

CITY OF MORDEN

By-law No. 10-2017

BEING a By-law of the City of Morden providing for the regulation of traffic within the City of Morden.

WHEREAS the Council of the City of Morden deems it necessary and expedient to pass a By-law regulating and controlling traffic within the said City, pursuant to the provisions of The Municipal Act and the Highway Traffic Act, and amendments thereto:

NOW THEREFORE the Council of the City of Morden, duly assembled, enacts as follows:

1. SHORT TITLE

This By-law may be referred to as the "City of Morden Traffic By-law".

2. INTERPRETATION

(1) Unless otherwise expressly provided or unless the context otherwise requires, words and expressions in this By-law have the same meaning as the same words and expressions in the Highway Traffic Act of the Province of Manitoba.

(2) In this By-law:

- (a) "**Boulevard**" means that portion of street between the curb line or the lateral line of the roadway and the adjoining property line exclusive of the sidewalk; and that portion of a street between the curb line or lateral lines of the roadways of a divided highway;
- (b) "**Bicycle**" means a device propelled by human power upon which a person may ride; and
 - (i) that has 2 tandem wheels either of which is more than 410 millimeters in diameter; or
 - (ii) that has 3 wheels, but not more than 3 wheels, each of which is more than 410 millimeters in diameter;
- (c) "**Chief of Police**" means the Chief of Police of the City of Morden or such other person as may be authorized by the said Chief of Police to exercise some or all of the powers vested in him by this By-law;
- (d) "**City Manager**" means the City Manager of the City of Morden;
- (e) "**Council**" means the Council of the City of Morden or such committee as Council may delegate as Traffic Authority;
- (f) "**Curb**" means the lateral line of a roadway;
- (g) "**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;
- (h) "**Highway**" means any place or way, including any structure forming part thereof, which or any part of which the public is ordinarily entitled or permitted to use for the passage of vehicles and includes all the space between the boundary lines thereof; but does not include any area designed or intended, and primarily used, for the parking of vehicles and necessary passageways thereon;

- (h) "**Lane**" means a highway other than a street;
- (i) "**Parade**" means any procession or body of pedestrians numbering more than (15) standing, marching, or walking anywhere on a street, or any group of vehicles except a funeral procession, numbering (10) or more stopped or moving anywhere on a street;
- (j) "**Private Approach**" means that portion of a sidewalk and/or boulevard lawfully improved or designed for the passage of vehicular traffic;
- (k) "**Street**" means a highway over which the City of Morden has jurisdiction;
- (l) "**Sidewalk**" means a footpath, whether or not paved or improved, that is intended primarily for the use of pedestrians;
- (m) "**Director**" means the Director of Public Works of the City of Morden or such person as may be authorized by the said Director of Public Works to exercise some or all of the powers vested in him by this By-law;
- (n) "**Park**" and its derivatives means the standing of a vehicle, trailer or bus, whether occupied or not, upon a highway or street, otherwise than temporarily for the purpose of and actually engaged in loading or unloading, or in obedience to traffic regulations, signs or signals;
- (o) "**Traffic Control Devices**" means a sign, signal, light, marking, or device, not inconsistent with the Highway Traffic Act, placed or erected by authority of the Council of the City of Morden for the purpose of regulating, warning or guiding traffic;
- (p) "**Traffic**" includes pedestrians and ridden, driven or herded animals and vehicles, and other conveyances, either singly or together, while using a highway for the purpose of travel;
- (q) "**Trailer**" means a vehicle designed for carrying persons or chattels, and for being towed by a motor vehicle, and includes a farm trailer and semi trailer, but does not include an implement of husbandry that is temporarily towed, propelled or moved upon a highway;
- (r) "**Truck**" means a motor vehicle or semi-trailer truck, that is not a delivery car and that is constructed or adapted to carry goods, wares, and merchandize, freight or commodities, but not passengers or luggage;

3. CAUSING OR PERMITTING OFFENCE

- (1) Any person who causes or permits an offence against this By-law is guilty of an offence and may be subject to a penalty notice as set forth in Schedule B.

