



## **VILLAGE OF ST PIERRE-JOLYS**

### **BY-LAW NO. 2021-9**

**BEING A BY-LAW TO REGULATE TRAFFIC AND PARKING WITHIN THE BOUNDARIES OF THE VILLAGE OF ST-PIERRE-JOLYS AND TO REPEAL VILLAGE OF ST-PIERRE-JOLYS BY-LAW NO. 2020-2.**

**WHEREAS** a municipality has the direction, control and management of municipal roads within its boundaries

NOW THEREFORE the Council of the Village of St-Pierre-Jolys, duly assembled, enacts as follows:

#### **I. SHORT TITLE**

This By-law may be referred to as the “**Village of St Pierre-Jolys Traffic and Parking By-law**”.

#### **II. INTERPRETATION**

- (1) Unless otherwise expressly provided or unless the context otherwise requires, words and expressions in this By-law have the same meaning as the same words and expressions in the Highway Traffic Act of the Province of Manitoba.
- (2) In this By-law:
  - (a) “Administrator” means the Administrator of the Village of St-Pierre-Jolys, or such person as may be authorized by the said Administrator to exercise some of all of the powers vested in him/her by this by-law;
  - (b) “Boulevard” means that portion of street between the curb line or the lateral line of the roadway and the adjoining property line exclusive of the sidewalk; and that portion of a street between the curb line or lateral lines of the roadways of a divided highway;
  - (c) “Compliance Officer” means the By-Law Enforcement Officer of the Village of St-Pierre-Jolys, or such person as may be authorized by the said Enforcement Officer to exercise some of all of the powers vested in him/her by this by-law;
  - (d) “Council” means the Council of the Village of St Pierre-Jolys or such committee as Council may delegate as Traffic Authority;
  - (e) “Curb” means the lateral line of a roadway;
  - (f) “Designated Officer” mean any member of the Royal Canadian Police Force and any other police officer; police constable, special constable or bylaw officer employed for the preservation and other maintenance of public peace;
  - (g) “Driver” means a person who drives or is in actual physical control of a vehicle, and the expressions “drive” and “driving” have a corresponding meaning;
  - (h) “Foreman” means the waterworks and/or public works foreman of the Village of St Pierre-Jolys or such person as may be authorized by the said

foreman to exercise some or all of the powers vested in him/her by this By-law;

(j) "Lane" means a highway other than a street;

(j) "Lane Entrance" means the straight production of the boundaries of a back lane onto any highway to the centre line of that highway.

(k) "Parade" means any procession or body of pedestrians numbering more than (15) standing, marching, or walking anywhere on a street, or any group of vehicles except a funeral procession, numbering (10) or more stopped or moving anywhere on a street.

(l) "Street" means a highway over which the Village of St Pierre-Jolys has jurisdiction or 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 Transportation Infrastructure Act.

(m) "Unattended" means not being attended to, taken care of or watched.

### **III. CAUSING OR PERMITTING OFFENCE**

(1) Any person who causes or permits an offence against this By-law is guilty of an offence.

### **IV. PARADES**

(1) No person shall hold, take part in, or be a member of a parade, unless

- (a) the parade is under the direction or control of a Marshall or organizer, and
- (b) the parade has been duly permitted by the Council of the Village of St-Pierre-Jolys.

(2) A person desiring to hold a parade shall apply in writing to the Council for a permit not less than three (3) business days before the time set for the commencement of the parade, and shall when making his/her request, specify the nature of the parade, the day and hour at which it is to be held, the places of formation and dispersal, the exact route to be followed and estimated length of time for the parade.

(3) The Council may issue a permit for a parade subject to any directions they may impose as to time, marshalling and route to be followed and every such permit shall be issued subject to compliance with all By-laws of the Village of St-Pierre-Jolys. All participants in the parade shall at all times proceed in a safe manner so as to not cause injury to themselves or others. If there is any deviation from the terms under which the permit is issued or if any such directions are not complied with as directed by the Council, the permit shall be void and of no effect.

