

RURAL MUNICIPALITY OF ROSSER

BY-LAW NO. 12-23

Being a By-law to regulate the parking, stopping or standing, and special use of vehicles on certain municipal roads in the Rural Municipality of Rosser

WHEREAS subsection 232(1)(b) of *The Municipal Act* provides that a Council may pass by-laws for municipal purposes respecting municipal roads;

WHEREAS *The Municipal By-law Enforcement Act*, C.C.S.M. c.M245, provides that municipal by-laws respecting parking may only be enforced by issuing penalty notices under that Act;

AND WHEREAS it is deemed necessary and expedient to regulate the standing, stopping, or parking of vehicles on certain municipal roads;

NOW THEREFORE, the Council of the Rural Municipality of Rosser enacts as a by-law, which may be referred to as the Parking By-law, as follows:

- 1 Unless otherwise expressly provided or unless the context otherwise requires, words and expressions in this by-law have the same meaning as the same words and expressions in *The Highway Traffic Act*, C.C.S.M. c. H60, of the Province of Manitoba.
- 2 That Council from time to time, by resolution, may amend the schedules attached to this by-law.
- 3 The schedules to this by-law are part of the by-law and shall be identified by the signature of the Reeve and the Chief Administrative Officer of the Rural Municipality of Rosser.

DEFINITIONS

- 4 In this by-law

“**Curb**” means the lateral line or edge of a roadway.

“**CAO**” means the Chief Administrative Officer of the Rural Municipality of Rosser, or a person to whom the Chief Administrative Officer has delegated any power or responsibility under this By-Law.

“**Council**” means the Council of the Rural Municipality of Rosser.

“**Cul-de-sac**” means a length of street made for vehicular use, the end of which is designed to be permanently closed by the pattern of subdivision; or which is terminated by a natural feature such as inaccessible terrain, so that there is no alternative vehicular route to another street.

“**Driver**” means a person who drives or is in actual physical control of a vehicle and includes anybody corporate in respect of vehicles driven by its officers, employees, or agents in the course of their employment, and the expressions "drive" and "driving" have a corresponding meaning.

“**Loading Zone**” means that portion of the roadway adjacent to the curb designated such by traffic control devices, intended for the loading or unloading of passengers or freight.

“**Municipality**” means the Rural Municipality of Rosser.

“**Park**” when prohibited, means to stand a vehicle whether occupied or not, except when it is caused to stand temporarily for the purpose of, and while

actually engaged in, loading or unloading, or in obedience to a peace officer or a traffic control device.

“Parking” has a corresponding meaning to Park.

“Passenger vehicle” means a motor vehicle that is designed and primarily used to carry 10 passengers or fewer, and that has no more than four tires.

“Peace Officer” means a member of the Royal Canadian Mounted Police and any other police officer, police constable, municipal constable, municipal police constable or constable or any other person employed in the preservation and/or maintenance of the public peace, including a By-law Enforcement Officer or other designated officer empowered to enforce by-laws.

“Private approach” means that portion of a sidewalk and/or boulevard lawfully improved or designed for the passage of vehicular traffic.

“Rosser CentrePort Lands” has the same meaning as defined in By-law No 8-22 of the Rural Municipality of Rosser.

“Truck” means a motor vehicle or semi-trailer truck, that is constructed or adapted to carry goods, wares and merchandise, freight or commodities, but not passengers or baggage, and that has more than four tires.

“Truck tractor” means a motor vehicle designed and used primarily for towing other vehicles, and not so constructed as to carry a load other than the driver thereof and part of the weight of any vehicle so towed including the load thereon, and that has more than four tires.

“Vehicle” means a device in, upon or by which a person or thing is or may be transported or drawn upon a highway, except a device designed to be moved by human power, or a device used exclusively upon stationary rails or tracks and shall include special mobile machines and implements of husbandry.

INSTALLATION AND MAINTENANCE OF TRAFFIC CONTROL DEVICES

- 5 The CAO shall place and maintain or cause to be placed and maintained all traffic control devices authorized by Council.

