

## TOWN OF BIRCH HILLS

### BYLAW 08/17

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

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The Council of the Town of Birch Hills, in the Province of Saskatchewan, enacts as follows:

#### PART I – Title, Application, Definition and Scope

1. SHORT TITLE

This bylaw may be cited as the Traffic Bylaw.

2. That all the provisions and enactments set forth in this bylaw shall relate to, and be in full force and effect within the limits of the Town of Birch Hills

3. INTERPRETATION/LEGISLATION

- (1) “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;
- (2) “Administrator” means the Administrator for the Town of Birch Hills;
- (3) “All Terrain Vehicle” and/or “ATV” means all terrain vehicles as defined in *The All Terrains Vehicle Act*;
- (4) “Bicycle” means a vehicle for the carriage of persons, which is propelled by human power, having two tandem wheels, and including any device adapted from a bicycle by the addition of one or more wheels;
- (5) “Boulevard” means that portion of right-of-way that extends from the edge of the street to the property line of the adjacent property, not including the sidewalk;
- (6) “Chief of Police” means the NCO or officer—charge of the Town RCMP detachment of the Royal Canadian Mounted Police responsible for the policing of the Town of Birch Hills;
- (7) “Council” means the council of the Town of Birch Hills;
- (8) “Curb” means the dividing line of the street between that part of the street intended for use of vehicles and that intended for pedestrians whether marked with a curbstone or not;

- (9) “Designated Officer” means the Administrator, Royal Canadian Mounted Police, Sheriff, Bylaw Enforcement Officer, or any other person appointed to enforce municipal bylaws;
- (10) “Disabled Person’s Parking Area” means all that portion of any street or other public place or shopping centre parking lot that has been designated by sign or other marking for the exclusive parking of disabled persons vehicles;
- (11) “Disabled Person’s Vehicle” means any vehicle which displays a special license plate or placard depicting thereon the international symbol of the disabled issued by the Province of Saskatchewan or other competent governmental jurisdiction;
- (12) “Driver” means any person who drives or operates or is in charge of a vehicle on a public highway and includes an operator;
- (13) “Fire Lane” means that area designated by signs or markings as a fire lane;
- (14) “Highway” means a road, parkway, driveway, square, street 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 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*;
- (15) “Justice” means a justice of the peace as per *The Interpretation Act, 1995*;
- (16) “Lug Vehicles” 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 a metal track tread;
- (17) “Marking” means any pavement marking installed on the street for the guidance, regulation, warning, direction or prohibition of traffic;
- (18) “Municipality” means the Town of Birch Hills;
- (19) “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 a distance of not more than thirty (30) centimeters from such curb;
- (20) “Parade” means any procession or body of pedestrian, except members of the Armed Forces, numbering more than 30, standing, marching or walking on any street or sidewalk or any group of vehicles numbering 10 or more, except funeral processions, standing or moving on any street;
- (21) “Parking” has the meaning ascribed thereto by *The Traffic Safety Act*;

- (22) "Parking Area" means any portion of a street or surfaces or unsurfaced area indicated by signs or marking as a place for parking;
- (23) "Parking Stall" means a portion of a public highway or an area indicated by signs and/or markings and/or physical barrier as a parking space for one vehicle only;
- (24) "Pedestrian" means any person afoot and shall include a baby carriage or a disabled person's chair;
- (25) "Pedestrian Crosswalk" means that portion of a public highway designated by signs and/or markings for the use of pedestrians to cross a public highway as where there are no signs or markings, shall mean that portion of a public highway within the prolongation of the lateral boundary;
- (26) "Person" includes a corporation or a partnership and women, men and children;
- (27) "Playground Speed Zone" means that portion of a street designated by a sign or signs for the control of traffic adjacent to or in close proximity to a playground;
- (28) "Police Officer or Police Constable" means any member of the Royal Canadian Mounted Police responsible for the policing of the Town of Birch Hills or any person specifically appointed by the Town of Birch Hills to be a Police Officer or Constable;
- (29) "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 the sudden use of acceleration and/or braking;
- (30) "RCMP" means Royal Canadian Mounted Police or any regular member thereof;
- (31) "Recreational Vehicle" means a self-propelled or towed vehicular type unit, primarily designed as temporary living quarters for recreational, camping or travel use and which is used solely as a family or personal conveyance and in no way used for a commercial purpose. Without limiting the foregoing, recreational vehicles include:
- a. Travel trailer;
  - b. Cabin trailer
  - c. Tent trailer;
  - d. Truck camper;
  - e. Motor home;
  - f. Park trailer;
  - g. Fifth-wheel travel trailer; and
  - h. Boat trailer.
- (32) "School Crosswalk" means that portion of a public highway designated by signs and/or markings for the use of pedestrians to cross a public highway;

- (33) "School Speed Zone" means that portion of a street designated by a sign or signs for the control of traffic adjacent to or in close proximity to a school;
- (34) "Sidewalk" means that portion of the right-of-way designed and intended for or used by pedestrians;
- (35) "Sidewalk Crossing" means that portion of a sidewalk permanently improved or designed for the passage of vehicular traffic;
- (36) "Stopping" means:
  - a. When required, a complete cessation from movement; and
  - b. When prohibited, any stopping, even momentarily, of a vehicle, whether occupied or not, except when necessary to avoid conflict with other traffic or in compliance with the directions of a peace officer or a traffic control signal;
- (37) "Street" means a road, alley or other place designed and intended for or used by the general public for the passage of vehicles and pedestrians, but does not include a parking lot, whether privately or publicly owned;
- (38) "Tire Width" means the width indicated on the tire by the manufacturer;
- (39) "Town" means the Town of Birch Hills, in the Province of Saskatchewan
- (40) "Town Foreman" means the Town Foreman for the Town of Birch Hills;
- (41) "Traffic" means the movement of pedestrians, vehicles, or livestock upon any public highways in the Town;
- (42) "Traffic Sign" means any sign, signal, marking or other device placed, painted, or erected for the guidance, regulation, warning, direction or prohibition of traffic;
- (43) "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;
- (44) "Vehicle" means a vehicle, trailer or semi-trailer or a motor vehicle as ascribed to by *The Traffic Safety Act*;
- (45) "Wheel" includes tire;

