

VILLAGE DE/OF ST-PIERRE-JOLYS
BY-LAW NO 2011-7

A By-Law of the Village of St-Pierre-Jolys
to provide traffic and parking regulations in the Village of St-Pierre-Jolys.

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 provides for a traffic authority to make rules or by-laws 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 provides for the council of the municipality to impose penalties for a violation of any such rule or by-law;

AND WHEREAS Section 90 (3) of The Highway Traffic Act provides for the council of a town to make rules or by-laws applicable to any part of a provincial highway within the town.

AND WHEREAS Section 236 (1) (b) (ii) of the Municipal Act L. M. 1996, c.58 Chap. M225 states:

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

AND WHEREAS the Council of the Village of St-Pierre-Jolys, deems it necessary and in the best interest of the municipality to restrict the parking of trucks over 4500 kg, semi-trailers, recreational vehicles and trailers on streets in the Village of St-Pierre-Jolys;

AND WHEREAS the Council of the Village of St-Pierre-Jolys, deems it necessary and in the best interest of the municipality to ban parking of all school buses on all streets within the Village of St-Pierre-Jolys;

AND WHEREAS it is deemed necessary and expedient to pass a by-law to regulate and control vehicular and other traffic and the parking thereof within the Village of St-Pierre-Jolys;

THEREFORE BE IT AND IT IS ENACTED AS FOLLOWS:

Article 1 - Definitions

“Chief of Police” shall mean the Non Commissioned Officer in charge (NCO i/c) of the Royal Canadian Mounted Police (RCMP), St. Pierre detachment or any and all officers of the RCMP which may be empowered to act on behalf of the NCO i/c.

“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

“Motor vehicle” means a motor vehicle as defined in The Highway Traffic Act.

“Loiter”, to remain in an area for no obvious reason

“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;

“Peace Officer” means:

- (a) any member of the RCMP and any other police officer, police constable, constable, or other person employed for the preservation and maintenance of the public peace, and
- (b) any person lawfully authorized to direct or regulate traffic, or to enforce this traffic bylaw (“agent de la paix”)

“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.

“Public Works Department” shall mean all works and operating department staff of the Village of St-Pierre-Jolys which perform work upon a public street or lane within the Village.

“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;

“Special event” shall mean a parade, procession, block party, or such other event held on a public street, lane or thoroughfare which will require closure to public traffic.

“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.

“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
- (c) a device designed to be moved by human power or used exclusively upon stationary rails or tracks, and
- (d) 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 Village of St-Pierre-Jolys, shall make application with the Village of St-Pierre-Jolys, Chief of Police, 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 parade, procession, or special event; the route intended to be taken, the date and length and the person or person responsible for the event. The Chief of Police 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 Village of St-Pierre-Jolys Public Works Department 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 Village of St-Pierre-Jolys, prohibits parking, and 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 stand or park a vehicle within three (3) meters of an intersection.

Section 3.4

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 3.5

No truck over 4500 kg in weight, RVs, trailers, nor semi-trailers of any type, shall park on any street within the Village of St-Pierre-Jolys from seven o'clock in the evening of one day until seven 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 3.6

No school buses are allowed to park on any streets in the Village of St-Pierre-Jolys

Section 3.7

No person shall park a vehicle on a street for fourteen (14) consecutive hours or more, within the Village of St-Pierre-Jolys.

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.

"Snow Regulations"

Article 4 - Street Parking Ban

Section 4.1

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.

Section 4.2

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.

Article 5 - Enforcement

Section 5.1

The RCMP is hereby authorized to enforce the following traffic regulations on private and public parking lots upon request by the Owner and all Municipal Parking Lots where the required signage is in place, namely:

- Physically Handi-capped parking only
- No Parking, Fire Lane
- Emergency Vehicles Only
- No Parking, Loading Area
- No Parking, Entrance Only or Exit Only
- No loitering, littering, or excessive noise

Section 5.2

A peace officer, or other person authorized by the Chief of Police may order a vehicle to be towed away when such a vehicle is parked in a No Parking Zone or is in violation of the time limit in any restricted parking zone or is in violation of Article 4, the costs or fees of which are the responsibility of the registered owner.

