

TOWN OF SELKIRK  
BY-LAW NO. 4868

BEING A BY-LAW OF THE TOWN OF SELKIRK FOR REGULATION OF TRAFFIC

MADE UNDER THE PROVISIONS OF THE HIGHWAYS TRAGGIC ACT, S.M. CAP.H 60 AND THE  
PROVISIONS OF THE MUNICIPAL ACT, S.M. CAP. M225

THE Council of the Town of Selkirk, duly assembled, enacts as follows:

1. SHORT TITLE

This by-law may be referred to as “The Town of Selkirk Traffic By-Law”.

2. INTERPRETATION

IN this by-law, the following definitions shall apply:

- (a) “Bicycle” means a device propelled by human power upon which a person may ride, and
- that has 2 tandem wheels either of which is more than 20 inches in diameter, or
  - that has 3 wheels, but not more than 3 wheels, each of which is more than 20 inches in diameter.
- (b) “Clerk” of the Town of Selkirk shall be that person so appointed by Council as from time to time.
- (c) “Crosswalk” means:
- that part of a highway in an intersection distinctly indicated for pedestrian crossing by a traffic control device or by lines or other markings on the surface thereof; or
  - that part of a highway elsewhere than in an intersection distinctly indicated for pedestrian crossing by a traffic control device and by lines or other markings on the surface thereof; or
  - that part of a highway that is included within the straight production directly and not diagonally,
    - (a) of the lateral lines of the sidewalk on either side of any roadway intersecting or meeting that highway; or
    - (b) of the lateral lines of any sidewalk that intersects or meets the highway on either side thereof; measured, in each case, from the curb, or in the absence of curbs, from the edge of the roadway on which the crosswalk is situated, and includes a pedestrian corridor.
- (d) “Derelict Vehicle” means an object that is not a new and unused vehicle, and if
- it is not in operating condition;
  - it does not have attached thereto, and exposed thereon, one or more number plates issued under The Highway Traffic Act for the current registration year under that Act;
  - it is kept in the open; and
  - the owner thereof either
    - (a) has abandoned it; or
    - (b) is keeping it primarily for the purposes of salvaging or selling parts therefrom, or for the eventual sale thereof as scrap metal;
- and a derelict vehicle also includes the body or chassis of a used motor vehicle all or some of the parts of which have been removed, and to which clauses under the derelict vehicle apply.
- (e) “Director of Operations” shall be the person so appointed by Council of the Town of Selkirk from time to time and for the purpose of this by-law, shall include such person as the Director of Operations is entitled to delegate his authority to by Council of the Town of Selkirk from time to time.
- (f) “Driver” means a person who drives or is in actual physical control of a vehicle, and the expressions “Drive” and “Driving” have a corresponding meaning;
- (g) “Emergency Vehicle” means a vehicle used:
- for police duty; or
  - by a fire department; or
  - as an ambulance; or
  - a motor vehicle carrying rescue or first aid equipment in an urgent emergency; or

- for purposes related to maintenance of a public utility and designated as an emergency vehicle by a traffic authority;
- (h) “Gross Weight” means the combined weight of a vehicle and load;
- (i) “Highway” means any place or way, including structure forming part thereof, which or any part of which the public is ordinarily entitled or permitted to use for the passage of vehicles, with or without fee or charge therefore, and includes all the space between the boundary lines thereof; but does not include any area designated or intended, and primarily used, for the parking of vehicles and the necessary passage ways thereon;
- (j) “Lane” means a highway twenty (20) feet or less in width;
- (k) “Motorcycle” means a motor vehicle, other than a tractor which:
  - is designated to travel on not more than three wheels in contact with the ground, and
  - has a seat or saddle for the use of the rider sitting astride thereof; and includes a bicycle with a motor attached by which it is driven, and a motor scooter, and is capable of attaining the speed of 50 kilometers per hour or more;
- (l) “Motor Vehicle” means a vehicle not run upon rails that is designed to be self-propelled or propelled by electric power, but does not include a farm tractor, a self-propelled implement of husbandry, a special mobile machine, or a snowmobile other than one mentioned in the exception set out in clause (a) and (b) of subsection (10) of 6 of The Highway Traffic Act;
- (m) “Number Plate” means any proof of registration issued by the Registrar of Motor Vehicles, the Traffic Board, or the Taxicab Board, as the case may be, and required to be affixed to a motor vehicle or trailer;
- (n) “Owner” means any person in possession of a motor vehicle under a contract providing that the ownership, title, and property therein is to vest in him at a subsequent time, upon payment of the whole or part of the price or the performance of any other condition, and also includes a person who, having been registered under Section 6 as an owner of a motor vehicle or trailer, the ownership of which has passed from him, has failed to comply with Section 10 in the passing of the ownership thereof;
- (o) “Park” means to stand a vehicle whether occupied or not, except
  - when it is caused to stand temporarily for the purpose of, and while actually engaged in, loading or unloading; or
  - in obedience to a peace officer or a traffic control device;
- (p) “Peace Officer” means
  - any member of the Royal Canadian Mounted Police force and any other police officer, police constable, or other person employed for the preservation and maintenance of the public peace; and
  - any person lawfully authorized to direct or regulate traffic, or to enforce this Act or traffic by-laws or regulations, by making arrests for violation thereof or otherwise;
- (q) “Pedestrian” means a person afoot, or a person in a wheelchair or a child’s carriage;
- (r) “Pedestrian Control Sign” means a traffic control signal directed at pedestrians;
- (s) “Pedestrian Corridor” means a crosswalk, at an intersection or elsewhere, that has been designated as a pedestrian corridor by the proper traffic authority and that is illuminated and distinctly indicated for pedestrian crossing by
  - such lights and other traffic control devices on the highway; and
  - such lines, signs or other markings on the surface of the highway; as are prescribed in the regulations made by The Traffic Board.
- (t) “Semi-Trailer” means a trailer so constructed that its weight and the weight of its load is carried partly upon an axle of the motor vehicle towing it, and partly upon an axle of the trailer;
- (u) “Semi-Trailer Truck” means truck tractor and a semi-trailer combined;
- (v) “Sidewalk” means footpath, whether or not paved or improved, that is intended primarily for the use of pedestrians and that either
  - forms part of that portion of a highway that lies between the curb line or, if there is none, the lateral boundary line of the highway, and
    - (a) the adjacent property lines; or
    - (b) the straight production of the adjacent property lines to the curb line or if there is none, to the lateral boundary line, of an intersecting highway; or
  - although not part of a highway, is maintained by the Town of Selkirk, set aside for pedestrian traffic only and for the purpose of giving access to property adjacent thereto;
- (w) “Stand” as applied to a vehicle, whether occupied or not, means

