

# VILLAGE OF LIBERTY

## BYLAW NO. 4 of 2020

### Traffic Bylaw

#### A BYLAW TO REGULATE THE OPERATION & PARKING OF VEHICLES, UNCONTROLLED INTERSECTIONS AND THE USE OF THE ROADWAYS

The Council of the Village of Liberty in the Province of Saskatchewan enacts as follows:

1. This bylaw may be referred to as the Traffic Bylaw.

#### 2. DEFINITIONS

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

- (a) "Administrator" means the Administrator (or designate) of the Village of Liberty;
- (b) "All Terrain Vehicle" and/or "ATV" means all-terrain vehicle as defined in The All-Terrain Vehicles Act,
- (c) "Council" means the Council of the Village of Liberty;
- (d) "Curb" means the lateral boundaries of a roadway, whether or not marked by curbing;
- (e) "Designated Officer" means the Administrator (or designate), Royal Canadian Mounted Police, or any other person appointed to enforce municipal bylaws;
- (f) "heavy vehicle route" means the truck route as posted;
- (g) "Roadway" means a road, parkway, driveway, square, or place designated and intended for or used by the general public for the passage of vehicles, but does not include any area, whether privately or publicly owned, that is primarily intended to be used for the parking of vehicles and the necessary passageways on that area and does not include a provincial highway within the Village as designated pursuant to the provisions of The Highways and Transportation Act, 1997;
- (h) "Justice" means a Justice of the Peace as per The Legislation Act;
- (i) "Lug Vehicle" means any vehicle with a portable engine or tractor engine having metal spikes, lugs or cleats projecting from the face of the wheels or tires thereof, or having metal track tread;
- (j) "Minister" means the member of the Executive Council to whom for the time being the administration of The Highways and Transportation Act, 1997, is assigned.
- (k) "Village" means the Village of Liberty;
- (l) "One-Way Roadway" has the meaning ascribed thereto by The Traffic Safety Act; (n) "Owner" means:
  - (i) the person or entity to whom a certificate of registration for the vehicle has been issued pursuant to The Traffic Safety Act; or
  - (ii) the person or entity named in an equivalent document from another jurisdiction.
- (o) "Parking" has the meaning ascribed thereto by The Traffic Safety Act;
- (p) "Road Committee" means a body of persons appointed by the Village as the Road Committee;
- (q) "Speed Zone" means any portion of a Roadway within the Village of Liberty, as designated herein, and identified by a sign erected and maintained at each end thereof, indicating the maximum speed applicable thereto,
- (r) "Vehicle" means a vehicle, trailer or semi-trailer or a motor vehicle as ascribed to by The Traffic Safety Act.

#### 3. SCOPE

- (a) "Stop" Signs: pursuant to the provisions of The Highways and Transportation Act, 1997;
- (b) "One-Way" Streets: pursuant to the provisions of The Highways and Transportation Act, 1997;
- (c) "Vehicle Weight Restrictions": Roadway locations listed in Appendix 2;
- (d) "Speed Limits/Restrictions": Roadway locations listed in Appendix 1; and
- (e) "Yield Signs" pursuant to the provisions of The Roadways and Transportation Act, 1997.

#### 4. INFRACTIONS

- (a) Miscellaneous Signs:
  - (i) No person shall, except where authorized by resolution of Council, or when duly authorized by law, erect upon or immediately adjacent to any Roadway any sign, marker, signal or light or any advertising sign or device;
  - (ii) No person shall deface, damage, destroy, move or remove any sign or marker erected pursuant to this Bylaw;

(iii) The provisions of The Traffic Safety Act shall apply to all traffic approaching and facing a "Stop" sign or a "Yield" sign erected and maintained in accordance with this Bylaw.

(b) Parking:

(i) The parking of vehicles is permitted on the untraveled portion (not on street) for a period not to exceed 24 hours within the Village. Unless otherwise denoted by "No Parking" signage. Special events permits increasing parking capacity may be authorized as attached in Appendix 5.

