

**TOWN OF ASQUITH
BYLAW 2-2019
TRAFFIC BYLAW
A BYLAW TO REGULATE THE OPERATION & PARKING OF
VEHICLES AND THE USE OF THE HIGHWAYS**

The Council of the Town of Asquith in the Province of Saskatchewan enacts as follows:

PART I – TITLE, APPLICATION, DEFINITIONS & SCOPE

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 Town of Asquith.

3. DEFINITIONS

(1) In This Bylaw:

- a) “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;
- b) “Administrator” means the Chief Administrative Officer for the Town of Asquith;
- c) “All terrains vehicle” and/or “ATV” means all terrains vehicle as defined in The All Terrains Vehicle Act;
- d) “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;
- e) “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;
- f) “Chief of Police” means the NCO or officer-in-charge of the Warman RCMP detachment of the Royal Canadian Mounted Police responsible for the policing of the Town of Asquith;
- g) “Council” means the council of the Town of Asquith;
- h) “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;
- i) “Designated officer” means the Chief Administrative Officer, Royal Canadian Mounted Police, Sheriff, Bylaw Enforcement Officer, or any other person appointed to enforce municipal bylaws;
- j) “Driver” means any person who drives or operates or is in charge of a vehicle on a public highway and includes an operator;
- k) “Fire Chief” means the fire chief of the municipality or such other person who may be appointed by Council;
- l) “Highway” means any street, public highway, alley or lane within the municipality;
- m) “Driver” means any person who drives or operates or is in charge of a vehicle on a public highway and includes an operator;
- n) “Fire lane” means that area designated by signs or markings as a fire lane;

- o) “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;
- p) “Justice” means a justice of the peace as per *The Interpretation Act*, 1995;
- q) “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;
- r) “Municipality” means the Town of Asquith;
- s) “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;
- t) “Parade” means any procession or body of pedestrians, 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;
- u) “Parking” has the meaning ascribed thereto by *The Traffic Safety Act*;
- v) “Pedestrian” means any person afoot and shall include a baby carriage or a disabled person’s chair;
- w) “Person” includes a corporation or a partnership and women as well as men;
- x) “Police officer or police constable” means any member of the Royal Canadian Mounted Police responsible for the policing of the Town of Asquith or any person specifically appointed by the Town of Asquith to be a Police Officer or Constable;
- y) “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;
- z) “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) Motor home;
 - (vi) Park trailer;
 - (vii) Fifth-wheel travel trailer; and
 - (viii) Boat trailer.
- aa) “School speed zone” means that portion of a street designated by a sign or signs for the control of traffic adjacent to or in the close proximity to a school.
- bb) “Sidewalk” means that portion of the right-of-way designed and intended for or used by pedestrians;
- cc) “Sidewalk crossing” means that portion of a sidewalk permanently improved or designed for the passage of vehicular traffic;

dd) “Stopping” means:

- (i) When required, a complete cessation from movement; and
- (ii) 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;

ee) “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;

ff) “Town” means the Town of Asquith, in the Province of Saskatchewan;

gg) “Traffic” means the movement of pedestrians, vehicles, or livestock upon any public highways in the Town;

hh) “Traffic sign” means any sign or marking or installed for the guidance, regulation, warning, direction or prohibition of traffic;

ii) “Vehicle” means a vehicle, trailer or semi-trailer or a motor vehicle as ascribed to by *The Traffic Safety Act*;

jj) “Wheel” includes tire.

(2) Wherever in this Bylaw the expression “*vehicle*” or “*vehicular*” or “*vehicular traffic*” is used, it shall mean and be held to include for the purposes of this Bylaw, the driver or operator.

4. SCOPE

(a) Maximum Speeds: listed in Appendix 1;

(b) “Stop” Streets: highway intersections listed in Appendix 2;

(c) “Yield” Streets: highway intersections listed in Appendix 3;

(d) “School Zone” Areas: as listed in Appendix 4;

(e) Lug Vehicle Permit: Form 1 located in Appendix 5.

