

TOWN OF MOSSBANK

BYLAW NO 237/99

A BYLAW TO REGULATE THE OPERATION, PARKING OF VEHICLES AND THE USE OF THE HIGHWAYS.

The Council of the Town of Mossbank in the Province of Saskatchewan, enacts as follows:

1. INTERPETATION

- (a) "angle parking" means the parking of vehicles with the right front wheel drawn up on the right-hand side of the highway, or at a distance of not more than thirty (30) centimetres from such curb, the vehicles to be placed at an angle of forty-five (45) degrees with the curb;
- (b) "clerk" means the clerk/administrator of the municipality;
- (c) "curb" means the lateral boundaries of a roadway, whether or not marked by curbing;
- (d) "heavy vehicle" means a motor vehicle with or without load which alone or together with any trailer, semi-trailer or other vehicle being towed, weighs 4.5 tonnes or more;
- (e) "highway" means a road, parkway, driveway, square or place designated and intended for or used by the general public for the passage of vehicles, but does not include any area, whether privately or publicly owned, that is primarily intended to be used for the parking of vehicles and the necessary passageways on that area and does not include a provincial highway within the municipality as designated pursuant to the provisions of *The Highways and Transportation Act, 1979*;
- (f) "justice" means a justice of the peace as per *The Interpretation Act, 1995*.
- (g) "lug vehicle" means any vehicle with a portable engine or traction engine having metal spikes, lugs or cleats projecting from the face of the wheels or tires thereof, or having metal track treads;
- (h) "municipality" means the Town of Mossbank;
- (i) "parallel parking" means the parking of a vehicle with both right wheels thereof drawn up to the curb on the right-hand side of the highway, or at a distance of not more than thirty (30) centimetres from such curb;
- (j) "parking" has the meaning ascribed thereto by *The Highway Traffic Act*;
- (k) "place of public assembly" means schools, theatres, moving picture theatres, churches, hockey and skating rinks, dance halls and public assembly halls;
- (l) "power turn" means to maneuver a vehicle in such a manner to cause part of the vehicle to depart from its ordinary line of progress by the sudden use of acceleration and/or braking;
- (m) "special constable" means the Royal Canadian Mounted Police or a person appointed to enforce municipal bylaws.
- (n) "speed zone" means any portion of a highway within the Town of Mossbank, as designated herein, and identified by a sign erected and maintained at each end thereof, indicating the maximum speed applicable thereto;
- (o) "U-turn" means the turning of a vehicle so as to cause it to proceed in the opposite direction from which it was proceeding immediately prior to the commencement of such turn;
- (p) "vehicle" means a vehicle, trailer or semi-trailer or a motor vehicle as ascribed to by *The Highway Traffic Act*;

2. SCOPE

- (a) "STOP" STREETS: highways listed in Appendix 1
- (b) "YIELD" STREETS: highways listed in Appendix 2

- (c) "NO U-TURN" INTERSECTIONS: intersections of the highways, approached from all four (4) directions listed in Appendix 3

3. INFRACTIONS

(a) "STOP" STREETS

The provisions of *The Highway Traffic Act* shall apply to all traffic approaching and facing a "stop" sign erected and maintained in accordance with the provisions of subsection 4(a).

(b) "YIELD" STREET

The provisions of *The Highway Traffic Act* shall apply to all traffic approaching and facing a "yield" sign erected and maintained in accordance with the provisions of subsection 4(b).

(c) MISCELLANEOUS SIGNS

- (1) No person shall, except where authorized by resolution of council or when duly authorized by law, erect upon or immediately adjacent to any highway, any sign, marker, signal or light or any advertising sign or device.
- (2) No person shall deface, damage, destroy or remove any sign or marker erected pursuant to this bylaw.

(d) SCHOOL BUS FLASHING LIGHTS

- (1) The operator of a school bus when operating a school bus on public highways in the municipality shall not activate the safety lights.