(4) Unless so directed by a Police Officer, no person other than the driver of an ambulance traveling in an emergency or a police department vehicle or a fire department vehicle shall drive through a parade.

(5) While a parade is in motion, pedestrians shall not walk through or into a parade.

(6) Those wishing to distribute material are recommended to do so safely to the crowd.

**V. INSTALLATION AND MAINTENANCE OF TRAFFIC CONTROL DEVICES**

- (1) The Village Foreman shall place and maintain or cause to be placed and maintained all approved traffic control devices authorized by resolution or By-law of Council. Any such resolution or By-law passed after the final passing of this By-Law shall form and become a part of this By-law to the same extent as if incorporated herein, and shall come into full force and effect upon the erection of any signs authorized therein.
- (2) The installation and maintenance of Traffic Control Devices is hereby authorized at the locations prescribed by the Village of St Pierre-Jolys.

**VI. TEMPORARY TRAFFIC CONTROL DEVICES**

- (1) The Village Foreman shall place and maintain or cause to be placed and maintained approved traffic control devices to prohibit or regulate traffic in an emergency or for the purposes of carrying out any authorized work on the street including street cleaning and snow removal operations or as authorized by a Police Officer to ensure orderly movement of traffic, to prevent injury or damage to persons or property, or to permit action in any emergency.
- (2) Any person undertaking authorized work of any form within a street or in any way interfering with or obstructing the normal use of a street shall place and maintain temporary traffic control devices as directed by the Public Works Foreman.

**VII. COMPLIANCE WITH TEMPORARY TRAFFIC CONTROL DEVICES**

- (1) No Person shall drive a vehicle on any street or portion of street that is barricaded or otherwise indicated as being closed to vehicular traffic
- (2) Unless otherwise directed by a Police Officer, pedestrians and drivers shall obey the direction, instruction, limitation, restriction, or prohibition of any applicable traffic sign, traffic control signal, marking, barrier, or device placed, maintained by the Public Works Foreman for the purpose of regulating or prohibiting traffic, for street, sidewalk construction, repair, maintenance, painting or any emergency.

**VIII. DESIGNATION OF PEDESTRIAN CORRIDORS**

- (1) The Village of St Pierre-Jolys may, by resolution, designate any crosswalk or pedestrian corridor over which it has jurisdiction as a pedestrian thoroughfare.

**IX. PARKING FOR PERSONS WITH DISABILITIES**

- (1) In this Part
  - (a) "permit" means a valid permit for a person with a physical disability issued under The Highway Traffic Act.
  - (b) "designated parking space" means a parking space designated by signs or pavement markings as being for the sole use of motor vehicles displaying a permit and that is located:
    - i. on a highway or municipal road,
    - ii. in a public parking lot or facility, or
    - iii. in a private parking lot or facility to which the public has access.
  - (c) "motor vehicle" means a motor vehicle as defined.

- (2) No person shall stop, stand or park a motor vehicle in a designated parking space, 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.

**X. STREET PARKING BAN**

- (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.
- (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. Charged a fine as per below section XVI Penalty Notice Part 2.

**XI. PARKING AND PROHIBITIONS OF PARKING**

- (1) That except where necessary to avoid conflict with traffic or to comply with the law or the directions of a compliance officer or traffic control device, no person shall stop, stand, or park a vehicle:
  - (a) Upon a boulevard or sidewalk;
  - (b) At the entrance or exit to a lane, or parked in back lane to cause obstruction.
  - (c) In front of a driveway;
  - (d) Within an intersection or within 3 meters on approach to a stop sign or right turn lane
  - (e) Within 3 meters from or immediately opposite a fire hydrant;
  - (f) On a crosswalk or Pedestrian Crossing.
  - (g) within 3 meters on the approach side of a crosswalk or Pedestrian Crossing
  - (h) within 3 meters of a driveway entrance to a fire station;
  - (i) Parked left side to curb
  - (j) in a place in contravention of a traffic control device that gives notice that stopping, standing or parking is there prohibited or restricted;
  - (k) in such a manner that
    - (i) it constitutes a hazard on the highway; or
    - (ii) it is parked in contravention of any provision of the Highway Traffic Act or of this by-law;
  - (p) Alongside the curb of a highway that is painted with yellow traffic paint
- (2) That unless specifically required by other provisions of this by-law or by traffic signs or "Yield" signs or signals to do otherwise, no person shall park:
  - (a) a vehicle upon a street in such a manner as to leave available less than 9 meters of the width of the roadway for the free movement of traffic;
  - (b) a vehicle in a lane, except while loading or unloading, and when so parked the driver shall leave available not less than 2.5 meters of the width of the roadway for the free movement of vehicular traffic;

