

BYLAW NO. 1079

“A BYLAW TO REGULATE TRAFFIC IN THE TOWN OF OXBOW”

The Council of the Town of Oxbow enacts as follows:

1.
 - (1) In this Bylaw:
 - a) “Act” shall mean *The Traffic Safety Act, 1995*.
 - b) “All Terrain Vehicle” shall have the same meaning as found in *The All Terrain Vehicles Act*.
 - c) “Bus” shall mean a public passenger vehicle operated by Saskatchewan Transportation Corporation.
 - d) “CAO” shall mean the person appointed Chief Administrative Officer of the Town of Oxbow by the Council or his or her designate.
 - e) “Council” shall mean the Council of the Town of Oxbow.
 - f) “Curb” shall mean the actual curb and if there is no curb in existence, shall mean the dividing line between that part of a street intended for the use of vehicles and that part of the street intended for use by pedestrians.
 - g) “Driver” shall mean any person who drives, operates or is in charge or care and control of a vehicle on a street and includes an operator.
 - h) “Gross Weight” shall have the same meaning as found in the Act.
 - i) Intersection shall mean that place where two or more roads meet.
 - j) “Juvenile” means a person under the age of sixteen (16).
 - k) “Lane” shall mean that kind or type of street intended primarily to give access to the rear of real property and intended primarily for the use of vehicles.
 - l) “Lane intersection” shall mean that area bounded by property lines, real or produced, of a lane where it meets a street.
 - m) “Motorcycle” shall have same meaning as found in the Act.
 - n) “Motor vehicle” shall have the same meaning as found in the Act.
 - o) “Night” shall mean the period of time between sunset and sunrise.
 - p) “Owner” shall have the same meaning as found in the Act.

- q) "Parade" shall mean any group of pedestrians marching or walking along a street and numbering fifty (50) or more or any group of vehicles numbering ten (10) or more and proceeding on a street under a common leadership except funeral processions.
- r) "Parking" shall have the same meaning as found in the Act.
- s) "Peace Officer" means:
 - (i) A member of a police service in Saskatchewan;
 - (ii) A person or class of persons designated by the Lieutenant Governor in Council as traffic officers; or
 - (iii) Bylaw Enforcement Officer appointed by the Town of Oxbow.
- t) "Pedestrian" includes a person in a wheelchair.
- u) "Pedestrian crosswalk" shall mean that portion of a street designated by signs and/or markings for the use of pedestrians to cross a street or where there are no signs or markings, shall mean that portion of the street within the prolongation of the lateral boundary lines of the adjacent or intersecting sidewalks at the end of the block.
- v) "Pedestrian corridor" shall mean a crosswalk that has been designated as a Pedestrian corridor that is distinctly indicated for pedestrian crossing by large reflective overhead pedestrian crossing signs.
- w) "Person" shall mean a woman as well as a man and shall include a corporation or a partnership.
- x) "Police Officer" shall mean any member of the Royal Canadian Mounted Police, or any constable duly appointed.
- y) "Prescribed" shall have the same meaning as found in the Act.
- z) "Private driveway" shall mean the road of driveway not open for the use of the public for the purpose of vehicle or traffic.
- aa) "Public highway" shall have the same meaning as found in the Act.
- bb) "Public Place" means all or any part of the town owned or private property that is open to the public or to which the public is customarily admitted or invited, and includes all or any part of a street, sidewalk, improved walkway, park, municipal reserve, environment reserve, buffer strip, parking lot or trail.
- cc) "Public Service Vehicle" shall have the same meaning as found in the Act.
- dd) "RCMP" means the Royal Canadian Mounted Police.
- ee) "Registered owner" shall mean the owner or a person to whom a certificate of registration of licence is issued for a motor vehicle and includes a person who is in possession of a motor vehicle under contract

by which he may become the owner of the motor vehicle upon full compliance with the terms of the contract.

- ff) "Sidewalk" shall mean that portion of the street set aside for the exclusive use of pedestrians.
 - gg) "Snowmobile" shall means a snowmobile defined in *The Snowmobile Act*.
 - hh) "Stop" shall have the same meaning as found in the Act.
 - ii) "Street" shall mean that portion of a public highway lying between the curbs where constructed and intended primarily for use by vehicles, or where no curb exists, that portion of a public highway intended for use by vehicles and shall include any municipality owned public land adjacent to such highway.
 - jj) "Town" shall mean the Town of Oxbow.
 - kk) "Traffic" shall mean the movement of pedestrians or vehicles upon any street in the Town of Oxbow.
 - ll) "Traffic lane" shall have the same meaning as found in the Act.
 - mm) "Trailer" shall have the same meaning as found in the Act.
 - nn) "Vehicle" shall have the same meaning as found in the Act.
 - oo) "Voluntary Payment Notice" shall be the notice itemizing a fine and issued by the Bylaw Enforcement Officer as appointed by Council.
 - pp) "Wheelchair" shall have the same meaning as found in the Act.
- (2) Wherever in this Bylaw the expression "vehicle", "vehicular", or "vehicular traffic" is used, it shall mean and be held to include for the purposes of prosecution under this Bylaw, the driver or operator.

