

**VILLAGE OF BETHUNE**

**BYLAW NO. 06-2023**

**A BYLAW TO REGULATE THE OPERATION AND PARKING OF VEHICLES,  
TRAFFIC SIGNS AND THE USE OF HIGHWAYS WITHIN THE VILLAGE OF  
BETHUNE**

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**1. TITLE:**

This bylaw shall be referred to as the “Traffic Bylaw”.

**2. DEFINITIONS:**

In this bylaw:

- (a) “**Act**” means *The Traffic Safety Act*, and amendments thereto;
- (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) “**Alley**” means a public highway intended primarily to give vehicles access to the rear or side of real property;
- (e) “**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;
- (f) “**Council**” means the council of the Village of Bethune;
- (g) “**Curb**” means the dividing line of the highway between that part of the highway intended for use of vehicles and the part of the highway intended for use by pedestrians, whether marked with a curbing or not;
- (h) “**Designated officer**” means the administrator, bylaw enforcement officer, RCMP or any other person appointed to enforce municipal bylaws;
- (i) “**Golf cart**” means a self-propelled vehicle with 3 or more wheels that:

- (i) Is designed to carry golfers and their equipment through the golf course;
  - (ii) Cannot exceed 24 km/h (14.9 mph);
  - (iii) Weighs less than 590 kgs (not including the weight of the passengers and golf clubs); and
  - (iv) Is not defined as an all terrain vehicle in *The All Terrain Vehicles Act* or a low-speed vehicle as defined in the Motor Vehicle Safety Regulations.
- (j) **“Heavy vehicle”** means a vehicle with or without load which alone or together with any trailer, semi-trailer or other vehicle being towed, has a combined gross weight of 6.0 tonnes (6,000 kg) or more;
- (k) **“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*;
- (l) **“Justice”** means a justice of the peace as per *The Interpretation Act, 1995*;
- (m) **“Lane”** means a public right-of-way which primarily gives access to the rear of the property;
- (n) **“Lug vehicle”** means any vehicle with a portable engine or tractor engine having metal spikes, lugs or cleats projecting from the face of the wheels or tires thereof, or having metal track tread;
- (o) **“Municipality”** means the Village of Bethune;
- (p) **“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;
- (q) **“Parking”** means the standing of a vehicle, whether occupied or not, on a highway, other than standing temporarily for the purpose of, and while actually engaged in, loading or unloading or in obedience to traffic regulations, traffic control devices or the directions of a designated officer;
- (r) **“Place of public assembly”** means schools, theaters, churches, rinks and halls;

- (s) **“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 braking;
- (t) **“Public property”** means all or any part of Village owned property that is open to the public or to which the public is customarily admitted or invited, and includes all or any part of the street, sidewalk, improved walkway, park, municipal reserve, buffer strip, parking lot or walking trail;
- (u) **“Sidewalk”** means the portion of a street intended primarily for use by pedestrians;
- (v) **“Speed bump”** means the uneven patch on the highway constructed of asphalt, concrete or other like material for the purpose of controlling speed;
- (w) **“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;
- (x) **“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;
- (y) **“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 listed in Schedule “A”
- (b) **“Yield” Streets:** highways listed in Schedule “A”
- (c) **“No Parking”:** locations listed in Schedule “B”
- (d) **“Angle Parking”:** locations listed in Schedule “C”
- (e) **“Heavy Vehicle Route”:** highways listed in Schedule “D”
- (f) **“Speed Zones”** highways listed in Schedule “E”

### **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 subsection 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 subsection 5(a).

(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.
- ii. (a) Subject to the provisions of sub-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 permissions 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 Schedule "C" shall angle park same.
- iv. No person shall park a vehicle in a "No Parking" area as designated in Schedule "B" 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(c) 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 seven (7) consecutive days.
- vii. No person shall park any vehicle in any private place or on any private property unless he or she 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 (thirty) 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 10,000 kg (22,046 lbs) on any streets or avenue within the Municipality.
- (f) **Power Turns:**
  - i. 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 p.m.
  - 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 "E".
- (i) **U-Turns:**
- i. No person shall cause a vehicle to mark a U-Turn between intersections, and at the intersection of a highway with a lane or an alley in the Municipality.
- (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 "D".
  - ii. Clause 4(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' as listed in Schedule "D".
  - iii. The provisions of *The Traffic Safety Act* shall apply to the operators of vehicles referred to in 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 as Public Reserve or green space as defined in the Village of Bethune Zoning Bylaw.
  - ii. The provisions 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) **Road Restrictions:**
  - i. A committee of Council may cause a road restriction to be in force for specific days during the months of March and/or April of each year on the road west of Section 24-20-24-W2; gross vehicle weight shall not exceed 10,000 pounds (4,536 kg) during the period of time the road restriction is in place.
- (n) **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 a collision or in the case of such other emergency.
- (o) **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.
- (p) **Golf Carts:**
  - i. The operation of golf carts within the Village are subject to the provisions of Bylaw 05-2023 of the Village of Bethune to Permit the Operation of Golf Carts on the Public Highways Within the Limits of the Municipality.