- (c) a vehicle upon a highway for a period longer than 24 hours at any one time;
  - (d) an advertising vehicle on Public Road.
  - (e) any vehicle carrying flammable and/or hazardous goods unattended for a period of more than one hour;
  - (f) a vehicle displayed for sale on public road or thoroughfare.
  - (g) a vehicle at any time on any portion of a highway immediately following a snowfall until such time as the highway has been cleared of snow.
3. That no vehicles be parked at any time in any areas with "NO PARKING" sign properly displayed.
  4. That no semi-trailers be parked on the following streets in the Village of St Pierre-Jolys:  
Martel Street, Dandenault Street, Garand Avenue and Gelinas Avenue
  5. No person shall park a motor vehicle and/or trailer on any Village of St-Pierre-Jolys owned lot unless authorized by the Village.
  6. No person shall park a trailer of any type with an operating refrigeration unit upon a highway within 100 meters of a residence.
  7. No person shall drive or park a vehicle or trailer onto a boulevard.
  8. No person shall park or leave a vehicle on private property on which there is erected and maintained a sign indicating that the parking of vehicles thereon is prohibited or restricted.
  9. 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.
  10. No truck over 4500 kg in weight, RVs, school buses, 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
  11. 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.
  12. The provisions of this by-law prohibiting or regulating stopping, standing and parking shall not apply to:
    - (a) Vehicles of the Royal Canadian Mounted Police or Emergency and Fire Department vehicles.
    - (b) vehicles of or employed by the Village of St Pierre-Jolys while in use in connection with work of necessity being done in or near a highway requiring them to stop or be parked in a manner contrary to the provisions of this by-law; and
    - (d) vehicles of the Government of Manitoba, the Government of Canada, or a public utility, if those vehicles have the owner's name painted thereon and are actually being used in connection with any work being carried out by the

respective Government or utility on or near a highway requiring them to stop or be parked in a manner contrary to the provisions of this by-law.

## **XII. COMPLIANCE AND TICKETING**

- (1) A Compliance Officer or By-law Enforcement Officer for the purpose of enforcing the provisions of this By-law, or of any other by-law or regulation of the Village of St-Pierre-Jolys respecting parking of vehicles, may place a mark upon a vehicle which is parked upon a street.
- (2) No person shall remove, alter, obliterate or deface a mark made or placed upon a vehicle by a Compliance Officer or By-law Enforcement Officer as provided above until the vehicle has been moved by the owner or the relevant authority.

## **XIII. COMPLIANCE WITH SIGNS REGULATING PARKING AND STOPPING**

- (1) Council may, by resolution, regulate the Parking and stopping on any street or part of a street in addition to the restrictions contained within this by-law and shall cause such restriction to be exhibited on traffic control devices at the appropriate location. Where a traffic control device is placed, or maintained:
  - (a) to prohibit the stopping or parking of vehicles at any time or during the hours stated on the sign on the street or any portion thereof; or
  - (b) to limit the time during which vehicles may be parked on the street or any portion thereof, either during the whole of any day or during a part thereof,no person shall stop or park a vehicle or cause or permit a vehicle to remain stationary on the street or portion thereof to which the device relates in contravention of the device or for a period longer than or otherwise than is authorized by the device.

