

BY-LAW NO. T-1

A BY-LAW TO REGULATE PARKING AND TRAFFIC

BE IT ENACTED by the Council of the Village of Stanley as follows:

1. Interpretation

In this by-law, unless the context otherwise requires, words in this by-law which are defined in section 1 of the *Motor Vehicle Act*, R.S.N.B. 1973, and amendments thereto, have the meaning as so defined,

"driveway" means any public or private driveway access to personal property, municipal buildings, business establishments, and institutions,

"highway" includes every highway or boulevard within the meaning of the *Motor Vehicle Act* and every road, street, lane, provincial highway, or right-of-way designated or intended for or used by the general public for the passage of vehicles and every place or passage way owned or operated by the Village of Stanley for the purpose of providing off-street parking or for the use of pedestrians or cycle traffic,

"hill" means any incline on any highway in the Village of Stanley,

"peace officer" means the Officer-in-Charge of the Royal Canadian Mounted Police (RCMP), or any member of the RCMP, on behalf of the Village of Stanley, and may include a By-law Enforcement Officer appointed by Council under the *Police Act*,

"school zone" means a portion of a highway in the vicinity of a school building, the limits of which are marked by signs bearing the words "school zone" or "school" or by using the *Transportation Association of Canada (TAC)* standard school area signs.

"sidewalk" means the area between the curb-lines or lateral lines of a roadway and the adjacent property lines improved for use of pedestrians or any other improved area set aside for pedestrian use only,

"traffic control device" means a sign, signal, marking, yellow curb, space, barrier, or any other device, placed or erected by authority of the Council or person duly authorized by the Council to exercise such authority.

2. Enforcement

2.01 The direction of vehicular and pedestrian traffic in the Village of Stanley is under the jurisdiction of the Royal Canadian Mounted Police (RCMP).

2.02 As mutually agreed upon between the Village Council and the Royal Canadian Mounted Police it shall be the duty of the RCMP to enforce traffic by-laws of the Village and the *Motor Vehicle Act* of the Province of New Brunswick.

3. Impounding Of Vehicles

3.01 A peace officer may remove and impound any vehicle which is found illegally parked or causing obstruction to traffic on any highway, and no person shall take possession of a vehicle so removed or impounded until all costs and charges for removal, care and storage of such vehicles have been paid.

3.02 There will be no liability attached to the Village or a peace officer for any damages to a vehicle moved or taken into custody under this section.

3.03 If the costs and charges referred to in subsection 3.01 remain unpaid for a period of three months after the date of such moving and storage, the Village shall have the right, in addition to all other remedies provided by law, to sell such vehicle by public auction.

3.04 Should the Village not be successful in selling the vehicle, the Village will assume all responsibility for the vehicle and any associated costs with the vehicles disposal.

4. Stopping, Standing Or Parking Of A Vehicle

4.01 Except when necessary to avoid conflicts with traffic, or to comply with the directions of a peace officer or traffic control device and except while operating a government vehicle or vehicles of a public utility while engaged in their duties, or except an emergency vehicle which is in actual use for official duties, or a vehicle so mechanically disabled as to render it immobile, no person shall stop, stand or park a vehicle

(a) across access driveways, public or private,

(b) on a sidewalk or portion of a sidewalk, or on any hill, or on a Provincial Highway where signs authorized by the Council are erected,

(c) on any street or portion thereof set aside for the exclusive parking of business for the purpose of allowing passengers to enter or alight there from, or

(d) on any street or portion thereof while the work of clearing snow or ice there from is in progress.

4.02 The parking of vehicles on any street within the Village for the purpose of a funeral or wedding is exempt from this bylaw.

5. Disabled Parking

No person shall park a vehicle on a highway in a location reserved for parking by disabled persons unless there is displayed on or in the vehicle a disabled persons identification plate, permit or placard issued by the Registrar of Motor Vehicles for the Province of New Brunswick.

6. Winter Traction Tires

In this section,

6.01 "winter traction tires" means tires with treads designed specifically to provide more effective traction on streets during snow and ice conditions, or tires equipped with tire chains made of iron and steel links or studs or other material designed to fit and fasten over motor vehicle tires provided effective traction on streets during snow and ice conditions.

6.02 "winter period" means the period between the first day of November in any year and the fifteenth day of April in the following year.

