

## TOWN OF KIPLING

### BYLAW NO 5-2015



## A BYLAW TO REGULATE THE OPERATION, PARKING OF VEHICLES AND THE USE OF THE HIGHWAYS

The Council of the Town of Kipling in the Province of Saskatchewan enacts as follows:

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

### 1. INTERPRETATION

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

- (a) “*angle parking*” means the parking of vehicles with the right front wheel drawn up on the right-hand side of the highway, or 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;
- (b) “*administrator*” means the administrator of the municipality;
- (c) “*council*” means the council of The Town of Kipling.
- (d) “*curb*” means the lateral boundaries of a roadway, whether or not marked by curbing;
- (e) “*heavy vehicle*” means a vehicle with or without load which alone or together with any trailer, semi-trailer or other vehicle being towed, weighs 4.5 tonnes or more;
- (f) “*highway*” means a road, parkway, driveway, street, alley, 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*.
- (g) “*justice*” means a justice of the peace as per *The Interpretation Act, 1995*;

- (h) “*lug vehicle*” means any vehicle with a portable engine or traction engine having metal spikes, lugs or cleats projecting from the face of the wheels or tires thereof; or having metal track tread;
- (i) “*municipality*” means the Town of Kipling;
- (j) “*one-way highway*” means highway as ascribed to it by *The Traffic Safety Act*.
- (k) “*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, or at a distance of not more than thirty (30) centimeters from such curb;
- (l) “*parking*” has the meaning ascribed thereto by *The Traffic Safety Act*;
- (m) “*place of public assembly*” means schools, theatres, moving picture theatres, churches, hockey and skating rinks, dance halls and public assembly halls;
- (n) “*power turn*” means to manoeuvre 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;
- (o) “*designated officer*” means the Royal Canadian Mounted Police, Administrator or person appointed to enforce municipal bylaws;
- (o) “*speed bump*” means an uneven patch on a highway constructed of asphalt, concrete or other like material for the purpose of controlling speed;
- (q) “*speed zone*” means any portion of a highway within the Town of Kipling, as designated herein, and identified by a sign erected and maintained at each end thereof, indicating the maximum speed applicable thereto;
- (r) “*U-turn*” means the turning of a vehicle so as to cause it to proceed in the opposite direction from which it was proceeding immediately prior to the commencement of such turn;
- (s) “*vehicle*” means a vehicle, trailer or semi-trailer or a motor vehicle as ascribed to by *The Traffic Safety Act*.
- (t) “*boulevard*” means the Town easement between the curb and a property line

## 2. SCOPE

- (a) “STOP” STREETS: highways listed in Appendix 1
- (b) “YIELD” STREETS: highways listed in Appendix 2
- (c) “NO U-TURN” INTERSECTIONS: intersections of the highways, approached from all four(4) directions listed in Appendix 3
- (d) “LOADING ZONES”’: highway locations listed in Appendix 4

## 3. 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 4(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 4 (b).

### (c) MISCELLANEOUS SIGNS

(1) 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.

(2) No person shall deface damage, destroy or remove any sign or marker erected pursuant to this bylaw.

### (d) LUG VEHICLES

(1) No person shall propel, operate or drive any lug vehicle upon any highway within the municipality without first having obtained from the clerk, a permit in writing authorizing same.

(2) The Administrator is hereby authorized to issue permits in writing for the purpose of clause (d) (1) of this bylaw in any case where the

applicant therefore has signed a written undertaking in Form 1, Appendix 5 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.

(3) Nothing contained in clause 3(d) (1) 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**

(1) Except as otherwise provided herein, the parking of vehicles is permitted on all highways within the municipality.

(2) (i) Subject to the provisions of sub clause 3(e)(2)(ii), no person shall park a vehicle in any lane, or in any street so as to obstruct the entrance to any lane or to a driveway or approach leading to private premises;

(ii) Notwithstanding the provisions of sub clause 3(e)(2)(i), a vehicle may be parked in any lane for the purpose of taking on or discharging cargo, provided no such vehicle shall be so parked for a period exceeding thirty(30) minutes at one time, unless written permission has first been obtained from the clerk or a special constable of the municipality for an extension of such time limit.

(3) (i) Subject to sub clause 3(e)(3)(ii), every person parking a vehicle upon a highway within the municipality where parking is permitted, shall parallel park same;

(ii) Every person parking a vehicle upon a highway listed in Appendix 6 shall angle park same.

