly permitted by the Chief of Police, in accordance with provisions of a Special Permit under the appropriate By-Law .
 - (c) the person has been accepted as a participant by the parade marshal or organizer.

SPRING WEIGHT RESTRICTIONS

- 23 (1) The Director may restrict the maximum weight of vehicles operated on those roads that do not have concrete pavement to the extent and for such period of time as is reasonably required to protect the roads from damage and deterioration during spring thaw conditions.
 - (2) Where the Director restricts the maximum weight of vehicles on roads pursuant to subsection (1), the Director must cause to be placed such traffic control devices as are necessary to reasonably inform the public of the restrictions and, at least one week prior to the weight restriction coming into effect, must publish in a newspaper having a general circulation in the municipality, a notice setting out
 - (a) a description or list of the roads affected by the weight restriction;
 - (b) the maximum weight permitted on the roads identified; and
 - (c) the period of time during which the weight restrictions are in effect.
 - (3) No person may operate a vehicle on a road in contravention of a restriction made by the Director pursuant to subsection (1).
 - (4) The Director shall place and maintain or cause to be placed and maintained traffic control devices to limit the weights of vehicles operated upon roads that do not have concrete pavements. The weight limitations referred to herein shall be imposed during the period March 23 to May 31, both inclusive, of each year, unless the Director declares otherwise.
24. That By-Law No's 10-02 and 14-08 are repealed and no longer have any force or effect on the date of final passage of this By-Law.

DONE AND PASSED by the Council of the Rural Municipality of Springfield, in Council duly assembled, in Oakbank, Manitoba, this 22nd day of September A.D. 2015.

Reeve
Bob Bodnaruk

Chief Administrative Officer
Jim Fenske

READ a First time this 7th day of July, A.D 2015

READ a Second time this 22nd day of September, A.D 2015

READ a Third time this 22nd day of September, A.D 2015

APPENDIX "A" TO BY-LAW NO. 15-10

1. East side of Academy Rd between PTH 15 and the most Northerly limit thereof in the Community of Anola
2. Almay Ave between Pine Drive and East limit of Lot 1 Block 2 Plan 5231 in the Community of Oakbank
3. Ash Grove between Cedar Ave and the South limit of Lot 8 Block 2 Plan 7777 in the Community of Oakbank
4. East and West sides of Balsam Crescent between Willow Avenue and Cedar Avenue the Community of Oakbank
5. West side of Balsam Crescent from the centre line of Cedar Avenue, 45 meters northerly.
6. East and West sides of Bismark St between and the most Southerly limit thereof and Springfield Road, in NW 17-11-4E
7. Southside of Cedar Ave between Balsam Crescent and the West limit thereof in the Community of Oakbank
8. Bluegrass from Oasis Road to Easterly limit
9. Bruce Way East of PR 207
10. Crane Avenue from Varden Cres to Sylvan Ave
11. Fairview Rd from PR 213 to Southerly limit
12. Garven Heights from Springhill Drive to Easterly limit
13. Both side of Day St between Gunn Rd and Springfield Rd
14. North and South sides of Gunn Rd between Day St and East limit of railway right-of-way Plan 7416 WLTO
15. Holland St between PTH 15 and the most Southerly limit thereof in the Community of Dugald
16. East and West sides of Heatherdale Rd between the South boundary of Birds Hill Provincial Park and Oakwood Rd
17. Hazelridge Rd diversionary route through Pt Section 34-11-4E
18. Hazelridge Rd, both sides between Lornehill Road to Pineridge Road
19. Hazelridge Rd, both sides between Wenzel Road the floodway, Plans 7406 & 10283
20. East and West sides of Lorne Hill Rd between Garven Rd (PR 213) and Oakwood Rd
21. Maple Drive, west side between Willow Avenue and north to the lot line of the Sunrise School Division property

