

# VILLAGE OF BETHUNE

## BYLAW NO. 2013-07

### A BYLAW TO REGULATE THE OPERATION AND PARKING OF VEHICLES AND THE USE OF HIGHWAYS WITHIN THE VILLAGE OF BETHUNE.

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

1. This bylaw may be referred to as the Traffic Bylaw.
2. **DEFINITIONS**
  - (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 of the municipality;
  - (c) **"all terrain vehicle"** and/or **"ATV"** means all terrain vehicle as defined in *The All Terrain Vehicles Act*;
  - (d) **"council"** means the council of the Village of Bethune
  - (e) **"curb"** means the lateral boundaries of a roadway, whether or not marked by curbing;
  - (f) **"heavy vehicle"** means a vehicle with or without load which alone or together with any trailer, semi-trailer or other vehicle being towed, weighs 6,000 kg or more;
  - (g) **"highway"** means a road, parkway, driveway, square or place designed 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) **"lug vehicle"** means any vehicle, portable engine or traction engine having metal spikes, lugs or cleats projecting from the face of the wheels or tires thereof, or having metal track tread;
  - (j) **"municipality"** means the Village of Bethune;
  - (k) **"one-way highway"** means highway as ascribed to it by *The Traffic Safety Act*;
  - (l) **"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 at a distance of not more than thirty (30) centimeters from such curb;

- (m) **"parking"**, has the meaning ascribed thereto by *The Traffic Safety Act*;
- (n) **"place of public assembly"** means schools, theatres, churches, rinks, and halls
- (o) **"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 sudden use of acceleration and/or breaking;
- (p) **"designated officer"** means the Royal Canadian Mounted Police or a person appointed to enforce municipal bylaws;
- (q) **"speed bump"** means the uneven patch on the highway constructed of asphalt, concrete or other like material for the purpose of controlling speed;
- (r) **"speed zone"** means any portion of a highway within the Village of Bethune as designated herein, and identified by a sign erected and maintained at each end thereof, indicating the maximum speed applicable thereto:
- (s) **"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;
- (t) **"vehicle"** means a vehicle, trailer, travel trailer, semi-trailer or a motor vehicle as ascribed to by *The Traffic Safety Act*.

### 3. **SCOPE**

- (a) "Stop" Streets: highways as listed in Schedule "A" ;
- (b) "Yield" Streets : highways as listed in Schedule "A"
- (c) "NO U-TURN" Intersections: intersections of the highways, approached from all four (4) directions as listed in Schedule "B"
- (d) "No Parking": locations listed in Schedule "C"
- (e) "Angle Parking": locations listed in Schedule "D"
- (f) "Heavy Vehicle Route": locations listed in Schedule "E"
- (g) "Speed Zones": locations listed in Schedule "F"
- (h) "One Way Highway": highways listed in Schedule "G"
- (i) "Mentally or Physically Challenged Person Parking": locations listed in Schedule "H"

### 4. **INFRACTIONS**

- (a) "Stop" Streets: The provisions of *The Traffic Safety Act* shall apply to all traffic approaching and facing a "stop" sign erected and maintained in accordance with the provisions of section 5 (a).
- (b) "Yield" Streets: The provisions of *The Traffic Safety Act* shall apply to all traffic approaching and facing a "Yield" sign erected and maintained in accordance with the provisions of section 5 (b).
- (c) **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.

(d) **Lug Vehicles:**

- (i) No person shall propel, operate or drive any lug vehicle upon any highway within the municipality.

(e) **Parking:**

- (i) except as otherwise provided herein, the parking of vehicles is permitted on all highways within the municipality.

(e) **Parking Continued:**

- (ii) (a) subject to the provisions of clause 4(e)(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 a private premises nor shall they park in such a manner as to block a public sidewalk.

- (b) notwithstanding the provisions of sub clause 4(e)(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 so parked for a period exceeding thirty (30) minutes at one time, unless written permission has first been obtained from the administrator or a special constable of the municipality for an extension of such time limit.

- iii. (a) subject to sub clause 4(e)(iii)(b), every person parking a vehicle upon a highway within the municipality where parking is permitted, shall parallel park same;

- (b) every person parking a vehicle upon a highway listed in listed in Schedule "D" and Schedule "T" shall angle park same.