(4) No person shall park a vehicle in any “No Parking” area as designated in Appendix 7 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 4(e) to indicate that parking therein is prohibited.

(5) No person shall park a vehicle within five (5) meters of any street intersection or fire hydrant.

(6) No person shall park a vehicle on any highway at one place for any period of time exceeding twenty-four (24) consecutive hours.

(7) No person shall park any vehicle in any private parking 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.

(8) (i) Subject to sub clause 3(e) (8) (ii), no person shall park any vehicle designated for carrying or intended for the carrying of oil, gasoline or other inflammable, combustible or explosive material, within thirty (30) meters from any building in the municipality used or intended for use, in whole or in part, as a place of dwelling, a hotel or place of public assembly.

(ii) Nothing in sub clause 3(e)(8)(i) 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.

(9) No person shall park a vehicle on any sidewalk or unpaved boulevards in the municipality.

(10) No person shall park any unlicensed vehicle upon any street.

(11) No person shall park by driving a vehicle to the left of the centre of the main travelled portion of the street or across the yellow dividing line.

(12) No person shall park a vehicle on any street that interferes with the cleaning of the streets or snow removal. A designated officer may have such vehicle removed and such removal shall be at the expense of the owner of the vehicle.

(13) No person shall park on any street a vehicle displayed for sale.

(14) No person shall park any vehicle having a manufactured rated capacity in excess of one (1) ton in a residential zoned area.

(f) **POWER TURNS**

The operator of a vehicle shall not execute “power turns” on any highway in the municipality.

(g) **SNOWMOBILES**

(1) Under the provisions of The Snowmobile Act and subject to clause 3(g) (2), it shall be lawful to operate a snowmobile between the hours of 7:00 a.m. and 11:00 p.m. on any highway except Provincial Highway No. 48 within the limits of the municipality and Main Street from 7<sup>th</sup> Avenue to 5<sup>th</sup> Avenue.

(2) Notwithstanding clause 3(g) (1) of this bylaw, it shall be lawful to operate a snowmobile on the portion of Highway No. 48 or any highway for the purpose of crossing the Provincial Highway.

(3) Notwithstanding clause 3(g) (2) all Provincial highway crossings must be assessed by traffic operations staff from the Department of Highways and Transportation 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 Department of Highways and Transportation.

(4) It shall be lawful to operate snowmobiles in the municipality at hours other than those specified in (g)(1) for the purpose of leaving the municipality by the most direct route or returning to a residence by the most direct route.

(5) All snowmobile operators shall yield the right-of- way to vehicles on Highway No. 48 before crossing the highway.

(6) 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.

(7) Any snowmobile entering on to a public highway shall do so from an established public highway approach.

(8) Notwithstanding clause 3(g) (1) of this bylaw, no person shall operate a snowmobile on areas designated as Parks, Cemeteries, and Golf course, Orchard, Campgrounds or School Grounds.

(h) **SPEED**

(1) Subject to clause 3(h) (2), no person shall operate a vehicle on a highway in the municipality at a speed greater than fifty (50) km per hour.

(2) No person shall operate a vehicle in the municipality at a speed greater than thirty (30) km per hour in the speed zones as set out in Appendix 8.

(3) The provisions of subsections (1) and (2) shall not apply to the operators of Emergency vehicles.

(i) **U-TURNS**

(1) No person shall cause a vehicle to make a U-Turn between intersections, and at the intersection of a highway with a lane or an alley in the municipality.

(2) No person shall cause a vehicle to make a U-Turn at the intersections designated as “No U-Turn” intersections as listed in Appendix 3. This shall apply to all traffic approaching and facing a “No U-Turn” sign erected and maintained in accordance with the provisions of subsection 4(c).

(j) **WEIGHT RESTRICTIONS**

(1) No person shall operate a vehicle or a combination of vehicles when the combined gross weight of the vehicles(s) with or without a load exceeds the maximum allowable weight pursuant to The Vehicle Weight and Dimension Regulations, 1988 on any highway within the municipality.

(2) Clause 3(j)(1) shall not apply to vehicles making delivery on any highway in the municipality provided that the operator of the vehicles(s) uses the most direct route from and to the delivery point.

