

THE VILLAGE OF PORT CLEMENTS

BY-LAW NO. 40

A BY-LAW TO REGULATE TRAFFIC, PARKING AND THE USE OF ALL PUBLIC STREETS, BOULEVARDS AND SIDEWALKS WITHIN THE VILLAGE OF PORT CLEMENTS

The Municipal Council of the Village of Port Clements, in open meeting assembled, enacts as follows:

INTERPRETATION/DEFINITION:

In this By-law, unless the context otherwise requires,

"Bicycle" means every device propelled by human power upon which any person may ride, having two (2) tandem wheels;

"Boulevard" means the area other than a sidewalk between the curb-lines of a roadway or the lateral lines of a roadway or the shoulder thereof and the adjacent property-line.

"Combination of motor vehicles" means a combination of motor vehicle and trailer or motor vehicles and trailers;

"Council" means the Council of the Corporation of the Village of Port Clements;

"Crosswalk" means

- (a) any portion of the roadway at an intersection or elsewhere distinctly indicated for pedestrian crossings by signs or by lines or other markings on the surface;

or

- (b) the portion of a highway at an intersection that is included within the connection of the lateral lines of the sidewalks on the opposite sides of the highway, or within the extension of the lateral lines of the sidewalk on one side of the highway, measured from the curbs or, in the absence of curbs, from the edges of the roadway;

"Driver" means a person who drives or is in actual physical control of a vehicle;

"Emergency vehicle" means

- (a) a motor vehicle carrying rescue or first-aid equipment where there is an urgent emergency justifying a rate of speed in excess of speed provided for in this By-law

or

- (b) a motor vehicle carrying fire-fighting equipment in responding to an alarm of fire; or
- (c) a motor vehicle driven by a Peace Officer or by a member of the police branch of any of Her Majesty's Armed Forces or a member of the Provincial Gaol Service in the discharge of his duty;

"Highway" includes every highway, within the meaning of the "Highway Act", and every road, lane or right-of-way designed or intended for or used by the general public for the passage of vehicles, and every private place or passage-way to which the public, for the purpose of parking or servicing vehicles, has access or is invited;

"Intersection" means the area embraced within the prolongation or connection of the lateral curb-lines or, if none, then the lateral boundary lines of the roadways of the two highways which join one another at or approximately at right angles, or the area within which vehicles travelling upon different highways joining at any other angle may come in conflict; and, for the purpose of this definition, "highway" does not include a lane or way less than fifteen (15) feet in width separating the rear property-lines of parcels of land fronting on highways running more or less parallel to and on each side of such land or way;

"Loading zone" means the area or space on a roadway designated by Council for the purpose of loading or unloading materials or passengers;

"Owner" as applied to a vehicle means

- (a) the person who holds legal title to the vehicle; or
- (b) a person who is a conditional vendee, a lessee or a mortgagor and is entitled to be and is in possession of the vehicle; or
- (c) the person in whose name the vehicle is registered;

"Park" when prohibited means the standing of a vehicle, whether occupied or not, except when standing temporarily for the purpose of and while actually engaged in loading or unloading;

"Peace Officer" includes all members of the Royal Canadian Mounted Police;

"Pedestrian" means a person who is afoot or an invalid or child in a wheelchair or carriage;

"Roadway" means the portion of the highway that is improved, designed or ordinarily used for vehicular traffic, but does not include the shoulder: and where a highway includes two (2) or more separate roadways, the term "roadway" refers to any one (1) roadway separately and not to all the roadways collectively;

"School bus" means a motor vehicle used for the conveyance of children to or from school by or under contract with the authority in charge of the school;

"Sidewalk" means the area between the curb-lines or lateral lines of a roadway and the adjacent property-lines improved for the use of pedestrians;

"Stop" or "Stand" means

- (a) when required, a complete cessation from movement, and
- (b) when prohibited, the stopping or standing 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 traffic-control device;

"Traffic" includes ridden, led or herded animals, pedestrians, vehicles, bicycles and other conveyances, either singly or together, while using a highway for purposes of travel;

"Traffic-control device" means a sign, signal line, meter, marking,

space, barrier or device, not inconsistent with this By-law, placed or erected by the authority of the Minister of Highways or of the Council or a person duly authorized by the Minister of Highways or the Council to exercise such authority;

"Traffic-control signal" means a traffic-control device, whether manually, electrically or mechanically operated, by which traffic is directed to stop and proceed;

"Vehicle" means a device in, upon or by which a person or thing is or may be transported or drawn upon a highway;

"Village" means the Corporation of the Village of Port Clements.