Section 5.3

Any peace officer or other person authorized by the Chief of Police may issue a notice in a form approved by the Chief of Police, hereinafter referred to as an "Information Offence Notice", to any person who has allegedly contravened any of the provisions of this By-law.

Section 5.4

The said "Information Offence Notice" shall state the Vehicle License Number; the Date and Time and Place of the violation; and briefly describe the alleged violation; after which the peace officer shall attach a copy of the "Information Offence Notice" to the vehicle, or hand the "Information Offence Notice" to the owner or operator.

Section 5.5

In the event that a violation under By-law is also a violation under the Highway Traffic Act, the peace officer may issue a "Information Offence Notice" under the provisions of this By-law or under the Highway Traffic Act, at his/her discretion.

Article 6 - Penalties

Section 6.1

In the event that a recipient of an "Information Offence Notice", for an offence, voluntarily makes payment at the St-Pierre-Jolys Village Office, a receipt shall be issued to the offender and notice given forthwith to the RCMP of same. No prosecution shall be proceeded with if the required penalty has been voluntarily paid within the time limit established under this Bylaw.

Section 6.2

Any person guilty of a breach of this by-law shall be liable for a penalty, the fees of which are outlined in Section 7.2 of this by-law. Response to the issued Information Offence Notice, payment or contestation, shall be made in accordance with directions provided on the front and back of the issued Information Offence Notice. Voluntary payment of the set penalty under this by-law may also be made at the St-Pierre-Jolys Village Office, 555 Hébert Ave, St-Pierre-Jolys, Manitoba, and Monday through Friday, 8:30am to Noon and from 1:00 p.m. to 4:30 pm. When permitted under Provincial Legislation, non-payment of fines may be accrued to the Vehicle Registration License fees for the vehicle identified in an "Information Offence Notice", and paid for at the time of registration.

Section 6.3

That the amount of fines and penalties set out in this By-Law can henceforth be amended from time to time by Resolution of Council and will become part of the schedule of fees.

Article 7 - Other

Section 7.1

If any provision of this by-law is adjudged invalid the judgment shall not be construed to invalidate the remaining provisions of this by-law.

Section 7.2

This by-law shall come into force and effect immediately upon the passing thereof.

Any person guilty of a breach of By-law No. 2011-7 shall be liable for a fine set out as follows:

1st Offense \$50.00

2nd Offense \$100.00

3rd and Consecutive Offense \$250.00

DONE AND PASSED in Council assembled in the Council of Chambers of the Village of St-Pierre-Jolys, in the Province of Manitoba this 3rd day of August, 2011.

Denis Fillion

Mayor

Rachelle Tessier

Chief Administrative Officer

Given 1st reading this 18th day of May, 2011.

Given 2nd reading this 3rd day of August, 2011.

Given 3rd reading this 3rd day of August, 2011.

**SCHEDULE “A”
BY-LAW NO 2011-7**

The following traffic signs are herewith authorized to be erected and enforced, namely:

“NO PARKING”

Préfontaine Avenue	- south side	- entire length
Bélanger Avenue	- south side	- entire length
Côté Avenue East	- south side	- entire length
Côté Avenue West	- south side	- entire length
Hébert Avenue	- south side	- Mulaire to Hwy 59
Lavoie Avenue	- south side	- entire length
Carrière Avenue	- north side	- entire length
St- Joseph Avenue -West	- north side	- entire length
St. Joseph Avenue - East	- south side	- entire length
Ste-Marie Avenue	- north side	- entire length
Mulaire Street	- east side	- entire length
Martel Street	- east side	- entire length
Croteau Street	- east side	- entire length
Turenne Street	- east side	- entire length
Gagné Street	- west side	- entire length
Carey Street	- west side	- entire length
Beaudette Street	- west side	- entire length
Lavergne Street	- west side	- entire length
Tessier Street	- west side	- entire length
Lambert Bay	- west side	- entire length