

Traffic Bylaw
VILLAGE OF CLAVET
BYLAW NO. 2015-07

**A BYLAW TO REGULATE THE OPERATION & PARKING OF
VEHICLES AND THE USE OF THE HIGHWAYS**

The Council of the Village of Clavet in the Province of Saskatchewan enacts as follows:

This bylaw may be referred to as “The Traffic Bylaw”.

That all the provisions and enactments set forth in this bylaw shall relate to, and be in full force and effect within the limits of the Village of Clavet.

PART I – DEFINITIONS

1. Definitions

(1) In This Bylaw:

- (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) centimeters from such curb, the vehicles to be placed at an angle of forty-five (45) degrees with the curb;
- (b) **“administrator”** means the administrator for the Village of Clavet;
- (c) **“all terrain vehicle”** and/or **“ATV”** means all-terrain vehicle as defined in *The All Terrains Vehicle Act*;
- (d) **“bicycle”** means a vehicle for the carriage of persons, which is propelled by human power, having two tandem wheels, and including any device adapted from a bicycle by the addition of one or more wheels;
- (e) **“bus stop”** means a portion of a highway adjacent to the curb designated by signs and/or markings as such, for the purpose of loading and unloading passengers from;
- (f) **“Chief of Police”** means the NCO or officer-in-charge of the RCMP detachment of the Royal Canadian Mounted Police responsible for the policing of the Village of Clavet;
- (g) **“council”** means the council of the Village of Clavet;

- (h) “**curb**” means the dividing line of the street between that part of the street intended for use of vehicles and that intended for pedestrians whether marked with a curbstone or not;
- (i) “**designated officer**” means the Administrator, Royal Canadian Mounted Police, Sheriff, Designated Officer, or any other person appointed to enforce municipal bylaws;
- (j) “**driver**” means any person who drives or operates or is in charge of a vehicle on a public highway and includes an operator;
- (k) “**highway**” means a road, parkway, driveway, square, street 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 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, 1997*;
- (l) “**justice**” means a justice of the peace as per *The Interpretation Act, 1995*;
- (m) “**lug vehicles**” means any vehicle with a portable engine or tractor engine having metal spikes, lugs or cleats projecting from the face of the wheels or tires thereof, or having a metal track tread;
- (n) “**municipality**” means the Village of Clavet;
- (o) “**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 a distance of not more than thirty (30) centimeters from such curb;
- (p) “**parking**” has the meaning ascribed thereto by *The Traffic Safety Act*;
- (q) “**parking area**” means any portion of a street or surfaced or unsurfaced area indicated by signs or markings as a place for parking;
- (r) “**pedestrian**” means any person afoot and shall include a baby carriage or a disabled person’s chair;
- (s) “**person**” includes a corporation or a partnership and women as well as men;
- (t) “**playground speed zone**” means that portion of a street designated by a sign or signs for the control of traffic adjacent to or in close proximity to a playground.
- (u) “**police officer or police constable**” means any member of the Royal Canadian Mounted Police responsible for the policing of the Village of Clavet or any person specifically appointed by the Village of Clavet to be a Police Officer or Constable;
- (v) “**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;

(w) “**recreational vehicle**” means a self-propelled or towed vehicular type unit, primarily designed as temporary living quarters for recreational, camping or travel use and which is used solely as a family or personal conveyance and in no way used for a commercial purpose. Without limiting the foregoing, recreational vehicles include:

- (i) travel trailer;
- (ii) cabin trailer;
- (iii) tent trailer;
- (iv) truck camper;
- (v) motorhome;
- (vi) park trailer;
- (vii) fifth-wheel travel trailer; and
- (viii) boat trailer.

(x) “**stopping**” means:

- (i) when required, a complete cessation from movement; and
- (ii) when prohibited, any stopping, even momentarily, of a vehicle, whether occupied or not, except when necessary to avoid conflict with other traffic or in compliance with the directions of a peace officer or a traffic-control signal;

(y) “**street**” means a road, alley or other place designed and intended for or used by the general public for the passage of vehicles and pedestrians, but does not include a parking lot, whether privately or publicly owned;

(z) “**Village**” means the Village of Clavet, in the Province of Saskatchewan;

(aa) “**traffic**” means the movement of pedestrians, vehicles, or livestock upon any public highways in the Village;

(bb) “**traffic sign**” means any sign or marking or installed for the guidance, regulation, warning, direction or prohibition of traffic;

(cc) “**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;

(dd) “**vehicle**” means a vehicle, trailer or semi-trailer or a motor vehicle as ascribed to by *The Traffic Safety Act*;

- (2) Wherever in this Bylaw the expression “vehicle” or vehicular” or “vehicular traffic” is used, it shall mean and be held to include for the purposes of this Bylaw, the driver or operator.

