

Traffic Bylaw

BYLAW 10-2024

A BYLAW OF THE VILLAGE OF ELBOW TO REGULATE THE TRAFFIC WITHIN THE VILLAGE AND THE USE OF STREETS.

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

1. DEFINITIONS

In this Bylaw and in any resolutions of the Village Council passed in pursuance of this Bylaw:

- 1.1 "ADMINISTRATOR" – shall mean the clerk or administrator of the Village of Elbow.
- 1.2 "ASSEMBLY" - shall mean three (3) or more persons congregating or assembling on any sidewalk, street, highway or public place for any common purpose, such as public speaking, street preaching, or any demonstration.
- 1.3 "BOULEVARD" - shall mean that portion of a street between the curb lines or the lateral lines of a roadway and the adjoining property line exclusive of the sidewalk, also that portion of a street between the curb lines or lateral lines of a divided roadway.
- 1.4 "COUNCIL" – shall mean the Village of Elbow Municipal Council
- 1.5 "CURB" - shall mean the lateral boundaries of the traveled portion of the roadway even when not marked by curbing.
- 1.6 "HIGHWAY" - shall have the same meaning as "street" as contained in *The Municipalities Act* which includes all or any part of a culvert or drain or a road allowance, public highway, road, lane, bridge, place, alley, square, thoroughfare or way intended for or used by the general public for the passage of vehicles or pedestrians and includes 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.
- 1.7 "MOTOR VEHICLE" - shall have the same meaning as that given to it in *The Traffic Safety Act* of Saskatchewan.
- 1.8 "HEAVY VEHICLE" - shall mean any vehicles having a capacity of more than one ton.
- 1.9 "PARKING" - shall mean the standing of a vehicle whether occupied or not, upon a highway, otherwise than temporarily for the purpose of and while actually engaged in loading or unloading or in obedience to traffic regulations, signs, or signals, and "PARK" has a corresponding meaning.
- 1.10 "PARADE" - shall mean any group of pedestrians marching or walking on the highway and numbering twenty-five (25) or more (except the militia or any unit of Her Majesty's Forces) and any group of vehicles numbering ten (10) or more, and proceeding under a common leadership, except funeral processions.
- 1.11 "SIDEWALK" - shall mean an area designated and intended for the use of the general public for pedestrian traffic.
- 1.12 "TRAFFIC" means the movement of pedestrians, vehicles (including bicycles), goods or livestock upon any public highways in the Village of Elbow.
- 1.13 "TRAFFIC LANE" - shall mean a longitudinal division of a highway of sufficient width to accommodate the passage of a single lane of vehicles.
- 1.14 "U TURN" - shall mean a turn of greater than 90 degrees.
- 1.15 "VEHICLE" - shall mean the same meaning as that given to it in *The Traffic Safety Act* of Saskatchewan.
- 1.16 "VILLAGE" – shall mean the Village of Elbow

2. USE OF HIGHWAY FOR BUSINESS PROHIBITED

Except as may be authorized by Bylaw or resolution of Council of the Village, no person shall engage in, conduct or carry on any business or display any article for sale, including vehicles, on any highway or public sidewalk or boulevard in the Village of Elbow.

3. OBSTRUCTION OF TRAFFIC

No person shall obstruct the free passage of traffic on any street or sidewalk.

4. EMERGENCY CONTROL MEASURES

- 4.1 All traffic on the highways of the Village shall, notwithstanding the provisions of this Bylaw, be subject to any temporary emergency direction of the RCMP, given for the purpose of relieving congestion of traffic, preventing accidents, or meeting any unforeseen condition.
- 4.2 The Village Foreman shall have the authority to close, for a period not exceeding twenty-one (21) days, any highway or portion thereof to allow any work to be carried out by or on behalf of the Village.
- 4.3 No unauthorized person shall be allowed to place any sign or barricade on any highway, sidewalk or boulevard.
- 4.4 No person shall operate or cause a vehicle to cross over a fire hose which is being used by any member of the Fire Department.

5. OPERATING OF SLOW-MOVING VEHICLES

A person operating a vehicle at a speed of less than 20 km/hr. (12.5 M.P.H.) shall keep as close as practicable to the right curb of the highway on which they are traveling.

