

Village of Buena Vista

BYLAW NO. 3/16

A BYLAW TO REGULATE THE OPERATION & PARKING OF VEHICLES AND THE USE OF THE HIGHWAYS WITHIN THE VILLAGE OF BUENA VISTA

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

1. **SHORT TITLE**

This bylaw may be referred to as the “Traffic Bylaw”.

2. **DEFINITIONS**

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

- (a) **“abandoned vehicle”** means a vehicle that has been left or placed on a street, public place or land or building owned or controlled by the Village of Buena Vista for 2 days or more; and after reasonable enquiry the owner of the vehicle cannot be found;
- (b) **“administrator”** means the Chief Administrative Officer of the municipality;
- (c) **“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;
- (d) **“all terrain vehicle”** and/or **“ATV”** means all terrain vehicle as defined in *The All Terrain Vehicles Act*;
- (e) **“Crown land”** means any land, other than a highway owned by Her Majesty the Queen in right of Saskatchewan;
- (f) **“curb”** means the lateral boundaries of a roadway, whether or not marked by curbing;
- (g) **“council”** means the council of the Village of Buena Vista;
- (h) **“designated officer”** means the Administrator, Royal Canadian Mounted Police, Sheriff or any other person appointed to enforce municipal bylaws;
- (i) **“highway”** means a road, parkway, driveway, square, 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 or publicly 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;

- (j) **“justice”** means a justice of the peace as per *The Interpretation Act, 1995*;
- (k) **“lug vehicles”** means any vehicle with a portable engine or tractor engine having metal spikes, lugs or cleats projecting from the face of the wheels or tires thereof, or having metal track tread;
- (l) **“municipality”** means the Village of Buena Vista;
- (m) **“one-way highway”** means highway ascribed to it by *The Traffic Safety Act*;
- (n) **“parallel parking”** means the parking of a vehicle with both right wheels thereof drawn up to the curb on the right-hand side of the highway of the highway, or a distance of not more than thirty (30) centimeters from such curb;
- (o) **“parking”** has the meaning ascribed thereto by *The Traffic Safety Act*;
- (p) **“place of public assembly”** means schools, theatres, churches, rinks, and halls;
- (q) **“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;
- (r) **“private land”** means land other than public land
- (s) **“private roadway”** means any private road, private driveway, lane ramp or other means of vehicle access to or egress from a building or structure and it may include part of a parking lot;
- (t) **“public land”** means Crown land or any land vested in a municipality;
- (u) **“recreational vehicle”** means a self-propelled or towed vehicular type unit, primarily designed as temporary living quarters for recreational, camping or travel use and which is used solely as a family or personal conveyance and in no way used for a commercial purpose. Without limiting the foregoing, recreational vehicles include:
 - (i) travel trailer;
 - (ii) cabin trailer;
 - (iii) tent trailer;
 - (iv) truck camper;
 - (v) motorhome;
 - (vi) park trailer; and
 - (vii) fifth-wheel travel trailer;
- (v) **“speed bump”** means an uneven patch on the highway constructed of asphalt, concrete or other like material for the purpose of controlling speed;
- (w) **“speed zone”** means any portion of a highway within the Village of Buena Vista, as designated herein, and identified by a sign erected and maintained at each end thereof, indicating the maximum speed applicable thereto;

- (x) **“vehicle”** means a vehicle, trailer or semi-trailer or a motor vehicle as ascribed to by *The Traffic Safety Act*.

3. **SCOPE**

- (a) **“Stop” Streets:** highways listed in Appendix 1;
- (b) **“Yield” Streets:** highways listed in Appendix 2;
- (c) **“One-Way” Streets:** highways listed in Appendix 3;

4. **INFRACTIONS**

- (a) **“Stop” Streets:** the provisions of *The Traffic Safety Act* shall apply to all traffic approaching and facing a “stop” sign erected and maintained in accordance with the provisions of subsection 5(a).
- (b) **“Yield” Streets:** the provisions of *The Traffic Safety Act* shall apply to all traffic approaching and facing a “yield” sign erected and maintained in accordance with the provisions of subsection 5(b).

(c) **Miscellaneous Signs:**

- i. No person shall, except where authorized by resolution of Council, or when duly authorized by law, erect upon or immediately adjacent to any highway, any sign, marker, signal or light or any advertising sign or device.
- ii. No person shall deface damage, destroy or remove any sign or marker erected pursuant to this bylaw.