2. Scope

- (a) **Stop Streets:** highways listed in Appendix 1;
- (b) **Yield Streets:** highways listed in Appendix 2;
- (c) **School Bus Flashing Lights:** locations listed in Appendix 3;
- (d) **Designated Disabled Parking:** locations listed in Appendix 4;
- (e) **Maximum Speeds:** highways listed in Appendix 5;
- (f) **Lug Vehicle Permit:** form 1 located in Appendix 7;

PART II – BYLAWS

3. All Terrain Vehicles

- (a) The operation of all terrain vehicles is prohibited on:
 - (i) The untraveled portion of the whole or any part of a highway
 - (ii) any private land in the municipality;
 - (iii) any municipal land in the municipality;
 - (iv) any Crown land in the municipality that is used or occupied otherwise than by the Crown as specified in Appendix 8.
- (b) The operation of all terrain vehicles is allowed on travelled portions of the road to enter and exit the municipality.

4. Bicycles

- (a) No person shall drive a motorcycle or ride a bicycle without having at least one hand on the handlebars.

5. Lug Vehicles

- (a) No person shall propel, operate or drive any lug vehicle upon any highway within the Village without first obtaining from the administrator, a permit in writing authorizing same.
- (b) The administrator is hereby authorized to issue permits in writing for the purpose of Section 5(a) of this bylaw, in any case where the applicant therefore has signed a written undertaking in Form 1, Appendix 7. Provided that the administrator 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.

- (c) Nothing contained in subsection 5(a) 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.

6. Obstructing Traffic

- (a) No pedestrian or operator of a vehicle whether making deliveries from the vehicle or not shall not obstruct, interfere with or interrupt the free passage of traffic on any street, lane or driving lane of any street or sidewalk.

7. Parking

- (1) The parking of vehicles is permitted on all highways within the municipality except as otherwise provided herein:
 - (a) Every person parking a vehicle upon a highway within the municipality where parking is permitted, shall parallel park the same.
 - (b) No person shall park a vehicle within five (5) metres of any street intersection or fire hydrant.
 - (c) No person shall park a vehicle on any highway at one place for any period of time exceeding forty-eight (48) consecutive hours.
 - (d) No person shall park a vehicle with a manufacturer's rated capacity in excess of 5,500 kg on any streets or avenues except for loading or unloading
 - (e) No person shall park a vehicle in any area specifically posted for the parking of vehicles operated by disabled persons except vehicles having a handicap placard displayed in the vehicle's front windshield or any emergency vehicle.
 - (f) No person shall park any vehicle in any private place or on any private property unless he 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.
 - (g) No person driving a vehicle, combination of vehicles, or other vehicles in excess of 7 meters shall park on any highway in the municipality. These vehicles must be parked within residential properties or areas designated by council.
 - (h) No persons shall leave a trailer or semi-trailer parked on a highway which is unattached from the vehicle.
 - (i) No owner or operator of a vehicle shall park the vehicle on any highway in such a manner as to constitute a hazard to other persons using the street.
 - (j) No person shall park any vehicle designated for carrying or intended for the carrying of oil, gasoline or other flammable, combustible or explosive material, within 30 metres

from the 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.

- (i) Nothing in sub clause 10(1)(j) 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.

8. Playground and Parks

- (a) No person shall park or drive a vehicle upon or across a playground or a park over which the Village or any Board appointed by the Village for that purpose.
- (b) The provisions of Subsection (a) shall not apply to employees of the Village who are in execution of their duties.

9. Power Turns

- (a) The operator of a vehicle shall not execute “power turns” on any highway in the Municipality.

10. School Buses

- (a) The use of alternating flashing lights and stop arm on a school bus operating on a highway within the municipality is prohibited.
- (b) Provisions of clause 10(a) shall not apply at the locations listed in Appendix 3.

