

TOWN OF NIVERVILLE
BYLAW NO. 801-18

A bylaw to provide for the regulation of traffic and
parking of vehicles in the Town of Niverville.

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 C.C.S.M. c. H60* provides for a traffic authority to make rules or bylaws 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 C.C.S.M. c. H60* provides for the council of the municipality to impose penalties for a violation of any such rule or bylaw;

AND WHEREAS Section 90 (3) of *The Highway Traffic Act C.C.S.M. c. H60* provides for the council of a town to make rules or bylaws applicable to any part of a provincial highway within the town.

AND WHEREAS Section 236 (1) (b) (ii) of *The Municipal Act C.C.S.M. c. M225* states:

- 236 (1) Without limiting the generality of clause 232 (1) (o) (enforcement of bylaws), a bylaw passed under that clause may include provisions
- (b) remedying contraventions of bylaws, 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 bylaw.

AND WHEREAS the Council of the Town of Niverville, deems it necessary and in the best interests of the municipality to restrict the parking of trucks and trailers on streets in the Town of Niverville;

AND WHEREAS it is deemed necessary and expedient to pass a Bylaw to regulate and control vehicular and other traffic and the parking thereof within the Town of Niverville;

THEREFORE BE IT AND IT IS ENACTED AS FOLLOWS:

ARTICLE 1 – DEFINITIONS

“Designated parking space” means a space designated by signs or pavement markings as being for the sole use of motor vehicles displaying a permit and that is located:

- (1) on a highway,
- (2) in a public parking lot or facility, or
- (3) in a private parking lot or facility to which the public has access

"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;

"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.

"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;

"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.

"Town" means the Town of Niverville.

"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, or
 - (ii) a motorized mobility aid.

ARTICLE 2 - TEMPORARY STREET BARRICADES & CLOSURES

Section 2.1

Persons wishing to have a special event on any street or streets in the Town of Niverville, shall make application with the Town of Niverville, who shall review the application and may approve or reject the application (with conditions) and so advise the applicant within 48 hours of date of filing thereof. The application shall include the nature of the special event; the route intended to be taken, the date and length and the person or persons responsible for the event. The Town is hereby empowered to barricade or cause to be barricaded or erect a sign or remove a sign on any street or portion thereof deemed necessary for this event. If the event requires public awareness through the press or other means this shall be done at the expense of the applicant.

Section 2.2

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 Town of Niverville 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 a vehicle where a sign or painted curb, placed and/or authorized by the Town of Niverville, prohibits parking or where a sign has been erected prohibiting the parking of vehicles during certain hours or days, in accordance with Schedule "A" attached hereto.

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 three (3) meters of an intersection.

Section 3.4

No person shall park a vehicle within three (3) meters from the point of the curb or edge of the roadway immediately opposite of a fire hydrant.

Section 3.5

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

Section 3.6

No truck over 4,500 kg in weight, school buses, nor semi-trailers of any type, shall park on any street within the Town of Niverville from eleven o'clock in the evening of one day until six o'clock in the morning of the following day, notwithstanding that a truck or trailer may park on a street during the course of loading and unloading. Such loading and unloading shall be done as quickly as possible and shall not block the street for other vehicular traffic.

Section 3.7

No person shall park a vehicle on a street for fourteen (14) consecutive hours or more, within the Town of Niverville.

Section 3.8

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.

Section 3.9

No person shall stop, stand or park a motor vehicle in a designated parking space for physically disabled persons, or in a manner that makes a designated parking space inaccessible, unless the vehicle displays a permit in accordance with The Highway Traffic Act and the regulations under that Act.

ARTICLE 4 - TRAFFIC & PARKING REGULATIONS

Section 4.1

Parallel Parking of vehicles is required on all streets where parking is permitted in the Town of Niverville. Parallel parked vehicles shall be headed in the direction of traffic with the curbside wheels within 450 mm of the curb or if there is no curb, it shall be off the traveled portion of the streets, so that the vehicle will not interfere with the movement of other vehicles. On an uncurbed paved street where there is no designated parking lane, the vehicle shall be parked off of the paved portion of the road with no more than the passenger side (half) of the vehicle located off the pavement.