Unless the context otherwise requires,

1. The provisions of this By-law do not apply to person, vehicles and to other equipment while actually engaged in highway construction or maintenance work upon, under or over the surface of any highway while at the site of the work, but do apply to them when travelling to or from the site of the work.
2. A person riding an animal or driving an animal-drawn vehicle upon a highway has all the rights and is subject to all the duties that a driver of a vehicle has under this By-law.
3. Notwithstanding anything herein contained, but subject to Sections 4 and 5, a driver of an emergency vehicle may:
 - (a) exceed the speed limit;
 - (b) proceed past red traffic-control device or stop sign without stopping;
 - (c) disregard rules and traffic-control devices governing directions of movement or turning in specified directions, including reverse or U-turns;
 - (d) stop or stand.
4. The driver of an emergency vehicle shall not exercise the privileges granted by Section 3 unless;
 - (a) he is sounding an audible signal bell, siren or exhaust whistle and he is showing a flashing red light, or
 - (b) he is a peace officer in a vehicle not equipped with a signal bell, siren, exhaust whistle or (flashing) red light, engaged in the lawful execution of his duty as a peace officer in an emergency situation.
5. The driver of an emergency vehicle exercising any of the foregoing privileges shall drive with due regard for safety, having regard to all circumstances of the case, including;
 - (a) the nature, conditions and use of the street;

- (b) the amount of traffic that is on, or might reasonably be expected to be on the street; and
 - (c) the nature of the use being made of the emergency vehicle at the time.
6. Where a Peace Officer considers it necessary
- (a) to ensure orderly movement of traffic;
 - (b) to prevent injury or damage to person or property; or
 - (c) to permit proper action in an emergency
- he may direct traffic according to his discretion, notwithstanding anything herein contained, and every person shall obey his directions.
7. All traffic-control devices placed or erected prior to the adoption of this By-law shall continue to have force and effect until or unless subsequently altered, removed or revoked by resolution of Council and every pedestrian and driver shall obey the directions, instructions, limitations, restrictions or prohibitions of all traffic-control devices, unless otherwise directed by a Peace Officer.
8. It shall be unlawful for any person to exceed the speed limit on any streets within the municipality, that speed limit being 30 M.P.H. unless otherwise posted.
9. The Council may by resolution determine and designate the character, type and location of all traffic control devices and parking signs and the Village engineer or other employee of the Village as ordered shall place and maintain, or cause to be placed and maintained, all such traffic signs and parking signs which may be so ordered and designated by the Council, and no person shall erect or maintain, or cause to be erected or maintained, on or over any highway any sign, advertisement, or guidepost except with the approval of the Village Council and subject to provisions of this by-law.
10. Except with the approval of Council, no person shall move, remove, damage, alter or obstruct the view or otherwise interfere with any lawfully placed traffic-control device, nor shall any person walk or drive over any newly painted line on any roadway, the presence of which is indicated by flags, barricades or pylons.
11. No person or driver of a vehicle shall obstruct either pedestrian or vehicular traffic on any street, sidewalk or boulevard and no person shall obstruct the free use of any curb crossing or driveway providing access to private property.
12. Section 11 shall not prevent persons from moving goods, wares or merchandise across any sidewalk in a residential district with all reasonable despatch for the purpose of picking up or delivering such goods, wares or merchandise.
13. No person shall drive any vehicle upon, over or across any boulevard, except for the purpose of caring for or maintaining such boulevard.

