

## VILLAGE OF EARL GREY

### BYLAW 5-2015

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

The Council of the Village of Earl Grey, in the Province of Saskatchewan, enacts as follows:

1. This bylaw may be referred to as the "Traffic Bylaw".
2. **DEFINITIONS**

For the purpose of this bylaw, the following terms and words shall have the following meanings:

  - (a) "**administrator**" means the administrator of the municipality;
  - (b) "**all terrain vehicle**" and/or "**ATV**" means all terrain vehicle as defined in *The All Terrain Vehicles Act*;
  - (c) "**council**" means the council of the Village of Earl Grey;
  - (d) "**curb**" means the lateral boundaries of a roadway, whether or not marked by curbing;
  - (e) "**designated officer**" means the Administrator, Royal Canadian Mounted Police, Sheriff or any other person appointed to enforce municipal bylaws;
  - (f) "**emergency vehicles**" means ambulance, town truck, fire truck or special constable vehicle;
  - (g) "**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, 1997*;
  - (h) "**justice**" means a justice of the peace as per *The Interpretation Act, 1995*;
  - (i) "**municipality**" means the Village of Earl Grey;
  - (j) "**parking**" means the standing of a vehicle, whether occupied or not, on a highway, other than standing temporarily;
    - (i) For the purpose of and while actually engaged in loading or unloading; or
    - (ii) In obedience to traffic regulations, traffic control devices or the directions of a peace officer.
  - (k) "**peace officer**" means:
    - (i) A member of a police service in Saskatchewan
    - (ii) A person or class of persons designated by the Lieutenant Governor in Council as traffic officers; or
    - (iii) Any person appointed pursuant to The Police Act, 1990 as a special constable for the enforcement of this act.
  - (l) "**place of public assembly**" means schools, theatres, churches, rinks, and halls;
  - (m) "**trailer**" means a vehicle, other than a semi-trailer, that is at any time drawn on a highway by a motor vehicle and that is designed for the conveyance of goods or as living quarters for persons.
  - (n) "**vehicle**" means a vehicle, trailer or semi-trailer or a motor vehicle as ascribed to by *The Traffic Safety Act*.
3. **INFRACTIONS**
  - (a) **Miscellaneous Signs:**
    - i. 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.
    - ii. No person shall deface damage, destroy or remove any sign or marker erected pursuant to this bylaw.

**(b) Parking:**

- i. Except as otherwise provided herein, the parking of vehicles is permitted on all highways within the municipality.
- ii. (a) Subject to the provisions of sub clause 3(b)(ii)(b), no person shall park a vehicle in 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;  
(b) Notwithstanding the provisions of sub clause 3(b)(ii)(a), a vehicle may be parked in any lane for the purpose of taking on or discharging cargo, provided no such vehicle shall be parked for a period exceeding thirty (30) minutes at one time, unless written permission has first been obtained from the administrator or a designated officer of the municipality for an extension of such time.
- iii. No person shall park a vehicle in any "No Parking" area as designated in Appendix 1 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(a) to indicate that parking therein is prohibited.
- iv. No person shall park a vehicle within five (5) metres of any street intersection or fire hydrant.
- v. No person shall park a vehicle on any highway at one place for an uninterrupted period of time longer than forty eight (48) consecutive hours. During the months of May to October this subsection may be waived provided that the parked vehicle is not blocking any sight lines.
- vi. No person shall park a trailer or any other equipment on any highway whether licensed or not licensed while unattached to a licensed motor vehicle. During the months of May to October this subsection may be waived for licensed trailers only provided the parked trailer is not blocking any sight lines.
- vii. 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.
- viii. (a) Subject to sub clause 3(b)(viii)(b), 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. (b) Nothing in sub clause 3(b)(viii)(a) 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.
- ix. No person shall park a vehicle with a manufacturer's rated capacity in excess of 15,000 lbs on any streets or avenues.

**(c) All Terrain Vehicles:**

- i. The operation of all terrain vehicles<sup>i</sup> is prohibited on:
  - a) the untravelled portion of the whole or any part of a highway, other than a provincial highway, in the municipality;
  - b) any private land in the municipality, unless they are the owner, occupant, licensee or permittee or has the consent of such owner, occupant, licensee or permittee;
  - c) any municipal land in the municipality; and
  - d) any Crown land in the municipality that is used or occupied otherwise than by the Crown.