11. Signs

- (1) Council shall have the right at all times to:
 - (a) By Bylaw, authorize the erection of stop and yield signs and also by Bylaw to abolish, or remove same, and at its discretion to substitute others in place thereof in accordance with the intent and meaning of this section.
 - (b) By resolution, authorize the erection of warning and informational signs as well as what words, if any, shall be placed thereon and to abolish or remove same, and at its discretion to substitute others in place thereof, in accordance with the intent and meaning of this section and to regulate parking on all public highways within the Village and to designate playgrounds and recreational areas.
- (2) The design, style or shape of signs authorized by Council shall conform to standards in use.
- (3) No person shall deface, injure, knock down, remove, obscure or interfere with any warning or direction signs, marker, barricade, signal or light erected pursuant to this bylaw.
- (4) No person unless authorized by the Council, the Chief of Police, the RCMP, or the Village Foreman as herein provided shall erect or maintain on any public highway in the Village, any sign, marker, signal or light.

12. Snowmobiles

- (a) It shall be lawful to operate a snowmobile between the hours of 7:00 am and 11:00 pm on any highway within the limits of the municipality.
- (b) It shall be lawful to operate snowmobiles in the municipality at hours specified in 12(a) for the purpose of leaving the municipality by most direct route or returning to a residence by the most direct route.
- (c) Any snowmobile crossing a public highway must come to a full stop prior to crossing and must take the most direct route across the highway.

13. Speed Limit

- (a) A person shall not drive any vehicle on a street at a speed greater than the speed permitted in Appendix 5.
- (b) Notwithstanding Subsection 13(a) a person shall not drive a vehicle on a street in a posted construction area at a speed greater than the posted speed limit for the construction area.

14. Stop Streets

- (a) The provisions of *The Traffic Safety Act* shall apply to all traffic approaching and facing a “stop” sign on all streets set out in Appendix 1 attached hereto and forming part of this Bylaw are established as stop streets and the erection of stop signs for the said streets is hereby authorized.

15. Temporary Road Close

- (a) Notwithstanding any other provisions of this bylaw, the Village Foreman or the Designated Officer shall have authority to temporarily prevent parking or stopping and/or prohibit traffic on any public highway or portion thereof to allow any work to be carried out by or on behalf of the Village, such work to include but not restricted to the snow removal, cleaning, repairing or maintenance on such public highway.
- (b) No person driving a vehicle shall drive through or enter upon any street or portion thereof which is roped, barricade or indicated by notice or sign as being closed under the authority of the Chief of Police, RCMP, or the Village Foreman.
- (c) Where any street or portion thereof is roped, barricaded or indicated by notice of sign as being closed, the person driving a vehicle shall proceed in the direction as indicated by any signs erected or placed on the street.

16. U Turns

- (a) 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.

17. Yield Streets

- (a) The provisions of *The Traffic Safety Act* shall apply to all traffic approaching and facing a “yield” sign on all streets set out in Appendix 2 attached hereto and forming part of this Bylaw are established as yield streets and the erection of yield signs for the said streets is hereby authorized.

PART III – Enforcement

18. All to Comply

- (a) Any person who contravenes any of the provisions of this Bylaw or fails to comply therewith or with any notice given thereunder shall commit an offence and be liable to the penalty as herein provided.
- (b) Any member of the RCMP responsible for the policing of the Village or any person specifically appointed by the Village with qualifications where applicable, are hereby designated to enforce all Sections of this Bylaw.

19. Owner of Vehicle

- (a) The owner of a vehicle as defined by *The Traffic Safety Act* shall be liable for violation of any of the provisions of this Bylaw in connection with the operation of a vehicle, unless such owner proves to the satisfaction of a Provincial Magistrate or Justice of the peace trying the case, that at the time of the offence the vehicle was not being operated by him nor by any person with his consent expressed or implied.

20. Seizure, Removal, and Impounding of Vehicles

- (1) In addition to and notwithstanding any provisions contained within Part IX hereof, any person appointed as a designated officer pursuant to this bylaw may remove or cause to be removed any vehicle that:
 - (a) is unlawfully placed, left or kept on any street, public parking place, or other public place;
 - (b) is unlawfully parked pursuant to Section 7(1)(g) when requested by the owner, occupant, licensee, or permit holder of said land; or
 - (c) is found on a street, public parking place, other public place, or municipality-owned property when:
 - (i) the owner of the vehicle owes three (3) or more outstanding fines to the municipality for parking offences;
 - (ii) the appeal period against the imposition and amount of said fines has expired;
 - (iii) at least two (2) notices that the fines are outstanding were sent to the owner at least one (1) week apart; and