**5. SIGNS:**

- (a) Council shall cause to be erected and maintained at all “Stop” streets as listed in 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 as listed in Schedule “A”, at a distance of approximately three (3) meters 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 Parking” areas as listed in Schedule “B”, appropriate signs and/or curb marking. Such signs or curb



marking shall be visible from that part of the highway to which the restriction applies.

- (d) Council shall cause to be erected and maintained at all “Speed Bump” locations, at a distance of approximate ten (10) meters (or at any other distance Council may determine) from the speed bump an appropriate sign warning of the bump and 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 the Bylaw is guilty of an offence of liable on summary conviction to the penalties provided in the General Penalty Bylaw of the Village of Bethune.

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

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

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

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

A person who contravenes any of the provisions of clauses 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. Clause 4(e)(ii) - \$40.00
- ii. Clause 4(e)(iii) - \$40.00
- iii. Clause 4(e)(iv) - \$40.00
- iv. Clause 4(e)(v) - \$40.00
- v. Clause 4(e)(vi) - \$40.00
- vi. Clause 4(e)(vii) - \$40.00
- vii. Clause 4(e)(viii) - \$40.00
- viii. Clause 4(e)(ix) - \$40.00
- ix. Clause 4(k)(i) - \$40.00

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

- i. Clause 4(j)(i) - \$500.00 first offence
- ii. Clause 4(j)(i) - \$1,000.00 each offence thereafter
- iii. Clause 4(m)(i) - \$100.00 each offence



- (e) **Engine Retardant Brakes:**
  - i. Clause 4(n)(i) - \$100.00 first offence
  - ii. Clause 4(n)(i) - \$200.00 each offence thereafter
  
- (f) **Notice of Violation:**
  - i. A violator of any of the clauses of this Bylaw, as set out in subsection 6(c), subsection 6(d) and subsection 6(e) upon being served with a Notice of Violation, may, during 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.
  
- (g) **Bicycle Contravention:**

The penalty for the contravention of clause 4(l)(i) and 4(l)(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, 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, 1987* shall be liable to the penalties imposed by *The Summary Offences Procedure Act, 1990* 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:
  - i. is unlawfully placed, left or kept on any street, public parking place, or other public place;
  - ii. is unlawfully parked pursuant to clause 4(e)(vii) when requested by the owner, occupant, licensee or permit holder of said land; or
  - iii. 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 sub-clause 7(a)(iii)(a), sub-clause 7(a)(iii)(b) and sub-clause 7(a)(iii)(c), has issued an order authorizing the removal and impoundment to 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 private 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:**

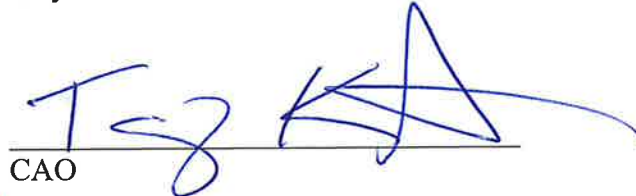
Bylaw 2013-07 of the Village of Bethune is hereby repealed.

**9. COMING INTO FORCE:**

This Bylaw shall come into force and effect on the day it is approved by the Council of the Village of Bethune.



  
\_\_\_\_\_  
Mayor

  
\_\_\_\_\_  
CAO



Certified a true copy of the original Bylaw passed by the unanimous consent of the Council present at their regular meeting held on the 7<sup>th</sup> day of November, 2023.