- when required, to cause the vehicle to remain motionless in one place; and
  - when prohibited, to cause the vehicle to remain motionless in one place, except when necessary to avoid conflict with other traffic or in compliance with the directions of a Peace Officer or a traffic control device;
- (x) “Stop” as applied to a vehicle whether occupied or not, means
- when required, to cause the vehicle to cease to move; and
  - when prohibited, to cause the vehicle to cease to move, except when necessary to avoid conflict with other traffic or in compliance with the directions of a peace officer or traffic control device; and stopping has a corresponding meaning;
- (y) “Traffic” includes pedestrians and vehicles, and other conveyances, either singly or together, while using a highway for purposes of travel;
- (z) “Traffic Authority” means
- in the case of provincial trunk highways, and highways in unorganized territory, and the forest reserves and parks to which reference is made in subsection (8) of section 86 of The Highway Traffic Act, the Minister of Highways;
  - in the case of inter-municipal highways, the municipalities acting together or one of the municipalities acting with the approval of the Minister of Municipal Affairs;
  - in the case of highways within municipalities, except those on privately-owned land, the municipality within the limits of which the highway is situated;
  - in the case of a highway, in an Indian Reserve except a provincial highway, the Council of the Band on the reserve;
  - in the case of a highway on privately-owned land, the owner thereof;
  - in the case of a highway in a local government district, or part thereof, that has been designated in an order made under Section 293, that local government district;
- (aa)“Traffic Control Device” means a sign, signal, light, marking, or device not inconsistent with The Highway Traffic Act, placed or erected by a traffic authority for the purpose of regulating, warning or guiding traffic;
- (bb)“Traffic Control Light” means the light shown by a Traffic Control Signal;
- (cc)“Traffic Control Signal” means a traffic control device, whether manually, electronically, or mechanically operated, by which, when operating, traffic is directed to stop and to proceed;
- (dd)“Truck” means a motor vehicle or semi-trailer truck, that is constructed or adapted to carry goods, wares, and merchandise, freight or commodities, but not passengers or luggage;
- (ee)“Vehicle” means a device in , upon, or by which a person or thing is or may be transported or drawn upon a highway, except a device designed to be moved by human power or used exclusively upon stationary rails or tracks and includes an implement of husbandry that is not a motor vehicle, and a special mobile machine;

2.1 Notwithstanding the foregoing, any term used in this by-law that is not defined hereafter or hereinbefore shall be taken to have the meaning ascribed to such term in The Highway Traffic Act.

### 3. APPLICATION OF THE BY-LAW

Unless otherwise specified or unless the context otherwise requires, the provisions of this By-law shall apply to pedestrians, bicycles, motorcycles, motor vehicles and vehicles and other conveyances within the limits of the Town of Selkirk.

4. Where there is any conflict between the provisions of this by-law, provisions of The Highway Traffic Act, or The Municipal Act, the provisions of The Highway Traffic Act and/or The Municipal Act, as the case may be, shall apply.

### 5. AUTHORITY OF PEACE OFFICER OR FIRE CHIEF TO CONTROL TRAFFIC

Where a Peace Officer or Fire Chief or his designate considers it reasonable necessary, in order

- (a) to ensure orderly movement of traffic; or
- (b) to prevent injury or damage to persons or property; or
- (c) to permit proper action in an emergency;

he may direct or halt traffic, according to his discretion, notwithstanding anything contained in this by-law; and, for that purpose, he may erect or place temporary or emergency traffic control devices displaying instructions to persons using the highway.

