

VILLAGE OF MARCELIN

BYLAW NO 01/2014

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

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

1. This bylaw may be referred to 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 Village of Marcelin.

3. **DEFINITIONS**

For the purpose of this bylaw, the following terms and words shall have the following meanings:

- (a) **“all terrain vehicle”** and/or **“ATV”** means all terrain vehicle as defined in *The All Terrain Vehicles Act*;
- (b) **“angle parking”** means the parking of vehicles with the right front wheel 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, the vehicles to be placed at an angle of forty-five (45) degrees with the curb.
- (c) **“boulevard”** means that portion of the right-of-way that extends from the edge of the street to the property line of the adjacent property, not including the sidewalk.
- (d) **“Chief Administrative Officer”** or **“CAO”** means the chief administrative officer for the Village of Marcelin;
- (e) **“Council”** means the council of the Village of Marcelin;
- (f) **“curb”** means the lateral boundaries of a roadway, whether or not marked by curbing;
- (g) **“designated officer”** means the Administrator, Royal Canadian Mounted Police, or any other person appointed to enforce municipal bylaws.
- (h) **“driver”** means any person who drives or operates, or is in charge of a vehicle on a public highway and includes an operator.
- (i) **“heavy vehicle”** means a vehicle with or without load which alone or together with any trailer, semi-trailer or other vehicle being towed, weights 4.5 tonnes or more;
- (j) **“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 metal track tread;
- (k) **“marking”** means any pavement marking installed on the streets for the guidance, regulation, warning, direction or prohibition of traffic;
- (l) **“municipality”** means the Village of Marcelin;
- (m) **“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 of the highway, or a distance of not more than thirty (30) centimeters from such curb;
- (n) **“parking”** has the meaning ascribed thereto by *The Traffic Safety Act*;
- (o) **“parking area”** means any portion of a street or surfaced or unsurfaced area indicated by signs or markings as a place for parking;
- (p) **“pedestrian”** means any person afoot and shall include a baby carriage or a disabled person’s chair;

- (q) **“person”** includes a corporation or a partnership and women as well as men;
- (r) **“place of public assembly”** means schools, 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 the sudden use of acceleration and/or braking;
- (t) **“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:
- i. Travel trailer;
 - ii. Cabin trailer;
 - iii. Tent trailer;
 - iv. Truck camper;
 - v. Motorhome;
 - vi. Park trailer;
 - vii. Fifth-wheel travel trailer; and
 - viii. Boat trailer
- (u) **“sidewalk”** means that portion of the right-of-way designed and intended for or used by pedestrians;
- (v) **“Speed zone”** means any portion of a highway within the Village of Marcelin, as designated herein, and identified by a sign erected and maintained at each end thereof, indicating the maximum speed applicable thereto;
- (x) **“stopping”** means:
- i. When required, a complete cessation from movement; and
 - ii. When prohibited, any stopping, even momentarily, or 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.
- (w) **“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.
- (x) **“tire width”** means the width indicated on the tire by the manufacturer.
- (y) **“traffic”** means the movement of pedestrians, vehicles, or livestock upon public highways in the Village;
- (z) **“traffic sign”** means any sign or marking or installed for the guidance, regulation, warning, direction or prohibition of traffic;
- (aa) **“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;
- (cc) **“vehicle”** means a vehicle, trailer or semi-trailer or a motor vehicle as ascribed to by *The Traffic Safety Act*.

4. SCOPE

- (a) **“Stop” Streets:** highways listed in Appendix 1.
- (b) **“Yield” Streets:** highways listed in Appendix 2.

PART II – Resolutions, Signs, Etc.

5. Emergency Control Measures

- A. Any member of the Marcelin Fire Department, member of Council, or is employed by the Village is hereby authorized to direct traffic in conformity with the provisions of this bylaw and *The Traffic Safety Act*.
- B. 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, any member of the Marcelin Fire Department, member of Council, or is employed by the Village is hereby authorized to direct traffic in such manner as he may deem necessary whether or not in conformity with the provisions of this Bylaw or *The Traffic Safety Act*.
- C. Every person shall comply with any traffic signal or direction given pursuant to this section.