EMERGENCY CONTROL MEASURES

2.

- (1) The RCMP are authorized to direct traffic in conformity with the provisions of this Bylaw and the 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, the RCMP is hereby authorized to direct traffic in such a manner as may be deemed necessary whether or not in conformity with the provisions of this Bylaw or the Act.
- (3) Every person shall comply with any traffic signal or direction of the RCMP given pursuant to this section.

- (4) Other duly appointed Peace Officers may:
 - (i) at the request of the RCMP, assist the RCMP; or,
 - (ii) in the absence of the RCMP, at the request of the CAO or head of the Emergency Measures Organization, direct traffic in such a manner as may be deemed necessary whether or not in conformity with the provisions of this Bylaw or the Act.

TEMPORARY PARKING AND CLOSING

3.
 - (1) Any portion of a street may be temporarily closed to vehicular traffic by the Mayor or the RCMP or by resolution of Council of the Town of Oxbow in order that pedestrians may have the exclusive use thereof.
 - (2) Notwithstanding any other provisions of this Bylaw, any RCMP member shall have the authority to temporarily prevent parking on any street or portion thereof whenever in the member's judgement it may be necessary in order to prevent traffic congestion, danger or accident.
 - (3) Notwithstanding any other provisions of this Bylaw, the CAO shall have the authority to temporarily prevent parking or stopping and/or prohibit traffic on any street or portion thereof to allow any work to be carried out by or on behalf of the Town, such work to include but not to be restricted to snow removal, cleaning, repairing, or maintenance of such street.

STREETS PROHIBITED TO TRAFFIC

4. 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 a police officer, the CAO or the Council.
5. No person shall park a vehicle on any street or portion thereof on which parking has been temporarily prohibited by a police officer, the CAO or the Council.

AUTHORITY TO ERECT SIGNS

6. The Council may authorize the erection or maintaining on any street in the Town any warning or directional sign, marker, signal or light for the direction of traffic as set out in schedules "A", "B", "C", "D", "E" and "F" attached hereto and forming a part of this bylaw.

PROTECTION OF SIGNS

7. No person shall deface, injure, knock down, remove, obscure, or interfere with any warning or direction sign, marker, signal or light erected or maintained by the authority of the Council.

USES OF SIGNS FORBIDDEN

8.

- (1) No person, unless authorized by Council, except the RCMP and the CAO herein provided, shall erect or maintain on any public highway, or adjacent to the public highway in the Town, any warning or direction sign, marker, signal or light.
- (2) Notwithstanding any other provisions of this bylaw, persons carrying out construction work or anyone aware of an emergency situation may erect warning signs.

OBSTRUCTING TRAFFIC

9. No pedestrian or driver of a vehicle whether making deliveries from the vehicle or not shall obstruct, interfere with or interrupt the free passage of traffic on any street, lane or driving lane of any street or sidewalk.
10. No person shall make any unnecessary noise in the operation of an automobile, truck, motorcycle, snowmobile, All Terrain Vehicle or other vehicle on private property or public municipally owned land.

SPEED LIMIT

11.

- (1) No person shall drive a vehicle on any street in the Town of Oxbow except at a careful and prudent speed or manner having regard to all circumstances but at no time shall the speed exceed the limit as specified in schedule "E" attached hereto and forming part of this bylaw.
- (2) Notwithstanding any other provisions of this bylaw, this section shall not apply to a member of the RCMP or other emergency vehicles when engaged in the performance of their duties.

STOP AT CURB

12. Every driver of a vehicle shall draw up to the right-hand curb before stopping unless such stop is necessary to avoid collision or for the purpose of immediately reversing the vehicle to place it at the curb.

PARKING AT THE CURB

13. No person shall park any vehicle on any street or public municipality owned land adjacent thereto except on the right hand side thereof having regard to the direction in which the vehicle was proceeding, with the right front and the right rear wheels not more than one (1) foot from the curb and where there is no curb with the right front and the right rear wheels as near as is practicable to the right hand limit of the street.