6. COMPLIANCE WITH ORDERS OF PEACE OFFICER

Every driver of a vehicle that is on a highway, and every pedestrian or other person on a highway

- (a) shall immediately comply with an order of a Peace Officer, Fire Chief or his designate, as to stopping or moving, or approaching or departing from any place, or as to the manner of taking up or setting down passengers or loading or unloading goods;
- (b) in particular, and without restricting the generality of clause (a) shall, on a signal from a Peace Officer, Fire Chief, or his designate, requiring him to do so, immediately bring to a stop any vehicle that he is driving or animal that he is riding, and shall not proceed until so directed by the Peace Officer, Fire Chief, or his designate.

7. EXCEPTIONS TO BY-LAWS

The provision of this by-law prohibiting standing and parking shall not apply to

- (a) vehicles of the RCMP while on lawful police business
- (b) vehicles of or employed by or involved in work being performed on behalf of the Town of Selkirk while in use in connection with work being done on or near a highway; and
- (c) vehicles of the Government of Canada or the Government of Manitoba, and of any public utility if such vehicles have the owner's name painted thereon and are actually engaged in works of necessity on or near a highway requiring them to stand or be parked in contravention of any such provisions.

PLACING AND MAINTENANCE OF TRAFFIC CONTROL DEVICES

8. TRAFFIC CONTROL DEVICES

- (1) The Director of Operations shall place and maintain, or cause to be placed and maintained, all traffic signs authorized by the Town Council or required to make effective the provisions of this by-law.
- (2) A list of the traffic control devices from time to time authorized by the Town Council shall be attached to this by-law as Schedule "A". This schedule may, from time to time, be amended by a resolution of the Town Council.

9. WHERE TRAFFIC CONTROL DEVICE, TRAFFIC CONTROL SIGNAL OR ROAD MARKINGS NOT VISIBLE DUE TO ICE AND SNOW

It is not a defence to any prosecution for a violation of this by-law that any Traffic Control Device or Traffic Control Signal was obscured or that the lines or markings on the surface of the roadway or curb indicating the existence of a crosswalk or No Parking Zone were not visible at the time of the offence because of the presence of snow or ice or for any other reason not attributable to the negligence of the traffic authority.

10. TEMPORARY TRAFFIC CONTROL DEVICES & SIGNALS

The Town Council or the Director of Operations may, in an emergency or while construction, reconstruction, repair, widening, marking, snow removal, street cleaning or other work is being carried out, place and maintain, or cause to be placed and maintained, or put into operation, such temporary traffic control devices as may be necessary to complete the work or regulate and guide traffic in an orderly manner.

11. NO PASSING ZONES

The Town of Selkirk may, by a Traffic Control Device, designate all or a portion of a highway as a zone in which overtaking and passing is prohibited or a zone limited to driving on the right-hand side of the highway.

12. ONE-WAY ROADS

The Town of Selkirk may, by a Traffic Control Device, designate a highway for one-way traffic and indicate the direction in which traffic thereon shall travel.

13. TRAFFIC CONTROL DEVICES TO PROHIBIT STANDING, PARKING, ETC.

The Town of Selkirk, may erect appropriate traffic control devices on any highway

- (a) to prohibit the stopping, standing, or parking of vehicles any time or during the hours stated on the traffic control devices, on the highway or any portion thereof; or

- (b) to limit the time during which the vehicles may be parked on the highway or any portion thereof; and either during the whole or any day or during a part thereof as the Town of Selkirk may consider necessary.

14. DESIGNATION OF PEDESTRIAN CORRIDORS

The Town of Selkirk may, by resolution, designate any crosswalk over which it has jurisdiction as a pedestrian corridor; but it shall not do so unless The Highway Traffic Board has given written approval thereto.

15. ERECTION OF OTHER TRAFFIC CONTROL DEVICES

The Town of Selkirk may erect, on or adjacent to any highway over which it has jurisdiction, such other traffic control devices, in addition to those specifically authorized or required under The Highway Traffic Act, as are necessary or advisable for the control of traffic in a manner required, authorized, or permitted under the said Act, or as are necessary to give effect to this by-law or any resolution or order that the Town of Selkirk has power to make.

16. ADVERTISING PROHIBITED

No person shall place or maintain commercial advertising upon a traffic control device.

17. INITIATIVE DEVICES PROHIBITED

No person shall erect or maintain, upon or in view of a highway, a device that purports to be, resemble, or interferes with the effectiveness of, a traffic control device unless he is authorized to do so by the Town of Selkirk; and if such a device is erected or maintained without that authority, it may be removed under the authority of the Director of Operations or Peace Officer.

18. COMPLIANCE WITH TRAFFIC CONTROL DEVICES

Except when otherwise directed by a Peace Officer, every person shall obey the instructions or directions on, or conveyed by means of, an applicable traffic control device.

19. TRAFFIC CONTROL SIGNALS

- (1) The Director of Operations shall erect and maintain, or cause to be erected and maintained, all Traffic Control Light signals authorized by the Town Council within its jurisdiction.
- (2) A list of the location of the Traffic Control Signals from time to time authorized by the Town Council shall be attached to this by-law as Schedule "B". This schedule may from time to time be amended by a resolution of the Town Council.

20. EFFECT OF TRAFFIC CONTROL SIGNALS

The Traffic Control Lights installed under this by-law by the Town of Selkirk shall have the same effect as is prescribed under The Highway Traffic Act.