PART II –RESOLUTIONS, SIGNS, ETC.

5. EMERGENCY CONTROL MEASURES

(1) 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 provisions 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 & 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/her judgment it may be necessary in order to avoid traffic congestion, danger or accident.

(c) Notwithstanding any other provisions of this bylaw, the 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 not restricted to the snow removal, cleaning, repairing or maintenance on such public highway.

(d) (i) Subject to Section 8 of this Bylaw the Chief of Police, RCMP, 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 streets, 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 Town Foreman.

(2) Notwithstanding any other provisions of this Bylaw the Council of the Town shall have authority to designate and locate loading zones on any street in the Town.

7. STREETS PROHIBITED TO TRAFFIC

(1) No person driving a vehicle shall drive through or enter upon any street or portion thereof which is roped, barricade or indicated by notice or sign as being closed under the authority of the Chief of Police, RCMP, 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, 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 & 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, or the Town Foreman under the provisions of the Bylaw.

10. USE OF SIGNS FORBIDDEN

No person unless authorized by the Council, the Chief of Police, the RCMP, or the 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 connecting the points on the said property lines six (6) meters 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 a 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 had and obtained from 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 Town 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 in the Town of Asquith.

16. PUSH CARTS & 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 provisions of this bylaw with reference to the equipment of vehicles, and except those provisions which by their very nature can have no application.

PART IV – BICYCLES

17. USING THE HANDLEBARS

No person shall drive a motorcycle or ride a bicycle 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. Notwithstanding, bicycles with wheels sixteen (16) inches in diameter or less may be ridden on sidewalks subject to the conditions that the rider is ten (10) years of age or less and is accompanied by a parent, guardian or person sixteen (16) years of age or older who is on foot.

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 & MOTORIZED WHEELED VEHICLES

(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, lane, park, playground or dedicated land unless authorized to do so by any other bylaw of the Town of Asquith.

(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 frail persons or to skid steer loaders, tractors, backhoes, or other motorized equipment being utilized for maintenance, construction or snow removal purposes.

24. SEIZURE OF BICYCLES & 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 & 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 POSTION

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

(1) Except as otherwise provided herein, and except for Main Street, Charles Street directly east of the post office and Mather Avenue directly south of the post office, the parking of vehicles is permitted only off the paved surface of all streets with the Town of Asquith.

(2) (a) Subject to the provisions of subsection (b), no person shall park a vehicle in any lane, nor in any street to obstruct the entrance to any lane or to a driveway or approach leading to a private premise.

(b) Notwithstanding the provisions of subsection (b), a farm truck or commercial vehicle or trailer may be parked in any lane for the purpose of taking on or discharging cargo, provided no such truck shall be so parked for a period exceeding thirty (30) minutes at one time, unless written permission has first been obtained by the Town Administrator or a Police Officer of the Town of Asquith for the extension of such time limit.

(3) (a) Subject to subsection (b), every person parking a vehicle with the Town of Asquith where parking is permitted, shall parallel park same.

(b) Every person parking a vehicle upon Main Street from Eagle Avenue to Railway Avenue shall angle park same.

(4) No person shall park a vehicle in any "No Stopping" area as marked on the curb or otherwise erected or mentioned in accordance with the provisions of Section 4 (d) to indicate that parking therein is prohibited.

(5) No person shall park a vehicle within five (5) metres of any street intersection, fire hydrant or the driveway entrance to the fire hall.

(6) No person shall park a vehicle on any street at one place for any period exceeding seventy-two (72) consecutive hours.

(7) No person shall stand or park a vehicle on any street unless it displays license plates valid for the current year or a valid permit in lieu thereof.

(8) No person shall double park a vehicle upon any street of the Town of Asquith.

(9) No person shall park any vehicle in any private parking place or on any private property unless they are the owner, occupant, licensee or permittee of the parking place or private property, except with the consent of such owner, occupant, licensee or permittee.