(d) **Lug Vehicles:**

- i. No person shall propel, operate or drive any lug vehicle upon any highway within the municipality without first obtaining from the administrator, a permit in writing authorizing same.
- ii. The administrator is hereby authorized to issue permits in writing for the purpose of clause 4(d)(i) of this bylaw, in any case where the applicant therefore has signed a written undertaking in Form 1, Appendix 7. Provided that the 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.
- iii. Nothing contained in clause 4(d)(i) 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.

(e) Parking:

- i. Except as otherwise provided herein, the parking of vehicles is permitted on all highways within the municipality.
- ii. (a) Subject to the provisions of sub clause 4(e)(ii)(b), no person shall park a vehicle on any highway so as to obstruct the entrance to a driveway or approach leading to private premises;
(b) Notwithstanding the provisions of sub clause 4(e)(ii)(a), a vehicle may be parked for the purpose of taking on or discharging cargo, provided no such vehicle shall be parked for a period exceeding fifteen (15) minutes at one time, unless written permission has first been obtained from the administrator or Bylaw Officer of the municipality for an extension of such time.
- iii. (a) Every person parking a vehicle upon a highway within the municipality where parking is permitted, shall parallel park the same.
- iv. No person shall park a vehicle in any “No Parking” area as designated in Appendix 4 at any time whether such areas are marked on the curb or otherwise by signs erected and maintained in accordance with the provisions of subsection 5(c) to indicate that parking therein is prohibited.
- v. No person shall park a vehicle within five (5) metres of any street intersection or fire hydrant.
- vi. No person shall park a vehicle on any highway at one place for any period of time exceeding twenty-four (24) consecutive hours.
- vii. No person shall park any vehicle in any private place or on any private property unless he is the owner, occupant, licensee or permittee of the parking place or private property, except with the consent of such owner, occupant, licensee or permittee.
- viii. (a) Subject to sub clause 4(e)(viii)(b), no person shall park any vehicle designated for carrying, or intended for the carrying of oil, gasoline or other flammable, combustible or explosive material on any road or lane within the Village.
(b) Nothing in sub clause 4(e)(viii)(a) shall be deemed to restrict the parking of any such vehicle for such period of time as may be necessary to take on or discharge cargo.
- ix. No person shall park a vehicle with a manufacturer’s rated capacity in excess of 4,500 kg on any street within the Village.

- x. No person shall park a vehicle with a sign attached indicating that the vehicle is for sale on any public lands, including but not limited to a highway, that are not designated for that purpose.
- xi. No person shall park a vehicle on any highway unless on the right hand side of the highway having regard for which direction the vehicle had been proceeding.
- xii. No person shall park a vehicle so as to obstruct the movement of traffic.

(f) **Power Turns:** The operator of a vehicle shall not execute “power turns” on any highway in the Municipality.

(g) **Snowmobiles:** ⁱ

Under the provisions *The Snowmobile Act*:

- i. it shall be lawful to operate a snowmobile between the hours of 7:00 a.m. and 11:00 p.m. on any highway within the limits of the municipality.
- ii. all Provincial highway crossing must be assessed by Traffic Engineering & Development staff from the Ministry of Highways & Infrastructure to ensure that any crossing safety issues are addressed. All snowmobile trails that run inside the right-of-way of a provincial highway must be permitted in writing by the Ministry of Highways & Infrastructure. All snowmobile trail permit applications must be sent to the Saskatchewan Snowmobile Association, who will forward any applications that they deem as requiring a permit to the Ministry of Highways & Infrastructure.
- iii. it shall be lawful to operate snowmobiles in the municipality at hours other than those specified in (a) for the purpose of leaving the municipality by the most direct route or returning to a residence by the most direct route.
- iv. all snowmobile operators shall yield the right-of-way to vehicles on any highway before crossing the highway.
- v. any snowmobile crossing a public highway must come to a full stop prior to crossing and must take the most direct route across the highway.
- vi. any snowmobile entering onto a public highway shall do so from an established public highway approach.

(h) **Speed:**

- i. Subject to clause 4(i) ii no person shall operate a vehicle in the municipality at a speed greater than 40km per hours on roads within the Village and no

greater than 60km per hour on Tower Road. ⁱⁱ

(i) **Vehicles on Public Reserves, etc.**

- i. No person may operate or park a vehicle on any area designated on Appendix 5.
- ii. The provisions of clause 4(i)(i) shall not apply to maintenance or vehicles using a designated parking area.