(e) LUG VEHICLES

- (1) No person shall propel, operate or drive any lug vehicle upon any highway within the municipality without first having obtained of the clerk, a permit in writing authorizing same.
- (2) The clerk is hereby authorized to issue permits in writing for the purpose of section (e) (1) of this bylaw in any case where the applicant therefor has signed a written undertaking in Form 1, Appendix 8. Provided that the clerk shall not issue any such permit unless he/she is satisfied that with reasonable care in operation the lug vehicle may be propelled or driven over any highway without damage resulting thereto or to any bridge or culvert thereon.
- (3) Nothing contained in section (e) (1) shall be deemed to preclude the transport of a lug vehicle as herein defined over any highway where same is being carried by means of a rubber-tired trailer or other conveyance equipped with rubber tires.

(f) PARKING

- (1) Except as otherwise provided herein, the parking of vehicles is permitted on all highways within the municipality.
- (2) (i) Subject to the provisions of subclause 3(f)(2)(ii), no person shall park a vehicle in any lane, or in any street so as to obstruct the entrance to any lane, or in any street so as to obstruct the entrance to any lane or to a driveway or approach leading to private premises;
 - (ii) Notwithstanding the provisions of subsection 3(f)(2)(i), a vehicle may be parked in any lane for the purpose of taking on or discharging cargo, provided no such vehicle shall be so parked for a period exceeding thirty (30) minutes at one time, unless written permission has first been obtained from the clerk or a special constable of the municipality for an extension of such time limit.
- (3) Every person parking a vehicle upon a highway within the municipality where parking is permitted, shall parallel park same.
- (4) No person shall park a vehicle in any "No Parking" or "Limited Parking" area as designated in Appendix 4 at any time whether such areas are marked on the curb or otherwise by signs erected and maintained in accordance with the provisions of subsection 4 (d) to indicate that parking therein is prohibited or limited.

- (5) No person shall park a vehicle within five (5) metres of any street intersection or fire hydrant.
- (6) No person shall park a vehicle on any highway at one place for any period of time exceeding twenty-four (24) consecutive hours.
- (7) No person shall park any vehicle in any private parking place or on any private property unless he/she is the owner, occupant, licensee or permittee of the parking place or private property, except with the consent of such owner, occupant, licensee or permittee.
- (8) (i) Subject to subclause 3(f)(8)(ii), no person shall park any vehicle designated for carrying or intended for the carrying of oil, gasoline, or other inflammable, combustible or explosive material, within 30 metres from any building in the municipality used or intended for use, in whole or in part, as a place of dwelling, a hotel or place of public assembly;
- (ii) Nothing in subsection 3(f)(8)(i) shall be deemed to restrict the parking of any such vehicle for such period of time as may be necessary to take on or discharge cargo.
- (9) No person shall park a vehicle with a manufacturer's rated capacity in excess of 5,500 kg on any street or avenue designated in Appendix 4.

(g) POWER TURNS

The operator of a vehicle shall not execute "power turns" on any highway in the municipality.

(h) SNOWMOBILES

Under the provisions of *The Snowmobile Act*, it shall be lawful to operate a snowmobile between the hours of 7:00 a.m. and 11:00 p.m. on any highway within the limits of the municipality.

(i) SPEED

- (1) Subject to clause 3(i)(2), no person shall operate a vehicle in the municipality at a speed greater than forty (40) km per hour.
- (2) No person shall operate a vehicle at a speed greater than thirty (30) km per hour in speed zones as set out in Appendix 5.

(j) U-TURNS

- (1) No person shall cause a vehicle to make a U-Turn between intersections, and at the intersection of a highway with a lane or an alley in the municipality.
- (2) No person shall cause a vehicle to make a U-Turn at the intersections designated as "No U-Turn" intersections as listed in Appendix 3. This shall apply to all traffic approaching and facing the "No U-Turn" sign erected and maintained in accordance with the provisions of section 4(c).