(c) Speed:

(i) Except as set out elsewhere herein, no person shall operate a vehicle in the Village at a speed greater than forty (40) km per hour on the following streets/avenues:

- |                       |                        |
|-----------------------|------------------------|
| a) Lincoln Street     | e) Patrick Street      |
| b) Horace Street      | f) Prairie Avenue      |
| c) Wilberforce Street | g) Saskatchewan Avenue |
| d) Henry Street       | h) Railway Avenue      |

(ii) No person shall operate a vehicle in the Village at a speed greater than fifty (50) km per hour on Victory Street.

(d) Vehicle Weight Restriction:

(i) No person shall, without a permit issued:

a) operate a vehicle or a combination of vehicles when the combined gross weight of the vehicle(s) with or without a load exceeds 10 tonnes except on a highway within the Village designated as a Heavy Vehicle Route as listed in Appendix 2.

b) Subject to section (a) no person shall operate a vehicle or a combination of vehicles when the combined gross weight of the vehicle(s) with or without a load exceeds the maximum allowable weight pursuant to *The Vehicle Weight and Dimension Regulations* or any subsequent amendments thereto, on any roadway within the Village.

c) Sections (a) and (b) shall not apply to vehicles making delivery on any highway in the Village provided that the operator of the vehicle(s) uses the most direct route from and to the Heavy Vehicle Route, as listed in Appendix 2.

d) Sections (a) and (b) shall not apply to vehicles being transported to local businesses within the Village of Liberty for repairs provided that the operator of the vehicle(s) or the towing business operator uses the most direct route to and from the Heavy Vehicle Route, as listed in Appendix 2.

e) The provisions of *The Police Act*, and *The Highways and Transportation Act, 1997*, shall apply to the operators of vehicles referred to in sections (a) and (b).

(e) Damage to Roadways:

(i) A person shall not use a vehicle on a Roadway if the vehicle would cause damage to the Roadway surface. Penalty as specified in Schedule 1.

(f) Road Bans

(g) The Administrator (or designate) or Road Committee may implement road bans within the Village pursuant to *The Highways and Transportation Act, 1997*. No person shall use a Roadway in contravention of a road ban issued by the Administrator (or designate) or the Road Committee.

## 5. PERMITS

Subject to Council's discretion.

(a) The Administrator (or designate) may, if satisfied that the vehicle or combination of vehicles can be operated or moved upon a municipal Roadway without damage to the Roadway or other property, issue a permit to the registered owner of the vehicle or combination of vehicles to exceed the maximum gross vehicle weights fixed by this Bylaw.

(b) In order to obtain a permit under this section the registered owner must provide to the Administrator (or designate):

- (i) proof satisfactory that the vehicle and its load will not exceed the registered gross vehicle weight specified in the certificate of registration of the vehicle issued pursuant to The Traffic Safety Act; and
  - (ii) proof of financial responsibility as provided for and in conformity with the requirements of The Traffic Safety Act.
- (c) The Administrator (or designate) shall, in the permit, designate the municipal Roadways that may be used and the vehicle shall then be operated on only such municipal Roadways as are designated.
  - (d) For a single trip permit, the permit number must be provided upon request by a peace officer or the Administrator (or designate).
  - (e) For a multi-trip permit, the permit shall be carried in the vehicle and be produced upon request by a peace officer or the Administrator (or designate), at the time of inspection.
  - (f) Unlicensed construction equipment, such as rock trucks and scrapers, will not be allowed on Village Roadways unless actively involved in a project in the municipality and/or subject to the following conditions:
    - (i) A permit will be required for each move (subject to approval)
    - (ii) Two pilot vehicles consistent with Provincial regulations, required on all moves
    - (iii) Tracked vehicles are not allowed to be driven on Roadways, they must be trailered.
    - (iv) No loaded vehicles allowed to be driven on Roadways.