#### 4. SCOPE OF THE BYLAW

- a) **Stop Streets:** highways listed in Appendix 1;
- b) **Yield Streets:** highways listed in Appendix 2;

- c) **No Parking Signs:** signs listed in appendix 3;
- d) **U-Turn Signs:** signs listed in appendix 4
- e) **Maximum Speeds:** highways listed in Appendix 5;
- f) **Heavy Vehicle Route:** highways listed in appendix 6;
- g) **Lug Vehicle Permit:** Form 1 located in Appendix 7;
- h) **School Crosswalks:** intersections listed in Appendix 8

## **PART II – Resolutions, Signs, Etc.**

### **5. EMERGENCY CONTROL MEASURES**

- (1) A Police Officer, or any person acting on the direction of a police officer, is hereby authorized to direct traffic in conformity with the provisions of this bylaw and *The Traffic Safety Act*.
- (2) In the case of fire or other emergency or in order to expedite traffic or safeguard pedestrians or prevent accidents or meet any unforeseen conditions, a Police Officer is hereby authorized to direct traffic in such manner as he may deem necessary whether or not in conformity with the provision of this bylaw or *The Traffic Safety Act*.
- (3) Every person shall comply with any traffic signal or direction of a Police Officer given pursuant to this section.

### **6. Temporary Closing and Parking**

- 1(a) Any portion of a public highway may be temporarily closed to vehicular traffic by the Mayor, Chief of Police, RCMP, Bylaw Enforcement Officer, or by the resolution of Council of the Town in order that pedestrians may have the exclusive use thereof.
- (b) Notwithstanding any other provisions of this bylaw, the Chief of Police, the Bylaw Enforcement Officer or the RCMP shall have the authority to temporarily prevent parking on any public highway or portion thereof whenever in his judgment it may be necessary in order to avoid traffic congestion, danger or accident.
- (c) Notwithstanding any other provisions of this bylaw, the Administrator, Town Foreman or the Bylaw Enforcement Officer shall have authority to temporarily prevent parking or stopping and/or prohibit traffic on any public highway or portion thereof to allow any work to be carried out by or on behalf of the Town, such work to include but is not restricted to the removal of snow, cleaning, repairing, or maintenance on such public highway.

- (d)(i) Subject Section 8 of this bylaw, the Chief of Police, RCMP, Administrator, and/or the Town Foreman shall have the authority to have or cause to have temporary signs, warning devices, pavement markings, barricades or barriers to be erected, placed, or painted upon the roadway, right-of-way of a public highway for the legal information of traffic on the street, highways and lanes in the Town.
  - (ii) That all such signs, warning devices, pavement markings, painting, barricades or barriers erected, placed or painted upon any such roadway, street, lane or right-of-way of a public highway and presently existing or in existence shall be deemed to have been authorized by the Administrator or the Town Foreman.
- (2) Notwithstanding any other provision of this bylaw the Council of the Town shall have authority to designate and locate loading zones on any street in the Town.

7. STREET PROHIBITED TO TRAFFIC

- (1) No person driving a vehicle shall drive through or enter upon any street or portion thereof which is roped, barricaded or indicated by notice or sign as being closed under the authority of the Chief of Police, RCMP, Administrator, or the Town Foreman.
- (2) Where any street or portion thereof is roped, barricaded or indicated by notice of sign as being closed, the person driving a vehicle shall proceed in the direction as indicated by any signs erected or placed on the street under the provisions of Section 6(1)(d) of this bylaw.

8. AUTHORITY AT COUNCIL

- (1) Subject to formal approval from the Highway Traffic Board, and when applicable, the Department of Highways and Infrastructure, the Council shall have the right at all times to:
  - (a) By resolution, authorize the erection of warning and informational signs as well as what words, if any, shall be placed thereon and to abolish or remove same, and at its discretion to substitute others in place thereof, in accordance with the intent and meaning of this section and to regulate loading time in loading zones on all public highways within the Town and to designate playgrounds and recreational areas.
  - (b) By Bylaw, authorize the erection of traffic signals, lights, stop and yield signs and also by Bylaw to abolish, or remove same, and at its discretion to substitute others in place thereof in accordance with the intent and meaning of this section.
- (2) The design, style or shape of signs authorized by Council shall conform to standards in use.

9. PROTECTION OF AND DAMAGE TO SIGNS

No person shall deface, injure, knock down, remove, obscure or interfere with any warning or direction signs, marker, barricade, signal or light placed, erected, or maintained by the authority of the Council, Chief of Police, RCMP, Administrator, or the Town Foreman under the provisions of the Bylaw.

10. USE OF SIGNS FORBIDDEN

No person, unless authorized by the Council, Chief of Police, RCMP, Administrator or Town Foreman as herein provided shall erect or maintain on any public highway in the Town, any sign, marker, signal or light.

11. AMENDMENT OF SCHEDULES

Any or all schedules to this Bylaw may be amended or substituted from time to time by resolution of Council subject to formal approval from the Highway Traffic Board and shall form part of this bylaw.

12. SITE LINE RESTRICTIONS

- (1) The owner or occupant of a lot which abuts more than one street, at the intersection thereof shall not:
  - (a) grow or suffer to be grown or allow the growth of any tree, shrub or any plant; or
  - (b) build or suffer to be built or maintain any fence or other structure which exceeds a height of one meter above the level of the edge of the roadway nearest and which falls within a triangle of land formed by the intersection of the two property lines on the intersecting streets and a line connection the points of the said property lines one meter from the intersection of the said lot property line.
- (2) The Council may upon the report of a police officer that a hedge, shrub or tree situated at an intersection is dangerous to traffic, by resolution order that; such hedge, shrub or tree be removed or shortened to such height as may be deemed necessary to overcome such danger.

**PART III – Pedestrians**

13. NO HITCHHIKING

No person standing or walking on a street shall solicit a ride by word or by any action whatsoever, from the driver of a moving vehicle.