(a) Two parking spots directly in front of the B.L.R.A. building shall be designated special needs parking;

(b) One parking spot immediately south of the entrance to the B.L.R.A. building shall be designated as a loading zone with parking allowed only to take on or discharge passengers and/or cargo. Appropriate signage to indicate the restricted parking as set out in Section (9)(a) & (b) shall be erected.

(c) One parking spot directly in front of the BPO Elks Hall shall be designated as a loading zone, with parking allowed only to take on or discharge passengers and/or cargo and one spot directly in front of the BPO Elks Hall shall be designated special needs parking.

(d) One parking spot directly in front of the Asquith Sports Center shall be designated as a loading zone, with parking only allowed to take on or discharge passengers and/or cargo and one spot directly in front of the Asquith Sports Center shall designated special needs parking.

10 (a) Subject to subsection (b), no person shall park any commercial vehicle designed for carrying or intended for the carrying of oil, gasoline or other inflammable, combustible or explosive materials within thirty (30) metres from any building in the Town of Asquith used or intended for use, in whole or in part, as a place of dwelling a hotel or place of public assembly.

(b) Nothing in subsection (a) shall be deemed to restrict the parking of such vehicle for such period as may be necessary to take on or discharge cargo.

- 11 At no time shall a person park any semi-truck or semi-trailer on any town street or town boulevard unless for the purposes of discharging or picking up cargo.

32. 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 Asquith 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 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) 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 highway pursuant to this section shall display a current license plate.

33. PARKING OF UNLICENSED VEHICLES

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

34. CHALK MARKS

(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 was marked.

35. PARKING VEHICLES EXCEEDING 10 METERS IN LENGTH

Subject to Section 34 and 34.1, no person driving a vehicle, combination of vehicles, or other vehicles in excess of ten (10) meters shall park on any highway in the Town of Asquith for any longer than three (3) hours. School Buses owned or leased and operated by employees or contractors of the Prairie Spirit School Division shall be exempt from this section.

36. CORDS ON SIDEWALKS

(1) No person shall lay or stretch a lead or cord capable of transmitting electrical energy from a building to a motor vehicle across or over a lane or street.

(2) Electrical cords may be allowed to cross a sidewalk provided the cord is suspended from a riser of a minimum height of three (3) meters above the sidewalk.

PART VI – SPEED & RULES OF THE ROAD

37. 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 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.

(3) In a prosecution for a violation of this Section the onus of proof shall be on the accused.

38. ENTERING AN INTERSECTION

- (1) No person driving a vehicle shall knowingly enter an intersection unless there is enough 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.

39. 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.

40. NO SPLASHING OF PEDESTRIANS

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

41. 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.

42. SPACE BETWEEN MOVING VEHICLES

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

43. 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.

44. BOARDING OF 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.

45. DRIVING ON PLAYGROUNDS & 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. Parking at the Asquith Sportsground is allowed only on the graveled parking area.
- (2) The provisions of Subsection (1) shall not apply to employees of the Town who are in execution of their duties.

46. 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 2 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.

47. 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 3 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 – VEHICLES DAMAGING HIGHWAYS, COVERING LOADS, SPILLED MATERIALS

48. COVERING LOADS.

No person shall operate any vehicle transporting ashes, garbage, trade waste, refuse or debris of any kind or description whatsoever, along or over any street in the Town unless the load is securely covered.

49. SPILLED MATERIALS

Should any material being transported on a Town street be spilled, the Public Works Department should be contacted immediately. The spilled material shall be removed immediately by the person in charge of said material providing it is safe to do so. The street shall be left in a clean and usable state as before the materials spilled. Any expenses occurred by the Town of Asquith to do any clean-up after a spill shall be borne by the company, person or persons involved.

50. 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 Town Manager, a permit in writing authorizing same.

(2) The Town Administrator is hereby authorized to issue permits in writing for the purpose of Section 51(1) of this bylaw, in any case where the applicant therefore has signed a written undertaking in Form 1, Appendix 8. Provided that the Town 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 a 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

51. 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 there under 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.

52. 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.