22. McGregor Farm Road, both sides form the floodway, Plans 7406 & 10283, to a point 500 metres West
23. Mersey Drive from PR 207 to Northerly limit
24. East and West sides of Murdock Rd between Fermor Ave (PTH 1E) and the North Perimeter Hwy (PTH 101)
25. Nespluck Place East of PR 207
26. Oakbank, all municipal rights of way, public lanes, utility service lanes, otherwise known as back lanes, whether developed or not.
27. East and West sides of Oakwood Road between PR 206 and Elm Drive
28. Oasis Rd between Bluegrass Rd and the Southerly limit thereof at the Red River Floodway
29. West side of Pine Drive in the Community of Oakbank
30. Pineridge Rd between Corbett Road and Manitoba Hydro Transmission Line Property, Plan 2903
31. East and West sides of Redonda St between Gunn Rd and Springfield Rd
32. Roscoe Road between Birds Hill Park and Ives Ridge
33. Sellen Place West of PR 207
34. Silver Birch St between Almey Ave and a point 200 feet South thereof in the Community of Oakbank
35. North and South sides of Springfield Rd between Redonda St and Bismark St
36. Springfield Road, both sides between PR 206 and Springfield Centre Drive
37. Springhill Drive from Oasis Road to Garven (PR 213)
38. Stoneridge Road, North of PTH 15, for 500 meters on both the East and West sides of the road.
39. Sylvan Ave from Crane Street to Westerly limit
40. Unick Drive from Fairview to Lornehill Road
41. North and South sides of Varden Ave from Lornehill Road to Crane Street
42. East and West sides of Wenzel Street between PTH 59 and CNR Pine Falls Subdivision Railway right of way
43. Willow Avenue, south side from Main Street (PR 206) to a point 153 metres west.

APPENDIX "B" TO BY-LAW NO. 15-10

Every person found guilty of a breach of any provision of Section 7 of this by - law shall be liable to a fine of \$60.00 if paid within 14 calendar days increasing to \$100.00 thereafter.

Every person found guilty of a breach of any provision of Section 9 of this by - law shall be liable to a fine of \$60.00 if paid within 14 calendar days increasing to \$100.00 thereafter.

Every person found guilty of a breach of any provision of Section 10 (1), (2), (5), (6), (9) of this by - law shall be liable to a fine of \$60.00 if paid within 14 calendar days increasing to \$100.00 thereafter.

Every person found guilty of a breach of any provision of Section 10 (3), (7), (8) of this by - law shall be liable to a fine of \$50.00 if paid within 14 calendar days increasing to \$100.00 thereafter.

Every person found guilty of a breach of any provision of Section 10 (4) of this by - law shall be liable to a fine of \$100.00 if paid within 14 calendar days increasing to \$200.00 thereafter.

Every person found guilty of a breach of any provision of Section 11 of this by - law shall be liable to a fine of \$60.00 if paid within 14 calendar days increasing to \$100.00 thereafter.

Every person found guilty of a breach of any provision of Section 12 of this by - law shall be liable to a fine of \$60.00 if paid within 14 calendar days increasing to \$100.00 thereafter.

Every person found guilty of a breach of any provision of Section 13 (1) of this by - law shall be liable to a fine of \$60.00 if paid within 14 calendar days increasing to \$100.00 thereafter.

Every person found guilty of a breach of any provision of Section 14 (1), (2) of this by - law shall be liable to a fine of \$60.00 if paid within 14 calendar days increasing to \$100.00 thereafter.

Every person found guilty of a breach of any provision of Section 15 (1), (2) of this by - law shall be liable to a fine of \$60.00 if paid within 14 calendar days increasing to \$100.00 thereafter.

Every person found guilty of a breach of any provision of Section 23 of this by - law shall be liable to a fine of not less or more than \$13.20 for each fifty kilogram, or fraction thereof, by which the actual gross weight of the vehicle or axle assembly exceeds the maximum gross weight prescribed in the appropriate schedule thereto, in addition to costs.