TEMPORARY TRAFFIC CONTROL DEVICES

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

COMPLIANCE WITH TEMPORARY TRAFFIC CONTROL DEVICES

- 8 No person shall drive a vehicle on any street or portion of street that is barricaded or otherwise indicated as being closed to vehicular traffic.
- 9 Unless otherwise directed by a peace officer, pedestrians and drivers shall obey the direction, instruction, limitation, restriction, or prohibition of any applicable traffic sign, traffic control signal, marking, barrier, or device placed or maintained by the Municipality for the purpose of regulating or prohibiting traffic, for highway construction, repair, maintenance, painting or any emergency.

PARKING PROHIBITIONS

- 10 No person shall park, stop, or stand a vehicle over, upon or on any portion of the government road allowances described in Schedule "A" to this By-law except:
- (a) for the purpose of attending a place of worship or a cemetery, for the express purpose of paying respect, provided always that said attendance at a place of worship or cemetery does not exceed a duration of two (2) hours.
 - (b) when ordered to do so by a person having authority or a posted traffic control device.
- 11 No person shall park, stop, or stand a vehicle over, upon or on any portion of the government road allowances described in Schedule "B" to this By-law except:
- (a) if the vehicle is a passenger vehicle and is parked for no more than two hours, subject to any restrictions pursuant to sections 16 to 18.
 - (b) If the vehicle is shown to be in active use by an agricultural worker working on premises or land in the immediate area.
 - (c) for the purpose of attending a place of worship or a cemetery, for the express purpose of paying respect, provided always that said attendance at a place of worship or cemetery does not exceed a duration of two (2) hours.
 - (d) when ordered to do so by a person having authority or a posted traffic control device.
- 12 Except when necessary to comply with the directions of a peace officer or traffic control device, no person shall stop, stand or park a vehicle:
- (a) on or across a sidewalk;
 - (b) in front of a driveway;
 - (c) within an intersection or within three (3) metres thereof;
 - (d) within three (3) metres from the point on the curb or edge of the roadway immediately opposite a fire hydrant;
 - (e) on a crosswalk;
 - (f) within three (3) metres of the approach side of a crosswalk;
 - (g) in such manner that constitutes an obstruction or hazard on the highway;
 - (h) on the roadway side of a vehicle stopped or parked at the edge or curb of a street;
 - (i) except when a traffic authority otherwise permits, or on a one-way roadway when not forbidden by the traffic authority, a driver shall not stop, stand or park a vehicle other than on the right side of a highway and with the right-hand wheels parallel to that side, and where there is a curb, within 450 millimetres of the curb.
- 13 No person shall drive a vehicle onto or along a boulevard or park or stop a vehicle on a boulevard or any portion of the right-of-way of a highway not designed for travel by motor vehicles.

TRUCK, TRUCK TRACTOR, TRAILER, MOTOR HOME OR BUS PARKING

LIMITED TO ONE HOUR

14 LARGE VEHICLE PARKING LIMITED TO ONE HOUR

Subject to sections 10, 11, and 15, no person may park any of the following vehicles on a street for more than one hour:

- (a) a truck weighing more than 3,000kg (6,600lbs);
- (b) a truck tractor;
- (c) a trailer;
- (d) a motor home;
- (e) a bus or other vehicle, having more than four (4) tires;
- (f) a bus or other vehicle originally having more than four (4) tires which has been modified to have only 4 tires; or
- (g) a vehicle that exceeds 6.7m (22 feet) in length;

15 EXCEPTIONS TO LARGE VEHICLE PARKING LIMITATION

Section 14 does not apply to:

- (a) a vehicle that is shown to be in active use by a tradesperson or agricultural worker working on premises or land in the immediate area; or
- (b) a vehicle parked pursuant to a permit issued under this by-law.