#### 14. PARADES

- (1) No parade shall be held in the Town without the written permission first obtained from the Town office or the Chief of Police, or the RCMP who shall designate or approve the hour and route of the parade. Any person desiring to hold a parade shall apply to the Administrator in writing for a permit therefore not less than forty-eight (48) hours before the time set for the commencement of the parade and shall give full particulars thereof.
- (2) Where flags are carried or displayed at the head of the parade, one shall be of the same design as that flown on public buildings of Canada and of a size equal to or greater than any other flag in the parade.
- (3) No person shall hold, take part in or be a member of a parade unless such parade has been duly permitted or authorized as aforesaid.
- (4) No driver of a vehicle, nor any pedestrian, shall cross through any parade or in any way obstruct or interfere with the same.

#### 15. USE OF STREETS FOR BUSINESS

Except as may be authorized by Bylaw, or resolution of the Council no person shall engage in, conduct or carry on any business or display any articles for sale, including a vehicle, on any public highway or sidewalk or boulevard or any land vested in the municipality, within the Town of Birch Hills' corporate limits.

#### 16. PUSH CARTS AND ANIMALS

Every person propelling any push cart or riding an animal upon any public highway, and every person driving any animal upon a public highway, shall be subject to the provisions of this bylaw applicable to the operator of any vehicle, except those provision of this bylaw with reference to the equipment of vehicles, and except those provision which by their very nature can have no application.

### **PART IV – Bicycles**

#### 17. USING THE HANDLEBARS

No person shall ride a bicycle or drive a motorcycle without having at least one hand on the handlebars.



#### 18. RIDING ON SIDEWALK OR BOULEVARD PROHIBITED

No person shall ride a bicycle or drive a motorcycle upon any sidewalk or boulevard in the Town except that bicycles may be ridden upon any pathways provided for bicycle traffic where signs are erected to authorize such traffic.

#### 19. CARRYING EXTRA PERSONS

No person riding a bicycle except a tandem bicycle or a bicycle equipped with a carrier mounted behind the operator of the bicycle, shall carry any other person thereon.

#### 20. RECKLESS RIDING

No person shall ride a bicycle on a street recklessly or negligently or at a speed or in a manner dangerous to the rider or to the public. Bicycle riders shall at all times operate their bicycle with due care and attention to the nature and condition of the street and the traffic thereon and no such rider shall engage in any acrobatic feats or any fancy riding on any street.

#### 21. RIDING ABREAST

No person shall ride a bicycle on a street on the left side of any other two persons riding bicycles abreast on that street except for the purpose of passing.

#### 22. BICYCLES ON STREETS

No person shall leave a bicycle in a reclining position on a street, sidewalk or public place in the Town. On those streets on which there is a curb, bicycles when left at the curb shall be left in an upright position. No person shall chain or secure by any means whatsoever a bicycle to a pole, tree or any structure on a street, sidewalk or boulevard other than designated bicycle stands.

#### 23. MOTORIZED BICYCLES

- (1) No person shall drive a motorized wheeled vehicle that is not capable of being licensed pursuant to *The Traffic Safety Act* on any sidewalk, street, highway, land, park, playground or dedicated land.
- (2) No person shall drive a motorized wheeled vehicle that is not capable of being licensed pursuant to *The Traffic Safety Act* on any property owned or controlled by the Town, unless prior written authorization has been obtained from the Town.
- (3) The provisions of this section do not apply to motorized wheelchairs operated by handicapped or elderly or frail persons.

#### 24. SEIZURE OF BICYCLES AND MOTORIZED WHEELED VEHICLES

Any Police Officer or Bylaw Enforcement Officer may seize, without warrant, any bicycle or motorized wheeled vehicle that is not capable of being licensed pursuant to *The Traffic Safety Act* that is being operated or parked in violation of Sections 17, 18, 19, 20, 21, 22, or 23 and may impound said bicycle or motorized wheeled vehicle for a period not exceeding fourteen (14) days.

### **PART V – Stopping and Parking**

#### 25. LOADING ZONE

- (1) No operator of a vehicle shall remain in a loading zone for a period of two (2) minutes for the purpose of embarking or disembarking passengers, provided that on the expiration of the two (2) minute period the onus of proof of loading or unloading of goods shall rest with the driver of any vehicle found in such loading zone.
- (2) No operator of a vehicle shall remain in a loading zone for a period exceeding fifteen (15) minutes for the purpose of loading or unloading goods.

#### 26. PROHIBITION OF TEMPORARY PARKING

No person shall park a vehicle on any public highway or portion thereof on which parking has been temporarily prohibited by the Chief of Police, Royal Canadian Mounted Police, Town Foreman or the Bylaw Enforcement Officer under the provisions of Paragraphs (a), (b), (c), and (d) of Subsection (1) of Section 6 of this bylaw.

#### 27. OBSTRUCTING TRAFFIC

No pedestrian or operator of a vehicle whether making deliveries from the vehicle or not shall not obstruct, interfere with or interrupt the free passage of traffic on any street, lane or driving lane of any street or sidewalk.

#### 28. DELIVERIES IN LANE OR ALLEY

Wherever access can be had to an alley or from their own property, persons making deliveries or collections of commodities to or from stores, restaurants, hotels and commercial buildings, shall make them therein.

#### 29. LEAVING STATIONARY POSITION

The operator of a vehicle when turning out from a stationary or driving position or entering the flow of traffic at the side of a public highway or from the curb shall yield the right-of-way to all traffic.

### 30. STOP AT CURB

Every operator of a vehicle shall draw up to the right-hand curb before stopping unless such stop be necessary to avoid a collision or for the purpose of immediately reversing the vehicle to place it at the curb, except on one-way streets where the driver may draw up to the left-hand curb.

### 31. PARKING AT CURB

- (1) No person shall park any vehicle on any street except on the right-hand side thereof having regard to the direction in which the vehicle was proceeding, with the right front and rear wheels not more than thirty (30) centimeters from the curb and where there is no curb with the right front and rear wheels as near to the right-hand limit of the street as is practicable; and where a parking stall has not been designated, a clear space of at least sixty (60) centimeters shall be maintained in front and/or behind any vehicle or vehicles previously in parking position.
- (2) The provisions of subsection (1) hereof shall not apply to any operator of a motorcycle. Every operator of a solo motorcycle shall park at an angle of forty-five (45) degrees to the curb with the rear wheel against the curb. Every operator of a motorcycle having a sidecar attached shall park same on the right-hand side of any street with the right rear wheel not more than thirty (30) centimeters for the curb.
- (3) No person driving a vehicle shall make a U-turn in the middle of any block on any street.