53. SEIZURE, REMOVAL & 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 31 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 cost 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.

54. EXCEPTIONS

Town of Asquith employees are exempt from sections 6, 7, 23, 25, 26, 27, 28, 30, 31, 32, 33, 34, 34.1, 36, 37, 38, 47, 48, 49, 50.1, 51, and while in the execution of their duties.

PART IX – PENALTIES

55. 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 \$100.00 and not more than \$1500.00 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 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.

56. EXCESSIVE ACCELERATION

Notwithstanding the provisions of Section 55 to the contrary, any person convicted of an offence under Section 31 of this Bylaw shall forfeit and pay a fine of not less than \$100.00 and not more than \$500.00, exclusive of costs.

57. VOLUNTARY PAYMENT \$100.00

Notwithstanding the provisions of Section 55 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 \$100.00:

- Section Offense
- 17.....Not Using Handlebars
- 18.....Riding on Sidewalk or Boulevard
- 19.....Carrying Extra Person
- 20.....Reckless Riding
- 21.....Riding Abreast
- 22.....Leaving Bicycles on Streets
- 23.....Unlicensed Motorized Wheeled Vehicles
- 58.....Voluntary Payment \$1000.00

provided however that if the payment is made within ten (10) days of the service of the ticket or notice, the penalty will be reduced to \$10.00.

58. VOLUNTARY PAYMENT \$1000.00

Notwithstanding the provisions of Section 55 to the contrary, any person who has committed an offence under the following sections of this bylaw may pay a voluntary penalty of \$1000.00:

- Section Offense
- 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
- 32.....Parking of Recreational Vehicles
- 33.....Parking Unlicensed Vehicles
- 36.....Cords on Sidewalks

provided however that if the payment is made within ten (10) days of the service of the ticket or notice, the penalty will be reduced to \$50.00.

59. VOLUNTARY PAYMENT \$100.00

Notwithstanding the provisions of Section 55 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 \$100.00:

- Section Offense
- 6.....Temporary Closing and Parking
- 7.....Streets Prohibited to Traffic
- 12.....Site Line restrictions
- 31(6).....Parking Over 72 Hours
- 34.....Chalkmarks
- 45.....Driving on Parks and Playgrounds

provided however that if the payment is made within ten (10) days of the service of the ticket or notice, the penalty will be reduced to \$50.00.

60. VOLUNTARY PAYMENT \$1000.00

Notwithstanding the provisions of Section 55 to the contrary, any person who has committed or is alleged to have committed an offense under the following sections of this bylaw may pay a voluntary penalty of \$1000.00:

Section Offense

- 10.....Unauthorized Signs
- 15.....Unauthorized Use of Streets for Business
- 16.....Push Carts and Animals
- 28.....Deliveries in Lanes
- 29.....Leaving Stationary Position
- 40.....Splashing of Pedestrians
- 41.....Weaving
- 42.....Space Between Moving Vehicles
- 43.....Operator to Give Way to Overtaking Vehicle
- 44.....Boarding Moving Vehicle
- 50.....Vehicles Damaging Highway

provided however that if the payment is made within ten (10) days of the service of the ticket or notice, the penalty will be reduced to \$100.00.

61. VOLUNTARY PAYMENT \$1500.00

Notwithstanding the provisions of Section 55 to the contrary, any person who has committed or is alleged to have committed an offense under the following sections of this bylaw may pay a voluntary penalty of \$1500.00:

Section Offense

- 9.....Damaging Signs
- 35.....Vehicle Exceeding 8 Meters in Residential Areas

provided however that if the payment is made within ten (10) days of the service of the ticket or notice, the penalty will be reduced to \$150.00.

PART X – PAYMENT OF FEES

62. 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 57, 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 Asquith Municipal Office between the hours of 9:00 a.m. – 12:00 p.m. and 1:00 p.m. – 4 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 57, 58, 59, 60 and 61, provided that payment must be made within a period of ten (10) 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 offense.