## 6. SIGNS

- (a) Council shall cause to be erected and maintained at all stop and yield intersections as determined by council, at a distance of approximately three (3) meters from point of intersection, an appropriate sign containing the word "Stop" or "Yield", so placed to face the traffic approaching the intersection.
- (b) Council shall cause to be erected and maintained all Vehicle Weight restriction signs as listed in Appendix 2. Such signs or curb markings shall be visible from that part of the Roadway to which the restriction applies.
- (c) Council shall cause to be erected and maintained all Speed Limit signs as listed in Appendix 1. Such signs or curb markings shall be visible from that part of the Roadway to which the restriction applies.

## 7. PENALTIES

### (a) General:

Any person who contravenes any provision of this Bylaw is guilty of an offence punishable on summary conviction by a fine in an amount not exceeding:

- (i) \$2,000 in the case of an individual;
- (ii) \$5,000 in the case of a corporation; or, in default of payment by an individual, by imprisonment for a period of time determined in accordance with section 29 of The Summary Offences Procedure Act, 1990.

### (b) Weights:

A person who contravenes the provision of sections (a), (b), (c), (d), (e) of Section (d) (i) is guilty of an offence and liable on summary conviction to fines of:

\$35.00 plus \$10 for each 110 pounds or fraction thereof over the 10 tonne weight limit.

### (c) Notice of Violation:

- i. When a police officer or other person authorized by the Village of Liberty enforce this Bylaw has reason to believe that a person or vehicle has contravened any provision of this Bylaw that police officer or other person may issue a Notice of Violation to the person.
  - a. The Notice of Violation shall be in the form as stipulated by the authority issuing.
  - b. Summons Ticket Offences - Voluntary Payment
    - A person to whom a Summons Ticket has been issued may pay the penalty for the offence indicated in the ticket with the directions on the Summons Ticket.
  - iv. Offence Notice Ticket Offences - Voluntary Payment
    - A person to whom an Offence Notice Ticket has been issued may pay the penalty for the offence indicated in the ticket in accordance with the directions on the Office Notice Ticket.

(d) Notice of Parking Violation

- i. When a police officer or other person authorized by the Village of Liberty enforce this Bylaw has reason to believe that a vehicle is parked in contravention of this Bylaw that police officer or other person may issue a Notice of Parking Violation to the person or place the Notice of Parking Violation on the vehicle. The Notice of Parking Violation shall indicate that the Village will accept voluntary payment in an amount as prescribed in Schedule 1.
- ii. A violator of any of the subsections of this Bylaw, upon being served with a Notice of Parking Violation, may during the regular office hours, voluntarily pay the penalty at the municipal office within 14 days and upon payment as so provided, that person shall not be liable to prosecution of the offence.
- iii. The Notice of Violation shall be in Form "3", Appendix 2, attached to and forming part of this Bylaw.

(e) Penalty:

The amount prescribed for each violation set out in Schedule 1 is designated as the specified penalty sum for that violation for the purposes of entering a default or deemed conviction pursuant to The Summary Offences Procedure Act, 1990.

(f) Other Penalties:

Any person who contravenes any section of this Bylaw for which a penalty has not been expressly provided for herein shall be liable to the penalties imposed by The Summary Offences Procedure Act and/or any other applicable legislation.