6. SPACE BETWEEN MOVING VEHICLES

No person operating a vehicle upon a highway shall follow another vehicle more closely than is safe and prudent, having regard to all circumstances, including the speed of the vehicle, nature and condition of the highway, and the amount of traffic thereon.

7. BACKING VEHICLE

- 7.1 An operator of a vehicle shall take due care while operating a vehicle in reverse motion.
- 7.2 No person shall back a vehicle around the corner of an intersection.

8. OPERATING A VEHICLE FROM A STATIONARY POSITION

- 8.1 The operator of a vehicle shall not cause the vehicle being operated to leave a stopped or parked position unless it is safe to do so.
- 8.2 The operator of a vehicle shall, before entering a street or avenue from a lane or alley, bring the vehicle to a complete stop and shall not proceed until it is safe to do so.

9. MAKING VEHICLE REPAIRS ON A HIGHWAY

No person shall make repairs to a vehicle on a highway except in case of emergency, and then only when the vehicle is located immediately adjacent to a curb and in a location that will not interfere with traffic.

10. USING HIGHWAY FOR WASHING AND CLEANING VEHICLE

No person shall wash or clean a vehicle on a highway or in any public park provided that nothing herein contained shall preclude an occupant of residential property from washing or cleaning a private passenger vehicle on a highway adjacent to his residential property.

11. NO IMMOBILISED VEHICLE ON HIGHWAY

No person shall leave a trailer which is not attached to a motor vehicle on a highway; provided that this provision shall not apply to equipment owned or operated by the Village or contracted by the Village during the construction of capital works or maintenance projects.

12. PARKING OR UNLICENSED MOTOR VEHICLE

No owner of a motor vehicle shall permit the vehicle to be parked on a highway unless there is displayed thereon a license plate for the current year issued by The Highway Traffic Board of the Province of Saskatchewan or by the government of another province, state or country.

13. STOPPING VEHICLES

Except when obeying traffic regulations or signals, no person shall stop or park a vehicle on a highway unless within 30 cm. (11.81 in.) from the curb located on the passengers side of such a vehicle, provided that on a highway in the Village on which vehicular traffic lawfully travels in one direction only, no person shall stop or park a vehicle unless within 30 cm. (11.81 in.) from the curb located nearest to that vehicle.

14. PARKING NEAR HYDRANT OR INTERSECTION PROHIBITED

- 14.1 No person operating a vehicle shall park or stop such vehicle within 3 meters (9.84 feet) of an intersection.
- 14.2 No person operating a vehicle shall park or stop such vehicle within 4.5 meters (14.76 feet) of any fire hydrant.
- 14.3 No person operating a vehicle shall park or stop such vehicle where parking is prohibited by signs designating "No Parking" or by yellow painted curb or both.

15. PARKING

- 15.1 No person shall park, nor cause or permit the parking of any commercial vehicle carrying or intended for the carrying of a cargo of oil, gasoline or other inflammable, combustible or explosive material, upon any highway in the Village except for such reasonable period of time as may be necessary to discharge or take on any such cargo.
- 15.2 Only vehicles having a sticker attached to the license plate identifying the vehicle as being operated by or on behalf of a handicapped person shall park in any area designated as being reserved for handicapped parking.
- 15.3 No person operating a vehicle shall park or stop such vehicle where parking is restricted by signs to the parking of authorized vehicles.

16. DRIVING ON BOULEVARDS, SIDEWALKS, PARKS PROHIBITED

No person shall ride, drive or park any vehicle upon any sidewalk or boulevard or park in the Village.

17. OBSTRUCTION LANE OR DRIVEWAY

- 17.1 No persons shall cause a vehicle to be parked in any lane.
- 17.2 No person shall cause a vehicle to be parked on any highway so as to obstruct the entrance to a lane, driveway, or approach leading into private property.
- 17.3 Notwithstanding the provisions of Subsection 17.1 hereof, a farm truck or commercial vehicle may be parked in any lane for the purpose only of taking on or discharging cargo from or to any premises abutting thereon, subject, however, to the following restrictions:

- (a) No such vehicle shall be parked for a period exceeding thirty (30) consecutive minutes unless permission shall have been first obtained from the Village.