TRAFFIC AND PARKING RESTRICTIONS

- 16 No person shall park a vehicle where a sign or painted curb, placed and/or authorized by the Municipality, prohibits parking, and where a sign has been erected prohibiting the parking of vehicles during certain hours or days.
- 17 No person shall park a vehicle at any time upon the inner or shortest side of the roadway where there exists a single road of twelve (12) metres or less in width, excepting when otherwise required by other provisions in respect of particular streets or portions of streets.
- 18 Traffic control and parking regulations may be posted as per Schedule "C" and can henceforth be amended from time to time by Resolution of Council.

PARKING EXEMPTIONS

- 19 The provisions of this by-law prohibiting or regulating stopping and parking shall not apply to:
 - a. vehicles of Peace Officer or any other law enforcement agency;
 - b. vehicles of, or employed by, the Rural Municipality of Rosser while in use in connection with work of necessity being done in or near a highway requiring them to stop or be parked in contravention of any such provisions; and
 - c. vehicles of the Government of Manitoba, the Government of Canada, or a public utility if such vehicles have the owner's name painted thereon and are actually engaged in work of necessity on or near a highway requiring them to stop or be parked in contravention of any such provisions.

PARKING PERMITS

- 20 An application for a permit under this By-Law must:
- (a) be made to the CAO in the form and manner required by him or her;
 - (b) include or be accompanied by such evidence as the CAO requires to ensure that the applicant or the vehicle is eligible for the permit;
 - (c) if the permit to be issued is to apply to a specific vehicle, include or be accompanied by information that CAO requires to identify the vehicle; and
 - (d) be accompanied by a payment of the applicable fee, if any.
- 21 After an application for a permit is made, the CAO may request the applicant to provide any additional information or document he or she requires to ensure that the applicant or the vehicle is eligible for the permit.
- 22 The CAO may impose conditions or restrictions on a permit in addition to those set out in this By-Law. Such conditions or restrictions may not be inconsistent with this By-Law and must be consistent with the purpose of the permit or for ease of administration. The conditions or restrictions must be set out in:
- (a) the application form for the permit or in a document presented to the applicant during the application process; or
 - (b) a document given to the applicant at the time of issuing the permit.
- 23 The failure of a person or vehicle to comply with a condition or restriction imposed on a permit is a contravention of this By-Law.
- 24 If a physical permit is issued for a specific vehicle,
- (a) no person may display the permit in any vehicle other than the vehicle for which it was issued; and
 - (b) the owner of the vehicle must not allow the permit to be displayed in any other vehicle.
- 25 A physical permit is not effective to exempt a vehicle from a provision of this By-Law unless it is displayed so that it is clearly visible from the outside of the vehicle.
- 26 When a vehicle that is stopped or parked has displayed in it a card or other physical object that is not, but when seen from outside the vehicle could reasonably be mistaken for, an unaltered physical permit issued under this By-Law, the vehicle is stopped or parked in contravention of this By-Law.
- 27 The CAO may revoke or refuse to issue a permit if:
- (a) the Rural Municipality of Rosser is entitled to take collection proceedings in respect of an administrative penalty or fine payable by the applicant or permit holder for stopping or parking a vehicle in contravention of this or any other By-Law;
 - (b) the vehicle to which the permit applies — or to which the permit would apply if it were issued — is or has been repeatedly stopped or parked in contravention of this By-Law or of a condition of a permit that applies to that vehicle; or
 - (c) for any other reason within the discretion of the CAO.
- 28 The CAO may issue a permit that exempts a vehicle specified in the permit from the restrictions specified in section 14 of this By-Law.

REMOVAL OF VEHICLES BY PEACE OFFICERS

29 Any vehicle, parked, stopped, or left unattended standing on any street in contravention of this by-law may be removed on order of any peace officer or person duly authorized for the purpose by the Rural Municipality of Rosser by, for, and on behalf of the Rural Municipality of Rosser and may be towed or transported and be stored and impounded at the sole cost and expense of the registered owner of the vehicle, pursuant to section 243 of *The Highway Traffic Act*.