PARKING

14. No person shall park a vehicle at any time on any street or portion of a street where traffic signs have placed prohibiting parking .
15. No person shall park any vehicle on any one parking space on any street or public municipally owned land adjacent to the street continuously for any period exceeding twenty-four (24) hours.
16. No person shall park on the street any vehicle displayed for sale.
17. No person shall park on a street any vehicle not displaying licence plates for the current year.
18. No person shall park a vehicle larger than one ton in any parking space on Main Street north of Railway Avenue.
19. No person shall park a vehicle in any lane.
20. Notwithstanding Clause 19(above) a vehicle may park in lanes temporarily, solely for the purpose of loading or unloading, provided the vehicle is in immediate attendance by the driver.
21. No person shall park a vehicle in front of a private driveway.
22. No person shall park a vehicle within an intersection.
23. No person shall park a vehicle within the area designated as a pedestrian crosswalk or corridor or within ten (10) feet on either side of the crosswalk or twenty-five (25) feet of either side of corridor.
24. No person shall park a vehicle upon a sidewalk.
25. No person shall park a vehicle within ten (10) feet of an intersection except at lanes.
26. No person shall park a vehicle adjacent to the curb where the edge of the curb is painted yellow or where there is signage prohibiting such parking.
27. No person shall park a vehicle within five (5) feet of the entrance to a lane.
28. No person shall park a vehicle within fifteen (15) feet of an entrance to a fire cistern or hydrant.
29. No person shall stop a vehicle within an area designated as a parking space for buses only.
30. No person shall park a vehicle on any street for a longer period than specified and set out in Schedule "B" attached hereto and forming part of this bylaw.

31. No person shall park a vehicle in any "Handicapped Parking" area as designated in Schedule "D", which is attached to and forms part of this bylaw, except by permit only.

PARKING ON PRIVATE PROPERTY

32. No driver of a vehicle shall park said vehicle at any time on any private property of which he or she is not the owner, occupant, licensee, or permittee except with the consent of the said owner, occupant, licensee or permittee.

LEAVING STATIONARY POSITION

33. The driver of a vehicle when turning out or moving ahead 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.

TOWING

34. No driver of a motor vehicle shall tow more than one other motor vehicle at a time upon any street.

NO SPLASHING OF PEDESTRIANS

35. When water, mud or slush is lying on any street, the driver of every motor vehicle thereon shall so reduce the speed of his motor vehicle or take such further and other reasonable and prudent action so as to avoid splashing any pedestrians.

NO HITCHHIKING

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

U-TURNS

37. No person shall make a U-turn on any street other than at an intersection and in so doing shall yield the right-of-way to other vehicles that have entered the intersection or that are approaching so closely as to constitute an immediate hazard.
38. No person shall make a U-turn at any intersection where the movement of traffic is being controlled or directed by a Peace Officer or traffic signal lights.
39. No person shall make a U-turn at any intersection at which a traffic sign has been erected and is being maintained, bearing the words "No U-turn" or symbols to that effect as set out in Schedule "C" attached hereto and forming part of this bylaw, provided that this clause shall be deemed to apply only to traffic approaching an intersection from the direction in which the said sign faces.

INTERSECTION AND BRIDGE STOPS

40. No driver of a vehicle shall stop within any highway intersection except to avoid an accident, nor stop on a bridge except in the case of an emergency.

SPACE BETWEEN VEHICLES

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

BOARDING A VEHICLE

42. While a vehicle is in motion, no person shall step off or board or catch or hold on to the vehicle or anything attached to such a vehicle.

MUST STOP ENGINE

43. No driver shall park a motor vehicle on any street with the engine running unless the vehicle is under the control of the driver with the emergency brake set.

BACKING OF A VEHICLE

44. No driver of a vehicle shall back same around the corner of a lane or highway intersection.
45. When backing a vehicle, the driver shall yield the right-of-way to other vehicles and pedestrians and shall back the said vehicle only when such movement can be made in safety.

BICYCLES

46. Operators of bicycles shall obey traffic signs and rules of the road in accordance with the Act.
47. No person riding a bicycle designed for carrying one person shall carry any other person thereon and at no time shall any bicycle carry more persons than there are seats properly attached to the said bicycle.
48. No person shall ride a bicycle upon the sidewalks of the Town.
49. No person shall ride a motorcycle or a bicycle upon a street without having at least one hand on the handle bars.
50. No person shall ride a bicycle on a street on the left side of any two other persons riding on bicycles abreast on that street except for the purpose of passing.
51. No person shall leave a bicycle in a reclining position on a street or sidewalk. On those streets where there is a curb, bicycles when left at the curb shall be left in an upright position.