- (b) No such vehicle shall be parked so as to obstruct the entrance to or exit from any public or private parking space or area abutting on such lane.
- (c) Such vehicle may be parked either on the left or right-hand side of the lane, regardless of the direction it may face, but in either case must be drawn as closely as possible to the edge of the lane.
- (d) No person shall park a vehicle within 9 meters (29.53 feet) from any other vehicle then parked on the opposite side of such lane.

18. PARKING TIMES

- 18.1 No person shall park a vehicle on any highway for more than twenty-four (24) consecutive hours.
- 18.2 No vehicle, having an overall length of more than six (6) meters shall be parked on any highway for more than two (2) hours.

19. PARKING ON PRIVATE PROPERTY

No person other than the owner, occupant, licensee or permittee of a private parking place or of private property, or a person duly authorized to do so by such owner, licensee or permittee, shall cause any vehicle to be parked thereon.

20. ASSEMBLIES AND PARADES.

- 20.1 No assembly or parade shall be held in the Village unless written permission for such assembly or parade is first obtained from the Village.
- 20.2 Any person wishing to convene an assembly or parade shall apply to the Village for written permission to hold such assembly or parade and shall provide the Village with such information as it shall require. Council may delegate authority to issue permission for such assembly or parade.
- 20.3 The Village may issue such written permission on the terms and conditions he deems fit, and the parade or assembly shall comply with such terms and conditions.
- 20.4 If the terms and conditions of written permission are not complied with, the Village may immediately terminate the parade or assembly.

21. OBSTRUCTING VISION OF TRAFFIC

- 21.1 No person shall permit steam, smoke, vapor or any other gaseous substances to escape from lands or buildings onto a highway so as to obstruct the vision of or otherwise endanger traffic thereon.
- 21.2 No person shall construct any fence, sign or structure or allow any tree or display to be placed so as to obstruct the view of any street or lane.

22. MOVING BUILDINGS ON HIGHWAYS

No person shall move a building, or other large and heavy object which might obstruct traffic, along any highway within the Village without first obtaining a special permit from the Administrator who shall designate the hour and routing.

23. DAMAGING AND OBSTRUCTION OF HIGHWAYS AND SIDEWALKS

- 23.1 No person shall operate, tow, place or park a vehicle which brings metal spikes larger than 1 cm. (.039 in.), wheel flanges, tractor lugs in contact with a paved highway or public sidewalk within the Village.
- 23.2 No person shall operate, tow, place or park a vehicle and cause damage to the public sidewalks or highways within the Village.
- 23.3 No person shall deposit any substance on any highway, public sidewalk or boulevard within the Village.

- 23.4 No person shall move any vehicle or other machine across any public sidewalk, curb or boulevard other than at a crossing constructed for such purpose.
- 23.5 The occupier of property in the Village shall remove any snow, ice or other obstruction from the public sidewalk adjacent to such property within forty-eight (48) hours of the time such snow, ice or other obstruction appears on such public sidewalk.
- 24.5 A person causing damage to a highway, public sidewalk, or boulevard within the Village shall be liable to pay the Village for the damage caused.
- 25.5 A person contravening subsection 23.3 hereof shall be liable to the Village for the cost of removal of the substance.

25. RESTRICTED USE OF HIGHWAYS

- 25.1 Notwithstanding any other provision in the Bylaw, the Village shall have authority to temporarily close to vehicular traffic or restrict parking or stopping on any public highway for the purpose of:
- (a) enabling work to be carried out by or on behalf of the Village, including, but not limited to, road maintenance, street cleaning, snow removal and sewer or water line construction, repair or improvements;
 - (b) facilitating the moving, construction repair or demolition of any building, structure, machine or other object;
 - (c) facilitating public gatherings.
- 25.2 Notwithstanding any other provision in this Bylaw, the Village shall have authority to temporarily close to vehicular traffic or restrict parking or stopping on any public highway for the purpose of a parade or assembly of persons.
- 25.3 Where a public highway is temporarily closed, the Village shall cause the highway to be marked with a sign indicating the closure.
- 25.4 No person shall operate a vehicle upon any public highway temporarily closed to vehicular traffic by authority of this Bylaw or any other Bylaw of the Municipality.
- 25.5 No person shall park or stop a vehicle upon any public highway where parking or stopping is temporarily restricted by authority of this Bylaw or any other Bylaw of the Municipality.
- 25.6 Notwithstanding any other provision in this bylaw, Village Council may from time to time, by bylaw, close all or any portion of any street, lane, or road right-of-way/allowance to vehicular traffic