4. PARADES

- (1) No person shall hold, take part in, or be a member of a parade, unless
 - (a) the parade is under the direction or control of a marshal or organizer, and
 - (b) the parade has been duly permitted by the Chief of Police.
- (2) A person desiring to hold a parade shall apply in writing to the Chief of Police for a permit not less than three (3) business days before the time set for the commencement of the parade, and shall when making his request, specify the nature of the parade, the day and hour at which it is to be held, the places of formation and dispersal, the exact route to be followed and estimated length of time for the parade.

- (3) The Chief of Police may issue a permit for a parade subject to any directions he may impose as to time, marshalling and route to be followed and every such permit shall be issued subject to compliance with all By-laws of the City of Morden. If there is any deviation from the terms under which the permit is issued, the permit shall be void and of no effect.
- (4) Unless so directed by a Police Officer, no person other than the driver of an ambulance, police vehicle or Fire Department vehicle in an emergency shall drive through a parade.
- (5) While a parade is in motion, pedestrians shall not walk through or into a parade.

5. INSTALLATION AND MAINTENANCE OF TRAFFIC CONTROL DEVICES

- (1) The City Manager or their delegate shall place and maintain or cause to be placed and maintained all approved traffic control devices authorized by resolution or By-law of Council. Any such resolution or By-law passed after the final passing of this By-law shall form and become a part of this By-law to the same extent as if incorporated herein, and shall come into full force and effect upon the erection of any signs authorized therein.

6. TEMPORARY TRAFFIC CONTROL DEVICES

- (1) The City Manager or their delegate may place and maintain or cause to be placed and maintained approved temporary traffic control devices to prohibit or regulate traffic in an emergency or for the purposes of carrying out any authorized work on the street including, but not limited to street cleaning, compacted snow and ice removal from street, snow removal from boulevards, and infrastructure repair.
- (2) No person shall drive a vehicle on any street or portion of street that is barricaded or otherwise indicated as being closed to vehicular traffic.

7. ROUTE OF TRUCK TRAFFIC

- (1) All trucks and truck tractors within the City of Morden shall be operated only over and along the streets or sections of streets set forth as Truck Routes on Schedule "A" hereto, but any truck may operate upon any street where necessary to the conduct of business at a destination point, provided that Truck Routes are used until reaching the intersection nearest the destination point. Upon leaving the destination point, a truck or truck tractor shall return by the shortest routing to a Truck Route.
- (2) All streets and sections of streets set forth as Truck Routes in Schedule A hereto shall be further identified as Truck Routes by appropriate Truck Route signs except where Sections (3) and (4) of Part VII apply, and shall remain open as Truck Routes, Sunday to Saturday, both days inclusive, at all times.
- (3) Where "Route" signs of the type approved by the Highway Traffic and Motor Transport Board of the Province of Manitoba for use in and adjacent to the City of Morden are installed and maintained on a street or section of street, the street or section of street shall be deemed to be a Truck Route within the terms of this By-law.
- (4) Where Provincial Trunk Highway signs or Provincial Road signs of the Province of Manitoba are installed and maintained on a street or section of street, the street or section of street shall be deemed to be a truck Route within the terms of this By-law.
- (5) The operator of a truck or semi tractor may go off the Truck Route to his residence or business, if the truck is unladen except for non-commercial goods or belongings or for the purpose of emergency repairs.

- (6) The City Manager or their delegate shall keep and maintain a current map setting out the streets and sections of streets set forth as Truck Routes in Schedule A hereto, and shall make available to the public, copies of the map at no charge.

8. ENGINE RETARDANT BRAKES PROHIBITED

- (1) Unless otherwise posted the operation of engine retardant brakes shall be prohibited within the City of Morden.