ARTICLE 5 - LOADING RESTRICTIONS/REGULATIONS

Section 5.1

No person shall park in a street, except for the purpose of loading and unloading. Such loading and unloading shall be done in as expeditious manner as possible. At no time shall the vehicle being loaded or unloaded completely block the lane, provision for one vehicle to pass shall be made at all times.

Section 5.2

No vehicle shall park backed up to the curb except when actually loading or unloading. In no event shall a vehicle be so parked as to interfere with the passage of other vehicles.

"SNOW REGULATIONS"

ARTICLE 6 - STREET PARKING BAN

Section 6.1

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. Street Parking Ban regulations are set out in Schedule "B" and may be amended from time to time by Resolution of Council.

Section 6.2

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, in addition to the applicable penalty.

ARTICLE 7 - ENFORCEMENT

Section 7.1

The Town is authorized to enforce this bylaw as per Bylaw 778-17; charge penalties and as required, tow vehicles to a compound until all fees and penalties have been paid.

Section 7.2

The Town or other person authorized by the Chief Administrative Officer may order a vehicle to be towed away when such a vehicle is parked in a non-compliant manner, the costs or fees of which are the responsibility of the registered owner.

Section 7.3

The Town through Bylaw 778-17 or other person authorized by the Chief Administrative Officer may issue a notice in a form approved by the Town, hereinafter referred to as an "Administrative Offence Notice", to any person who has allegedly contravened any of the provisions of this Bylaw.

Section 7.4

The said "Administrative Offence Notice" shall state the Vehicle Licence Number, the Date and Time and Place of the violation, and briefly describe the alleged violation. A copy of the "Administrative Offence Notice" shall be attached to the vehicle or may be handed to the owner or operator in person.

ARTICLE 8 - PENALTIES

Section 8.1

In the event that a recipient of an "Administrative Offence Notice", for an offence, voluntarily makes payment at the Niverville Town Office or the Niverville Towing Compound, 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.

Section 8.2

Any person guilty of a breach of this bylaw shall be liable for a penalty, the fees of which are outlined in the Niverville Fees & Fines Schedule. Response to the issued Administrative Offence Notice, payment or contestation, shall be made in accordance with directions provided on the front of the issued Administrative Offence Notice. Voluntary payment of the set penalty under this bylaw may also be made at the Niverville Town Office. When permitted under Provincial Legislation, non-payment of fines may be accrued to the Vehicle Registration License fees for the vehicle identified in an "Administrative Offence Notice" and paid for at the time of registration.

ARTICLE 9 - OTHER

Section 9.1

All Schedules attached to this bylaw may be amended from time to time by Resolution of Council.

Bylaw No. 656-07 and all other amendments or bylaws prior to the date of passing this bylaw that are inconsistent with the provisions of this bylaw are herewith repealed.

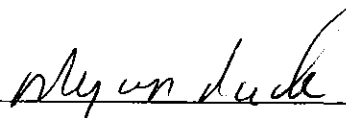
Section 9.2

If any provision of this bylaw is adjudged invalid the judgement shall not be construed to invalidate the remaining provisions of this bylaw.

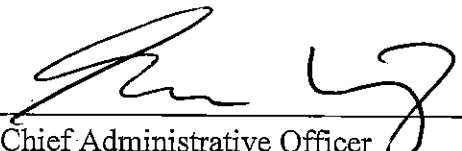
Section 9.3

This bylaw shall come into force and effect immediately upon the passing thereof.

DONE AND PASSED in Council assembled in the Council of Chambers of the Town of Niverville, in the Province of Manitoba this 6th day of November 2018.



Mayor



Chief Administrative Officer

Given 1st reading this 16th day of October 2018.

Given 2nd reading this 6th day of November 2018.

Given 3rd reading this 6th day of November 2018.

Schedule "A" saved separate.