### 32. STOPPING PROHIBITED IN SPECIFIED PLACES

No operator of a vehicle shall stop such vehicle in any of the following places, except where necessary to avoid collision or conflict with other traffic or in compliance with the directions of a Police Officer or traffic sign or signal:

- (1) on a sidewalk;
- (2) on a crosswalk;
- (3) on a boulevard or sidewalk, or the area set aside for a boulevard or sidewalk;
- (4) in front of the driveway entrance of any fire station;
- (5) with its left-hand side to the curb;
- (6) at any other place where traffic signs prohibit stopping during such times as stopping is so prohibited.

### 33. PARKING EXCEPT AS OTHERWISE PROVIDED IN THIS BYLAW OR AS OTHERWISE PROVIDED IN ANY OTHER BYLAW PASSED BY COUNCIL EITHER BEFORE OR AFTER THE COMING INTO EFFECT OF THIS BYLAW

No operator of a vehicle shall park said vehicle:

- (1) within any alley or lane;
- (2) so as to obstruct any private driveway;
- (3) any place mentioned in Section 32;
- (4) on all streets or portion thereof as set out in Schedule A attached and forming part of this bylaw, established as streets or portions thereof on which no vehicle shall be parked at any time, and the erection of the appropriate signs by the Town Foreman is hereby authorized;
- (5) any place where parking is prohibited by a police order sign, provided that the painting of a curb yellow shall, for the purpose of the bylaw, be deemed a police order sign, and no person, unless acting under the instructions of the Police or Town Foreman, or Town Council, shall paint or permit any curb to be so painted.
- (6) in any private parking place or on any private property of which he is not the owner, occupant, licensee, or permittee, except with the consent of the owner, occupant, licensee or permittee;
- (7) no vehicle, trailer, or recreational vehicle shall be parked or left standing in such a manner that any portion of the vehicle, trailer, or recreational vehicle extends over a sidewalk or sidewalk crossing;
- (8) within three (3) meters of the entrance of any alley or lane on all streets where parallel parking is permitted;
- (9) within three (3) meters on either side of any sidewalk crossing;
- (10) within six (6) meters on either side of any sidewalk crossing;
- (11) within six (6) meters of corners at intersections on streets where parallel parking is permitted;
- (12) that has a greater manufacturer's rate carrying capacity of more than one (1) ton on any highway;
- (13) in or on any ditch or lane that is required by the Town for the purposes of facilitating proper drainage.

#### 34. TRAILER OR SEMI-TRAILER PARKED

- (1) No person shall leave a trailer or semi-trailer parked on a highway which is unattached from the vehicle for moving same.

- (2) Trailers attached to a vehicle that has a manufacturer's rated carrying capacity of one (1) ton or less may be permitted to park on a highway in the Town of Birch Hills for a period not exceeding two (2) hours then must be moved to an off street location for a minimum of twenty-four (24) hours.
- (3) Subsection (2) does not apply to semi-trailers or recreation vehicles.

#### 34.1 PARKING OF RECREATIONAL VEHICLES

- (1) An owner or operator of a recreational vehicle shall not park the recreational vehicle on a highway in the Town of Birch Hills more than twenty-four (24) consecutive hours following which the owner or operator shall move the recreational vehicle to an off-street location for a period of not less than forty-eight (48) consecutive hours before the recreational vehicle may be parked again on a highway.
- (2) No owner or operator of a recreational vehicle shall park the recreational vehicle on any highway pursuant to this Subsection in such a manner as to constitute a hazard to other persons using the street.
- (3) Any recreational vehicle parked on a highway pursuant to this Subsection shall display a current license plate.
- (4) All recreational vehicles that are parked on a highway for a twenty-four (24) hour period must be attached to a vehicle.

#### 35. PARKING OF UNLICENSED VEHICLES

No vehicle shall be parked on a public highway unless it is displaying license plates for the current year.

#### 36. PARKING AREA

In parking areas set aside for the parking of vehicles by resolution of Council, no person shall:

- (1) park a vehicle for more than twenty-four (24) hours at any one time;
- (2) park a vehicle so as to block the exit of any vehicle already parked therein or in such a manner as to obstruct or interfere with the use of any remaining space therein by others for parking purposes
- (3) enter or leave such parking area in any other manner than as indicated by signs posted in the said area or not park a vehicle otherwise that as indicated on signs erected in the said parking area.

### 37. MAXIMUM PARKING – 48 HOURS

Any vehicle parked for an uninterrupted period of time in excess of forty-eight (48) hours on any street may be seized, removed and impounded at the expense of the owner thereof.

#### 37.1 CHALK MARK

- (a) In order to determine the time which a vehicle or recreational vehicle has been parked in a location where parking is restricted to a specific time, any person authorized to enforce this Bylaw may place an erasable chalk mark on the tread base of the tire of the parked or stopped vehicle or recreational vehicle without such person or the Town incurring any liability for doing so.
- (b) No person shall remove an erasable chalk mark placed under Subsection (a) while the vehicle or recreational vehicle remains parked in the location where it is marked.

### 38. PARKING VEHICLES EXCEEDING 7 METERS IN LENGTH

Subject to Section 34 and 34.1, no person driving a vehicle, combination of vehicles, or other vehicles in excess of 7 meters shall park on any highway in the Town of Birch Hills.

#### 38.1 DISABLED PERSON'S PARKING

No person shall park a vehicle except a vehicle identified as being operated by a disabled person, or by a person transporting a disabled person in any area specifically posted for the parking of vehicles operated by disabled persons.

## **PART VI – Speed and Rules of the Road**

### 39. EXCESSIVE ACCELERATION

- (1) No person driving a vehicle upon a parking lot, park, school ground, or a public highway shall accelerate the vehicle to such an extent so as to cause the tires to slice, spin, or throw gravel or other substances.
- (2) This Bylaw shall not apply to any Police Officer while engaged in the performance of his duties, or to any other emergency vehicle in the performance of duty.