9. PARKING

- (1) No person shall stop or park a vehicle on any street other than parallel with the curb, headed in the direction of vehicular traffic movement on that side of the street, with curb side wheels of the vehicle within 450mm of the curb, and a clear space of at least 1 metre remaining ahead of and behind the vehicle, excepting on those streets where a sign is erected indicating some other form of parking.
- (2) No person shall park a truck, truck tractor and/or trailer, motorhome or bus on any street for a period of time longer than one hour except for the purpose of and while actually engaged in loading or unloading, and except for the purpose of transporting a tradesman to and from premises in the immediate area being worked on by said tradesman. No person shall leave unattended or unattached, a trailer of any type upon a highway.
- (3) No person shall park construction equipment or place a dumpster on any street without a preapproved "Parking Space Rental Permit" as outlined in Schedules D and E.
- (4) No person shall park a trailer of any type with an operating refrigeration unit upon a highway within 100 meters of a residence.
- (5) No person shall drive a vehicle onto or along a boulevard or park or stop a vehicle or trailer on a boulevard.
- (6) No person shall park or leave a vehicle on private property on which there is erected and maintained a sign indicating that the parking of vehicles thereon is prohibited or restricted.
- (7)
- (a) No person shall park a vehicle on a street at any time between the hours of twelve (12) midnight and eight (8:00) A.M. of any day commencing from 1st October to the 30th April, in any year, or at any other time of the year outside the before mentioned if declared by the City Manager or their delegate of the City of Morden, and continuing in effect until terminated by the City Manager or their delegate.
- (b) The City Manager or their delegate shall use whatever means deemed advisable to inform the general public of the declaration and termination.
- (8) Except when otherwise directed by a Peace Officer, no person shall park or leave unattended, a vehicle on any portion of a street between the hours of nine (9:00) P.M. and seven (7:00) A.M. of the following day when signs have been erected indicating that snow removal or street cleaning or maintenance operations are underway or are to be commenced on the day that the signs have been erected.
- (9) The City Manager or their delegate or Traffic Authority may remove or cause to be removed from a street, a vehicle that is stopped or parked in a position that causes it to interfere with removal of snow from the street or maintenance of the street.

- (10) In addition to any penalty or fine levied as a result of any infraction under this By-law, the Chief of Police, City Manager or their delegate or the By-Laws Officer may remove or cause to be removed any vehicle parked or operated in contravention of this By-law, at the vehicle owner's expense.

10. PARKING SPACE RENTALS

- (1) The City Manager or designate may authorize the placement of barricades of one or more parking spaces if satisfied such space or spaces are to be used during, and for the purpose of construction renovation or maintenance work to be carried out on adjacent property. The application fee and other charges are set out in the City's Fees and Charges By-law. Regulations relating to such rentals are set out in Schedule C hereto. Any person wishing to rent such parking spaces shall make application in the form attached here to as Schedule D, for a Parking Space Rental permit. Issuance of such a permit shall be subject to payment of the required fees set out in the City's Fees and Charges By-law and compliance with the regulations as set out in Schedule C hereto.
- (2) Subject to section (1) of Part XI, no containers or vehicles shall be parked or placed on a Highway unless a valid Parking Space Rental permit has been issued for such space.

11. POLICE MARKING PARKED VEHICLES

- (1) A Peace Officer or By-Law Officer for the purpose of enforcing the provisions of this By-law, or of any other by-law or regulation of the City of Morden respecting parking of vehicles, may place a mark upon a vehicle which is parked upon a street.
- (2) No person shall remove, alter, obliterate or deface a mark made or placed upon a vehicle by a Peace Officer or By-Law Officer as provided above until the vehicle has been moved through the nearest intersection.

12. PARKING FOR DISABLED PERSONS

- (1) In this Part
- (a) **“permit”** means a valid physically disabled person's parking permit issued under The Highway Traffic Act.
- (b) **“designated parking space”** means a parking space designated by signs or pavement markings as being for the sole use of motor vehicles displaying a permit and that is located:
- (i) on a highway or municipal road,
- (ii) in a public parking lot or facility, or
- (iii) in a private parking lot or facility to which the public has access.
- (c) **“motor vehicle”** means a motor vehicle as defined in The Highway Traffic Act.
- (2) No person shall stop, stand or park a motor vehicle in a designated parking space, or in a manner that makes a designated parking space inaccessible, unless the vehicle displays a permit in accordance with The Highway Traffic Act and the regulations under that Act.