4. **SIGNS**  
(a) Council shall cause to be erected and maintained at all "No Parking" areas as listed in Appendix 1, appropriate signs and/or curb markings. Such signs or curb markings shall be visible from that part of the highway to which the restriction applies.

5. **PENALTIES**

(a) **Signs:**

Any person who contravenes any of the provisions of clauses 3(a)(i) and 3(a)(ii) of this bylaw is guilty of an offence and liable on summary conviction to the penalties provided in the General Penalty Bylaw of the municipality.

(b) **Parking:**

A person who contravenes any of the provisions of subsections 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 offence and upon summary conviction, shall be liable to penalties as follows:

i.	Clause 3(b)(ii)	\$100
ii.	Clause 3(b)(iii)	\$200
iii.	Clause 3(b)(iv)	\$100
iv.	Clause 3(b)(v)	\$100
v.	Clause 3(b)(vi)	\$100
vi.	Clause 3(b)(vii)	\$100
vii.	Clause 3(b)(viii)	\$100
viii.	Clause 3(b)(ix)	\$100

(c) **Notice of Violation:**

- i. A violator of any of the subsections of this bylaw, as set out in subsection 5(b) upon being served with a Notice of Violation, may during the regular office hours, voluntarily pay the penalty at the municipal office within seven (7) days and upon payment as so provided, that person shall not be liable to prosecution of the offence.
- ii. The Notice of Violation shall be in Form "2", Appendix 2, attached to and forming part of this bylaw.

(d) **All Terrain Vehicle Contravention**

The penalty for the contravention of section 3(c) shall be liable to the penalty imposed by section 32 of *The All Terrain Vehicles Act*.

6. **IMPOUNDING**

- (a) In addition to and notwithstanding any provisions contained within Section 5 hereof, any person appointed as a designated officer pursuant to this bylaw:

- i. may remove or cause to be removed any vehicle that:
  1. is unlawfully placed, left or kept on any street, public parking place, or other public place;
  2. is unlawfully parked pursuant to clause 3(b)(vii) when requested by the owner, occupant, licensee or permit holder of said land; or
  3. is found on a street, street, public parking place, other public place or municipally-owned property when:
    - a. *the owner of the vehicle owes three or more outstanding fines to the municipality for parking offences;*
    - b. *the appeal period against the imposition and amount of said fines has expired;*
    - c. *at least two notices that the fines are outstanding were sent to the owner at least one week apart; and*
    - d. *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 clauses 6(a)(i)(3)(a) to (c), has issued an order authorizing the removal and impoundment*
- ii. and seize, impound or store such vehicle.

- (b) The municipality may retain a vehicle which has been impounded or stored after it has been removed under subsection 6(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 costs the vehicle shall be released to the owner.
- (c) If the fines and costs described in subsection 6(b) have not been paid within a period of 30 days, the municipality shall have the right to recover same from the owner of the vehicle by :
- i. legal action in a court of competent jurisdiction;
  - ii. sale through public auction; or
  - iii. by private sale of the vehicle.
- (d) 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 14 days prior to the sale by:
- i. publishing a notice in a newspaper circulating in the municipality;
  - ii. sending a copy of said notice by regular mail to the owner at the address last appearing on the vehicle registration; and
  - iii. by any other means which council may consider appropriate.
- (e) The proceeds from such sale shall be applied firstly on the fines and costs described in subsection 6(b) and the balance remaining, if any, shall be paid to the owner.
- (f) If the proceeds from such sale are insufficient to satisfy the fines and costs described in subsection 6(b), 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.

7. **REPEALING**

Bylaw No. 5-2014 is hereby repealed.



*Malcolm D. May*  
 \_\_\_\_\_  
 Mayor

*Bretta Young*  
 \_\_\_\_\_  
 Administrator

CERTIFIED A TRUE COPY OF  
 BYLAW 5-2015 ADOPTED BY  
 RESOLUTION OF COUNCIL ON  
 THE 12<sup>th</sup> DAY OF August, 2015

*Bretta Young*



**APPENDIX 1**

**"NO PARKING" AREAS (Section 3(b)(iii))**

216 Main Street - In Front of the Earl Grey/Longlaketon Fire Hall