6. Temporary Closing and Parking

- A. Any portion of a public highway may be temporarily closed to vehicular traffic by the Mayor, Maintenance Foreman, or by the resolution of Council of the Village in order that pedestrians may have the exclusive use thereof.
- B. Notwithstanding any other provisions of this bylaw, the Village Foreman shall have the authority to temporarily prevent parking or stopping and/or prohibit traffic on any public street or portion thereof to allow any work to be carried out by or on behalf of the Village, such work to include but not restricted to the snow removal, cleaning, repairing or maintenance on such public street.
- C. (i) Subject to Section 8 of this Bylaw the Village 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 street for the legal information of traffic on the streets and lanes in the Village.

(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 street and presently existing or in existence shall be deemed to have been authorized by resolution of Council.
- D. Notwithstanding any other provisions of this Bylaw, the Council of the Village shall have authority to designate and locate loading zones on any street in the Village.

7. Movement of Vehicles for Street Maintenance

- A. For the purpose of street construction, paving, street repair, snow removal, street sweeping, or any other necessary street maintenance, the Village Foreman may move, for such distance as necessary, any vehicle that is parked on any street or portion thereof which is roped off, barricaded, or indicated by written notice or sign as being closed.

8. Streets Prohibited to Traffic

- A. 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 Mayor, resolution of Council, or the Village Foreman.
- B. 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(C)(i) of this bylaw.

9. Authority at Council

A. Subject to the *Municipalities Act*, the Council shall have the right at all times to:

(i) By resolution, authorize the erection of warning and informational signs as well as what words, if any, shall be placed thereon 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 Village and to designate playgrounds and recreational areas.

(ii) 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 maintain and/or substitute others in place thereof in accordance with the intent and meaning of this section.

B. The design, style or shape of signs authorized by Council shall conform to standards in use.

10. 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 provision of Section 9(A)(ii).

11. 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 provision of Section 9(A)(ii).

12. 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 or the Village Foreman under the provisions of the Bylaw.

13. Use of Signs Forbidden

No person unless authorized by Council or the Village Foreman as herein provided shall erect or maintain on any public street in the Village any sign, marker, signal or light.

14. Amendment of Schedules

Any or all schedules to this Bylaw may be amended or substituted from time to time by resolution of Council and shall form part of this bylaw.

15. Site Line Restrictions

The owner or occupant of a lot which abuts more than one street, at the intersection thereof shall not:

(i) grow or suffer to be grown or allow the growth of any tree, shrub or any plant; or

(ii) build or suffer to be built or maintain any fence or other structure which exceeds a height of one meter.

PART III – Stopping, Parking, & Speed

16. Parking

1. Except otherwise provided in this Bylaw or as otherwise provided in any other Bylaw passed by Council either before or after the coming in effect of this Bylaw, the parking of vehicles is permitted on all streets within the municipality.

2. A vehicle may be parked in any lane or alley for the purpose of taking on or discharging cargo, provided no such vehicle shall be so parked for a period exceeding thirty (30) minutes at one time, unless written permission has first been obtained from the CAO.
3. Every person parking a vehicle upon a street within the municipality where parking is permitted, shall parallel park the same.
4. Every person parking a vehicle upon a street listed in Appendix 5 shall angle park the same.
5. No operator of a vehicle shall park said vehicle:
 - (i) within any alley or lane;
 - (ii) so as to obstruct any private driveway;
 - (iii) on all streets or portion thereof as set out in Appendix 4 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 Village Foreman is hereby authorized;
 - (iv) 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;
 - (v) within three (3) meters of a fire hydrant measured parallel to the curb,
 - (vi) on any street at one places for any period of time exceeding forty-eight (48) consecutive hours.
 - (vii) that has a greater manufacturer's rated carrying capacity of more than one (1) ton on any street.

17. Trailer or Semi-Trailer Parked

- (1) No person shall leave a trailer or semi-trailer parked on a street 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 ton or less may be permitted to park on a street in the Village of Marcellin 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) No person shall park a trailer or semi-trailer on a boulevard or the area set aside for a boulevard.
- (4) Subsection (2) does not apply to semi-trailers or recreational vehicles.