13. COMPLIANCE WITH SIGNS REGULATING PARKING AND STOPPING

- (1) Council may, by resolution, regulate the Parking and stopping on any street or part of a street in addition to the restrictions contained within this by-law and shall

cause such restriction to be exhibited on traffic control devices at the appropriate location.

(2) Where a traffic control device is placed, or maintained:

(a) to prohibit the stopping or parking of vehicles at any time or during the hours stated on the sign on the street or any portion thereof; or

(b) to limit the time during which vehicles may be parked on the street or any portion thereof, either during the whole of any day or during a part thereof,

no person shall stop or park a vehicle or cause or permit a vehicle to remain stationary on the street or portion thereof to which the device relates in contravention of the device or for a period longer than or otherwise than is authorized by the device.

14. PROHIBITIONS OF STOPPING OR PARKING

(1) No person shall stop or park a vehicle on a street

(a) that is an alley;

(b) in a loading zone except temporarily, whether the vehicle is occupied or not, for the purpose of, and while actually engaged in, loading or unloading; or

(c) as to obstruct the free flow of traffic.

15. BICYCLES

(1) Any person riding a bicycle shall be subject to all provisions of this By-law in so far as the same can be applicable thereto.

(2) Every person riding a bicycle shall ride as close as possible to the right hand curb or to any person who may be riding a bicycle on his right side, but this shall not apply when the rider is approaching an intersection and indicates his/her intention to turn from a direct line by giving a visible signal.

(3) No person shall ride a bicycle upon a sidewalk or a boulevard, but may ride over an approach or sidewalk crossing.

(4) The Chief of Police or his designate may impound a bicycle up to seven (7) days when flagrant abuses of bicycles is observed.

16. GENERAL

(1) No driver of a vehicle shall turn a vehicle so as to proceed in the opposite direction, or make what is commonly called a "U" turn, at any place other than at an intersection, unless said intersection is posted prohibiting same.

(2) The maximum rate of speed to be observed by drivers of motor vehicles in any park or parkway within the jurisdiction of the City of Morden shall be 25 km. Per hour unless the speed is otherwise posted.

(3) No vehicle shall travel at a greater rate of speed than 50 km/hour within the City of Morden unless the speed is otherwise posted.

(4) No driver of a vehicle shall splash water or mud on a pedestrian.

17. TIME

- (1) A reference to time shall be deemed to be a reference to Daylight Saving Time when such is in current use in the City of Morden and all other times to Central Standard Time applicable to the City of Morden.

18. TRAFFIC TICKET AND PENALTY NOTICE

- (1) No person, other than a person having charge of a vehicle, shall remove from the vehicle a ticket or notice placed thereon by a Peace Officer to notify the owner or person in charge of the vehicle of an alleged contravention of a provision of this By-law respecting the stopping or parking of vehicles.
- (2) The penalty notice format so described in the Enforcement By-Law is an accepted alternative for issuing penalty notices under this By-Law.

19. PENALTY

- (1) Every person in breach of any provision of this By-law, unless a penalty or fine is specifically provided in Schedule B, shall be liable on summary conviction, to a fine not exceeding one thousand (\$1,000.00) Dollars, and or imprisonment of 12 months in addition to costs.

20. LIABILITY OF OWNERS TO CONVICTION

- (1) Where an offence, consisting of a violation of any provision of this By-law
 - (a) is committed by means of, or with respect to, a motor vehicle; or
 - (b) occurs by reason of, or with respect to, the ownership, use or operation of a motor vehicle,

the owner of the motor vehicle may be charged with commission of the offence and, if the Judge or Magistrate before whom the charge is tried, is satisfied that the offence was committed, the owner is guilty of the offence and is liable on summary conviction, to the penalty herein provided for that offence unless the owner satisfies the Judge of Magistrate that, at the time of the violation the motor vehicle was in the possession of a person other than the owner, without the consent of the owner.