- (iv) a justice, having been satisfied by evidence provided by way of oath, affidavit or statutory declaration of the existence of the facts mentioned above in Subsection (1)(a) to (c)(iii), has issued an order authorizing the removal and impoundment
- (d) and seize, impound or store such vehicle.
- (2) The municipality may retain a vehicle which has been impounded or stored after it has been removed under subsection 1(a) until the amount of outstanding fines, if any, and the costs incurred in removing and impounding or storing the vehicle have been paid, and upon payment of said outstanding fines and cost the vehicle shall be released to the owner.
- (3) If the fines and costs described in subsection (2) have not been paid within a period of thirty (30) days, the municipality shall have the right to recover same from the owner of the vehicle by:
 - (a) legal action in court of competent jurisdiction;
 - (b) sale through public auction; or
 - (c) by private sale of the vehicle.
- (4) Prior to the sale of a vehicle which has been impounded or stored under this section, the municipality shall provide notice designating the time and place of the sale at least fourteen (14) days prior to the sale by:
 - (a) publishing a notice in a newspaper circulating in the municipality;
 - (b) sending a copy of said notice by regular mail to the owner at the address last appearing on the vehicle registration; and
 - (c) by any other means which council may consider appropriate.
- (5) The proceeds from such sale shall be applied firstly on the fines and costs described in subsection (2) and the balance remaining, if any, shall be paid to the owner.
- (6) If the proceeds from such sale are insufficient to satisfy the fines and costs described in subsection (2), the amount of the shortfall shall be a debt due and owing from the owner and enforceable by the municipality in any manner allowed by law.

21. Offences & Penalties

- (a) Any Person who contravenes any provision of the Bylaw is guilty of an offence and is liable upon summary conviction, to a specified penalty for that offence as set out in Schedule “A” to this Bylaw.
- (b) Notwithstanding Schedule “A” of this Bylaw, any Person who commits a second or subsequent offence under this Bylaw within one (1) year of committing a first offence under this Bylaw, is liable on summary conviction to double the fine set out in Schedule “A” to this Bylaw, for that offence.
- (c) A person who is guilty of an offence is liable to a fine in an amount not less than that established in Schedule “A”, and not exceeding \$10,000.00.
- (d) Under no circumstances shall a Person contravening any provision of this Bylaw be subject to the penalty of imprisonment.

22. Violation Tags

- (a) A Designated Officer is hereby authorized and empowered to issue Violation Tags to any Person who the Designated Officer has reasonable and probable grounds to believe has contravened any provision of this Bylaw.
- (b) A Violation Tag may be issued to such Person:
 - (i) either personally, or
 - (ii) by placing a copy of the Violation Tag on the vehicle, or
 - (iii) by mailing a copy, via mail, to such Person at their last known postal address.
- (c) A Violation Tag shall be in a form approved by council and shall state:
 - (i) the name of the Person,
 - (ii) the offence,
 - (iii) the appropriate penalty for the offence as specified in Schedule “A” of this Bylaw
 - (iv) that the penalty shall be paid within SEVEN (7) days of the issuance of the Violation Tag; and
 - (v) any other information as may be required by the Village.
- (d) Where a Violation Tag issued pursuant to this Bylaw, the Person to whom the Violation Tag is issued may in lieu of prosecution of the offence, pay the Village the specified penalty set out on the Violation Tag.
- (e) Nothing in this Bylaw shall prevent a Designated Officer from immediately issuing a Violation Ticket

23. Violation Tickets

- (a) In those cases where a Violation Tag has been issued and the penalty specified on the Violation Tag has not been paid within the prescribed time, a Designated Officer is hereby authorized and empowered to issue a Violation Ticket.
- (b) Notwithstanding Section 23(a), the Designated Officer is authorized and empowered to immediately issue a Violation Ticket to any Person who the Designated Officer has reasonable and probable grounds to believe is responsible for a contravention of this Bylaw.
- (c) A Violation Ticket issued with respect to a contravention of this Bylaw shall be served upon the Person responsible for the contravention in accordance with the *Provincial Offences Procedure Act*.
- (d) The Person to whom the Violation Ticket has been issued may plead guilty by making a voluntary payment in respect of the Summons by delivering to the Provincial Court, on or before the initial appearance date, the Violation Ticket together with an amount equal to the specified penalty for the offence as provided for in Schedule “A” to this Bylaw.