### 40. ENTERING AN INTERSECTION

- (1) No person driving a vehicle shall knowingly enter an intersection unless there is sufficient space on the other side of the intersection to accommodate the vehicle without obstructing the passage of pedestrians or other cross traffic.

(2) Subsection (1) shall not apply to any highway intersection where a Police Officer is on duty or to a vehicle in the intersection making a left-hand turn where a traffic light signal is in operation.

#### 41. SPEED LIMIT

- (1) A person shall not drive any vehicle on a street at a speed greater than the speed permitted in Appendix 1
- (2) Notwithstanding Subsection (1) a person shall not drive a vehicle on a street in a posted construction area at a speed greater than the posted speed limit for the construction area.

#### 42. TOWING

No operator of a vehicle shall tow more than one other vehicle at a time on any street in the Town of Birch Hills.

#### 43. NO SPLASHING OF PEDESTRIANS

When water, mud or slush is lying on any highway, in the Town of Birch hills, the operator of every vehicle thereon shall so reduce the speed of his vehicle to avoid splashing any pedestrian using the sidewalk or crosswalk.

#### 44. U – TURNS

- (1) “U – Turn” means the turning of a vehicle so as to proceed in the opposite direction.
- (2) No person shall cause a vehicle to make a “U-Turn” at any of the street intersections indicated in Appendix 1 and Appendix 2. This shall also apply to all traffic approaching and facing a “no-Turn” sign erected indicated in Appendix 4.

#### 45. NO WEAVING

No operator of a vehicle shall operate a vehicle in such a manner as to weave in and out of traffic faster than nearby vehicles thereby unreasonably interfering with the driving of other vehicles.

#### 46. SPACE BETWEEN MOVING VEHICLES

Every person driving a vehicle behind another moving vehicle or vehicles shall preserve a sufficient interval to be able to stop without accident with the leading vehicle.

#### 47. OPERATOR TO GIVE WAY TO OVERTAKING VEHICLES

No operator of a vehicle shall deviate from his direct line of travel without ascertaining that such movement can be made with safety to other vehicles approaching from the rear and about to overtake or pass such first mentioned vehicle.

#### 48. BOARDING A MOVING VEHICLE

While a vehicle is in motion, no person shall step off or board or catch or hold on to same, nor attempt to step off or board or catch or hold on to same.

#### 49. DRIVING ON PLAYGROUNDS AND PARKS

- (1) No person shall park or drive a vehicle upon or across a playground or a park over which the Town or any board appointed by the Town for that purpose, has control, supervision or management except for areas designated by signs or authorized under this bylaw by the Council.
- (2) The provisions of Subsection (1) shall not apply to employees of the Town who are in execution of their duties.

#### 49.1 SCHOOL CROSSWALKS

School Crosswalks are hereby established at the streets set out in Appendix 8, hereto attached and forming part of this Bylaw, and the following provisions shall apply to each school crosswalk so set out:

- (1) When a pedestrian crossing a roadway within a school crosswalk is upon the roadway upon which a vehicle is traveling, the driver of such vehicle shall yield the right-of-way to the pedestrian by slowing down or stopping, if necessary.
- (2) When a vehicle is stopped at a school crosswalk, the driver of any vehicle overtaking the stopped vehicle shall bring the vehicle to a full stop before entering the school crosswalk and shall yield the right-of-way to a pedestrian who is within the school crosswalk.
- (3) When a vehicle is approaching a school crosswalk, the driver of any other vehicle approaching from the rear of such vehicle shall not overtake and pass such vehicle.
- (4) No pedestrian shall leave the curb or other place of safety at a school crosswalk and walk or run into the path of a vehicle that is so close that it is impractical for the driver of such vehicle to yield the right-of-way.
- (5) While school patrols are operating in a school crosswalk, all vehicles shall obey and respect the signs and signals of the school patrollers.



## 50. STOP STREETS

The provisions of *The Traffic Safety Act* shall apply to all traffic approaching and facing a “stop” sign on all streets set out in Appendix 1 attached hereto and forming part of this Bylaw are established as stop streets and the erection of stop signs for the said streets is hereby authorized.

## 51. YIELD STREETS

The provisions of *The Traffic Safety Act* shall apply to all traffic approaching and facing a “yield” sign on all streets set out in Appendix 2 attached hereto and forming part of this Bylaw are established as yield streets and the erection of yield signs for the said streets is hereby authorized.

## **PART VII – Vehicle Routes, Weights and Regulations**

### 51.1 Heavy Vehicle Route

- (1) No person shall drive a heavy vehicle on any street or portion of a street except those set out in Appendix 6 attached hereto and forming part of this Bylaw and portions thereof as set out in Appendix 6 are hereby established as heavy vehicle routes;
  - (a) Provided that this subsection shall not apply to any persons operating a heavy vehicle for the Town or owned by the Town while actually in use in the service of the Town;
  - (b) And provided further that this subsection shall not apply to heavy vehicles being operated for the collection or delivery of goods within the Town limits. However, a heavy vehicle proceeding to or from a point of collection or delivery shall proceed to or from such point by or to the nearest heavy vehicle route.
- (2) For the purpose of this section and with all Provincial Highways exempted, “heavy vehicle” shall mean a motor vehicle with or without a load which alone or together with any trailer, semi-trailer or other vehicle being towed weighs 9071 kilograms or more or a motor vehicle which together with trailer, semi-trailer or other vehicle being towed exceeds eleven (11) meters in total length.

### 52. Vehicles Damaging Highways

- (1) No person shall propel, operate or drive any lug vehicle upon any highway within the Town without first obtaining from the Administrator, a permit in writing, authorizing same.
- (2) The Administrator is hereby authorized to issue permits in writing for the purpose of Section 52(1) of this bylaw, in any case where the applicant therefore has signed a

written undertaking in Form 1, Appendix 7. Provided that the Administrator shall not issue any such permit unless he/she is satisfied that with reasonable care in operation, the lug vehicle may be propelled or driven over any highway without damage resulting thereto or to any bridge or culvert thereon.

- (3) Nothing contained in subsection (1) shall be deemed to preclude the transport of lug vehicle as herein defined over any highway where same is being carried by means of a rubber-tired trailer or other conveyance equipped with rubber tires.