(3) The provisions of The Police Act, 1990 and the Highways and Transportation Act, 1997 shall apply to the operators of vehicles referred to in clause 3(j) (1).

(k) **VEHICLES ON PUBLIC RESERVES, ETC**

(1) No person may operate or park a vehicle on any areas designated in Appendix 10.

(2) The provision of clause 3(k) (1) shall not apply to maintenance vehicles or vehicles using a designated parking area.

(1) **BICYCLES**

- (1) No person shall operate a bicycle without having at least one hand on the handle bar.
- (2) No person shall operate a bicycle on a sidewalk.
- (3) Every operator of a bicycle shall proceed at all times as close as possible to the right hand curb except when approaching an intersection at which they have visibly signalled their intention to make a left turn.
- (4) No person shall ride a bicycle upon any sidewalk or boulevard of the Town.
- (3) This section shall not apply to tricycles nor bicycles with “training wheels” attached.

**4. SIGNS**

- (a) Council shall cause to be erected and maintained at all stop streets listed in Appendix 1, at a distance of approximately three (3) meters 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) meters 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 U-Turn” intersections as listed in Appendix 3, at a distance of approximately three (3) meters from point of intersection, an appropriate sign prohibiting U-Turns, so placed to face the traffic approaching the intersection.
- d) Council shall cause to be erected and maintained at all “No Parking” areas as listed in Appendix 7, appropriate signs and/or curb markings. Such signs or markings shall be visible from that part of the highway to which the restriction applies.
- (e) Council shall cause to be erected and maintained at all “Speed Bump” locations as listed in Appendix 11, at a distance of approximately ten (10) meters 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.



(f) Council may, by resolution, order that any hedge, shrub or tree situated at or near an intersection, and which the Council has deemed to be a hazard to traffic, be removed, trimmed or cut down.

**5. PENALTIES**

Any person who contravenes any of the provisions of the subsections of this bylaw or fails to comply therewith or with any of sections this bylaw or fails to comply therewith or with any notice or order given there-under shall be guilty of an offence and upon conviction, shall be liable to penalties assessed in accordance with Appendix 12 of this bylaw.

**(d) NOTICE OF VIOLATION**

(1) A Violator of any of the subsections of this bylaw, as set out in subsection 3(c) upon being served with a Notice of Violation, may during the regular office hours, voluntarily pay the penalty at the municipal office, and upon payment as so provided, that person shall not be liable to prosecution of the offence.

(2) The Notice of Violation shall be in Schedule “A”, attached to and forming part of this bylaw.

**(e) OVERWEIGHT FINES**

(1) A person who contravenes the provisions of clauses 3(k), (1) and (2) is guilty of an offence and liable on summary conviction to a penalty of not more than \$250.00 for the first offence and not more than \$500.00 for each subsequent offence.

(2) A further penalty shall be imposed as follows:

(i) three dollars for each 50kg or fraction thereof for the first 1,000 kg in excess of the prescribed maximum gross weight allowable; and

(ii) five dollars for each 50 kg or fraction thereof in excess of 1,000 kg that the actual gross weight exceeds the prescribed gross weight allowable, provided that in computing the further penalty, 500 kg or two percent of the maximum gross weight fixed by this bylaw, whichever is the lesser, shall not be taken into account.

(3) In each instance, the total fine shall not exceed the maximum provided for in the general penalty bylaw of the municipality.

(f) **BICYCLE CONTRAVENTION**

(1) The penalty for the contravention of section 3(m)(1), 3(m)(2), 3(m)(3) and 3(m)(4) is as follows:

- (i) for the first infraction impounding the bicycle for seven(7)days; and
- (ii) for the second or additional infractions, impounding the bicycle for fourteen (14) days.

6. **IMPOUNDING**

(a) On the request of the owner, occupant, licensee or permittee of lands described in clause 3(f)(7), any member of the police service or any designated municipal employees may move or remove or have moved or have removed; or may impound or store, any vehicle that is parked on the parking place or land contrary to this bylaw.

(b) Where a vehicle has been impounded or stored after it has been removed under clause 6(c)(1), it may be retained for a period of thirty(30) days after the date of the removal unless the cost of removal and impoundment or storage are sooner paid. Upon payment of the full costs herein, the vehicle may be released to the owner.