21. COMPLIANCE WITH TRAFFIC CONTROL SIGNALS

Every driver and every pedestrian shall obey the instructions of a Traffic Control Signal in accordance with this by-law, unless directed to do otherwise by a Peace Officer.

PEDESTRIANS

22. COMPLIANCE BY PEDESTRIANS WITH SIGNALS

Every Pedestrian shall obey the instructions of a Traffic Control Device or Traffic Control Signal operating at an intersection unless directed to do otherwise by a Peace Officer.

23. RIGHT OF WAY OF PEDESTRIAN

Where Traffic Control Signals or Traffic Control Devices are not in place or not in operations when a Pedestrian is crossing a highway within a crosswalk, and the Pedestrian is upon the half of the highway upon which a vehicle is traveling, or he is approaching from the other half of the highway and is so close that he is in danger, the driver of the vehicle shall yield the right of way to the Pedestrian.

24. PARKING PROHIBITED

No person shall park a vehicle at the curb or edge of a roadway

- (a) where it intersects a crosswalk; or
- (b) on the approach to any crosswalk or within 15.25 meters thereof;

25. USE OF SIDEWALKS REQUIRED

Where there is a sidewalk that is reasonably passable on either or both sides of a highway, a Pedestrian shall not walk on a roadway.

26. KEEPING LEFT AND WALKING TWO ABREAST

Any pedestrian proceeding along a highway where no sidewalk is provided or where the sidewalk is not passable, shall walk as closely as is practicable to

- (a) the left-hand edge of the roadway or of the shoulder, as the case may be or;
- (b) any person who may be walking on his left side; but persons walking on a roadway shall not walk more than two abreast, and any driver approaching and passing a Pedestrian so walking on a highway shall drive as near to the center of the road as he may safely do so and shall pass on the right-hand side of the pedestrian.

27. ENFORCEMENT OF COMPLIANCE WITH BY-LAWS BY PEDESTRIANS

- (1) Where a Peace Officer has reasonable and probable grounds for believing that a pedestrian has committed or is committing a breach of those provisions of this by-law relating to pedestrian traffic, he may require the pedestrian to stop and there and then to state correctly his name and address, and to prove his identity to the satisfaction of the peace officer.
- (2) If a Pedestrian refuses or fails to stop and state correctly his name and address so as to prove his identity when so required, the Peace Officer may arrest him without warrant.

28. PARADES

- (1) No person shall hold, take part in or be a member of a parade unless a permit for such parade has first been obtained from the Town Secretary-Treasurer and the organizers of the parade have undertaken to comply with the Town of Selkirk policies in place from time to time in connection with the holding of parades;
- (2) The Town Secretary-Treasurer, on receipt of an application made in accordance with the provisions of this section, shall, as he may deem necessary, make the arrangements with the RCMP to properly police highways and, with the Director of Operations, to divert traffic and barricade or obstruct streets or lanes or portions thereof during the passage of the parade.
- (3) While a parade is in motion Pedestrians shall be restricted to the adjoining sidewalks.

29. DRIVING THROUGH PARADES

Unless so directed by a Peace Officer, no person, other than drivers of ambulances traveling in emergencies or police or fire department vehicles, shall drive a vehicle across the route of a parade.

GENERAL REGULATIONS

30. SPEED LIMIT

No person shall drive a vehicle at a rate of speed greater than 50 kilometers per hour within the Town of Selkirk unless otherwise directed by a Traffic Control Device but, notwithstanding the foregoing, no person shall drive at a rate of speed in excess of 20 kilometers per hour on any lane in the Town of Selkirk.

31. PROHIBITION OF DRIVING ON SIDEWALK OR BOULEVARD

Except when entering or leaving a driveway or lane or when entering upon or leaving land adjacent to a highway, no driver shall drive a vehicle upon a sidewalk or a boulevard.

32. PROHIBITION OF CERTAIN U-TURNS

No driver shall turn a vehicle so as to proceed in the opposite direction

- (a) unless he can do so without interfering with other traffic; or
- (b) when he is driving
  - (i) upon a curve; or
  - (ii) upon an approach to, or near, the crest of a grade where the vehicle cannot be seen by the driver of another vehicle approaching from either direction within 150 meters; or

- (iii) at a place where a sign prohibits making a U-turn

33. ESTABLISHING ROUTES OF TRAVEL FOR TRUCKS

Subject to any weight restrictions, which may be imposed by the Director of Operations from time to time, all trucks within the Town of Selkirk shall be operated only over and upon the streets or portions of streets set forth in Schedule "C" hereto. Notwithstanding the above, any truck may operate upon any highway where the operator of such truck is required to make a delivery of goods carried on such truck to a particular destination on such highway, provided the truck remain on highways where truck traffic is permitted until reaching the intersection nearest the destination on the highway where truck travel is not permitted. Upon leaving the destination the truck shall return by the shortest direction to a highway upon which such traffic is permitted.