- (e) When a Clerk of the Provincial Court records the receipt of a voluntary payment pursuant to Section 23(d) of this Bylaw and the *Provincial Offences Procedure Act*, the act of recording constitutes acceptance of the guilty plea and also constitutes a conviction and the imposition of a fine in the amount of the specified penalty.

24. Severability

- (a) If any portion of this Bylaw is declared invalid by a court of competent jurisdiction, then the invalid portion must be severed and the remainder of the Bylaw is deemed valid.

25. Obstruction

- (a) A Person shall not obstruct or hinder any Person in the exercise or performance of the Person's powers pursuant to this Bylaw.

26. Repeal

- (a) Bylaw 2013-01 and all amendments thereto are hereby repealed.

27. Effective Date

- (a) This Bylaw becomes effective upon third and final reading.

Mayor (Blair Bentley)

SEAL

Administrator (Mardelle Cunningham)

Read a third time and adopted
this ____ day of _____

SECTION	OFFENCE	FINE	PAYMENT IN 7 DAYS
(3) All Terrain Vehicles	Failure to comply with subsection 3(a) (i) to (iv)	\$50	\$10
(4) Bicycles	Failure to comply with subsection 4(a)	\$50	\$10
(5) Lug Vehicles	Failure to comply with subsection 5(a)	\$500	\$500
(6) Obstructing Traffic	Failure to comply with subsection 6(a)	\$100	\$30
(7) Parking	Failure to comply with subsection 7(1)(a) to (k)	\$100	\$30
(8) Playground & Parks	Failure to comply with subsection 8(a)	\$200	\$50
(9) Power Turns	Failure to comply with subsection 9(a)	\$200	\$50
(10) School Buses	Failure to comply with subsection 10(a)	\$100	\$30
(11) Signs	Failure to comply with subsection 11(3)(4)	\$200	\$50
(12) Snowmobiles	Failure to comply with subsection 12(a)(c)	\$50	\$10
(15) Temporary Road Close	Failure to comply with subsection 15(b)(c)	\$100	\$30
(16) U Turns	Failure to comply with subsection 16(a)	\$100	\$30

APPENDIX 1
of Bylaw 2015-07

“STOP STREETS”

<u>Street or Avenue</u>	<u>Where Intersected by Street or Avenue</u>
Main Street	Second Avenue (4 Way Stop)
Main Street	First Avenue
First Avenue	Main Street



APPENDIX 2
of Bylaw 2015-07

“YIELD STREETS”

<u>Street or Avenue</u>	<u>Where Intersected by Street or Avenue</u>
Third Avenue	Main Street
Queen Street	Second Avenue
Queen Street	First Avenue
Erixon Place	Second Avenue
Weisner Court	Second Avenue
Walker Way	Second Avenue

APPENDIX 3
of Bylaw 2015-07

“SCHOOL BUS FLASHING LIGHTS”

Locations:

Queen Street Hall Parking Lot – Drop off / Pick up Site

Community Hall Parking Lot – Drop off / Pick up Site



APPENDIX 4
of Bylaw 2015-07

“DESIGNATED DISABLED PARKING”

Locations:

Queen Street Hall

Community Hall

Clavet Arena

APPENDIX 5
of Bylaw 2015-07

“MAXIMUM SPEEDS”

30km/h:

- (a) in any posted school or playground speed zone.

40km/h:

- (a) on all roadways in the municipality previously provided for.



APPENDIX 6
of Bylaw 2015-07

“LOCATIONS ATV’S ARE PROHIBITED”

Locations:

Public Reserve R3 – Community Hall & Bentley Park

Municipal Reserve MR4 – Taylor Park

Municipal Reserve MR5 – Taylor Park & Retention Pond

Dog Park

FORM 1
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 of not less than 5 cm in thickness and should extend a minimum of 300 mm wider on each side than the maximum outside width of the lugs; 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 or to any bridge or culvert thereon as a result of propelling, operating or driving such lug vehicle thereon.

(4)I understand that lug vehicles are not allowed to travel on or across provincial highways unless a written permit is obtained from the Department of Highways and Transportation.

(5)I understand that all municipal bridges have secondary weight limitations unless posted otherwise and I will ensure that I comply with any and all weight restrictions.

Owner/Operator