## **PART VIII – Enforcement Provisions**

### **53. All to Comply**

- (1) Any person who contravenes any of the provisions of this Bylaw or fails to comply therewith or with any notice given thereunder shall commit an offence and be liable to the penalty as herein provided.
- (2) Any member of the RCMP responsible for the policing of the Town or any person specifically appointed by the Town are hereby designated to enforce all Sections of this Bylaw.

### **54. Owner of Vehicle**

The owner of a vehicle as defined by *The Traffic Safety Act* shall be liable for violation of any of the provisions of this Bylaw in connection with the operation of a vehicle, unless such owner proves to the satisfaction of a Provincial Magistrate or Justice of the Peace trying the Case, that at the time of the offence the vehicle was not being operated by him nor by any person with his consent expressed or implied.

### **55. Seizure, Removal, and Impounding of Vehicles**

- (1) In addition to and notwithstanding any provisions contained within Part IX hereof, any person appointed as a designated officer pursuant to this bylaw may remove or cause to be removed any vehicle that:
  - (a) is unlawfully placed, left or kept on any street, public parking place, or other public place;
  - (b) is unlawfully parked pursuant to Section 33(6) when requested by the owner, occupant, licensee, or permit holder of said land; or
  - (c) is found on a street, public parking place, other public place, or municipality-owned property when:

- i. the owner of the vehicle owes three (3) or more outstanding fines to the municipality for parking offences;
  - ii. the appeal period against the imposition and amount of said fines has expired;
  - iii. at least two (2) notices that the fines are outstanding were sent to the owner at least one (1) week apart; and
  - iv. 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 Subsection (1)(a) to (c)(iii), has issued an order authorizing the removal and impoundment.
- (d) And seize, impound or store such vehicle.
- (2) The municipality may retain a vehicle which has been impounded or stored after it has been removed under subsection 1(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.
- (3) If the fines and costs described in subsection (2) 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:
  - (a) legal action in court of competent jurisdiction;
  - (b) sale through public auction; or
  - (c) by private sale of the vehicle.
- (4) 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 fourteen (14) days prior to the sale by:
  - (a) publishing a notice in a newspaper circulating in the municipality;
  - (b) sending a copy of said notice by regular mail to the owner at the address last appearing on the vehicle registration; and
  - (c) by any other means which Council may consider appropriate.
- (5) The proceeds from such sale shall be applied firstly on the fines and costs described in subsection (2) and the balance remaining, if any, shall be paid to the owner.

- (6) If the proceeds from such sale are insufficient to satisfy the fines and costs described in subsection (2), 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.

**PART IX – Penalties**

**56. General**

Any person convicted of a breach of the provisions of this bylaw shall forfeit and pay at the discretion of the convicting provincial magistrate or Justice of the Peace having jurisdiction a penalty of not less than \$50.00 and not more than \$500.00 exclusive of costs and upon default of payment thereof the person convicted may be committed to a correctional institution for any time determined by the said provincial magistrate or Justice of the Peace not exceeding thirty (30) days unless the penalty and costs including the costs of committal and of the conveyance of the person convicted to the said correctional institution are sooner paid.

**57. Excessive Acceleration**

Notwithstanding the provisions of Section 56 to the contrary, any person convicted of an offence under Section 39 of this Bylaw shall forfeit and pay a fine of not less than \$100.00 and not more than \$500.00, exclusive of costs.

**58. Voluntary Payment \$100.00**

Notwithstanding the provisions of Section 56 to the contrary, any person who has committed an Offence under the following section of this bylaw may pay a voluntary penalty of \$100.00:

<i>Section</i>	<i>Offence</i>
17 .....	Not using Handlebars
18 .....	Riding on Sidewalk or Boulevard
19 .....	Carrying Extra Person
20 .....	Reckless Riding
21 .....	Riding Abreast
22 .....	Leaving Bicycles on Street
23 .....	Unlicensed Motor Wheeled Vehicles

provided however that if the payment is made within seven (7) days of the service of the ticket or notice, the penalty will be reduced to \$50.00.

59. Voluntary Payment \$200.00

Notwithstanding the provisions of Section 56 to the contrary, any person who has committed an Offence under the following section of this bylaw may pay a voluntary penalty of \$200.00:

<i>Section</i>	<i>Offence</i>
5 .....	Emergency Control Measures
14 .....	Interfering With Parade
25 .....	Loading Zone
26 .....	Temporary Prohibition of Parking
27 .....	Obstructing Traffic
30 .....	Stopping at Curb
31 .....	Parking at Curb
32 .....	Stopping Prohibited in Specific Places
33 .....	Parking
35 .....	Parking Unlicensed Vehicle
36 .....	Parking Areas
40 .....	Entering an Intersection

provided however that if the payment is made within seven (7) days of the service of the ticket or notice, the penalty will be reduced to \$100.00.

60. Voluntary Payment of \$500.00

Notwithstanding the provisions of Section 56 to the contrary, any person who has committed or is alleged to have committed an Offence under the following sections of this bylaw may pay a voluntary penalty of \$500.00:

<i>Section</i>	<i>Offence</i>
6 .....	Temporary Closing and Parking
7 .....	Streets Prohibited to Traffic
12 .....	Site Line Restrictions
37 .....	Parking over 48 Hours
49 .....	Driving on Parks and Playgrounds

provided however that if the payment is made within seven (7) days of the service of the ticket or notice, the penalty will be reduced to \$150.00.

61. Voluntary Payment of \$200.00

Notwithstanding the provisions of Section 56 to the contrary, any person who has committed or is alleged to have committed an Offence under the following sections of this bylaw may pay a voluntary penalty of \$200.00:

<i>Section</i>	<i>Offence</i>
10	Unauthorized Signs
15	Unauthorized Use of Streets For Business
16	Push Carts and Animals
28	Deliveries in Lanes
29	Leaving Stationary Position
42	Towing More Than One Vehicle
43	Splashing of Pedestrians
44	U-Turns
45	Weaving
46	Space Between Moving Vehicles
47	Operator to Give Way to Overtaking Vehicle
48	Boarding Moving Vehicle
49.1	School Crosswalks
52	Vehicles Damaging Highway

provided however that if the payment is made within seven (7) days of the service of the ticket or notice, the penalty will be reduced to \$100.00.

