

## TOWN OF MORRIS

### TRAFFIC AND PARKING BY-LAW NO. 03/07

**BEING a By-law of the Town of Morris providing for the regulation of traffic and parking within the Town of Morris.**

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

**NOW THEREFORE the Council of the Town of Morris, duly assembled, enacts as follows:**

#### **I. SHORT TITLE**

This By-law may be referred to as the “Town of Morris Traffic and Parking By-law”.

#### **II. 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) “Administrator” means the Administrator of the Town of Morris or such person as may be authorized by the said Administrator to exercise some of all of the powers vested in him by this by-law;
  - (b) “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;
  - (c) “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 diameters;
  - (d) “Compliance Officer” means the By-Law Enforcement Officer of the Town of Morris or such person as may be authorized by the said Enforcement Officer to exercise some of all of the powers vested in him by this by-law;
  - (e) “Council” means the Council of the Town of Morris 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;
  - (i) “Lane” means a highway other than a street;
  - (j) “Lane Entrance” means the straight production of the boundaries of a back lane onto any highway to the centre line of that highway.
  - (k) “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.

- (l) "Pedestrian Corridor" means a crosswalk, at an intersection or elsewhere, that has been designated as a pedestrian corridor by the proper traffic authority and that is illuminated or distinctly indicated for pedestrian crossing by:
  - (i) such lights and other traffic control devices on the highway; and
  - (ii) such lines, signs or other markings on the surface of the highway; as are prescribed in the regulations made by The Traffic Board.
- (m) "Private Approach" means that portion of a sidewalk and/or boulevard lawfully improved or designed for the passage of vehicular traffic;
- (n) "Street" means a highway over which the Town of Morris has jurisdiction;
- (o) "Sidewalk" means a footpath, whether or not paved or improved, that is intended primarily for the use of pedestrians;
- (p) "Foreman" means the waterworks and/or public works foreman of the Town of Morris or such person as may be authorized by the said foreman to exercise some or all of the powers vested in him by this By-law;
- (q) "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;
- (r) "Police Officer" means any member of the Royal Canadian Police Force and any other police officer; police constable, constable or other person employed for the preservation and other maintenance of public peace.
- (s) "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 Town of Morris for the purpose of regulating, warning or guiding traffic;
- (t) "Traffic" included 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;
- (u) "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;
- (v) "Truck" means a motor vehicle or semi-trailer truck, that is not a delivery car and that is constructed or adapted to carry goods, ware, and merchandise, freight or commodities, but not passengers or luggage;
- (w) "Unattended" means not being attended to, taken care of or watched.

### **III. CAUSING OR PERMITTING OFFENCE**

- (1) Any person who causes or permits an offence against this By-law is guilty of an offence.

### **IV. 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 marshall or organizer, and
  - (b) the parade has been duly permitted by the Council of the Town of Morris.
- (2) A person desiring to hold a parade shall apply in writing to the Council 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 Council 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 Town of Morris. All participants in the parade shall at all times proceed in a safe manner so as to not cause injury to themselves or others. If there is any

deviation from the terms under which the permit is issued or if any such directions are not complied with as directed by the Council, 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 traveling in an emergency or a police department vehicle or a fire department vehicle shall drive through a parade.
- (5) While a parade is in motion, pedestrians shall not walk through or into a parade.
- (6) No items (food/candy/merchandise) are to be thrown to the crowd from any parade entry along the parade route. Those wishing to distribute material should do so by walking adjacent to the entry, along the crowd edge, taking care to distribute items directly to the crowd.

**V. INSTALLATION AND MAINTENANCE OF TRAFFIC CONTROL DEVICES**

- (1) The Town Foreman 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.
- (2) The installation and maintenance of Traffic Control Devices is hereby authorized at the locations set forth in Schedule "A" hereto.
- (3) It is not a defense to any prosecution for a violation of this by-law that any Traffic Control Device or Traffic Control Signal was obscured or that the lines or markings on the surface of the roadway or curb indicating the existence of a crosswalk or No Parking Zone were not visible at the time of the offence because of the presence of snow or ice or for any other reason not attributable to the negligence of the traffic authority.