30 Despite section 29, a peace officer or other person duly authorized shall not order that a vehicle be removed pursuant to section 243 of *The Highway Traffic Act* solely on the basis that it is an apparently abandoned vehicle unless the vehicle is parked on a street and

(a) meets one or more of the following conditions:

(i) The vehicle appears to be inoperable on the basis that it

(1) is wholly or partially wrecked, wholly or partially dismantled, or wholly or partially stripped;

(2) has one or more flat tires; or

(3) suffers from any other defect or characteristic that prevents it from being driven on a highway in compliance with *The Highway Traffic Act*;

(ii) The vehicle is parked on a street and is not registered pursuant to *The Drivers and Vehicles Act*, C.C.S.M. c. D104;

(iii) The vehicle appears not to have been moved for a period of 7 days or more; and

(b) a peace officer has left a notice on the vehicle requiring the vehicle to be removed from the street by a specified time that is at least 48 hours after the time the notice is left on the vehicle, and the vehicle has not been removed by that time.

31 The owner of a vehicle has contravened this By-Law if their vehicle is parked on a street and the vehicle:

(a) Meets one or more of the following conditions:

(i) The vehicle appears to be inoperable within the meaning of section 30(a)(i) of this By-Law;

(ii) The vehicle appears not to have been moved for a period of 7 days or more; and

(b) A peace officer has left a notice on the vehicle requiring the vehicle to be removed from the street by a specified time that is at least 48 hours after the time the notice is left on the vehicle, and the vehicle has not been removed by that time.

STORAGE OF VEHICLES

32 For the purpose of towing, transporting, or storing and impounding a vehicle pursuant to this By-Law, the CAO may contract with a third-party towing and impound facility or may establish a municipal impound facility.

33 Any vehicle towed, transported, or stored and impounded pursuant to section 29 of this By-Law may only be released to the registered owner thereof, or his/her agent, or the person in charge or control of said vehicle, on payment of all costs, fees and other charges for removing, transporting, impounding and storing said

vehicle.

34 The costs associated with removing, transporting, impounding, and storing a vehicle under this By-Law are a lien on the vehicle that may be enforced under *The Garage Keepers Act*.


35 Where a vehicle impounded or stored under this By-Law has been impounded or stored for 60 days, and the costs associated with removing, transporting, impounding, and storing the vehicle have not been paid, the CAO may sell the vehicle at public auction pursuant to *The Garage Keepers Act*.

ENFORCEMENT

36 *The Municipal By-law Enforcement Act*, C.C.S.M. c. M245, and the Rural Municipality of Rosser Municipal By-Law Enforcement Act Enabling By-law apply to the enforcement of this by-law. The fines applicable to this By-Law are set out in Schedule "A" of the Municipal By-Law Enforcement Act Enabling By-law.

DONE AND PASSED by the Council of the Rural Municipality of Rosser, in Council duly assembled, in Rosser Manitoba, this 26th day of September, 2023.

RURAL MUNICIPALITY OF ROSSER



Reeve: Kenneth Mulligan



Chief Administrative Officer: Larry Wandowich

READ a First time this 12th day of September, 2023
READ a Second time this 26th day of September, 2023
READ a Third time this 26th day of September, 2023

SCHEDULE "A"
TO BY-LAW NO. 12-23

Government road allowances where parking and stopping are prohibited:

1. Davis Way, north side of road allowance, from Brookside Blvd to 65 metres west of Brookside Blvd
2. Davis Way, south side of road allowance, from Brookside Blvd to 45 metres west of Brookside Blvd
3. Within 25 metres from the start and end of the radius and entire roadway and shoulder of every cul-de-sac in the Rosser CentrePort Lands.

SCHEDULE "B"
TO BY-LAW NO. XX

Government road allowances where parking and stopping are prohibited, other than for passenger vehicles and agricultural workers:

1. Every government road allowance within the Rosser CentrePort Lands, other than those described in Schedule "A".

SCHEDULE "C"
TO BY-LAW NO. XX

Traffic control and parking regulations:

- 1.