62. Voluntary Payment of \$200.00

Notwithstanding the provisions of Section 56 to the contrary, any person who has committed or is alleged to have committed an Offence under the following sections of this bylaw may pay a voluntary penalty of \$200.00:

<i>Section</i>	<i>Offence</i>
9	Damaging Signs
34	Parking Unattached Trailer or Semi-Trailer
34.1	Parking of Recreational Vehicles
38	Vehicle Exceeding 6 Meters in Residential Areas
38.1	Parking in Handicapped Area
51.1	Heavy Vehicle Route

provided however that if the payment is made within seven (7) days of the service of the ticket or notice, the penalty will be reduced to \$100.00.

## **PART X – Payment of Fees**

### **63. Payment of Fees**

- (1) (a) Where any person has committed or is alleged to have committed a breach of any of the provisions of this Bylaw specified in Sections 58, 59, 60, and 61 hereof, a ticket or notice in a form to be approved by the non commissioned officer in charge of the local Royal Canadian Mounted Police detachment may be served on such person by a member of the Royal Canadian Mounted Police, Bylaw Enforcement Officer, or any person duly authorized by the Council. Such person served with a ticket or notice may pay same at the Birch Hills Municipal Office between the hours of 9:00 a.m. and 12:00 p.m. or 1:00 p.m. and 5:00 p.m., excepting Saturdays, Sundays and public holidays, in lawful money of Canada in an amount equal to the fine fixed in the said Sections 58, 59, 60 and 61, provided that payment must be made within a period of seven (7) days from the service of the said ticket or notice. If payment is made within such time and accepted, then that person shall not be liable to prosecution for the Offence.
  - (b) Service of such ticket or notice may be made by attaching the ticket or notice to the vehicle in respect of which an Offence has been committed or by mailing such ticket or notice addressed to the person who has committed the Offence.
- (2) If the person given such ticket or notice fails to pay the specified fine within the time allowed, then the provisions of this section shall no longer apply and the person shall be liable to prosecution for the Offence in the ordinary way, provided that nothing in this section shall prevent any person served with such ticket or notice from exercising his right to defend any of these specified Offences.

## **PART XI – Repeal and Coming into Force**

### **64. Repeal**

Bylaw No. 215 and all amendments thereto are hereby repealed.

### **65. Coming into Force**

This Bylaw shall come into force and effect on the final passing thereof.

Introduced a read a first time this 28<sup>th</sup> day of June 2017.

Read a second time this 19<sup>th</sup> day of July 2017.

Read a third time and carried unanimously this 23<sup>rd</sup> day of August 2017.

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Mayor

(seal)

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Chief Administrative Officer

Certified a true copy of Bylaw #08/17  
adopted by resolution of council on the  
23<sup>rd</sup> day of August 2017.

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Chief Administrative Officer



## **APPENDIX**

<b>APPENDIX ONE:</b>	<b>STOP STREETS</b>
<b>APPENDIX TWO:</b>	<b>YIELD STREETS</b>
<b>APPENDIX THREE:</b>	<b>NO PARKING</b>
<b>APPENDIX FOUR:</b>	<b>U-TURN SIGNS</b>
<b>APPENDIX FIVE:</b>	<b>SPEED LIMITS</b>
<b>APPENDIX SIX:</b>	<b>TRUCK ROUTE</b>
<b>APPENDIX SEVEN:</b>	<b>FORM 1 – LUG VEHICLE PERMIT</b>
<b>APPENDIX EIGHT:</b>	<b>SCHOOL CROSSWALKS</b>

## APPENDIX ONE

### STOP STREETS

#### 4-Way Stops

At the intersection of Bellamy Avenue and 2<sup>nd</sup> Street

#### 3-Way Stops

1. At the intersection of Bellamy Avenue and Wilson Street
2. At the intersection of McCallum Avenue and 1<sup>st</sup> Street
3. At the intersection of Simpson Avenue and 2<sup>nd</sup> Street

<b>On</b>	<b>At the Intersection of</b>	<b>Approaching from the</b>
Ward Road	Wilson Street	East
Ward Road	East Access Rd & 5 <sup>th</sup> St	West
Alex Dunn Road	Wilson Street	West
Simpson Avenue	Wilson Street	East
Bellamy Avenue	5 <sup>th</sup> Street	West
McCallum Avenue	Wilson Street	East
Johnston Avenue	Wilson Street	West
Eede Avenue	Wilson Street	West
1 <sup>st</sup> Street	Bellamy Avenue	North
1 <sup>st</sup> Street	Bellamy Avenue	South
2 <sup>nd</sup> Street	McCallum Avenue	North
2 <sup>nd</sup> Street	McCallum Avenue	South
3 <sup>rd</sup> Street	Bellamy Avenue	North
3 <sup>rd</sup> Street	Bellamy Avenue	South
4 <sup>th</sup> Street	Bellamy Avenue	North
4 <sup>th</sup> Street	Bellamy Avenue	South
5 <sup>th</sup> Street	Simpson Avenue	South
Maple Place	2 <sup>nd</sup> Street	West
Back Alley Behind Poplar Drive	4 <sup>th</sup> Street	West
Poplar Place	Poplar Drive	South
Poplar Drive	Poplar Bay	West
Back Alley Behind Poplar Bay	4 <sup>th</sup> Street	East
Poplar Crescent	Poplar Drive	South
Poplar Crescent	2 <sup>nd</sup> Street	East