18. Parking of Recreational Vehicles

- (1) An owner or operator of a recreational vehicle shall not park the recreational vehicle on a street in the Village of Marcellin for more than seventy-two (72) 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 seventy-two (72) consecutive hours before the recreational vehicle may be parked again on a street.
- (2) No owner or operator of a recreational vehicle shall park the recreational vehicle on any street pursuant to this Subsection in such a manner as to constitute a hazard to other persons using the street.
- (3) No owner or operator of a recreational vehicle shall park the recreational vehicle on a boulevard or an area set aside for a boulevard.

(4) Any recreational vehicle parked on a street pursuant to this section shall display a current license plate.

19. Parking of Unlicensed Vehicles

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

20. Parking Vehicles Exceeding 7 Meters in Length

Subject to Sections 17 and 18, no person driving a vehicle, combination of vehicles or other vehicles in excess of 7 meters shall park on any street in the Village of Marcelin for a period of longer than two (2) hours.

21. Power Turns

The operator of a vehicle shall not execute “power turns” on any highway in the Municipality.

22. Snowmobiles

Under the provisions of *The Snowmobile Act*:

- i. it shall be lawful to operate a snowmobile between the hours of 7:00 am and 11:00 pm on any street within the limits of the municipality.
- ii. Notwithstanding clause 4(m)(i) of this bylaw, it shall be lawful to operate a snowmobile on the portion of Provincial Highway Number 40 for the purpose of crossing the provincial highway.
- iii. Notwithstanding clause 4(m)(ii) all Provincial highway crossing must be assessed by traffic operations staff from the Department of Highway and Transportation to ensure that any crossing safety issues are addressed.
- iv. It shall be lawful to operate snowmobiles in the municipality at hours other than those specified in (a) for the purpose of leaving the municipality by the most direct route or returning to a residence by the most direct route.
- v. All snowmobile operators shall yield the right-of-way to vehicles on Highway Number 40 before crossing the highway.
- vi. Any snowmobile crossing Highway Number 40 must come to a full stop prior to crossing and must take the most direct route across the Highway.
- vii. Any snowmobile entering onto Highway Number 40 shall do so from an established public highway approach.

23. All Terrain Vehicles or ATV:

Under provisions of *The All Terrain Vehicle Act*:

- i. No Person shall operate an ATV on any private property within the corporate limits of the Village of Marcelin unless permission of the owner is obtained.
- ii. No person shall operate an ATV on any Crown Land.
- iii. No person shall operate an ATV on any municipal property within the corporate limits of the Village of Marcelin except for the purpose of snow removal.
- iv. A person may operate an ATV on any street within the town limits, other than a provincial highway, for the purpose of driving to a non-prohibited area by the most direct and shortest route of travel available to the operator.

24. Golf Carts, Garden Tractors and Go Carts:

Any person operating a golf cart, garden tractor or go cart on any street, sidewalk, or other public place other than private land within the corporate limits of the Village of Marcelin, shall do so in a safe manner by following the most direct and shortest route of travel to a trailer or other means of transport available to the operator, or to a place where it will be operated in a manner consistent with its primary purpose.

25. Speed

- i. No person shall operate a vehicle in the municipality at a speed greater than 40 km/hr. or as posted.
- ii. No person shall operate a vehicle at a speed greater than thirty (30) km/hr in the speed zones as set out in Appendix 6.

26. Lug Vehicles

- i. No person shall propel, operate or drive any lug vehicle upon any street within the municipality without first obtaining from the CAO, a permit in writing authorizing same.
- ii. The CAO is hereby authorized to issue permits in writing for the purpose of clause 26(i) of this bylaw, in any case where the applicant therefore has signed a written undertaking in Form 1, Appendix 3. Provided that the CAO 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 street without damage resulting thereto or to any bridge or culvert thereon.
- iii. Nothing contained in clause 26(i) shall be deemed to preclude the transport of a lug vehicle as herein defined over any street where same is being carried by means of a rubber-tired trailer or other conveyance equipped with rubber tires.

PART IV – Enforcement Provisions

27. All to Comply

- A. 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.
- B. Any member of the RCMP responsible for the policing of the Village or any person specifically appointed by the Village are hereby designated to enforce all Sections of this Bylaw.

28. 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 offense the vehicle was not being operated by him nor by any person with his consent, expressed or implied.

29. Exceptions

Village of Marcelin employees are exempt from sections 6, 8, 16, 17, and 20 while in the execution of their duties.