26. MAXIMUM SPEED OF VEHICLES

No person shall drive a vehicle within the Village at a speed greater than that set out in the following:

- 26.1 Unless otherwise stated in this Bylaw, the maximum speed of vehicles on highways of the Village shall be forty (40) kilometers per hour except Elevator Road, in which the maximum speed shall be thirty (30) kilometers per hour.
- 26.2 This Section shall not apply to any vehicle operated by a member of any of the following Police Forces, when on emergency duty, namely:
- (a) The Royal Canadian Mounted Police.
 - (b) Any Police Force appointed for the purpose of enforcing the provisions of The *Traffic Safety Act* of the Province of Saskatchewan.

27. TRAFFIC SIGNS and SIGNALS

1. The Foreman or his designate is hereby authorized to erect, remove, and maintain signs and signals for the purpose of control, warning, guidance, information and direction of Traffic in conformity with the provisions of this Bylaw or as may from time to time approved by Council.

2. The Foreman with the assistance of Administration shall keep a record of the location of all traffic control signs, devices and zones where parking or stopping is restricted by sign.
3. No person shall damage, deface, remove, obscure, or interfere with any sign, marker or barricade placed or maintained by the Village for the purpose of traffic control.
4. No person other than the Foreman or their designate, a Police Officer, or Fire Chief, unless authorized by Council, shall erect or maintain on any public highway or property in the Village of Elbow any warning or direction sign, marker, signal or light.
5. Stop and Yield signage shall be erected and maintained at a distance of approximately three (3) meters from an intersection at a 90-degree angle to the traffic approaching the intersection.
6. The Village shall maintain and/or erect any signage or curb markings to indicate areas where parking is being restricted or prohibited.
7. The Village may maintain and/or erect any signage as it may deem relevant for warning, guidance, directions or information purposes. General signage as referred to in the Traffic Bylaw is exempt from conditions and/or specifications set forth in the Zoning Bylaw.

28. REFUSE REMOVAL

No person shall operate any vehicle transporting ashes, garbage, refuse or other debris of any kind on any highway, street, or lane in the Village unless the load is completely enclosed or covered with a securely fastened tarpaulin covering the load in such a manner that it shall be impossible for any part of the load of the said vehicle to become dislodged.

29. PENALTIES

- 29.1 Any person who contravenes any of the provisions of this Bylaw or fails to comply therewith or with the notice given thereunder shall be guilty of an offence and upon summary conviction shall be liable to the penalty as herein provided.
 - 29.2 The owner of a motor vehicle as defined by *The Traffic Safety Act* of Saskatchewan shall be liable for violation of any of the provisions of this Bylaw in connection with the operation of a motor vehicle, unless such owner proves to the satisfaction of a Provincial Court Judge or Justice of the Peace trying the case, that at the time of the offence, the vehicle was not being operated by him nor by any person with his consent, express or implied.
- 29.3 Removal of Vehicles
- (a) A RCMP officer may, without warrant, seize any vehicle that, in his opinion, is:
 - i. Being operated in violation of this Bylaw.
 - ii. Parked contrary to the provisions of this Bylaw.
 - (b) Any RCMP officer or any other person authorized by the Village may move or remove or cause to be moved or removed any vehicle that is unlawfully parked, placed, left or kept on any public highway, public parking place, other public place or municipally owned property.
 - (c) Any vehicle removed pursuant to subsections (a) or (b):
 - i. Shall be impounded and stored at a site designated by the seizing officer, at the cost of the owner for a period of thirty (30) days after the date of removal of the vehicle unless the costs of removal, impoundment and storage and any outstanding fines are sooner paid.
 - ii. May be released to the owner on payment of the cost of removal, impoundment and storage and any outstanding fines within thirty (30) days after the date of the removal of the vehicle.
 - (d) If the vehicle is not redeemed within thirty (30) days, pursuant to clause 29.3(c)(i):