## 8. ENFORCEMENT

- (a) For the purposes of the enforcement of this bylaw, any designated officer may direct the operator of a motor vehicle to any certified scale as defined by the Weights and Measures Act Canada for the purpose of weighing a vehicle and that failure to follow those directions is an offence under this Bylaw.
- (b) A designated officer who is equipped with portable scales approved by the Minister, shall advise the operator of a vehicle that in lieu of having the weight determined using a portable scale, the operator has the option to immediately take the vehicle to a certified weigh scale within the outer boundaries of the Village of Liberty, at the discretion of the designated officer, within the meaning of the Weights and Measures Act Canada that are capable of weighing the vehicle.
- (c) Where the operator of a vehicle chooses to have the vehicle weighed at a certified weigh scale, the designated officer has the authority to take whatever actions are necessary to ensure that no alteration in the weight of the vehicle, or the distribution of the weight of the load, occurs during transit.
- (d) No person shall take any action to alter the weight or distribution of the load of a vehicle during transit to weigh scales.
- (e) Documentary evidence of the accuracy of weigh scales may be entered into the prosecution of charges under this bylaw in a manner in accordance with section 62 of the Roadways and Transportation Act, 1997.
- (f) The owner of a vehicle that is involved in the commission of an offence respecting any excess above prescribed weight limits is guilty of the offence and liable for the penalties for the contravention, whether or not the owner was directly involved in committing the offence or was in possession of the vehicle at the time of the contravention.
- (g) Notwithstanding subsection (f), the owner of a vehicle is not liable for the contravention if the owner demonstrates to the court that:
  - (i) the owner did not commit the contravention; and
  - (ii) the person who was in possession of the vehicle at the time of the contravention was in possession of the vehicle without the express or implied consent of the owner.
- (h) In addition to and notwithstanding any provisions contained within Section 8 hereof, any person appointed as a designated officer pursuant to this Bylaw may remove or cause to be removed any vehicle that:
  - (i) is unlawfully placed, left or kept on any Roadway public parking place, or other public place;

(ii) is found on a Roadway, public parking place, other public place or municipally-owned property when:

- (a) the owner of the vehicle owes three or more outstanding fines to the Village for parking offences;
- (b) the appeal period against the imposition and amount of said fines has expired;
- (c) at least two notices that the fines are outstanding were sent to the owner at least one week apart; and
- (d) a Justice, having been satisfied by evidence provided by way of oath, affidavit or statutory declaration of the existence of the facts mentioned above in Subsections 9(a)(2)(a) to (c), has issued an order authorizing the removal and impoundment.

(i) The Village may retain a vehicle which has been impounded or stored after it has been removed under Subsection 9(a) until the amount of outstanding fines, if any, and the costs incurred in removing and impounding or storing the vehicle have been paid, and upon payment of said outstanding fines and costs the vehicle shall be released to the owner.

(j) If the fines and costs described in Subsection 9(b) have not been paid within a period of 30 days, the Village shall have the right to recover same from the owner of the vehicle by:

- (i) legal action in a court of competent jurisdiction;
- (ii) sale through public auction of the vehicle; or
- (iii) by private sale of the vehicle.

(k) Prior to the sale of a vehicle which has been impounded or stored under this section, the Village shall provide notice designating the time and place of the sale at least 14 days prior to the sale by:

- (i) publishing a notice in a newspaper circulating in the Village;
- (ii) sending a copy of said notice by regular mail to the owner at the address last appearing on the vehicle registration; and
- (iii) by any other means which Council may consider appropriate.


(l) The proceeds from such sale shall be applied firstly on the fines and costs described in Subsection 9(b) and the balance remaining, if any, shall be paid to the owner. If the proceeds from such sale are insufficient to satisfy the fines and costs described in Subsection 9(b), the amount of the shortfall shall be a debt due and owing from the owner and enforceable by the Village in any manner allowed by law.

**9. COMING INTO FORCE**

Bylaw No. 2 of 2015 is hereby repealed.





Read a third time and adopted this  
10 day of February, 2021

  
CAO

Certified a True Copy of Bylaw No. 4 of 2020  
Adopted by resolution of the Council on the  
10th day of February, 2021.