34. WEIGHT RESTRICTIONS

- (a) The Director of Operations or his designate shall cause to be imposed and maintained spring weight restrictions as may be authorized by the Council from time to time.
- (b) Spring weight restrictions will commence on the date fixed by Council from time to time and remain in effect for such period of time as determined by Council.
- (c) Unless otherwise determined by Council from time to time, the spring weight restrictions shall prohibit gross weight per axle assembly on Town of Selkirk Highways from exceeding 60 Kilograms in weight per 10 millimeters of width of tire.

BICYCLES

35. GENERAL RULES FOR BICYCLES

Except as otherwise provided in this by-law, every person operating a bicycle upon a highway has the same rights and duties as the driver of a motor vehicle.

- 36. (a) No person shall operate a bicycle upon a highway within the Town of Selkirk unless a license for the said bicycle has been obtained from the office of the Town of Selkirk, which license shall be affixed to the bicycle for which it was issued in accordance with this by-law.
- (b) Any license so issued by the Town of Selkirk shall be valid for the currency of the calendar year in which it is issued. Any license issued in a calendar year prior to the date on which it is displayed shall, for the purposes of this by-law, not be current.
- (c) Any person who operates a bicycle on a highway within the Town of Selkirk for which a current license has not been obtained from the Town of Selkirk, or which does not display a current license issued by the Town of Selkirk is guilty of an offence under this by-law. Any Peace Officer who issues an offence notice to persons charges under this paragraph may take the bicycle into his possession until such time as he receives proof that the bicycle in question has been licensed by the Town, at which time he shall return the bicycle to the licensee
- (d) The Town of Selkirk shall issue on license only per bicycle which license shall only be valid for the bicycle for which it was issued. It shall be an offence under this by-law to transfer a license plate issued by the Town of Selkirk from one bicycle to another without obtaining written permission from the Town of Selkirk to transfer the said license from one bicycle to another.

37. SPECIAL RULES AS TO BICYCLES

A person who is operating a bicycle shall comply with the following provisions, namely:

- (a) he shall not ride on a sidewalk;
- (b) subject to clause (a), he shall ride as closely as practicable to the right-hand edge or curb of the roadway, or to any person who may be riding a bicycle on his right side; but persons riding bicycles on a highway shall not ride more than two abreast;
- (c) he shall keep at least one hand on the handle bars;
- (d) he shall not ride other than upon or astride a regular seat of the bicycle, as provided by the manufacturer;
- (e) he shall not use the bicycle to carry more persons at one time than the number for which it is designated and equipped by the manufacturer;
- (f) he shall not ride a bicycle on a highway where signs prohibit their use;
- (g) he shall give the signals required under subsection (1) of Section 125 of the Highway Traffic Act

38. USE OF BICYCLE PATHS  
No person riding a bicycle shall ride it upon a roadway if there is, adjacent to the roadway, a usable path intended for the use of bicycles.

### LOADING AND UNLOADING ZONES

39. STOPPING IN LOADING ZONES  
No person shall stop, stand or park a vehicle for any purpose or for any period of time other than for the expeditious loading or unloading of passengers or for the expeditious unloading and delivery or pick-up of materials within or partly within any place marked by traffic signs as a loading zone.
40. DELIVERIES TO BE MADE IN LANE  
Where there is a lane to serve a property, all deliveries or collections of commodities to or from stores, restaurants, hotels and commercial buildings shall be made therein.
41. VEHICLES BACKED TO CURB  
No driver of a vehicle shall stop same whether for loading, unloading or otherwise, perpendicular to the flow or traffic on any highway. Except as otherwise authorized by a Traffic Control Device, no vehicles may be stopped. Allowed to stand, or parked, except parallel to the curb and facing the same direction of ongoing traffic.
42. ESTABLISHMENT OF BUS STOPS  
Bus stops are hereby established for the loading and unloading of bus passengers at the locations set forth in Schedule "D" hereto.
43. RESTRICTED USE OF BUS STOPS  
No person shall stop or stand a vehicle other than a bus in a bus stop.
44. WHERE STOPPING, STANDING, PARKING PROHIBITED  
Except where specifically required by other provisions of this By-Law or permitted by Traffic Control Devices or Traffic Control Signals or except where necessary to avoid conflict with traffic or to comply with the directions of a peace officer, no person shall stop, stand, or park a vehicle
- (a) on a sidewalk or boulevard;
  - (b) in front of a driveway;
  - (c) within an intersection or within 3 meters thereof or such greater distance as may be prescribed by the appropriate traffic authority;
  - (d) within 3 meters of a fire hydrant;
  - (e) on a crosswalk;
  - (f) within 3 meters of the approach side of a crosswalk;
  - (g) within 10 meters upon the approach to any flashing beacon, stop sign, or traffic control sign situated at the side of a roadway, or within such greater distance there from as may be prescribed by the appropriate traffic authority;
  - (h) within 30 meters of the nearest rail of a railway crossing, or except in the case of a railway crossing a provincial trunk highway, within such greater or lesser distance there from as may be prescribed by the Town Council;
  - (i) of the type known as a trailer, semi-trailer or semi-trailer truck, a bus, a motor home, a truck or van with a design capacity of more than one tonne on a street for a period of time longer than one hour except where actually loading or unloading.
  - (j) Within 6 meters of a driveway entrance to a fire station, or on the side of a street opposite the entrance to a fire station, or on the side of a street opposite the entrance to a fire station within 30 meters of the entrance when properly marked with signs, or, except in the case of a fire station adjoining or facing a provincial highway, within such greater or lesser distance as may be prescribed by the Town Council;
  - (k) Alongside or opposite a street excavation or obstruction when stopping, standing or parking obstructs traffic;
  - (l) On any highway other than parallel with the curb, heading in the direction of vehicular traffic movement, with the curb-side wheels of the vehicle within 45 centimeters of the curb, and a clear space of 1 meter left ahead and behind.