(k) WEIGHT RESTRICTIONS

- (1) No person shall operate a vehicle or a combination of vehicles when the combined gross weight of the vehicle(s) with or without a load exceeds 12,000 kg, except on a highway within the municipality designated as Heavy Vehicle Route as listed in Appendix 6.
- (2) Subject to clause 3(k)(1), no person shall operate a vehicle or a combination of vehicles when the combined gross weight of the vehicle(s) with or without a load exceeds the maximum allowable weight pursuant to The Vehicle Weight and Dimension Regulations, 1988 on any highway within the municipality.
- (3) Clause 3(k) (1) and (2) shall not apply to vehicles making delivery on any highway in the municipality provided that the operator of the vehicle(s) uses the most direct route from and to the Heavy Vehicle Route, as listed in Appendix 6.
- (4) The provisions of *The Police Act, 1990* and *The Highways and Transportation Act, 1997* shall apply to the operators of vehicles referred to in clause 3(k)(1) and (2).

(l) VEHICLES ON PUBLIC RESERVES, ETC.

- (1) No person may operate or park a vehicle on any area designated in Appendix 7.
- (2) The provisions of clause 3(l)(1) shall not apply to maintenance vehicles or vehicles using a designated parking area.

(m) BICYCLES

- (1) No person shall operate a bicycle without having at least one hand on the handle bar.
- (2) No person shall operate a bicycle on a sidewalk.

4. SIGNS

- (a) Council shall cause to be erected and maintained at all stop streets listed in Appendix 1, at a distance of approximately three (3) metres from point of intersection, an appropriate sign containing the word "Stop", so placed to face traffic approaching the intersection.
- (b) Council shall cause to be erected and maintained at all yield streets listed in Appendix 2, at a distance of approximately three (3) metres from point of intersection, an appropriate "Yield" sign, so placed to face the traffic approaching the intersection.
- (c) Council shall cause to be erected and maintained at all "No-U-Turn" intersections as listed in Appendix 3, at a distance of approximately three (3) metres from point of intersection, an appropriate sign prohibiting U-Turns, so placed to face the traffic approaching the intersection.
- (d) Council shall cause to be erected and maintained at all "No Parking" or "Limited Parking" areas as listed in Appendix 4 appropriate signs and/or curb markings. Such signs or curb markings shall be visible from that part of the highway to which the restrictions apply.

5. PENALTIES(a) SIGNS

Any person who contravenes any of the provisions of subsection 3(c) (1) and 3 (c) (2) of this bylaw is guilty of an offense or liable on summary conviction to the penalties provided in The General Penalty Bylaw of the Municipality.

(b) LUG VEHICLES & POWER TURNS

Any person who contravenes any provisions of subsection 3(e)(1) and 3(g) of this bylaw shall be liable on summary conviction to a penalty of:

- | | | |
|-----|------------------|----|
| (1) | -clause 3(e)(1) | \$ |
| (2) | -subsection 3(g) | \$ |

(c) PARKING, U-TURNS, PUBLIC RESERVES

A person who contravenes any of the provisions of subsections 3(f), 3(i) and 3(l) of this bylaw or fails to comply therewith or with any of this bylaw or fails to comply therewith or with any notice or order given there-under shall be guilty of an offense and upon conviction, shall be liable to penalties as follows:

- | | | | | | |
|-----|----------------|----|------|----------------|----|
| (1) | clause 3(f)(2) | \$ | (7) | clause 3(f)(8) | \$ |
| (2) | clause 3(f)(3) | \$ | (8) | clause 3(f)(9) | \$ |
| (3) | clause 3(f)(4) | \$ | (9) | clause 3(i)(1) | \$ |
| (4) | clause 3(f)(5) | \$ | (10) | clause 3(i)(2) | \$ |
| (5) | clause 3(f)(6) | \$ | (11) | clause 3(l)(1) | \$ |
| (6) | clause 3(f)(7) | \$ | | | |

(d) NOTICE OF VIOLATION

- (1) A violator of any of the subsections of this bylaw, as set out in subsection 3(c) upon being served with a Notice of Violation, may, during the regular office hours, voluntarily pay the penalty at the municipal office, and upon payment as so provided, that person shall not be liable to prosecution of the offense.
- (2) The Notice of Violation shall be in Form "2", Appendix 9, attached to and forming part of this bylaw.