## **XIV. REMOVAL/TOWING OF VEHICLES**

- (1) That where a Compliance Officer or By-law Enforcement Officer or the Village Foreman has reasonable and probable cause for believing that a vehicle is standing or is parked:
  - (a) in contravention of the provisions of this by-law; or
  - (b) in a manner that causes it to interfere with removal of snow from a highway or a street by an authorized person; or
  - (c) in a position that causes it to interfere with fire fighting;
  - (d) and is apparently abandoned on or near a street;he may move the vehicle, cause it to be moved, or may require the driver or person in charge of the vehicle to move it to a position determined by the Compliance Officer, Village Foreman or other authorized person.
- (2) The costs and charges incurred in moving and/or storing any vehicle that is impounded pursuant to the provisions of this by-law shall be considered a lien on the vehicle that may be enforced under the "Garage Keepers Act" by the person who moved and/or stored the vehicle at the request of the Compliance Officer or By-law Enforcement Officer or Village Foreman.
- (3) That Section XV (1) does not apply in the case of a vehicle so disabled while on a highway that it cannot be readily moved until a reasonable time has elapsed to permit its removal.

**XV. REMOVAL OF TRAFFIC TICKET FROM A VEHICLE**

- (1) No person, other than the person having charge of a vehicle, shall remove from the vehicle a ticket or notice placed thereon by a Compliance Officer or By-law Enforcement Officer to notify the owner or person in charge of the vehicle of an alleged contravention of a provision of this By-law respecting the stopping or parking of vehicles.

**XVI. PENALTY NOTICES**

- (1) That the owner of a vehicle shall incur the penalties provided for a violation of this by-law unless at the time of the violation the motor vehicle was in the possession of some person other than the owner or his/her chauffeur without the owner's consent, and the driver of a motor vehicle who is not the owner shall also incur the penalties provided THROUGH THE ISSUANCE OF AN OFFENCE PENALTY NOTICES for any such violation.
- (2) That any person who contravenes, disobeys, or violates, or refuses, omits, neglects, or fails to observe, obey, or comply with any of the provisions of this by-law, is guilty of an offense and liable, on summary conviction, to a fine of:

- (a) 1<sup>st</sup> offense -\$50.00
- (b) 2<sup>nd</sup> consecutive offense \$100.00
- (c) 3<sup>rd</sup> consecutive offense \$250.00

and not more than Two Hundred and Fifty (\$250.00) Dollars in addition to costs, and in the case of non-payment of such fines and costs, to imprisonment for a period not exceeding Thirty (30 Days).

**XVII. LIABILITY OF OWNERS TO CONVICTION**

- (1) Where an offence, consisting of a violation of any provision of this By-law
  - (a) is committed by means of, or with respect to any vehicle; or
  - (b) occurs by reason of, or with respect to, the ownership, use or operation of any vehicle;

the owner of the motor vehicle may be charged with commission of the offence and, if the Judge or Hearing Officer before whom the charge is tried, is satisfied that the offence was committed, the owner is guilty of the offence and is liable on summary conviction, to the penalty herein provided for that offence unless the owner satisfies the Judge or Hearing Officer that, at the time of the violation the motor vehicle was in possession of a person other than the owner, without the consent of the owner.

**XVIII. LIABILITY OF DRIVER**

- (1) Nothing in Section XVIII (1) relieves the driver of the vehicle from any liability to conviction of the offence to which he may be subject.

**XIV. REPEAL AND ENACTMENT**

- (1) By-law No.2020-2 is hereby repealed.
- (2) The repeal of the by-law(s) in the last preceding section mentioned shall not revive any by-law or any provision of any by-law repealed by it, nor shall the said repeal prevent the effect of any.