- (m) Except diagonally within the areas as defined in Schedule "E" to this by-law.
  - (n) In a lane, except while loading or unloading, and when so parked the driver shall leave available not less than two meters of width of the roadway for the free movement of vehicular traffic;
  - (o) Upon a highway for a period longer than 24 hours at any one time;
  - (p) Parked for the purpose of advertising;
  - (q) Designed for the carriage of bulk gasoline or fuel if left unattended;
  - (r) If displayed for sale;
  - (s) For the principal purpose of washing, greasing or repairing such vehicle, except the immediate repair necessitated by an emergency;
  - (t) At any time on any portion of a street on which the Director of Operations has caused snow removal or street cleaning operations to occur and upon which he has caused to be placed, on or before 7:00 pm on the preceding day, "No Parking" signs indicating the portion of the street upon which parking is so prohibited.
  - (u) On the roadway side of a vehicle stopped or parked at the edge or curb of a street;
  - (v) In a place in contravention of a Traffic Control Device that gives notice that stopping, standing, or parking there is prohibited or restricted and in that regard unless the vehicle in question is moved completely through the nearest intersection, it shall be deemed to have remained stationary;
  - (w) In such manner that
    - it constitutes a hazard on the highway; or
    - it is parked in contravention of any provision of The Highway Traffic Act or this by-law.
  - (x) upon a street in such manner as to leave available less than 2 meters of the width of the roadway for free movement of traffic;
  - (y) on the same side of the street as and directly opposite any unfenced school grounds at any time between the hours of 8:00 am and 5:00 pm on any day except Saturdays, Sundays, and school holidays and in this paragraph, "fence" means a wire mesh or board fence of minimum height of six feet;
  - (z) within 10 meters of an intersection contiguous to any school ground at any time between the hours of 8:00 am and 5:00 pm on any day except Saturdays, Sundays, and school holidays, of a traffic sign so indicates.
45. For the purpose of enforcing this by-law, the regulations of the Town of Selkirk respecting parked vehicles:
- (a) a Peace Officer may make or place a mark upon a vehicle which is parked on a highway;
  - (b) no person shall remove, alter, obliterate or deface a mark made or placed upon a vehicle by a Peace Officer as provided in (a) until the vehicle thereafter has been lawfully reparked.

46. HANDICAPPED PARKING TIME LIMITS

- (a) Notwithstanding any Traffic Control Device in the Town of Selkirk setting out a time limit for parking, where any vehicle otherwise lawfully parked displays a Handicapped Parking Permit issued by the Department of Highways of the Province of Manitoba, the time that such vehicle shall be entitled to remain parked or standing shall be double that displayed on the Traffic Control Device.
- (b) The Director of Operations shall maintain the appropriate proportions of Handicapped Parking spaces as is mandated by The Highway Traffic Act and regulations thereto from time to time.

UNAUTHORIZED PARKING ON PRIVATE PROPERTY

47. PARKING ON PRIVATE PROPERTY RESTRICTED

- No person shall park or leave a vehicle;
- (a) on private property on which there is erected and maintained a sign indicating that the parking of vehicles thereon is prohibited;
  - (b) without the permission of the owner, occupant, or the person in charge or control of the property, on private property on which there is erected and maintained a sign indicating that unauthorized parking of vehicles thereon is prohibited;

- (c) without permission of the owner, occupant, or other person in charge or control of the property, on private property on which there is erected and maintained the sign indicating that unauthorized parking of vehicles thereon is prohibited or restricted to the period specified in the sign in contravention of the prohibition or restriction listed on the sign.

48. PRIVATE PROPERTY OWNER TO ERECT SIGNS

Any owner, occupant, or person in charge or control of private property who wishes to take advantage of paragraph 47 of this by-law for the purpose of preventing persons, or unauthorized persons, from parking or leaving vehicles on the property shall erect and maintain their own clear and legible sign in the form approved by the Director of Operations indicating;

- (a) that parking of vehicles thereon is prohibited; or
- (b) that unauthorized parking of vehicles is prohibited; or
- (c) that unauthorized parking during specific periods is prohibited.

49. For the purpose of giving notice by way of the sign referred to in Sections 46 and 47 aforesaid, any sign or notice in a form approved pursuant to in Section 48 aforesaid giving notice that the provisions of the Town of Selkirk By-Law No. 4040 shall apply to unauthorized parking on such property, shall be deemed to be a proper notice given under this by-law.

50. LAYING OF INFORMATION OR COMPLAINT

The owner, tenant, occupant, or person in charge or control of private property or a Peace Officer, if personally satisfied that any person is violating the prohibition set forth in section 47 of this by-law may lay an information and complaint against the owner or driver of the vehicle or may report to a Peace Officer of the Town of Selkirk the license number and location of the illegally parked vehicle. Any person making such report shall do so in person, and give his/her own name and address. On such report being received, the Peace Officer may investigate and lay a complaint against the owner or driver.