**VI. TEMPORARY TRAFFIC CONTROL DEVICES**

- (1) The Town Foreman shall 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 street cleaning and snow removal operations or as authorized by a Police Officer to insure orderly movement of traffic, to prevent injury or damage to persons or property, or to permit action in any emergency.
- (2) Any person undertaking authorized work of any form within a street or in any way interfering with or obstructing the normal use of a street shall place and maintain temporary traffic control devices as directed by the Public Works Foreman.

**VII. COMPLIANCE WITH TEMPORARY TRAFFIC CONTROL DEVICES**

- (1) 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.
- (3) Unless otherwise directed by a Police Officer, pedestrians and drivers shall obey the direction, instruction, limitation, restriction, or prohibition of any applicable traffic sign, traffic control signal, marking, barrier, or device placed, maintained by the Public Works Foreman for the purpose of regulating or prohibiting traffic, for street, sidewalk construction, repair, maintenance, painting or any emergency.

**VIII. DESIGNATION OF PEDESTRIAN CORRIDORS**

The Town of Morris may, by resolution, designate any crosswalk over which it has jurisdiction as a pedestrian corridor. Locations of pedestrian corridors are set forth in "Schedule C".

**IX. ROUTE OF TRUCK TRAFFIC**

**X. ENGINE RETARDANT BRAKES PROHIBITED**

- (1) Unless otherwise stated the operation of engine retardant brakes shall be prohibited within the Town of Morris.

**XI. PARKING AND PROHIBITIONS OF PARKING**

- (1) That except where necessary to avoid conflict with traffic or to comply with the law or the directions of a compliance officer or traffic control device, no person shall stop, stand, or park a vehicle:
- (a) upon a boulevard or sidewalk;
  - (b) in a lane entrance;
  - (c) in front of a driveway;
  - (d) within an intersection or within 3 metres thereof or such greater distance as may be prescribed by the appropriate traffic authority;
  - (e) within 3 metres from the point on the curb or edge of the roadway immediately opposite a fire hydrant;
  - (f) on a crosswalk;
  - (g) within 3 metres of the approach side of a crosswalk;
  - (h) within 9 metres upon the approach to any flashing beacon, stop sign, or traffic control signal situated at the side of a roadway, or within such greater distance there from as may be prescribed by the appropriate traffic authority;
  - (i) within 9 metres of the nearest rail of a railway crossing or, except in the case of a railway crossing a provincial trunk highway, within such greater or lesser distance there from as may be prescribed by a municipal council;
  - (j) within 3 metres of a driveway entrance to a fire station;
  - (k) alongside or opposite a street excavation or obstruction when stopping, standing, or parking obstructs traffic;
  - (l) on the roadway side of a vehicle stopped or parked at the edge or curb of a street;
  - (m) in a back lane;
  - (n) in a place in contravention of a traffic control device that gives notice that stopping, standing or parking is there prohibited or restricted;
  - (o) in such a manner that
    - (i) it constitutes a hazard on the highway; or
    - (ii) it is parked in contravention of any provision of the Highway Traffic Act or of this by-law;
  - (p) alongside the curb of a highway that is painted with yellow traffic paint
- (2) That unless specifically required by other provisions of this by-law or by traffic signs or “Yield” signs or signals to do otherwise, no person shall park:
- (a) a vehicle upon a street in such a manner as to leave available less than 9 metres of the width of the roadway for the free movement of traffic;
  - (b) a vehicle in a lane, except while loading or unloading, and when so parked the driver shall leave available not less than 2.5 metres of the width of the roadway for the free movement of vehicular traffic;
  - (c) a vehicle upon a highway for a period longer than 24 hours at any one time;
  - (d) an advertising vehicle;