(c) If the costs of removal and impoundment or storage are not paid within the period of thirty (30) days as specified in subsection 6(b), the municipality shall have the right to recover same from the owner of the vehicle by:

(1) Legal action in a court of competent jurisdiction; or

(2) sale by public auction on publication of a notice designating the time and place of sale at least 14 days prior to the sale in a newspaper circulating in the municipality and on sending such notice to the owner at the address last appearing on the vehicle registration.

(d) A vehicle offered for sale by public auction under clause 6(c) (2) is to be considered lost or unclaimed personal property and if not sold at the auction, may otherwise be disposed of as the council directs.

(1) The purchaser of the personal property becomes the owner of the personal property and any claim of the earlier owner is converted into a claim for the proceeds of the sale, after the charges have been deducted

for hauling, storage, and other necessary expenses, including the cost of sale, that have been incurred by the municipality.

(2) If no claim is made for the proceeds within one year from the date of sale, the proceeds form part of the general funds of the municipality.

7. **IMPOUNDING – WHERE FINES UNPAID**

(a) A vehicle found on a street, public parking place, other public place or municipally owned property, may be removed and impounded when:

(1) the owner of the vehicle owes three or more outstanding fines to the municipality for parking offences;

(2) the appeal period against the imposition and amount of said fines has expired;

(3) at least two notices that the fines are outstanding were sent to the owner at least one week apart;

(4) a justice, having been satisfied by evidence provided by way of oath, affidavit or statutory declaration of the existence of the facts mentioned in clauses 7(a)(1) to (3), has issued an order authorizing the removal and impoundment.

(b) The municipality may retain the vehicle until the amount of the outstanding fines and the costs incurred in removing and impounding the vehicle has been paid.

(c) The municipality may, if the fines or costs have not been paid within a period of thirty (30) days sell the vehicle at public auction on publication of a notice designating the time and place of sale at least 14 days prior to the sale in a newspaper circulating in the municipality and on sending such notice to the owner.

8. **REPEAL**

Bylaw No's.: 2-2007, 6-2014 and 7-2014 of the Town of Kipling are hereby repealed.

9. **COMING INTO FORCE**

This Bylaw shall come into effect upon third and final reading.

*Read a third time and adopted  
this 11<sup>th</sup> day of May, 2015.*

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*Mayor*

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*Administrator*

**“APPENDIX 1 OF BYLAW NO. 14-2014  
 “STOP STREETS” subsection 2(a)**

<u>Street or Avenue</u>	where intersected by	<u>Street or Avenue</u>
Main Street		Fifth Avenue
Main Street		Sixth Avenue
First Street		Eighth Avenue
First Street		Ninth Avenue
First Street		Sixth Avenue
First Street		Seventh Avenue
St Mary’s Street		Louisa Avenue(west side only)
605 Grid		Railway Street
4 <sup>th</sup> Street		Centennial Avenue
Centennial Avenue		4 <sup>th</sup> Street
Nelson Avenue (4 way stop)		Clare Street
Lousia Avenue (4way stop)		Clare Street
Hebden Road		Industrial Drive
Industrial Drive		Ninth Avenue
First Street		Ninth Avenue
Third Street S		Eighth Avenue
Eighth Avenue		Industrial Drive
Seventh Avenue		Alexander Bay
Seventh Avenue		Fourth Street

**APPENDIX 2 of Bylaw No. 14-2014  
 “YIELD” STREETS subsection 2(b)**

<u>Street or Avenue</u>	where intersected by	<u>Street or Avenue</u>
Main Street		Eighth Avenue, Seventh Avenue, Fourth Avenue, Third Avenue, Second Avenue.
First Street		Park Place
Fourth Street		Fourth Avenue, Third Avenue, Centennial Avenue, Willowdale Avenue, Diefenbaker Crescent, Nelson Avenue.
Ninth Avenue		Main Street
Seventh Avenue		Second Street, Third Street
Sixth Avenue		First Street, Second Street, Third Street, Fourth Street.
Fifth Avenue		First Street, Second Street, Third Street, Fourth Street.
Fourth Avenue		First Street, Second Street, Third Street.
Third Avenue		First Street, Second Street, Third Street.
Nelson Avenue		St.Mary’s Street.
Louisa Avenue		St.Mary’s Street.
Eighth Avenue		Third Street South

**APPENDIX 4 of Bylaw No. 14-2014**

FORM 1 clause 3(e) (2)  
PERMIT FOR OPERATION OF LUG VEHICLE

Name: \_\_\_\_\_

Address: \_\_\_\_\_

Type of Vehicle: \_\_\_\_\_

Route: \_\_\_\_\_

Deposit: \_\_\_\_\_

I declare that:

(1) I will use reasonable care in propelling, operating or driving such lug vehicles over the highway to prevent any damage resulting to the highway.