- iv. No person shall park a vehicle in a "No Parking" area as designated in Schedule "D" 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 5(d) to indicate that parking therein is prohibited.

- v. No person shall park a vehicle within five (5) meters of any street intersection or fire hydrant or within three (3) meters of any lane.

- vi. No person shall park a vehicle on any highway at one place for any period of time exceeding twenty-four (24) consecutive hours.

- 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 4(e)(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 meters 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 4(e)(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. Subject to sub clause 4(e)(viii)(b), no person shall park a vehicle with a manufacturer's rated capacity in excess of 6,000 kg on any streets or avenue within the municipality.

(f) **Power Turns:**

The operator of a vehicle shall not execute "power turns" on any highway in the municipality.

(g) **Snowmobiles:**

Under the provisions of *The Snowmobile Act* and subject to Subsection 4(h),

i. Snowmobiles may be operated on any street or lane within the Village's corporate limits between the hours of 7:00 a.m. and 11:00 pm.

ii. No person shall operate a snowmobile on any land designated as parks and open space pursuant to the Village of Bethune Zoning Bylaw.

iii. 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.

iv. Any snowmobile entering onto a public highway shall do so from an established public highway approach.

(h) **Speed:**

i. Subject to subsection 4(h)(ii), no person shall operate a vehicle in the municipality at a speed greater than forty (40) km/h except where otherwise posted.

ii. No person shall operate a vehicle at a speed greater than thirty (30) km/h in the speed zones as set out in Schedule "F".

(i) **U-Turns:**

i. 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.

ii. No person shall cause a vehicle to make a U-Turn at the intersections designated as "No U-Turn" intersections as listed in Schedule "B". This shall apply to all traffic approaching and facing a "No U-Turn" sign erected and maintained in accordance with the provisions of section 5(c).

(j) **Weight Restrictions – Truck Routes:**

- i. No person shall operate a vehicle or a combination of vehicles when the combined gross weight of the vehicle(s) with or without a load exceeds 6,000 kg, in the case of two axle vehicles and 10,000 kg in the case of three or more axle vehicles, except on a highway within the municipality designated as a Heavy Vehicle Route as listed in Schedule "E".
  - ii. Subsections (J)(i) shall not apply to vehicles making delivery on any highway in the municipality provided that the operator of the vehicle(s) uses the most direct route from and to the heavy vehicle route listed in subsection 1.
  - iii. The provisions of *The Traffic Safety Act* shall apply to the operators of vehicles referred to in sub clause 4(j)(i) and 4(j)(ii).
- (k) **Vehicles on Public Reserves:**
- (i) No person may operate or park a vehicle on any areas designated in as Public Reserve or green space as defined in the Village of Bethune Zoning Bylaw.
  - (ii) The provision of clause 4(k)(i) shall not apply to maintenance vehicles or vehicles using a designated parking area.
- (l) **Bicycles:**
- (i) No person shall operate a bicycle without having at least one hand on the handle bar.
  - (ii) No person shall operate a bicycle on a sidewalk.
- (m) **One Way Highway:**
- (i) Except as otherwise provided here a person may operate a vehicle in either direction on all highways within the municipality.
  - (ii) No person shall operate a vehicle in a direction other than that indicated on the highways as listed in Schedule "G" as "One Way Highways".
- (n) **Loading Zones:**
- (i) No operator of a vehicle shall remain in a loading zone for a period exceeding two (2) minutes for the purpose of embarking or disembarking passengers, provided that on the expiration of the two minute period the onus of proving the loading and unloading of goods shall rest with the driver of any vehicle found in such loading zone.
  - (ii) No operator of a vehicle shall remain in a loading zone for periods exceeding ten (10) minutes for the purpose of loading or unloading goods.
- (o) **Road Restrictions:**
- (i) A committee of Council may cause a road restriction to be in force for specific days during the month of March and/or April of each year on the road west of Section 24-20-24-2; gross vehicle weight shall not exceed 10,000 pounds during the period of time the road restriction is in place.
- (p) **Engine Retardant Brakes:**

- (i) No person operating a vehicle shall use engine retardant brakes in the Village, except to avoid or reduce the impact of collision or in the case of such other emergency.
- (q) **All Terrain Vehicles:**
  - (i) The operation of all terrain vehicles is prohibited on :
    - (a) the un-travelled 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
    - (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;
- (r) **Golf Carts:**
  - (i) No person shall operate a Golf Cart on any public highway within the corporate limits of the Village of Bethune.