51. IMPOUNDING A VEHICLE

On receipt of a complaint of an infraction of the provisions of Section 47, any Peace Officer may authorized the removal of the violating vehicle by a garage keeper and the garage keeper shall remove and shall impound the vehicle until the garage keeper's charges for removal and storage have been paid by the owner of the vehicle.

52. CHARGES CREATE A LIEN IN FAVOUR OF GARAGE KEEPER

The costs and charges incurred in towing, removing, impounding and storing of a vehicle removed under this by-law are a debt owed by the owner of the vehicle, and create a lien in favor of the person towing, removing, impounding, or storing the vehicle to the same extent, and in the same manner, as if the debt were incurred under the Garage Keepers Act.

53. LIABILITY OF OWNER AND DRIVER

The owner of such vehicle in addition to the driver, shall be liable for the penalty resulting from an infraction of section 47 of this by-law unless at the time of the violation the vehicle was in possession of a person other than the owner of chauffeur without the consent of the owner.

UNLAWFULLY PARKED VEHICLE

54. MOVING OF VEHICLE UNLAWFULLY PARKED

Where a Peace Officer or the Director of Operations has reasonable and probable cause for believing that a vehicle is standing, or is parked.

- (a) in violation of any of the provisions of this by-law; or
- (b) in a position that causes it to interfere with removal of snow from a highway or the cleaning of streets; or
- (c) in a position that causes it to interfere with fire fighting; he may move the vehicle or cause it to be moved, or may require the driver or person in charge of the vehicle to move it to a position determined by the Peace Officer, Director of Operations, or other authorized person.

55. COSTS OF MOVING AND STORAGE

The cost and charges incurred in moving or storing a vehicle or both, under Section 54 is a lien on the vehicle that may be enforced under The Garage Keepers Act by the person who moved or stored the vehicle at the request of the Peace Officer of the Director of Operations.

56. WHERE SECTION NOT APPLICABLE

Section 54 does not apply in the case of a vehicle so disabled while on a highway that it cannot be readily moved until a reasonable time has been allowed to lapse to permit its removal.

DERELICT VEHICLES

57. PROHIBITION

No person except the holder of a valid license issued under the provisions of Section 61 of this by-law shall within the territorial limits of the Town of Selkirk park or leave a derelict vehicle on private or public property with or without the consent of the owner of such property.

58. IMPOUNDING A DERELICT VEHICLE

Where a derelict vehicle is parked or left on private or public property in contravention of this by-law, a Peace Officer is authorized:

- (a) To cause the derelict vehicle to be removed from the private property, and for this purpose, to enter upon the property, from time to time, by such agents, assistants and employees, and with such equipment as he/she shall deem necessary; and
- (b) To cause the impoundment, storage, destruction or other disposition of any derelict vehicle so removed, as he/she may in his/her sole discretion decide to be appropriate in each case; and
- (c) To give no notice or such notice as he/she may in his/her sole discretion decide to be appropriate in each case to the owner of the vehicle and/or the owner of the property before acting under paragraphs (a) and (b) above.

59. REDEMPTION

Any vehicle removed and impounded as aforesaid may within a period of 7 days of impounding be redeemed by the owner thereof upon paying all removal impoundment, storage and other costs and charges incurred by the Town to that date.

60. RECOVERY OF COSTS AND DAMAGES

The costs and charges incurred in the removal, impoundment, storage, destruction, or disposition of any derelict vehicle removed from private property under the authority of this by-law shall be a debt owed by the owner of the derelict vehicle and the owner of the property from which it was removed jointly and severally, to the Town and may be recovered by the Town in any court of competent jurisdiction.

61. LICENCES TO KEEP DERELICT VEHICLES

- The Director of Operations shall enforce the provisions of this section;
- Any owner, occupant, or person in charge or control of private property within the territorial limits of the Town of Selkirk who wishes to keep derelict vehicles thereupon may apply to the Director of Operations for a license to do so;
- The application for a license shall be in the form attached as Schedule "F" to this by-law;
- The applicant shall pay a fee of \$10.00 on the application to the Director of Operations for the issue of the license;
- The Director of Operations may, if satisfied that the property in respect of which the license is applied is suitable for the purpose and imposing such conditions as he/she deems fit, issue the license, or he/she may in his/her discretion refuse a license;
- The license shall be in the form attached as Schedule "G" hereto;
- Every license shall cover the period from the date of issue to until the 31<sup>st</sup> day of December in the year of issue; provided however, that licenses may be issued in advance for the following calendar year during the two months next preceding the commencement thereof;
- Every license may be renewed and the provisions of Section (3), (4), (5), (6), and (7) of this section shall apply to the renewal application;

- If any licensee fails to comply with any of the conditions imposed on his license by the Director of Operations, the advise the licensee of such revocation by a registered letter mailed to the licensee's postal address as shown on his/her application for such license, and shall also make a notation of the revocation on the stub or duplicate of the license kept in his/her office.