(e) OVERWEIGHT FINES

- (1) A person who contravenes the provisions of clauses 3(k), (1) and (2), is guilty of an offense and liable on summary conviction to a penalty of not less than \$100.00 for the first offense and not more than \$200.00 for each subsequent offense.
- (2) A further penalty shall be imposed as follows:
 - (i) three dollars for each 50 kg or fraction thereof for the first 1,000 kg in excess of the prescribed maximum gross weight allowable; and
 - (ii) five dollars for each 50 kg or fraction thereof in excess of 1,000 kg that the actual gross weight exceeds the prescribed gross weight allowable, provided that in computing the further penalty, 500 kg or two percent of the maximum gross weight fixed by this bylaw, whichever is the lesser, shall not be taken into account.
- (3) In each instance, the total fine shall not exceed the maximum provided for in The General Penalty Bylaw of the Municipality.

(f) BICYCLE CONTRAVENTION

- (1) The penalty for the contravention of section 3(m)(1) and 3(m)(2) is as follows:
 - (i) for the first infraction impounding the bicycle for seven (7) days; and
 - (ii) for the second or additional infractions, impounding the bicycle for fourteen (14) days.

6. IMPOUNDING

- (a) On the request of the owner, occupant, licensee or permittee of lands described in clause 3(f)(7), any member of the police service or any designated municipal employees may move or remove or have moved or removed; or may impound or store, any vehicle that is parked on the parking place or land contrary to this bylaw.
- (b) Where a vehicle has been impounded or stored after it has been removed under clause 6(c)(1), it may be retained for a period of thirty (30) days after the date of the removal unless the cost of removal and impoundment or storage are sooner paid. Upon payment of the full costs herein, the vehicle may be released to the owner.
- (c) If the costs of removal and impoundment or storage are not paid within the period of thirty (30) days as specified in subsection 6(b), the municipality shall have the right to recover same from the owner of the vehicle by:
 - (1) legal action in a court of competent jurisdiction; or
 - (2) sale by public auction on publication of a notice designating the time and place of sale at least 14 days prior to the sale in a newspaper circulating in the municipality and on sending such notice to the owner at the address appearing on the vehicle registration.
- (d) A vehicle offered for sale by public auction under clause 6(c)(2) is to be considered lost or unclaimed personal property and if not sold at the auction, may otherwise be disposed of as the council directs.
 - (1) The purchaser of the personal property becomes the owner of the personal property and any claim of the earlier owner is converted into a claim for the proceeds of the sale, after the charges have been deducted for hauling, storage, and other necessary expenses, including the cost of sale, that have been incurred by the municipality.
 - (2) If no claim is made for the proceeds within one year from the date of sale, the proceeds form part of the general funds of the municipality.

7. IMPOUNDING - WHERE FINES UNPAID

- (a) A vehicle found on a street, public parking place, other public place or municipally-owned property, may be removed and impounded when:
 - (1) The owner of the vehicle owes three or more outstanding fines to the municipality for parking offences;
 - (2) the appeal period against the imposition and amount of said fines has expired;

- (3) at least two notices that the fines outstanding were sent to the owner at least one week apart;
 - (i) a justice, having been satisfied by evidence provided by way of oath, affidavit or statutory declaration of the existence of the facts mentioned in clauses 7(a)(1) to (3), has issued an order authorizing the removal and impoundment.
- (b) The municipality may retain the vehicle until the amount of the outstanding fines and the costs incurred in removing and impounding the vehicle has been paid.
- (c) The municipality may, if the fines or costs have not been paid within a period of thirty (30) days sell the vehicle at public auction on publication of a notice designating the time and place of sale at least 14 days prior to the sale in a newspaper circulating in the municipality and on sending such notice to the owner.

8. REPEAL

Bylaws No. 156, No. 167/86, No. 177/87, No. 190/89 and 229/97 of the Town of Mossbank is hereby repealed.

9. COMING INTO FORCE

This Bylaw shall come into force and effect on the day it is approved by Saskatchewan Highway & Transportation (SHT).

- 10. Read a first, second and third time by unanimous consent of council and adopted this 8th day of February, 1999.

William Mackey

 Mayor

(SEAL)

Certified a true copy dated this 8th day of February, 1999.