(2) I will, when operating such lug vehicle over any bridge or culvert on any highway or on any specified bridge or culvert thereon, first lay down on such bridge or culvert, planks or timbers not less than 5 cm in thickness or less than 4 metres in length, such planks or timbers to be laid lengthwise across the bridge or culvert in the direction in which the lug vehicle is proceeding in such a manner that they will support the wheels or tread of the lug vehicle on both sides thereof throughout its entire passage over such bridge or culvert.

(3) I will pay for all damages caused to such highway on any bridge or culvert thereon as a result of propelling, operating or driving such lug vehicle thereon.

\_\_\_\_\_  
Owner/operator

Fee: \_\_\_\_\_

**APPENDIX 3 of Bylaw No. 14-2014**  
**“NO U-TURN” INTERSECTIONS subsection 2(c)**

The intersections of:

Main Street and Fourth Avenue  
Main Street and Fifth Avenue  
Main Street and Sixth Avenue  
Main Street and Seventh Avenue  
Main Street and Eighth Avenue



**APPENDIX 5 of Bylaw No. 14-2014**  
**“ANGLE PARKING” AREAS subclause 3(f) (3) (ii)**

<u>Street or Avenue</u>	From	To
Main Street	Fifth Avenue	Seventh Avenue
Fourth Street	North side -140 feet east of Centennial to the Fourth Street Intersection	

**APPENDIX 6 of Bylaw No. 14-2014**  
**“NO PARKING AREAS clause 3(f) (4)**

<u>Street or Avenue</u>	From	To
South side of First Street	Fifth Avenue	Sixth Avenue

Sixth Avenue – immediately in front of Fire Hall doors

South side of Railway Street, from 50 feet west of intersection with Sixth Avenue to 50 feet east of said intersection.

Fourth Street – South side from Centennial Avenue to the West extremity of Diefenbaker Crescent and the Fourth Street Intersection

**APPENDIX 7 of Bylaw No. 14-2014**

**“SPEED ZONES” – SCHOOLS – PLAYGROUNDS clause 3 (i) (2)**

Street or Avenue	From	To
First Street	Fifth Avenue	Seventh Avenue
Second Street	Sixth Avenue	Seventh Avenue
Third Street	Fifth Avenue	Sixth Avenue
Fifth Avenue	First Street	Third Street
Sixth Avenue	First Street	Third Street
Seventh Avenue	First Street	Second Street

**APPENDIX 10 of Bylaw 14-2014**  
**“PUBLIC RESERVES” clause 3(l) (1)**

Description of Area

Public Reserve R1 – Block 36.  
Public Reserve R - Block 30.  
Kipling High School Grounds.  
Kipling Elementary School Grounds.  
Kipling Sports Grounds.  
Golf Course  
Town Cemetery

**APPENDIX 11 of Bylaw No. 2-2007  
“SPEED BUMPS” subsection 4(e)**

**Location**

**Clare Street - Entrance to Campgrounds and Swimming Pool**

**APPENDIX 12 of Bylaw 14-2014  
PENALTIES**

**Section**

<b>3(c)(1)</b>	<b>Signs- Misc</b>	<b>\$75.00</b>
<b>3(c)(2)</b>	<b>Damage Signs</b>	<b>\$75.00</b>
<b>3(d)(1)</b>	<b>Lug Vehicle - No permit</b>	<b>\$100 plus damages</b>
<b>3(e)(1-14)</b>	<b>Parking Violations</b>	<b>\$100</b>
<b>3(f)</b>	<b>Power Turns</b>	<b>\$200</b>
<b>3(g)</b>	<b>Snowmobiles</b>	<b>\$100</b>
<b>3(h)(1)(2)</b>	<b>Speeding</b>	<b>\$100</b>
<b>3(h)(i)</b>	<b>U-Turns</b>	<b>\$100</b>
<b>3(k)(1)</b>	<b>Parking – Public Reserve</b>	<b>\$100</b>