- (e) any vehicle carrying flammable and/or hazardous goods unattended for a period of more than 15 minutes;
  - (f) a vehicle displayed for sale;
  - (g) a vehicle for the principal purpose of washing, greasing or repairing such vehicle, except the immediate repair necessitated by an emergency;
  - (h) a vehicle at any time on any portion of a highway immediately following a snowfall until such time as the highway has been cleared of snow.
3. That no vehicles be parked at any time at the following areas:
    - (a) the south side of Boyne Avenue East from the Morris Manor to Poplar Avenue (Pool);
    - (b) the west side of Lucinda Street North between Boyne Avenue West and James Street (MCC);
    - (c) the north side of Railroad Avenue West from Main Street to the Red River Valley Lodge (Fire Lane).
  4. That no semi-trailers be parked on the west side of Main Street South from Boyne Avenue West to Railroad Avenue West.
  5. That no vehicle be parked overnight on the west side of Main Street South from Toronto Avenue West to Wellington Avenue West.
  6. That parking on Mulvey Street West be limited to one hour between the hours of 9:00 A.M. to 5:00 P.M. Monday to Friday, from Main Street to a point 100 metres west of Main Street.
  7. That no vehicles be allowed to park on the south side of Toronto Avenue East from Poplar Street to the east end of Toronto Avenue East between the hours of 8:00 A.M. to 4:00 P.M. Monday to Friday (School).
  8. 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.
  9. That notwithstanding Section X (8) of this by-law, a person driving a vehicle that does not exceed 5.5 metres in length may park a vehicle diagonally at the areas designated in Schedule "B".
  10. No person shall park:
    - (a) a trailer, including a trailer designed specifically for the transport of a boat, power toboggan or other recreational vehicle, or
    - (b) a motor home
    - (c) Exception may be made for community events upon authorization from Council.
    - (d) Exception may be made during weather conditions hazardous to travel.
 on a street for a period of time longer than forty-eight (48) hours unless the vehicle in question is parked for use by a tradesman working on premises in the immediate area.
  11. No person shall park a trailer of any type with an operating refrigeration unit upon a highway within 100 meters of a residence.
  12. No person shall drive a vehicle onto or along a boulevard or park or stop a vehicle or trailer on a boulevard.
  13. 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.
  14. (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 a date, in any year, declared by the Mayor of the Town of Morris or his/her designate, and continuing in effect until terminated by the Mayor or his/her designate.
  - (b) The Mayor or his/her designate shall use whatever means deemed advisable to inform the general public of the declaration and termination

15. The Town Council 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.
16. In addition to any penalty or fine levied as a result of any infraction under this By-law, the Council may remove or cause to be removed any vehicle parked or operated in contravention of this By-law, at the vehicle owner's expense.
17. The provisions of this by-law prohibiting or regulating stopping, standing and parking shall not apply to:
  - (a) vehicles of the Royal Canadian Mounted Police or Emergency and Fire Department vehicles.
  - (b) vehicles of or employed by the Town of Morris while in use in connection with work of necessity being done in or near a highway requiring them to stop or be parked in a manner contrary to the provisions of this by-law; and
  - (c) vehicles of the Government of Manitoba, the Government of Canada, or a public utility, if those vehicles have the owner's name painted thereon and are actually being used in connection with any work being carried out by the respective Government or utility on or near a highway requiring them to stop or be parked in a manner contrary to the provisions of this by-law.

**XII. NO STOPPING OR STANDING**

- (1) No vehicle shall occupy a street so as to interfere with or interrupt the passage of traffic.
- (2) No vehicle, which is not in running condition, unregistered or under repair, shall occupy a street.
- (3) Except while complying with a traffic control device, no person shall bring a vehicle to a stop and permit it to remain standing abreast of another vehicle standing on a highway.

**XIII. POLICE MARKING PARKED VEHICLES**

- (1) A Compliance Officer for the purpose of enforcing the provisions of this By-law, or of any other by-law or regulation of the Town of Morris 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 Compliance Officer as provided above until the vehicle has been moved through the nearest intersection.