- i. The vehicle shall be dealt with as lost or unclaimed personal property.
- ii. The Village shall have the right to recover from the owner of the vehicle the cost of removal, impoundment and storage, including the actual cost of advertising, by:
 - a) Action in a court of competent jurisdiction
 - b) Sale of the vehicle at public auction.
 - c) By private sale of the vehicle where the vehicle cannot be disposed of at the public auction.
- (e). The expenses mentioned in Section 29.3(c)(i) are a lien upon the vehicle seized and if the owner of the vehicle cannot be found after advertising in the local newspaper for 2 consecutive weeks or if he fails to pay the expenses within fourteen (14) days after the day on which a notice requiring him to do so has been served on him or sent to him by registered mail, the vehicle may be sold as described in Section 29.3(d) for the purpose of recovering the expenses.

29.4 Penalty Fees

- (a) Any person convicted of a breach of the provisions of this Bylaw shall forfeit and pay at the discretion of the convicting Provincial Court Judge or Justice of the Peace having jurisdiction in the Village, if not provided otherwise a penalty not less than Fifty (\$50.00) Dollars and not more than Five Hundred (\$500.00) Dollars exclusive of costs.
- (b)
 - 1. Provided that any person convicted on an offence under Section 6, 11, 12, 13, 14, 16, 17, 18, 19, of this Bylaw shall forfeit and pay a fine of Twenty (\$20.00) Dollars exclusive of costs. If, however, payment is received within ten (10) days of the issuance of the ticket, the Council hereby authorizes to accept the sum of Ten (\$10.00) Dollars in full payment thereof.
 - 2. Provided that any person convicted of an offence under Section 28 or Section 15 of this Bylaw shall forfeit and pay a fine of Fifty (\$50.00) Dollars exclusive of costs. If, however, payment is received within ten (10) days of the issuance of the ticket, the Council hereby authorizes to accept the sum of Thirty (\$30.00) Dollars in full payment thereof.

30. PAYMENT OF FEES

- 30.1
 - (a) Where any person has committed or is alleged to have committed a breach of any of the Sections specified in Bylaw, a ticket in a form attached to this bylaw, Schedule "A", may be served on such person.
 - (b) Such person shall pay to the Village at the Village Office in lawful money of Canada; an amount equal to the fine specified in Section 29.4 provided the payment must be made within a period of ten (10) days from the service of said ticket. If payment is made within such time and accepted, then the person shall not be liable to prosecution for the offence.
 - (c) Service of such ticket may be made by attaching same to the vehicle in respect of which an offence has been committed, by personal service or registered mail to the person who has committed the offence.
- 30.2 If the person given such a ticket 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 offence in the ordinary way, provided that nothing in this Section shall prevent any person served with such ticket from exercising his right to defend any of these particular offenses.

31. REPEAL OF FORMER BYLAWS

Bylaw No. 90-3 is hereby repealed.

32. This Bylaw shall come into force and take effect immediately upon passing.

VILLAGE OF ELBOW

[Redacted signature area]

Mayor

[Redacted signature area]

Administrator

READ a first time this 8th day of July, 2024.
READ a second time this 12th day of August, 2024.
READ a third and final time approved and adopted for use
this 12th day of August, 2024.



OFFICE COPY

SCHEDULE "A"

TRAFFIC BYLAW

TO BYLAW 10-2024

NUMBER _____

Details of Violation

Time _____ AM _____ DATE _____

PM

Name: _____

Address: _____

Vehicle License Plate: _____

Location of Violation: _____

Violation: _____ Section: _____ Fine \$ _____

Other Information: _____

The Fine is payable to the Administrator of the Village within 48 hours of issuance.

ISSUING OFFICER

ISSUED COPY

SCHEDULE "A"

TRAFFIC BYLAW

TO BYLAW 10-2024

NUMBER _____

Details of Violation

Time _____ AM _____ PM DATE _____

Name: _____

Address: _____

Vehicle License Plate: _____

Location of Violation: _____

Violation: _____ Section: _____ Fine \$ _____

Other Information: _____

The Fine is payable to the Administrator of the Village within 48 hours of issuance.

ISSUING OFFICER