(3) The repeal of the said by-law(s) should not affect:

- (a) any penalty, forfeiture or liability incurred before the time of such repeal, or any proceedings for enforcing the same had, done, completed or pending at the time of such repeal; or
- (b) any action, suit, judgment, decree, certificate, execution, process, order, rule or any proceeding, matter or thing, respecting the same had, done, make, entered, granted, completed, pending, existing or in force at the time of such repeal; or
- (c) any act, deed, right, title, interest, grant, assurance, registry, rule, regulation, contract, lien, charge, matter, or thing had, done, made, acquired, established, or existing at the time of such repeal; or
- (d) any office, appointment, commission, salary, allowance, security, duty, or any matter or thing appertaining thereto at the time of such repeal; or
- (e) any bond, note, debenture, debt, or other obligation made, executed, or entered into by the Municipality at the time of such repeal.

(4) The repeal of the said by-law(s) shall also not defeat, disturb, invalidate, or prejudicially affect any matter or thing whatsoever had, done, completed, existing or pending at the time of such repeal.

(5) This by-law shall come into full force and take effect upon the passage thereof.

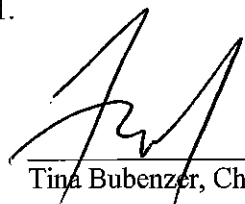
## **XX. VALIDITY OF BY-LAW**

- (1) Should any provision of this by-law be declared to be invalid by a court of competent jurisdiction, it is the intent of Council that it would have passed all other provisions of the by-law independent of the elimination of any such portion as may be declared invalid.

THAT By-law 2020-2 be hereby repealed.

DONE AND PASSED as a by-law of the Village of St. Pierre in Council duly assembled at St-Pierre-Jolys, Manitoba this 15<sup>th</sup> day of September 2021.

  
Raymond Maynard, Mayor

  
Tina Bubenzer, Chief Administrative Officer

Read a first time this 14 day of July, A.D. 2021

Read a second time this 18<sup>th</sup> day of August, A.D. 2021

Read a third time this 15<sup>th</sup> day of September, A.D. 2021



**SCHEDULE "A"**  
**BY-LAW NO 2021-9**

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

**"NO PARKING"**

Préfontaine Avenue	- south side	- entire length (2)
Bélanger Avenue	- south side	- entire length (2)
Côté Avenue East	- south side	- entire length (1)
Côté Avenue West	- south side	- entire length (2)
Hébert Avenue	- south side	- Mulaire to Hwy 59 (2)
Lavoie Avenue	- south side	- entire length (1)
Carrière Avenue	- north side	- entire length (1)
St- Joseph Avenue - West	- north side	- entire length (2)
St. Joseph Avenue - East	- south side	- entire length (1)
Ste-Marie Avenue	- north side	- entire length (1)
Mulaire Street	- east side	- Hebert to Jolys E (0)
Mulaire Street	- east side	- Jolys E to St. Joseph (1)
Martel Street	- east side	- entire length (1)
Croteau Street	- east side	- entire length (1)
Turenne Street	- east side	- Jolys E to Hebert
Gagné Street	- west side	- entire length (1)
Carey Street	- west side	- entire length (1)
Beaudette Street	- west side	- entire length (1)
Lavergne Street	- west side	- entire length (1)
Tessier Street	- west side	- entire length (1)
Lambert Bay	- west side	- entire length (2)
Turenne Street	- west side	- entire length (2)
Dandenault Street	- east side	- entire length (0)
Garand Avenue	- south side	- entire length (0)
Gelinas Avenue	- south side	- entire length (0)
Jolys Avenue West (Intersection PTH 59 & 205)	- south and north side	- 15 meters both sides

**15 MINUTE PARKING/LOADING ZONE**

449 Jolys Avenue West x 2	- north side	- in front of entrances of the manor
505 Hébert Avenue	- north side	- in front of library

**ACCESSIBLE PARKING**

510 Jolys Ave East	- south side	Front of Post Office
408 Joubert Street	- west side	Front of Catholic Church
Turenne Street/Splash Pad	- east side	Parc Carillion Splash Pad Parking
466 Sabourin Street	- west side	Front of RM of De Salaberry Office