5. **Signs:**

The Schedules noted in Clauses 5(a) through 5(e) may be changed and amended from time to time by the resolution of the Council:

- (a) Council shall cause to be erected and maintained at all stop streets listed on the “Signing Map” noted as Schedule "A", at a distance of approximately three (3) meters from point of intersection, an appropriate sign containing the word "Stop", so placed to face the traffic approaching the intersection.
- (b) Council shall cause to be erected and maintained at all yield streets listed on the “Signing Map” noted as Schedule “A”, at a distance of approximately three (3) metres from point of intersection, an appropriate "Yield" sign, so placed to face the traffic approaching the intersection.
- (c) Council shall cause to be erected and maintained at all "No U-Turn" intersections as listed in Schedule "B", at a distance of approximately three (3) metres from point of intersection, an appropriate sign prohibiting U-Turns, so placed to face the traffic approaching the intersection.
- (d) Council shall cause to be erected and maintained at all "No Parking" areas as listed in Schedule "C", 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.
- (e) Council shall cause to be erected and maintained at all “ Speed Bump” locations, at a distance of approximately ten (10) meters (or at any other distance Council may determine) from the speed bump an appropriate sign warning of the bump an identifying the maximum speed at which it is safe to proceed over the speed bump, so placed to face the traffic approaching the speed bump.

6. **Penalties:**

(a) **Signs:**

Any person who contravenes any of the provisions of clauses 4(c)(i) and 4(c)(ii) of this bylaw is guilty of an offence of liable on summary conviction to the

penalties provided in the General Penalty Bylaw of the municipality.

(b) **Lug Vehicles and Power Turns:**

Any person who contravenes any of the provisions of subsections 4(d) and subsection 4(f) of this bylaw shall be liable on summary conviction to a penalty of:

- i. Subsection 4(d) - \$100.00 – first offense
- ii. Subsection 4(d) - \$200.00 – all offenses thereafter
- iii. Subsection 4(f) - \$100.00 – first offense
- iv. Subsection 4(f) - \$ 200.00 – all offenses thereafter

6. **Penalties Continued:**

(c) **Parking, U-Turns, Public Reserve, Loading Zones:**

A person who contravenes any of the provisions of sub-sections 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 conviction, shall be liable to penalties as follows:

- i. Subsection 4(e)(ii) - \$40.00
- ii. Subsection 4(e)(iii) - \$40.00
- iii. Subsection 4(e)(iv) - \$40.00
- iv. Subsection 4(e)(v) - \$40.00
- v. Subsection 4(e)(vi) - \$40.00
- vi. Subsection 4(e)(vii) - \$40.00
- vii. Subsection 4(e)(viii) - \$40.00
- viii. Subsection 4(e)(ix) - \$40.00
- ix. Subsection 4(k)(i) - \$40.00
- x. Subsection 4(n)(i) - \$40.00
- xi. Subsection 4(r)(i) - \$40.00
- xii. Subsection 4(r)(ii) - \$40.00
- xiii. Subsection 4(r)(iii) - \$40.00
- xiv. Subsection 4(r)(iv) - \$40.00
- xv. Subsection 4(r)(v) - \$40.00

(d) **Road Restrictions and Weight Restrictions:**

- i. Subsection 4(j)(i) - \$500.00 First Offense
- ii. Subsection 4(j)(i) - \$1,000.00 Each Offense Thereafter
- iii. Subsection 4(o)(i) - \$100.00 Each Offense

(e) **Engine Retardant Brakes:**

- i. Subsection 4(p)(i) - \$100.00 First Offense
- ii. Subsection 4(p)(i) - \$200.00 Each Offense Thereafter

(f) **Notice of Violation:**

- (i) A violator of any of the subsections of this bylaw, as set out in subsection 6(c)(d)(e) upon being served with a Notice of Violation, may, during the regular office hours, voluntarily pay the penalty at the municipal office, and upon payment as so provided, that person shall not be liable to prosecution of the offence.