 Administrator

APPENDIX 1 OF BYLAW NO. 237/99

“STOP” STREETS subsection 2(a)

<u>STREET OR AVENUE</u>	<u>WHERE INTERSECTED BY STREET OR AVENUE</u>
First Avenue South	Second Street West one on north side one on south side one on west side
First Avenue South	At exit from Rink Complex on north side of sidewalk.
Second Avenue South	Fourth Street West east side of Fourth Street
Fifth Avenue South	Second Street West one on north side
Fifth Avenue South	4 - Way Stop Fourth Street West and the exit off School Grounds onto Fourth Street West.
Second Street West	Railway Ave. CN south side of Railway Ave.
Third Street West	Railway Ave. C.P.R. west side of Third Street
Third Street West	Railway Ave. C.N. east side and west side ✓
Third Street West	First Ave. South east side and west side
Third Street West	Second Ave. South east side and west side
Third Street West	Third Ave. South east side and west side
Third Street West	Fourth Ave. South east side and west side
Third Street West	Fifth Ave. South east side and west side
Chapman Ave.	Third Street West west side of Third Street
Railway Ave. C.P.R.	Foss Street south side of Railway Ave. ✓
Vimy Ridge Ave.	Railway Ave. CP south side of Railway Ave. ✓

APPENDIX 2 OF BYLAW NO. 237/99

“YIELD” STREETS subsection 2(b)

<u>STREET OR AVENUE</u>	<u>WHERE INTERSECTED BY STREET OR AVENUE</u>
Second Avenue South	Second Street West west side of Second Street
Third Avenue South	Second Street West east side and west side
Third Avenue South	Fourth Street West north side and south side
Fourth Avenue South	Second Street West east side and west side
Fourth Avenue South	Fourth Street West north side and south side
Fifth Street West	Third Avenue South south side of Third Avenue
Fifth Street West	Fourth Avenue South north side and south side
Short Road	Third Street West west side of Third Street West
Railway Avenue CP	Third Street West west side of Third Street West
Vimy Ridge	Chapman Avenue north side of Chapman Ave.
Clarence Street	Chapman Avenue north and south side of Chapman
Clarence Street	Railway Avenue CP south side of Railway Avenue
Brink Street	Railway Avenue CP north and south side of Railway
Clark Street	Chapman Avenue north side of Chapman Avenue
Foss Street	Chapman Avenue north side of Chapman Avenue

APPENDIX 3 OF BYLAW NO. 237/99

“NO U-TURN” INTERSECTIONS subsection 2(c)

THE INTERSECTION OF:

Fifth Avenue South	and Third Street West
Fourth Avenue South	and Third Street West
Third Avenue South	and Third Street West
Second Avenue South	and Third Street West
First Avenue south	and Third Street West
Railway Avenue C.N.	and Third Street West

APPENDIX 4 OF BYLAW NO. 237/99

PARKING

NO PARKING AREA clause 3(f)(4)

- (1) Where the bus depot is situated.
- (2) Fifth Avenue South From Driveway to Driveway in front of the School on the south side.

LIMITED PARKING clause 3(f)(4)

15 minute parking along Lot 1, Block 7, Plan No. AG 895, 104 Third Street West in front of the Post Office.

HEAVY VEHICLE PARKING clause 3(f)(9)

Third Street West

APPENDIX 5 OF BYLAW NO. 237/99

“SPEED ZONES - SCHOOLS - PLAYGROUNDS clause 3(i)(2)

<u>STREET OR AVENUE</u>	<u>FROM</u>	<u>TO</u>
First Avenue South	All of First Avenue South	
Fifth Avenue South	Third Street West	Fifth Street West
Railway Avenue CN	Town Limits	Third Street West

APPENDIX 6 OF BYLAW NO. 237/99

“HEAVY VEHICLE ROUTES” clause 3(k)(1)

<u>STREET OR AVENUE</u>	<u>FROM</u>	<u>TO</u>
Railway Avenue C.N.	Easterly limits of Town	Third Street West
Third Street West	Northerly limits of Town	Railway Ave. C.N.
Railway Avenue C.P.	All of Railway Avenue C.P.	
Chapman Avenue	All of Chapman Avenue	
Clarence Street	All of Clarence Street	

APPENDIX 7 OF BYLAW NO. 237/99

"PUBLIC RESERVES, ETC." clause 3(l)(1)

All that portion listed as Public Reserve according to the Town of Mossbank Zoning Bylaw.