62. OTHER PENALTIES

Subject to Section 64 hereafter:

- (a) Any person who contravenes, disobeys, or violates any of the following provisions of this by-law, or who refuses, omits, neglects, fails to observe, obey or comply with any of the following provisions of this by-law, that is to say:
  - Section 43
  - Section 53
  - Section 57

Is guilty of an offence and is liable, on summary conviction, to a fine of not less that TWENTY (\$20.00) DOLLARS in addition to costs and in default thereof, not more that THREE (3) days in jail.

- (b) Subject to sub-clause (a) above and to clause 63 hereafter, any person who violates, contravenes, or disobeys any section of this by-law, or fails to observe, obey, or to comply with any of the provisions of this by-law, is guilty of an offence and, unless another penalty is prescribed therefore herein, is liable, on summary conviction, to a fine of not less that FIFTY (\$50.00) DOLLARS in addition to costs and in default thereof, not more that THREE (3) days in jail.
- (c) Subject to subsection (d) hereafter, where the contravention, refusal, neglect, omission of failure to observe any provisions of this by-law continues for more than one day, the person is guilty of a separate offence for each day that it continues.
- (d) Notwithstanding subsection © above where a Peace Officer has issued a Parking Tag to a vehicle owner or driver for parking or standing a vehicle in excess of the time permitted by a Traffic Control Device or Traffic Control Signal, a separate offence shall occur for each period of time in which the said vehicle remains parked or standing in excess of that permitted by the Traffic Control Device in question and the Peace Officer of the Director of Operations, as the case may be, shall be entitled to issue a separate Parking Tag for a time period or portion thereof during when the vehicle remains parked or standing in excess of the maximum time permitted by the said Traffic Control Device.

OFFENCES AND PENALTIES

63. VOLUNTARY PAYMENT OF FINES

Notwithstanding Section 62 hereinbefore, in the event of a contravention of the provisions of Section 44 hereinbefore:

- any Peace Officer or the Director of Operations may issue a notice in a form approved by the Director of Operations from time to time (hereinafter referred to as a "Parking Tag") to any person or vehicle allegedly contravening any provisions of this by-law respecting parking or traffic control.
- The said Parking Tag shall set out the Number Plate, and any information, which may be necessary for a thorough understanding of the circumstances of the alleged contravention. The said Parking Tag shall be attached to the vehicle or handed to the owners or operator should he be present at the time.
- (i) The owner or operator of the said vehicle may, within TWENTY (20) days of the time that a Parking Tag is attached to or placed upon his vehicle or handed to the owner of operator, between such hours and at such place or places as may be noted on the Parking Tag, report with such Parking Tag, and pay to the Town Secretary-Treasurer or other person assigned by him to such duty, the penalty on the basis as set out below:
  - (a) If the fine is paid within the first ELEVEN (11) day pay period the penalty shall be the amount of \$10.00.
  - (b) If paid within the TWELFTH TO TWENTIETH (12<sup>th</sup> to 20<sup>th</sup>) day period, the fine shall be in the amount of \$25.00.

(ii) Subsection (i) above shall be deemed to have been complied with in any case where the Parking Tag, together with full payment of the said penalty, is received by the Town Treasurer within the time limited as aforesaid through the mail; provided however, that where the payment consists of a cheque or other negotiable instrument, it is deemed to have been received only when the cheque or instrument is honored by the bank or financial institution upon which it is drawn.

- On payment of the said sum for such contravention the Town Secretary-Treasurer or other person assigned shall issue his receipt therefore and shall keep a record showing the number of the Parking Tag, the Number Plate (if a motor vehicle), the offence, and the amount paid.
- Upon payment by a person of the penalty, as provided in subsection © of this section, there shall be no further prosecution for the contravention in respect of which payment has been made.
- If the person concerned fails to pay the penalty for the alleged contravention in accordance with sub-section © of this section or if the person concerned pays with a cheque or other negotiable instrument that is not honored as set out in clause © (ii) above, he shall be liable to prosecution as set out hereafter in respect thereof.
- All monies paid under this by-law shall be deposited with the Town Secretary-Treasurer.

64. The Council of the Town of Selkirk, or such person as it may delegate from time to time, may in their respective sole discretion, as the case may be, determine that the circumstances surrounding the issuing of a Parking Tag justify its cancellation. In such event, the Council or such delegate, as the case may be, shall have the authority to cancel such Parking Tag without the imposition of any penalty referred to in this by-law, or otherwise

65. REPEAL  
By-laws 4040, 4381, 4389, 4397, 4445, 4449, 4594, 4637, 4680, 4764, and 4765 of the Town of Selkirk are hereby repealed.

66. The proper officers of the Town of Selkirk are hereby specifically authorized to do all such things and sign such documents as may be necessary to cause this by-law to come into full force and effect.

DONE AND PASSED by the Town of Selkirk in open session at the Civic Office, Town of Selkirk, in Manitoba, this 15 day of October 1996.

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Mayor

\_\_\_\_\_  
Secretary-Treasurer

READ A FIRST TIME THIS 23 DAY OF SEPTEMBER, A.D., 1996.  
READ A SECOND TIME THIS 15 DAY OF OCTOBER, A.D., 1996.  
READ A THIRD TIME THIS 15 DAY OF OCTOBER, A.D., 1996.