## APPENDIX TWO

### YIELD STREETS

<b>On</b>	<b>At the Intersection of</b>	<b>Approaching from the</b>
McCallum Avenue	5 <sup>th</sup> Street	East
McCallum Avenue	5 <sup>th</sup> Street	West
Stevens Avenue	2 <sup>nd</sup> Street	East
Jamieson Avenue	McCallum Avenue	East
Jamieson Avenue	5 <sup>th</sup> Street	West
Jamieson Avenue	5 <sup>th</sup> Street	East
Stevens Avenue	5 <sup>th</sup> Street	West
Stevens Avenue	5 <sup>th</sup> Street	East
Taylor Avenue	2 <sup>nd</sup> Street	East
Taylor Avenue	5 <sup>th</sup> Street	West
Birch Drive	Taylor Avenue	South
Birch Drive	Taylor Avenue	South
Dahl Avenue	4 <sup>th</sup> Street	East
Dahl Avenue	5 <sup>th</sup> Street	West
Hillview Avenue	4 <sup>th</sup> Street	East
1 <sup>st</sup> Street West	Johnston Avenue	South
1 <sup>st</sup> Street	Simpson Avenue	South
3 <sup>rd</sup> Street	Simpson Avenue	South
3 <sup>rd</sup> Street	McCallum Avenue	South
3 <sup>rd</sup> Street	McCallum Avenue	North
3 <sup>rd</sup> Street	Stevens Avenue	South
3 <sup>rd</sup> Street	Stevens Avenue	North
3 <sup>rd</sup> Street	Taylor Avenue	North
4 <sup>th</sup> Street	Simpson Avenue	South
4 <sup>th</sup> Street	McCallum Avenue	South
4 <sup>th</sup> Street	McCallum Avenue	North
4 <sup>th</sup> Street	Jamieson Avenue	South
4 <sup>th</sup> Street	Jamieson Avenue	North
4 <sup>th</sup> Street	Stevens Avenue	South
4 <sup>th</sup> Street	Stevens Avenue	North
4 <sup>th</sup> Street	Taylor Avenue	South
4 <sup>th</sup> Street	Taylor Avenue	North
Maple Place	Poplar Drive	North
Poplar Drive	2 <sup>nd</sup> Street	West

Poplar Drive

2<sup>nd</sup> Street

East

## **APPENDIX THREE**

### **NO PARKING**

1. On McCallum Avenue, on South side from Wilson Street to 1<sup>st</sup> Street in front of the School.
2. On Simpson Avenue from Wilson Street to the Medical Centre Parking Lot.

## **APPENDIX FOUR**

### **U-TURN SIGNS**

1. On Bellamy Avenue at the intersection of 5<sup>th</sup> Street, South Side
2. On Bellamy Avenue at the intersection of 4<sup>th</sup> Street, Both Sides
3. On Bellamy Avenue at the intersection of 3<sup>rd</sup> Street, North Side
4. On Bellamy Avenue at the intersection of 2<sup>nd</sup> Street, Both Sides
5. On Bellamy Avenue at the intersection of 1<sup>st</sup> Street, South Side
6. On Bellamy Avenue at the intersection of Wilson Street, North Side
7. On McCallum Avenue at the intersection of Wilson Street, North Side

### **NO U-TURNS FROM 6 PM TO 6 AM SIGNS**

1. On Bellamy Avenue at the intersection of 1<sup>st</sup> Street, North Side
2. On Bellamy Avenue at the intersection of 3<sup>rd</sup> Street, South Side

## APPENDIX FIVE

### SPEED LIMITS

1. 40 km/hr on all roadways in town not previously proved for
2. 20 km/hr on all back alleys within the Town of Birch Hills
3. 30 km/hr in any posted school speed zones
  - a. On Wilson Street from Johnston Avenue to the 3-way Stop.
  - b. On McCallum Avenue from Wilson Street to 2<sup>nd</sup> Street.
4. 30 km/hr in any posted playground speed zones.
  - a. On 2<sup>nd</sup> Street from McCallum Avenue to the north entrance of Maple Place.
5. 80 km/hr on East access road into town from Highway #3
6. 40 km/hr on Alex Dunn Road from Wilson Street for one-half mile past the golf course.

## **APPENDIX SIX**

### **TRUCK ROUTE**

1. On Simpson Avenue from Wilson Street to 5<sup>th</sup> Street
2. On Bellamy Avenue form Wilson Street to 5<sup>th</sup> Street
3. On Wilson Street from Simpson Avenue to Ede Avenue
4. On 5<sup>th</sup> Street from Bellamy Avenue to Simpson Avenue
5. On 1<sup>st</sup> Street from Simpson Avenue to Bellamy Avenue
6. On 2<sup>nd</sup> Street from Simpson Avenue to McCallum Avenue
7. On 3<sup>rd</sup> Street from Simpson Avenue to McCallum Avenue



APPENDIX SEVEN

TO BYLAW #08/17  
The Traffic Bylaw

TOWN OF BIRCH HILLS, SASKATCHEWAN

APPLICATION FOR A LUG VEHICLE PERMIT

I, \_\_\_\_\_ of \_\_\_\_\_, Saskatchewan, hereby  
make application to operate the following "lug vehicle": \_\_\_\_\_  
within the boundaries of the Town of Birch Hills.

For the purpose of \_\_\_\_\_  
\_\_\_\_\_

The following is the route in and out of town that I plan to take \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

The date(s) I require this permit  
\_\_\_\_\_, 20\_\_\_\_\_  
\_\_\_\_\_, 20\_\_\_\_\_  
\_\_\_\_\_, 20\_\_\_\_\_  
\_\_\_\_\_, 20\_\_\_\_\_  
\_\_\_\_\_, 20\_\_\_\_\_

<i>For Office Use</i>	
Approved	<input type="checkbox"/>
Not Approved	<input type="checkbox"/>
Permit Number:	_____
_____ Signature of Authorized Personnel	

**I agree to comply with the regulations of the local authority and to be responsible and pay for any damage done to any property as a result of the issuance of this permit. I acknowledge that it is my responsibility to ensure compliance with any other applicable bylaws, acts and regulations.**

\_\_\_\_\_  
Date

\_\_\_\_\_  
Signature of Owner or Owner's Agent

**APPENDIX EIGHT**  
**SCHOOL CROSSWALKS**

1. Crossing McCallum Avenue in a straight southerly line to the school property on the West side of the intersection of McCallum Avenue and 1<sup>st</sup> Street;
2. Crossing McCallum Avenue in a straight southerly line to the school property on the East side of the intersection of McCallum Avenue and Wilson Street.
3. Crossing Wilson Street in a straight easterly line to the sidewalk on McCallum at the intersection of Wilson Street and McCallum Avenue.