- (2) Any person receiving a penalty notice of a designated fine may pay the penalty outlined on said ticket, voluntarily, at the Morden Civic Centre, 195 Stephen Street, Morden, Manitoba between the hours of 9:00 A.M. and 4:30 P.M., Monday through Friday, excepting holidays. Alternatively, the person receiving the penalty notice can enact the process as outline in the Enforcement By-Law.

21. REPEAL AND ENACTMENT

- (1) By-law No. 11-2013 be and the same is hereby repealed.
- (2) The repeal of the by-law(s) in the last preceding section mentioned shall not revive any by-law or any provision of any by-law repealed by it, nor shall the said repeal prevent the effect of any saving clause in the said by-law or the application of the said by-law or any other by-law or provision of law formerly in force to any transaction, matter or thing anterior to the said repeal to which they would otherwise apply.
- (3) The repeal of the said by-law(s) should not affect:

- (a) any penalty, forfeiture or liability incurred before the time of such repeal, or any proceedings for enforcing the same had, done, completed or pending at the time of such repeal; or
- (b) any action, suit, judgment, decree, certificate, execution, process, order, rule or any proceeding, matter or thing whatever, respecting the same had, done, made, entered, granted, completed, pending, existing or in force at the time of such repeal; or
- (c) any act, deed, right, title, interest, grant, assurance, registry, rule, regulation, contract, lien, charge, matter, or thing had, done, made, acquired, established, or existing at the time of such repeal; or
- (d) any office, appointment, commission, salary, allowance, security, duty, or any matter or thing appertaining thereto at the time of such repeal; or
- (e) any bond, note, debenture, debt, or other obligation made, executed, or entered into by the Municipality at the time of such repeal.
- (f) The repeal of the said by-law(s) shall also not defeat, disturb, invalidate, or prejudicially affect any matter or thing whatsoever had, done, completed, existing or pending at the time of such repeal.

(4) This by-law shall come into full force and take effect upon the passage thereof.

22. .VALIDITY OF BY-LAW

- (1) Should any provision of this by-law be declared to be invalid by a court of competent jurisdiction, it is the intent of Council that it would have passed all other provisions of the by-law independent of the elimination of any such portion as may be declared invalid.

DONE AND PASSED by the Council of the City of Morden, assembled at the Council Chambers of the City of Morden, in the Province of Manitoba this 26th day of June, A.D. 2017.

CITY OF MORDEN

Ken Wiebe

Mayor

John Scarce

City Manager

Read a first time this	29 th	day of	May	A.D. 2017
Read a second time this	26 th	day of	June	A.D. 2017
Read a third time this	26 th	day of	June	A.D. 2017

City of Morden
Schedule A to By-law No. 10-2017
Truck Routes

1. Route 100, Thornhill Street to South limit of Section 5-3-5W.
2. First Street North, Thornhill Street to North limit of City.
3. Fifth Street, Thornhill Street to South Railway Street.
4. Ninth Street, Thornhill Street to South Railway Street.
5. Mountain Street.
6. Wardrop Street, First Street North to Second Street.
7. Thornhill Street.
8. Stephen Street, Route 100 to Mountain Street.
9. North Railway Street, Fourth Street to Ninth Street.
10. South Railway Street, Route 100 to Mountain Street.
11. Grant Street, Route 100 to West limit of Plan 1627.
12. Enterprise Street.
13. Jefferson Street.
14. Cochlan Drive.
15. Cochlan Drive, East.
16. Agri Street.
17. Twelfth Street, South Railway Street to South limit of Plan 1924.
18. Service road on the north side of PTH #3 from Mountain Street to the entrance off PTH #3 located by Westside Community Church.