APPENDIX 8 OF BYLAW NO. 237/99

FORM 1 clause 3(e)(2)

PERMIT FOR OPERATION OF LUG VEHICLE

NAME: _____

ADDRESS: _____

TYPE OF VEHICLE: _____

ROUTE: _____ DEPOSIT: _____

I declare that:

- (1) I will use reasonable care in propelling, operating or driving such lug vehicles over the highway to prevent any damage resulting to the highway.
- (2) I will, when operating such lug vehicle over any bridge or culvert on any highway or on any specified bridge or culvert thereon, first lay down on such bridge or culvert, planks or timbers not less than 5cm in thickness or less than 4 metres in length, such planks or timbers to be laid lengthwise across the bridge or culvert in the direction in which the lug vehicle is proceeding in such a manner that they will support the wheels or tread of the lug vehicle on both sides thereof throughout its entire passage over such bridge or culvert.
- (3) I will pay for all damages caused to such highway on any bridge or culvert thereon as a result of propelling, operating or driving such lug vehicle thereon.

Owner/Operator

APPENDIX 9 OF BYLAW NO. 237/99

FORM 2 clause 5(d)(2)

NOTICE OF VIOLATION

TOWN OF MOSSBANK

NAME _____

ADDRESS _____

On the _____ day of _____, at/near Mossbank, Saskatchewan at _____ am/pm.

Did unlawfully commit the following offence:

- ____ Parking Bylaw No. _____
- ____ Dog Bylaw No. _____
- ____ Other Bylaw No. _____

DESCRIPTION OF VIOLATION: _____

LOCATION OF VIOLATION _____

You are charged with violation of Bylaw No. _____, Section No(s) _____

Penalty for the above violation: _____ may be paid voluntarily
(See note below) _____ may not be paid voluntarily

VOLUNTARY PAYMENT WITHOUT COURT APPEARANCE

Where the penalty for the above violation is \$ _____ or less you may make voluntary payment of the above penalty at the Municipal Office during regular office hours or by mail within 10 days from the date of service of this Notice of Violation.

If you do not make voluntary payment within the time set out above, you shall be liable to prosecution and, upon summary conviction, you shall be liable to the penalty provided under section 5 of the said bylaw.



HIGHWAY TRAFFIC BOARD

*SAFETY FIRST
FOR SASKATCHEWAN*

April 1, 1999.

Town of Mossbank,
P.O. Box 370,
MOSSBANK, Saskatchewan.
S0H 3G0

ATTENTION: Judy L. Bolton
Town Administrator

Dear Ms. Bolton:

This letter is to inform you that the Highway Traffic Board has approved Bylaw No. 237/99.

I am returning an approved copy.

Sincerely,

Marian Ross,
Traffic Board Secretariat.

/mir
#42/99

Enclosure

2260 - 11th Avenue
Regina, Saskatchewan
Canada S4P 2N7
Phone: (306) 775-6672
Fax: (306) 775-6618

TOWN OF MOSSBANK

Telephone (306) 354-2294
Fax (306) 354-7725

Office of the Town Administrator

P.O. BOX 370
MOSSBANK, SASK.
S0H 3G0

February 11, 1999

S.G.I.
4th Floor
2260 - 11th Avenue
Regina, Sk.
S4P 2N7

Attention: Highway Traffic Board

Dear Sir/Madam:

Approval for No. Bylaw 237/99, Town of Mossbank

Please find enclosed 2 copies of Bylaw No. 237/99 passed by the Council of the Town of Mossbank.

The Council of the Town of Mossbank is requesting approval from you for this Bylaw to come into force and effect.

If you have any questions regarding this bylaw, please contact the undersigned.

Yours truly,



Judy L. Bolton
Town Administrator

Encl. 2