52. A Peace Officer may impound for a period of fourteen (14) days the bicycle operated by a juvenile for an infraction of any section of this Bylaw applicable to bicycles.

NON-LICENCED MOTORIZED VEHICLES

53. No person shall drive a mini-bike, or a two, three or four wheeled motorized vehicle, that is not capable of being licensed under the Act, on any "Public Place".

Exemptions-

The following motor vehicles are exempt from the provisions of Section 51 of this bylaw.

- a) a wheelchair used by a person who requires the device for mobility by reason of a physical disability;
- b) a public service vehicle; and
- c) Such other motor vehicle operated for the purpose of clearing snow and removal or for the purpose of street repair and maintenance, as may be approved by the town public works foreman.

VEHICLES ON SIDEWALKS

54. No person shall drive a motor vehicle on or across any sidewalk at any point other than a sidewalk crossing.

55. No driver or owner of a vehicle shall permit his vehicle to stand on any sidewalk crossing so as to obstruct the crossing.

56.

- (1) Notwithstanding anything to the contrary, a person may obtain the written permission of the CAO when the said CAO is satisfied that due precautions have been or will be taken by the applicant to protect sidewalks from injury or damage and that the use thereof for such purpose will not cause any unwarranted obstruction to the pedestrian.
- (2) The owner, driver, or operator of a vehicle who has obtained a permit as mentioned in this section is none the less responsible for all damages that may be caused to the sidewalk by the reason of his driving, or operating of said vehicle across or on the sidewalk.
- (3) The applicant who has received permission from the CAO, may cross over the sidewalk if the sidewalk is covered with planking of at least one and one half (1 1/2) inches in the thickness, securely fastened or clamped and bevelled off at the end so as not to cause obstruction to pedestrians, and constructs across the drain, gutter or water course opposite the proposed crossing, of good and sufficient material so constructed as not to obstruct the said drain, gutter or water course.

VEHICLE DAMAGING HIGHWAYS AND PUBLIC PLACE

57. Any vehicle causing damage to streets or public places within the Town of Oxbow shall be responsible for the damage incurred as a result of the operation of said vehicle and the owner of the vehicle shall indemnify the Town of Oxbow for the said damages.

PARADES

58. No parade shall be held in the Town without first obtaining written permission from the CAO who shall designate or approve the hour and route of the parade. Any person desiring to hold a parade shall apply to the CAO 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.
59. No person shall being the operator of a vehicle or a pedestrian cross through any authorized parade or in any way obstruct or interfere with same unless it is necessary by an emergency.

HEDGES AND TREES

60. The Town Council may declare that a hedge, shrub, tree, plant, fence, snow pile or other obstruction is dangerous to traffic including, without limitation, obstructing sightlines of any street, alleyway, driveway or intersection and order that such hedge, shrub, tree plant, fence, snow pile or other obstruction be removed or lopped or otherwise altered to such a height as may be required. If work is carried out by the Town of Oxbow, the charges for such work will be assessed to the property owner.

WEIGHT RESTRICTIONS - HEAVY VEHICLE ROUTE

- 61.
1.
 - a) No person shall operate a vehicle or a combination of vehicles when the combined gross weight of the vehicle(s) with or without a load exceed more than 5,000 Kg. or 11,000 lbs. except on a street within the Town designated as a Heavy Vehicle Route as listed in Schedule "F" attached to and forming part of this Bylaw.
 - b) Nothing in this section shall apply to those vehicles commonly referred to as passenger cars, half ton trucks, three quarter ton trucks or one ton trucks providing that such vehicle including its load does not exceed 3,000 Kg. or 6,613 lbs.
 - c) Subject to subsection (a) no person shall operate a vehicle or a combination of vehicle(s) when the combined gross weight of the vehicle(s) with or without a load exceeds 35 tonnes on any street within the Town of Oxbow.
 - d) Subsection (a) and (c) shall not apply to vehicles making delivery on any street in the Town of Oxbow provided the operator of the vehicle(s) uses the most direct route from and to the Heavy Vehicle Route as listed in Schedule "F".