City of Morden
Schedule B to By-law No. 10-2017
Fines

4 (1)(a)	Parade not under direction or control of marshall or organizer	\$150
4 (1)(b)	Parade not permitted by Chief of Police	\$150
4 (4)	Drive through a parade	\$150
4 (5)	Walk through or into a parade	\$150
6 (2)	Drive vehicle on street barricaded or closed to traffic	\$150
7 (1)	Operate truck or truck tractor along street contrary to truck route	\$150
8.(2)	Use engine retardant brakes where prohibited	\$150
9 (1)	Park vehicle on street contrary to By-law namely: <ul style="list-style-type: none"> • Unparallel to curb • Facing oncoming traffic • More than 450mm from curb • Less than 1 metre ahead or behind vehicle • Contrary to signage 	\$150
9 (2)	Park truck, truck tractor and/or trailer, motorhome or bus for more than one hour	\$150
9 (3)	Park construction equipment or place dumpster without approved permit	\$150
9 (4)	Park trailer with refrigeration unit within 100 meters of a residence	\$150
9 (5)	Drive, park or stop vehicle or trailer on or along a boulevard	\$150
9 (6)	Park or leave vehicle on private property where sign prohibits	\$150
9 (7)	Park vehicle on street between 12 midnight and 8:00 am when prohibited	\$150
10 (2)	Park vehicle or place container on street without permit	\$150
11 (2)	Remove, alter, obliterate or deface mark placed on vehicle	\$150
12 (2)	Stop, stand or park vehicle in parking space designated for disabled persons	\$150
13 (2)(a)	Stop or park vehicle contrary to traffic control device namely: <ul style="list-style-type: none"> • Anytime • During (insert time i.e. 8:00 am – 5:00 pm) 	\$150
13 (2)(b)	Stop or park vehicle contrary to traffic control device namely: <ul style="list-style-type: none"> • More than (insert time i.e. 3 hours or 5 hours) 	\$150
14 (1)(a)	Stop or park vehicle in alley	\$150
14 (1)(b)	Stop or park vehicle in a loading zone	\$150
14 (1)(c)	Stop or park vehicle as to obstruct flow of traffic	\$150

15 (2)	Fail to ride bicycle closest to right hand curb	\$150
15 (3)	Ride bicycle upon a sidewalk or boulevard	\$150
16 (1)	Make U turn other than at intersection	\$150
16 (2)	Exceed speed limit in park or parkway in excess of 25km/hr. name: _____ km/hr	\$150

City of Morden
Schedule C of By-law No. 10-2017
Construction Parking Space Rentals

Regulations Relating to Applications
For Parking Space Rentals

1. The Applicant shall be responsible for payment of the fees as set out in the City's annual fee schedule prior to the issuance of a construction parking space rental agreement or extension agreement.
2. The City will be responsible for the setup and take down of barricades at the designated parking space.
3. The Applicant shall notify the City Manager or its designate when the space(s) are no longer required. Charges will continue until notification and the removal and return of the barricade(s).
4. Applications will only be received from persons in possession of a Building Permit issued by the MSTW Planning District or other proof of work to be carried out acceptable to the City Manager or it's designate.
5. Permission granted for rental of parking spaces does not authorize parking in any space other than the rented parking space and the Applicants must comply with all other parking or driving related restrictions.
6. The City Manager or its designate reserves the right to cancel any permission granted under the terms of this application.

City of Morden
Schedule D of By-law No. 10-2017
Application and Permit for Parking Space Rentals

Disclaimer: Reference must be made in the City's Fee Schedule By-law to determine the fees to be charged in relation to the application.

I/We on behalf of _____
(Business Name & Mailing Address)

Hereby make application to rent _____ parking spaces,
(number)

And located at _____
(Civic Address)

During construction / renovation / maintenance work being carried out at property belonging to (or occupied by) _____
(Name)

And located at _____
(Civic Address)

This application is for a period of _____ day(s) from the _____ day of _____, 20____ until the _____ day of _____, 20____.

I/We agree to comply with the regulations set out on Schedule "C" (copy attached) to Traffic By-law No.10-2017.

Name of Applicant (please print)

(Signature of Applicant)

Phone No. _____

Date: _____

Office Use Only

Calculation of Fee:

a) Basic Application Fee	\$10.00
b) Daily Rental Fee (\$5.00/space)	
No. of spaces _____ X No. of days _____ X \$5.00	\$
c) No. of barricades _____	
TOTAL PAYABLE	\$

The above fees are to be paid at the time of application. Additional fees are payable for any extension, if allowed, prior to same being granted.

City Manager, City of Morden