14. No person shall drive any vehicle of any kind having wheels, tires, or tracks constructed or equipped with projecting spikes, cleats, ribs, clamps, flanges, lugs or other attachments or projections engaging the roadway along, on or across any bridge or hard surface highway within the Village without first obtaining the written permission of the Council. Nothing herein contained shall be construed as prohibiting the use of tire chains or studded winter tires.
15. No driver of any vehicle shall turn a vehicle so as to proceed in the opposite direction
 - (a) on any highway between intersections;
 - (b) at an intersection where a traffic-control signal has been erected;
 - (c) at any intersection within a business district unless otherwise posted; or
 - (d) at any intersection where a sign prohibits making a "U" turn.
16. Notwithstanding any traffic signal indication to proceed, no driver of any vehicle shall enter an intersection or crosswalk in such a manner as to obstruct the movement of other vehicles or pedestrians.
17. No person other than the owner or operator of a vehicle shall remove or alter any traffic ticket placed thereon or affixed thereto by a Peace Officer in the course of his duties.
18. No person other than a Peace Officer engaged in the lawful execution of his duty shall use, interfere or tamper with any motor vehicle or any of its accessories or anything placed therein or thereon without the consent of the owner.
19. Notwithstanding any of the provisions of this By-law, all persons shall drive with due regard to all the circumstances of the case, including but not limited to
 - (a) the nature, condition and use of the street at all times;
 - (b) the amount of traffic that is on or might be reasonably expected to be on the street.
20. No person shall park any commercial or industrial trailers or vehicles with a gross vehicle weight of 9,000 pounds or more on any highway other than the arterial highway.
21. No person shall park a vehicle on private land which has been clearly marked as such by a sign erected by the owner, tenant, or agent unless such person has obtained the permission of the owner, tenant, occupant or person in charge of said private land.
22. No driver of any vehicle shall park such vehicle adjacent to a curb painted yellow.
23. It shall be unlawful for any person to park, occupy or use any portion of any roadway for the purpose of advertising, selling or offering for sale any vehicle.
24. Except with lawful authority, no person shall tear down, remove, displace, deface or in any way interfere with any traffic-control device lawfully erected or placed on any highway within the Village.

25. Every pedestrian crossing a roadway shall cross as quickly as possible without stopping or loitering or otherwise impeding the free movement of vehicles thereon.
26. No person shall stand, sit or lie on any highway or sidewalk in such a manner as to obstruct vehicular or pedestrian traffic or as to annoy or incommode any other person lawfully upon the highway or sidewalk.
27. No person shall allow any horse on any highway unless such horse is being ridden, driven or led in such a manner that it is under control at all times.
28. No person shall allow any horse on any boulevard or sidewalk within the Village.
29. No person shall leave any animal or animal-drawn vehicle unattended on any highway.
30. No owner or occupier of any property in the Village shall allow hedges, shrubs, trees or other vegetation on such property to obstruct traffic-control devices or prevent a reasonable sight distance.
31. No person shall use any roadway for any purpose other than that of lawful traffic.
32. It shall be unlawful for any derelict vehicle, being inoperable by virtue of mechanical failure or lack of vital mechanical parts, to remain on any highway within the Village for a period exceeding seventy-two (72) hours.
33. No person shall coast or slide on any highway, sidewalk, or boulevard with sleds, toboggans, skis, skates or other apparatus except on highways, sidewalks or boulevards expressly closed to vehicular traffic by Council for such purposes.
34. Any person undertaking construction, reconstruction, widening, repair, marking or other work on any highway, boulevard or sidewalk shall erect good and efficient fences, railings, barriers, detour signs, night lights or other traffic-control devices around every site or such activity as may be necessary for the protection of traffic and the public, subject to the approval of Council.
35. No person shall without prior written approval from Council, construct or create a means of access to or from any highway for any parcel of land abutting thereon.
36. Any person who contravenes any of the provisions of this By-law as set out in the Municipal Act and the Motor Vehicle Act shall, upon summary conviction, therefor be liable to a fine not in excess of Five Hundred Dollars (\$500.00) or imprisonment for a term not to exceed six (6) months or to both fine and imprisonment.
37. This By-law shall take full force and effect upon registration of same.
38. This By-law may be cited for all intents and purposes as the "Village of Port Clements Street and Traffic By-law No. 40, 1976."

READ A FIRST TIME THIS 4th day of November , 1976.

READ A SECOND TIME THIS 4th day of November , 1976.

READ A THIRD TIME THIS 4th day of November , 1976.

RECONSIDER AND FINALLY ADOPTED THIS 22nd day of November , 1976.

G. O'Brien
CLERK

A. O. Rawlitz
MAYOR

Certified a true copy of
By-law No. 40, being
"Village of Port Clements
Street and Traffic By-law,
1976."

G. O'Brien
CLERK

A true copy of By-law No. ⁴⁰
registered in the office of the Inspector
of Municipalities this 5th day of
January 1977.
[Signature]
Deputy Inspector of Municipalities