PART V– Penalties

30. Any person who contravenes any of the provisions of sections 12 and 13 of this bylaw is guilty of an offence or liable on summary conviction to the penalties provided in the General Penalty Bylaw of the municipality.

31. Notwithstanding the provisions of section 28 to the contrary any person who has committed an offense under the following sections of this bylaw may be a voluntary penalty of \$100.00:

Section	Offense
15.....	Site line restrictions
16.....	Parking
17.....	Parking unattached trailer or semi-trailer
18.....	Parking of Recreational Vehicles
19.....	Parking Unlicensed Vehicle
20.....	Vehicles exceeding 7 meters in residential areas
21.....	Power Turns
22.....	Use of Snowmobiles
23.....	Use of All Terrain Vehicles
24.....	Use of Golf Carts, Garden Tractors and Go Carts
25.....	Speed
26.....	Lug Vehicles

32. (1) A violator of any of the subsections of this bylaw, as set out in section 31 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.

(2) The Notice of Violation shall be Form “2”, Appendix 7, attached to and forming part of this bylaw.

33. Bylaw No. 2/1988 is hereby repealed.

Mayor

SEAL

Chief Administrative Officer

Read a third time and adopted
this ____ day of _____

Administrator

APPENDIX 1

Of Bylaw No. 01/2014

‘STOP’ STREETS (Section 10)

Street or Avenue	Where intersected by street or avenue
(1) 1 st Avenue North	Main Street
(2) 1 st Avenue South	Main Street
(3) 2 nd Avenue North	Main Street
(4) 2 nd Avenue South	Main Street
(5) Main Street	Railway Avenue
(6) Railway Avenue	Grid Road North
(7) 1 st Avenue North	Grid Road North
(8) 2 nd Avenue North	Grid Road North

APPENDIX 2
Of Bylaw No. 01/2014

“YIELD STREETS” (Section 11)

Street or Avenue	Where intersected by Street or Avenue
(1) 1 st Street North	Railway Avenue
(2) 1 st Street South	Railway Avenue
(3) 2 nd Street South	Railway Avenue
(4) 1 st Street North	1 st Avenue North
(5) 1 st Street South	1 st Avenue South
(6) 1 st Street North	2 nd Avenue North
(7) 1 st Street South	2 nd Avenue South
(8) 1 st Avenue South	2 nd Street South

APPENDIX 3
Of Bylaw No. 01/2014

PERMIT FOR OPERATION OF LUG VEHICLE (Section 26)

Name:

Address:

Type of Vehicle:

Route:

Deposit: \$100.00

I declare that:

- (1) I will use reasonable care in propelling, operating or driving such lug vehicles over the street to prevent any damage resulting to the street.
- (2) I will pay for all damages caused to such street or to any bridge or culvert thereon as a result of propelling, operating or driving such lug vehicle thereon.
- (3) I understand that lug vehicles are not allowed to travel on or across provincial highways unless a written permit is obtained from the Department of Highways and Transportation.

Owner/Operator

Chief Administrative Officer

APPENDIX 4

Of Bylaw No. 01/2014

“NO PARKING” AREAS

Street or Avenue	From	To	Time
(1) 1 st Avenue	South Side	North Side	
(2) Fire Hall (East Side)	of Fire Hall	of Fire Hall	

APPENDIX 5
Of Bylaw No. 01/2014

“ANGLE PARKING” AREAS

Street or Avenue	From	To
(1) Main Street	Railway Avenue	Second Avenue
(2) Second Avenue (West Side)	1 st Street North	South End of Block 9

APPENDIX 6
Of Bylaw No. 01/2014

“SPEED ZONES”

Street or Avenue	From	To
School 2 nd Avenue	North Grid	1 st Street North

Form 2

APPENDIX 7
Of Bylaw No. 01/2014

NOTICE OF VIOLATION

Village of Marcellin

NAME:

ADDRESS:

POSTAL CODE:

DETAILS OF OFFENCE:

DATE: _____ TIME: _____ A.M.
P.M. LICENSE #: _____

DESCRIPTION OF VIOLATION:

LOCATION OF VIOLATION:

You are charged with violation of: Bylaw No. _____

Section(s) _____

Penalty for the above violation: _____ \$100.00 _____

Designated Officer