- e) Subsections (a) and (c) shall not apply to any persons operating a heavy vehicle owned or contracted by the Town while actually in use in the service of the Town.
 - f) Subsections (a) and (c) shall not apply to any persons operating a heavy vehicle(s) proceeding to and from a garage for the purpose of repairs and servicing.
 - g) Any operator of a vehicle as described in subsection (a) who may require to deviate from the provisions of this subsection shall prior to deviating in any manner, obtain a written permit from the Town Office indicating the date, time, destination and route such vehicle will be taking thereto and return.
 - h) No person operating a vehicle shall use engine retarder brakes in the Town of Oxbow, except to avoid or reduce the impact of a collision or in the case of such other emergency.
2. Any person who contravenes any of the provisions of Section 59 of this bylaw is guilty of an offense or liable to summary conviction to the penalties provided in the General Penalty Bylaw of the Town of Oxbow.

IMPOUNDING OF VEHICLES

62.

- (1)
 - a) In addition to and notwithstanding any provisions contained in Sections 62 and 63 hereof, duly appointed Peace Officer may remove or cause to be removed any vehicle that is unlawfully placed, left or kept on any street, lane, public parking place or on any Town owned property and seize, impound or store such vehicle.
 - b) In addition to and notwithstanding any provisions contained in Sections 62 and 63 hereof, the RCMP or the CAO, or anyone acting on his/her behalf, may remove or cause to be removed any vehicle that is unlawfully placed, left or kept on any street, lane, public parking place or other public place or on Town owned property and seize, impound or store such vehicle.
- (2) Where a vehicle has been seized, impounded or stored in accordance with subsection (1), it may be retained at a public garage or at any place designated by the RCMP or CAO, for a period of thirty (30) days from the date of removal unless the costs of the removal, impounding or storage are sooner paid. Upon payment in full of the costs herein, the vehicle may be released to the owner .
- (3) If the costs of removal, impounding or storage are not paid within the thirty (30) days as specified in subsection (2), the Town shall have the right to recover same from the owner of the vehicle by:

- a) Legal action in a court of competent jurisdiction, or
- b) By sale of public auction following the publication of a notice designating time and place of sale at least ten (10) days prior to the sale, in a newspaper published in the Town and on sending such notice by registered mail to the owner at the address appearing on the last registration of the vehicle, or
- c) By private sale.

ALL TO COMPLY

63.

A person who commits an offence under any section of this bylaw will be liable to a penalty of:

- a) on first offence of a fine not greater than \$150.00
- b) on second offence of a fine not greater than \$250.00
- c) on a third and subsequent offence of a fine not greater than \$500.00

PAYMENT OF FEES

64.

- (1) Where any person has committed or is alleged to have committed a breach of any part of this bylaw, a voluntary payment notice in the form approved by the RCMP (hereinafter "Voluntary Payment Notice") may be given to such person requiring them to appear at the Town Office within seven (7) days of the date of such Voluntary Payment Notice and to pay to the Town CAO an amount equal to the fine fixed in lawful money of Canada as a penalty for the specific infraction described in such Voluntary Payment Notice.
- (2) Compliance with such Voluntary Payment Notice within the period of time prescribed therein shall relieve such person from liability to prosecution in respect of such infraction.
- (3) Service of such Voluntary Payment Notice may be made by attaching same to the vehicle in respect of which an offense has been committed or by mailing such notice addressed to the registered owner of the vehicle concerned, or by personal service on the person who has committed the offense.
- (4) If a person given such a 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 accordance with the provisions of *The Summary Offences Procedures Act, 1990* of Saskatchewan provided that nothing in this section shall prevent any person served with such notice from exercising their rights to defend any of those particularized offenses.

65. A violator of this by-law who does not receive a Voluntary Payment Notice shall be served a summary offence ticket or information by a member of the Royal Canadian Mounted Police. This ticket will be in a summons format pursuant to *The Summary Offences Procedures Act, 1990*.

RESTITUTION

- (1) In addition to any fine or sentence imposed for an offence under this Bylaw, the convicting Judge or Justice of the Peace shall, at the request of the Crown, order the imposition of a penalty relating to a fee, cost, rate, toll, charge or damage that is associated with the conduct giving rise to the offence.
- (2) The convicting Judge or Justice of the Peace shall impose the penalty in a reasonable amount that reflects the costs incurred by the Town as a result of the conduct giving rise to the offense.
- (3) Any person who is convicted for a contravention of any provision of this Bylaw does not relieve that person from compliance with the Bylaw and the convicting Judge or Justice of the Peace shall, in addition to any fine or penalty imposed, order the person to perform, within a time specified, any act or work necessary for the proper observance of this Bylaw or to remedy the contravention of this Bylaw.

REPEAL OF BYLAW

66. Bylaw 1037 is hereby repealed.

1st Reading

2nd Reading

3rd Reading

Mayor

Chief Administrative Officer

Certified a true copy of
Bylaw 1078 adopted by the
Council of the Town of Oxbow
day of , 2016