6.03 No person shall, while snow or ice is on the surface of a street during a winter period, drive a motor vehicle, which is not equipped with winter traction tires on such a street in such a manner as to interfere with the passage of other motor vehicles or persons.

7. Maximum Speed Of Vehicles - School Zones

Pursuant to the *Motor Vehicle Act*, Chapter M 17 of the R.S.N.B.:

7.01 between the hours of 7:30 am and 4:00 pm, Monday to Friday, for a period commencing the first day of September and continuing until the thirtieth day of June, each date inclusive, 30 kilometres per hour is prescribed as the rate of maximum speed within a school zone, with the exception of those school zones which are located on Provincially designated routes.

8. Signs

8.01 Except where permitted by by-law, no person shall place or erect, or cause to be placed or erected, any signs advertising any goods or services upon or within the limits of any street or sidewalk right-of-way, upon or attached to any utility pole located within any street or sidewalk right-of-way, or upon or attached to any tree.

8.02 The Development Officer or any peace officer may remove, or cause to be removed any sign placed in the areas mentioned in subsection 8.01.

8.03 Unless claimed by the owner, all signs removed as contemplated by subsection may be destroyed seven days after their removal.

8.04 Nothing herein contained shall be construed to prevent any governmental authority from erecting any traffic control devices, informational signs or directional signs.

8.05 No person shall place, erect, affix or maintain or cause to be placed, erected, affixed or maintained upon a building within the Village any sign, pole, luminaries, advertising device or any goods, wares or merchandise which projects over a street.

9. GENERAL

9.01 No parade shall be held in the Village without first obtaining permission in writing from the Council

9.02 No person shall move, or cause to be moved, a building along any street without having obtained permission in writing from the Council.

9.03 Every person while engaged in removing snow or ice from the roof of a building shall exercise due precautions to prevent injury or damage to persons or property on the street.

9.04 No person, in removing snow from any property, shall create or leave any obstructions on the public sidewalk.

9.05 No person shall permit water to fall upon a sidewalk from the roof of a building owned or occupied by that person.

9.06 Subject to the permission of Council, no person shall place, or cause to be placed, on a street any lumber, stone, brick, lime, building material, earth, ashes, cinders, firewood, containers, other material, or any goods, wares or merchandise for sale or display, or directional signs for residential developments.

9.07 No person shall construct or permit to remain a barbed wire fence along any street or sidewalk.

9.08 No person shall place or string across any street an advertising device without the permission in writing from the Council. The device shall not remain in place for a period longer than is permitted by the Council.

9.09 No person shall operate a snowmobile or all terrain vehicles on a street, sidewalk or driveway.

9.19 No person shall coast or slide on a sled, toboggan, wagon, skateboard or other device on a street in the Village.

10. Penalty Provision

10.01 Every person who violates any provision of this by-law is guilty of an offence and is liable to a fine of not less than Fifty Dollars (\$50.00) and not more than Two Hundred Dollars (\$200.00).

10.02 Should any person convicted of a violation of any provision of this by-law default in payment of the fine ordered by the convicting judge, then the payment of the said fine may be enforced pursuant to the provisions of Part II of the *Provincial Offences Procedure Act*.

11. Repeal Provision

11.01 By-law No. 10, A By-law To Regulate Parking Within Village Limits, passed by Village Council on August 9, 1973, and By-law No. 10A, A By-law To Regulate Parking Within Village Limits, passed by Village Council on February 11, 1993, are hereby repealed.

11.02 The repeal of By-law No. 10, A By-law To Regulate Parking Within Village Limits and By-law No. 10A, A By-law To Regulate Parking Within Village Limits, shall not affect any penalty, forfeiture or liability, incurred before such repeal or any proceeding for enforcing the same completed or pending at the time of repeal; nor shall it repeal, defeat, disturb, invalidate or prejudicially affect any matter or thing whatsoever completed, existing or pending at the time of repeal.

DULY PASSED AND ENACTED BY THE COUNCIL OF THE VILLAGE OF
STANLEY ON _____, 2005

Mark Foreman

Mark Foreman, Mayor

Lorna Pinnock

Lorna Pinnock, Village Clerk

Read for the first time on: *Feb. 21/05*
Read for the second time on: *Mar. 21/05*
Read for the third time and enacted on: *Mar. 21/05*