(j) **One way highway:**

- i. Except as otherwise provided herein a person may operate a vehicle in either direction on all highways within the municipality.
- ii. No person shall operate a vehicle in a direction other than that indicated on the highways as listed in Appendix 3 as "One Way Street".

(k) **All Terrain Vehicles:**

- i) It shall be lawful to operate an ATV between the hours of 7:00 a.m. and 11:00 p.m. on any travelled portion of the highway within the limits of the municipality;
- ii) No person shall operate an ATV on:
 - a) any private land in the municipality, unless permission has been obtained from the landowner;
 - b) any municipal land in the municipality; or
 - c) any Crown land in the municipality as specified in Appendix 5, unless granted permission by the Village.

5. **SIGNS**

- (a) Council shall cause to be erected and maintained at all stop streets in Appendix 1, at a distance of approximately three (3) metres from point of intersection, an appropriate sign containing the word "Stop", so placed to face the traffic approaching the intersection.
- (b) Council shall cause to be erected and maintained at all yield streets listed in Appendix 2, at a distance of approximately three (3) metres from point of intersection, an appropriate "Yield" sign, so placed to face the traffic approaching the intersection.
- (c) Council shall cause to be erected and maintained at all "No Parking" areas as listed in Appendix 4, appropriate signs and/or curb markings. Such signs or curb markings shall be visible from that part of the highway to which the restriction applies.
- (d) Council shall cause to be erected and maintained at all "Speed Bump" locations as listed in Appendix 6, at a distance of approximately ten (10) metres (or at any other distance Council may determine) from the speed bump an appropriate sign

warning of the bump and identifying the maximum speed at which it is safe to proceed over the speed bump, so placed to face the traffic approaching the speed bump.

- (e) Council shall cause to be erected and maintained appropriate signs indicating the locations where the use of ATV's is prohibited, as set out in Appendix 14.

6. **PENALTIES**

(a) **Signs:**

Any person who contravenes any of the provisions of clauses 4(c)(i) and 4(c)(ii) of this bylaw is guilty of an offence and liable on summary conviction to the penalties provided in the General Penalty Bylaw.

(b) **Parking, Public Reserve, Loading Zones:**

Any person who commits a breach of any of the provisions of Section 4(e) and (i) of this Bylaw shall be liable to a penalty of not less than \$25.00 nor more than \$100.00.

(c) **Notice of Violation:**

- i. A violator of any of the subsections of this bylaw, as set out in subsection 6(b) upon being served with a Notice of Violation, may during the regular office hours, voluntarily pay the penalty at the municipal office within seven (7) days and upon payment as so provided, that person shall not be liable to prosecution of the offence.
- ii. The Notice of Violation shall be in the prescribed form approved by Council for Bylaw use.

(d) **All Terrain Vehicle Contravention**

The penalty for the contravention of section 4 (o) shall be liable to the penalty imposed by section 32 of *The All Terrain Vehicles Act*.

(e) **Speed, One Way Highway, Failing to Stop, Failing to Yield etc.**

The penalties for these and other traffic violations other than parking under *The Traffic Safety Act*, *The Snowmobile Act* and *The School Bus Operating Regulations* shall be liable to the penalties imposed by *The Summary Offences Procedure Act* and/or any other applicable legislation.

7. **IMPOUNDING**

- (a) In addition to and notwithstanding any provisions contained within Section 6 hereof, any person appointed as a designated

officer pursuant to this bylaw:

- i. may remove or cause to be removed any vehicle that:
 1. is unlawfully placed, left or kept on any street, public parking place, or other public place;
 2. is unlawfully parked pursuant to clause 4(f)(vii) when requested by the owner, occupant, licensee or permit holder of said land; or
 3. is found on a street, public parking place, other public place or municipally-owned property when:
 - a. *the owner of the vehicle owes three or more outstanding fines to the municipality for parking offences;*
 - b. *the appeal period against the imposition and amount of said fines has expired;*
 - c. *at least two notices that the fines are outstanding were sent to the owner at least one week apart; and*
 - d. *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 clauses 7(a)(i)(3)(a) to (c), has issued an order authorizing the removal and impoundment*
- ii. and seize, impound or store such vehicle.
- b. The municipality may retain a vehicle which has been impounded or stored after it has been removed under subsection 7(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 costs the vehicle shall be released to the owner.
- c. If the fines and costs described in subsection 7(b) have not been paid within a period of 30 days (*longer if Council wishes*), the municipality shall have the right to recover same from the owner of the vehicle by:
 - i. legal action in a court of competent jurisdiction;
 - ii. sale through public auction; or
 - iii. by private sale of the vehicle.
- d. 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 14 days (*longer if Council wishes*) prior to the sale by:
 - i. publishing a notice in a newspaper circulating in the municipality;
 - ii. sending a copy of said notice by regular mail to the owner at the address last appearing on the vehicle registration; and
 - iii. by any other means which council may consider appropriate.
- e. The proceeds from such sale shall be applied firstly on the fines and costs described in subsection 7(b) and the balance remaining,

if any, shall be paid to the owner.

- f. If the proceeds from such sale are insufficient to satisfy the fines and costs described in subsection 7(b), 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.
8. That Bylaws 4/85, 4/02 and 5/10 be repealed.
9. **COMING INTO FORCE**
This bylaw shall come into force and effect on the day it is approved by the Highway Traffic Board.

Mayor

Chief Administrative Officer

Read a first time this 9th day of August, 2016

Read a second time this 9th day of August, 2016

Read a third time and adopted this 13th day of September, 2016

Contact Person for Highway Traffic Board: Marian Ross, Traffic Board
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NOTE: The Summary Offences Procedures Act, 1990 section 30 provides penalties for infractions under *The Traffic Safety Act*, *The Snowmobile Act*, *The School Bus Operating Regulations*, *The All Terrain Vehicle Act* (basically any traffic offences, other than parking offences):

- speed
- one way highway
- failing to stop
- failing to yield

APPENDIX 1
of Bylaw No. 3/16

"STOP" STREETS [section 2(a)]

Street or Avenue	Where intersected by street or avenue
2 nd St	54
6 th St	Grand Ave
Grand Ave	16 th St, Regina Beach
Grand Ave	Little Grand Ave
Grand Ave	4 th St
Grand Ave	Highwood Ave
Grand Ave	10 th St
Grand Ave	Valleyview Cres
Grand Ave	Hillside Rd
Heritage Park	54
West of Highwood Ave	Grand Ave
Highwood Ave	10 th St
East of Highwood Ave	Grand Ave
Little Grand Ave	16 th St, Regina Beach
Pleasant Ave	Grand Ave
Pleasant Ave	2 nd St
Woodland Ave	16 th St, Regina Beach

APPENDIX 2
of Bylaw No 3/16

"YIELD" STREETS [section 2(b)]

Street or Avenue	Where intersected by street or avenue
1 st St	Grand Ave
2 nd St	Grand Ave
3 rd St	Grand Ave
7 th St	Grand Ave
8 th St	Grand Ave
9 th St	Grand Ave
10 th St	Lakeview Cres
Adair St	Grand Ave
Clare Way	Grand Ave
Helen Pl	Grand Ave
Hillside Pl	Grand Ave
Hillside Rd	Highwood Ave
Pleasant Ave	2 nd St
Pleasant Ave	4 th St
Shady Lane	Grand Ave
Woodland Bay	Grand Ave

APPENDIX 3
of Bylaw No 3/16

ONE WAY STREET [section 2(d)]

Street or Avenue	From	To
Lakeview Cres	Grand Ave	Buena Vista Bay
Shady Lane	Grand Ave West	Grand Ave East

APPENDIX 4
of Bylaw No 3/16

"NO PARKING" AREAS - [section (f)(iv)]

Street or Avenue	From	To
4 th St	Pleasant Ave	walking path
2 nd St	Pleasant Ave	walking path
The Walking Path		

APPENDIX 5
of bylaw No 3/16

"PUBLIC RESERVES" etc. [section 3(k)]

Abandoned Railway bed/the walking path

Heritage Park

Dobson Park

APPENDIX 6
of bylaw No 3/16

Speed Bump Locations

Street or Avenue	Location
Highwood Ave	Tower Road north Adjacent to #1172 Adjacent to #1130
Grand Ave	between 1 st and 2 nd St Adjacent to #385 7 th St Adjacent to #1018 Adjacent to #1132 Valleyview Cres Clare Way
Little Grand Ave	Adjacent to #137