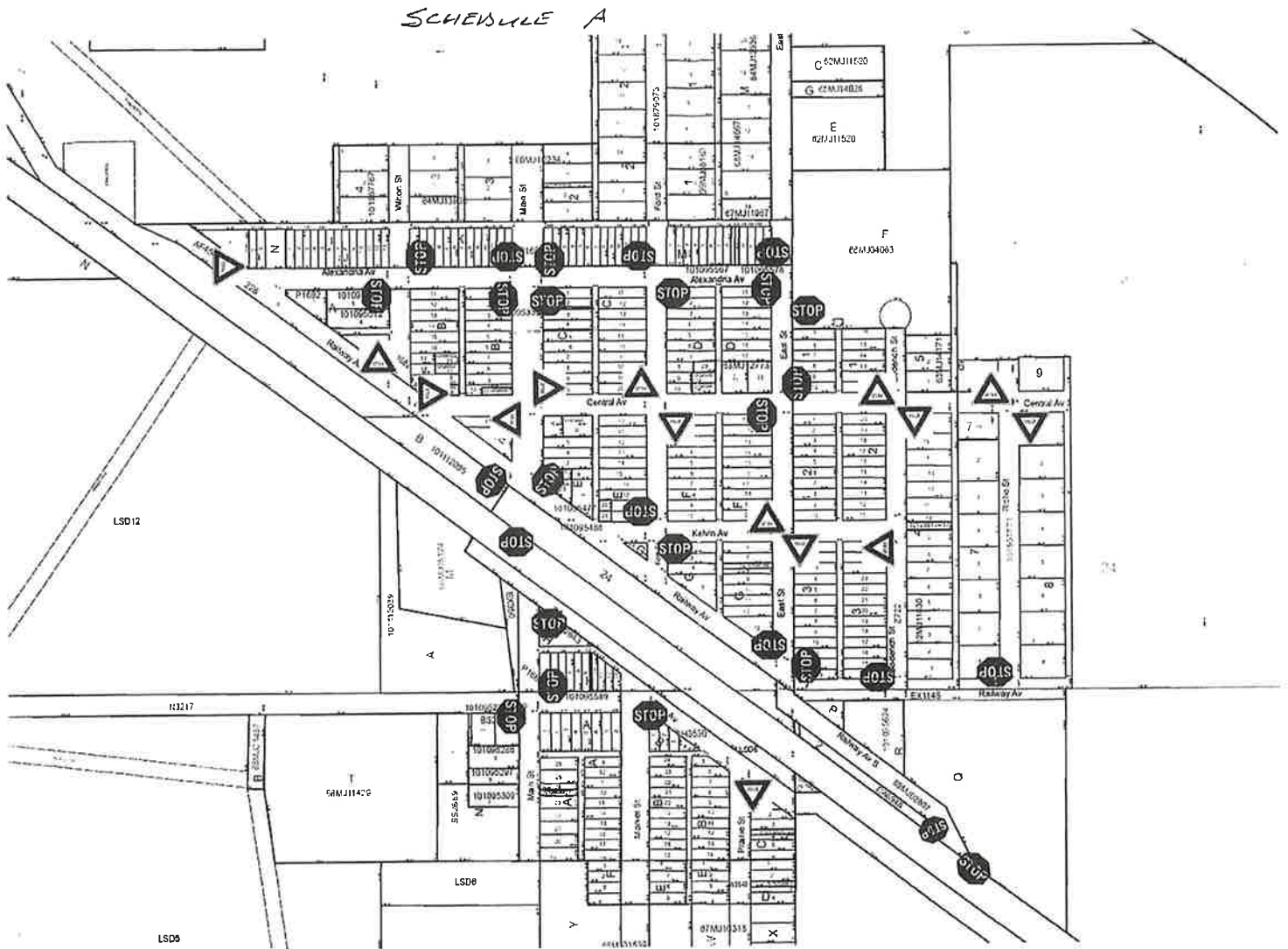
  
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**NOTE:** The *Summary Offenses Procedures Act, 1990* provides penalties for the following infractions:

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

# SCHEDULE "A"

## "STOP" STREETS & "YIELD" STREETS



**SCHEDULE "B"**

**NO PARKING AREA**

1. East side of East Street from 10 meters south of Alexandria Avenue running north to 42.5 meters north of Alexandria Avenue. (Clive Draycott School)

## SCHEDULE "C"

### ANGLE PARKING AREA

1. Main Street: West side from 40 meters north of the north boundary of Central Avenue south to the north boundary of Railway Avenue.
2. Main Street: East side from 40 meters north of the north boundary of Central Avenue south to the north boundary of Railway Avenue.
3. Central Avenue: South side from the west boundary of East Street continuing 58 meters to the west.
4. East Street: West side from the south boundary of Central Avenue continuing 64 meters to the south.
5. Kelvin Avenue: North side from the east boundary of Railway Avenue continuing 30 meters to the east.

**SCHEDULE "D"**

**HEAVY VEHICLE ROUTE**

1. Railway Avenue from east/west grid road allowance [Grid #739 (TWP RD 204)] to north/south grid road allowance [Grid #642 (RGE RD 2240)].



## **SCHEDULE "E"**

### **SPEED ZONES**

1. East Street from 194 meters north of the north boundary of Alexandria Avenue to the north boundary of Kelvin Avenue. (Clive Draycott School)
2. Rink Avenue from 72 meters east of the east boundary of Prairie Street to 62 meters east of the east boundary of Railway Avenue South.
3. Alexandria Avenue from the west boundary of East Street continuing 60 meters to the west.