(ii) Any person who fails to pay the penalty for violation as listed in subsection f(i) is guilty of an offense and is liable for charges under the Summary Offenses Procedures Act.

(g) **Bicycle Contravention:**

The penalty for the contravention of section 4(1)(i) and 4(1)(ii) is as follows:

- i. for the first infraction impounding the bicycle for seven (7) days
- ii. for the second and additional infractions, impounding the bicycle for fourteen (14) days.

(h) **All Terrain Vehicle Contravention:**

The penalty for the contravention of section 4(o) shall be liable to the penalty imposed by section 32 of *The All Terrain Vehicles Act*.

(i) **Speed, One Way Highway, Failing to stop, Failing to Yield, etc:**

The penalties for these and other traffic violations other than parking under *The Traffic Safety Act*, *The Snowmobile Act* and *The School Bus Operating Regulations* shall be liable to the penalties imposed by *The Summary Offences Procedure Act* and/or any other applicable legislation.

7. **IMPOUNDING**

(a) In addition to and notwithstanding any provisions contained within Section 6 hereof, any member of the police force, special constable or other person appointed by council 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 4(f)(vii) when requested by the owner, occupant, licensee or permit holder of said land; or
3. is found on a 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 7(a)(i)(3)(a) to (c), has issued an order authorizing the removal and impoundment and seize, impound or store such vehicle.

(b) Where a vehicle has been impounded or stored after it has been removed under subsection 7(a), it may be retained at a place designated by council for a period of thirty (30) days from date of removal unless the cost of removal, impounding and storage are sooner paid. Upon payment of the full costs herein, the vehicle may be released to the owner thereof.

(c) If the fines and costs described in subsection 7(b) 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:

- (i) legal action in a court of competent jurisdiction;
  - (ii) sale by 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 7(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 7(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.

8. **REPEAL**

Bylaws 2013/06, 2009/17, 7/2006, 1996/03, 2/87 of the Village of Bethune are hereby repealed.

9. **COMING INTO FORCE:**

This bylaw shall come into force and effect on the day it is approved by the Highway Traffic Board.

\_\_\_\_\_  
Mayor

(SEAL)

\_\_\_\_\_  
Administrator

Certified a true copy of a bylaw passed  
By the resolution of the Council present  
At their regular meeting held on the  
5<sup>th</sup> day of November, 2013.

\_\_\_\_\_  
Administrator

**NOTE:** The Summary Offenses Procedures Act provides penalties for the following infractions:

- (a) speed
- (b) failing to stop
- (c) failing to yield
- (d) snowmobiles
- (e) one-way highways
- (f) school bus flashing lights

**SCHEDULE "B"**

**NO "U" TURNS [section 4(i)(ii)]**

## **SCHEDULE "C"**

### **NO PARKING AREA [section 4(e)(iv)]**

1. East side of East Street Alexandria Avenue from 10m south of Alexandria Avenue running north to 42.5 m north of Alexandria Avenue
- 2.

## **SCHEDULE "D"**

### **ANGLE PARKING AREA [section 4(e)(iii)(b)]**

- Main Street - West side from 40 M north of the north boundary of Central Avenue south to the north boundary of Railway Avenue.
- Main Street - East side from 40 M north of the north boundary of Central Avenue south to the north boundary of Railway Avenue.

## **SCHEDULE "E"**

### **HEAVY VEHICLE ROUTE [section 4(j)(i)]**

Railway Avenue from East/West Grid Road Allowance (Grid #739) to North/South Grid Road Allowance (Grid #642).

## **SCHEDULE "F"**

### **SPEED ZONES [section 4(h)(ii)]**

- 1) East Street from 160.7 M North of the Boundary of Alexandria Avenue to East Street from 50.16 M South of the Boundary of Alexandria Avenue
- 2)

**SCHEDULE “ G ”**

**ONE WAY HIGHWAY [section 4(m)(ii)]**

**Street or Avenue**

**From**

**To**



**SCHEDULE “ H ”**

**“DISABLED PERSONS PARKING” [section 4(E)(iii)]**