**XIV. PARKING FOR DISABLED PERSONS**

- (2) 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
- (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.

**XV. 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. 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.

**XVI. REMOVAL/TOWING OF VEHICLES**

- (1) That where a Compliance Officer or the Town Foreman has reasonable and probable cause for believing that a vehicle is standing or is parked:
  - (a) in contravention of the provisions of this by-law; or
  - (b) in a manner that causes it to interfere with removal of snow from a highway or a street by an authorized person; or
  - (c) in a position that causes it to interfere with fire fighting;
  - (d) and is apparently abandoned on or near a street;he may move the vehicle, cause it to be moved, or may require the driver or person in charge of the vehicle to move it to a position determined by the Compliance Officer, Town Foreman or other authorized person.
- (2) The costs and charges incurred in moving and/or storing any vehicle that is impounded pursuant to the provisions of this by-law shall be considered a lien on the vehicle that may be enforced under the "Garage Keepers Act" by the person who moved and/or stored the vehicle at the request of the Compliance Officer or Town Foreman.
- (3) That Section XV (1) does not apply in the case of a vehicle so disable while on a highway that it cannot be readily moved until a reasonable time has elapsed to permit its removal.

**XVII. 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 boulevard, but may ride over an approach or sidewalk crossing.

**XVIII. 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 Town of Morris 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 Town of Morris unless the speed is otherwise posted.
- (4) No driver of a vehicle shall splash water or mud on a pedestrian.

**XIX. 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 Town of Morris and all other times to Central Standard Time applicable to the Town of Morris.

**XX. REMOVAL OF TRAFFIC TICKET FROM A VEHICLE**

- (1) No person, other than the person having charge of a vehicle, shall remove from the vehicle a ticket or notice placed thereon by a Police Officer/Compliance 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.

**XXI. PENALTY**

- (1) That the owner of a vehicle shall incur the penalties provided for a violation of this by-law unless at the time of the violation the motor vehicle was in the possession of some person other than the owner or his chauffeur without the owner's consent, and the driver of a motor vehicle who is not the owner shall also incur the penalties provided for any such violation.
- (2) That any person who contravenes, disobeys, or violates, or refuses, omits, neglects, or fails to observe, obey, or comply with any of the provisions of this by-law, is guilty of an offense and liable, on summary conviction, to a fine of:
  - (a) 1<sup>st</sup> Offence - \$50.00;
  - (b) 2<sup>nd</sup> Offence - \$75.00;
  - (c) 3<sup>rd</sup> Offence - \$100.00;

and not more than Two Hundred (\$200.00) Dollars in addition to costs, and in the case of non-payment of such fines and costs, to imprisonment for a period not exceeding Thirty (30 Days).

**XXII. 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 any vehicle; or
  - (b) occurs by reason of, or with respect to, the ownership, use or operation of any 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 or Magistrate that, at the time of the violation the motor vehicle was in possession of a person other than the owner, without the consent of the owner.

**XXIII. LIABILITY OF DRIVER**

- (1) Nothing in Section XVIII (1) relieves the driver of the vehicle from any liability to conviction of the offence to which he may be subject.

**XXIV. REPEAL AND ENACTMENT**

- (1) By-law No. 3/87, 10/91, 20/96, 8/98, 10/98, 02/03 be and the same are 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.
- (4) 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.
- (5) This by-law shall come into full force and take effect upon the passage thereof.

**XXV. 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 this the 13th day of September, 2007 A.D.**

**TOWN OF MORRIS**

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**MAYOR**

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**CHIEF ADMINISTRATIVE OFFICER**

**Read a 1<sup>st</sup> time this the 24<sup>th</sup> day of May, 2007 A.D.**

**Read a 2<sup>nd</sup> time this the 26<sup>th</sup> day of July, 2007 A.D.**

**Read a 3<sup>rd</sup> time this the 13<sup>th</sup> day of September, 2007 A.D.**