(b) Service of such ticket or notice may be made by attaching the ticket or notice to the vehicle in respect of which an offense has been committed or by mailing such ticket or notice addressed to the person who has committed the offense.

(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 offense 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 offenses.

PART VI – REPEAL & COMING INTO FORCE

6. REPEAL

Bylaws No. 2/95 is hereby repealed.

Mayor

C.A.O.

**Certified a True Copy
Of Bylaw 2-2019
This 14th day of August, 2019.**

C.A.O.

APPENDIX 1

MAXIMUM SPEEDS

1. 30km/h:

(a) in any posted school or playground speed zone.

2. 40km/h:

(a) subject to subsection (1), no person shall operate a vehicle in the Town of Asquith at a speed greater than forty (40) km/hr.

3. Emergency Vehicles

The provisions of subsections (1) and (2) shall not apply to operators of fire engines or fire department apparatus or to the operators of ambulances, where these vehicles are being operated in emergency duty.

APPENDIX 2

“STOP” STREETS

<u>Street or Avenue</u>	<u>Where Intersected by</u>
Cory Street	Eagle Avenue
Cory Street	Mather Avenue
Cory Street	Lunn Street
Miles Street	Eagle Avenue
Miles Street	Mather Avenue
Miles Street	Railway Avenue
Charles Street	Mather Avenue
Charles Street	East Avenue
Charles Street	Railway Avenue
Charles Street	Hartley Avenue
Charles Street	South Avenue
Charles Street	Eagle Avenue
Andrew Street	Eagle Avenue
Andrew Street	Mather Avenue
Andrew Street	Railway Avenue
Main Street	Railway Avenue
Mather Avenue	Cecil Street
Mather Avenue	Main Street
Mather Avenue	Charles Street
Cecil Street	Eagle Avenue
Cecil Street	Railway Avenue
Cecil Street	Mather Avenue
Hartley Avenue	Charles Street
Hartley Avenue	Main Street
East Avenue	Charles Street
East Avenue	Miles Street
East Avenue	Lunn Street
East Avenue	Cory Street
Eagle Avenue	Miles Street
Eagle Avenue	Main Street
Clark Avenue	Charles Street
Lunn Street	Railway Avenue
Lunn Street	Mather Avenue
South Avenue	Main Street

APPENDIX 3 OF BYLAW NO. 2-2019

“YIELD” STREETS

<u>Street or Avenue</u>	<u>Where Intersected by</u>
Hartley Avenue	Miles Street
Miles Street	East Avenue
Miles Street	Clark Avenue

APPENDIX 4 OF BYLAW NO. 2-2019

“SCHOOL ZONES”

Eagle Avenue from Charles Street to Cory Street
Miles Street from the 400 block to the 500 block
At the South Rink Entrance where one would exit towards Eagle Avenue
Cory Street, the 400 block

APPENDIX 5 OF BYLAW NO. 2-2019
FORM 1

PERMIT FOR OPERATION OF LUG VEHICLE

Name:

Address:

Type of Vehicle:

Route:

Deposit:

I declare that:

1) I will use reasonable care in propelling, operating or driving such lug vehicles over the highway to prevent any damage resulting to the highway.

2) I will, when operating such lug vehicle over any bridge or culvert on any highway or on any specified bridge or culvert thereon, first lay down on such bridge or culvert planks or timbers of not less than five (5) centimeters (cm) in thickness and should extend a minimum of 300 millimeters (mm) wider on each side than the maximum outside width of the lugs; such planks or timbers to be laid lengthwise across the bridge or culvert in the direction in which the lug vehicle is proceeding in such a manner that they will support the wheels or tread of the vehicle on both sides thereof throughout its entire passage over such bridge or culvert.

3) I will pay for all damages caused to such highway or to any bridge or culvert thereon as a result of propelling, operating or driving such lug vehicle thereon.

4) 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.

5) I understand that all municipal bridges have secondary weight limitations unless posted otherwise and I will ensure that I comply with any and all weight restrictions.

Owner/Operator : _____

Administrator : _____

Date: _____