  
Chief Administrative Officer



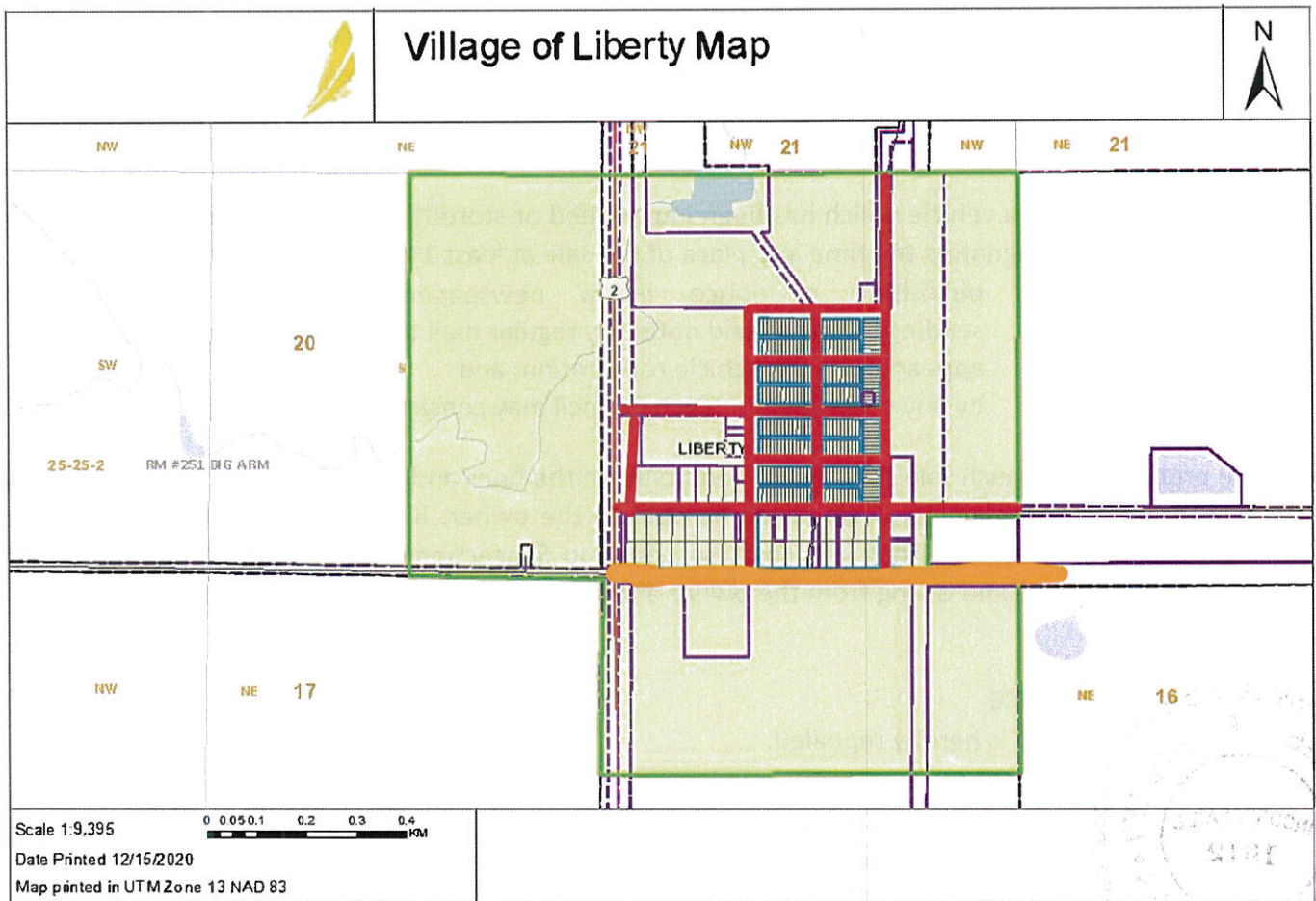
  
Mayor  
  
CAO  
Section 111 and 115 The Municipalities Act

# APPENDIX 1

## MAXIMUM SPEEDS [Section 3(d)]

Per attached map

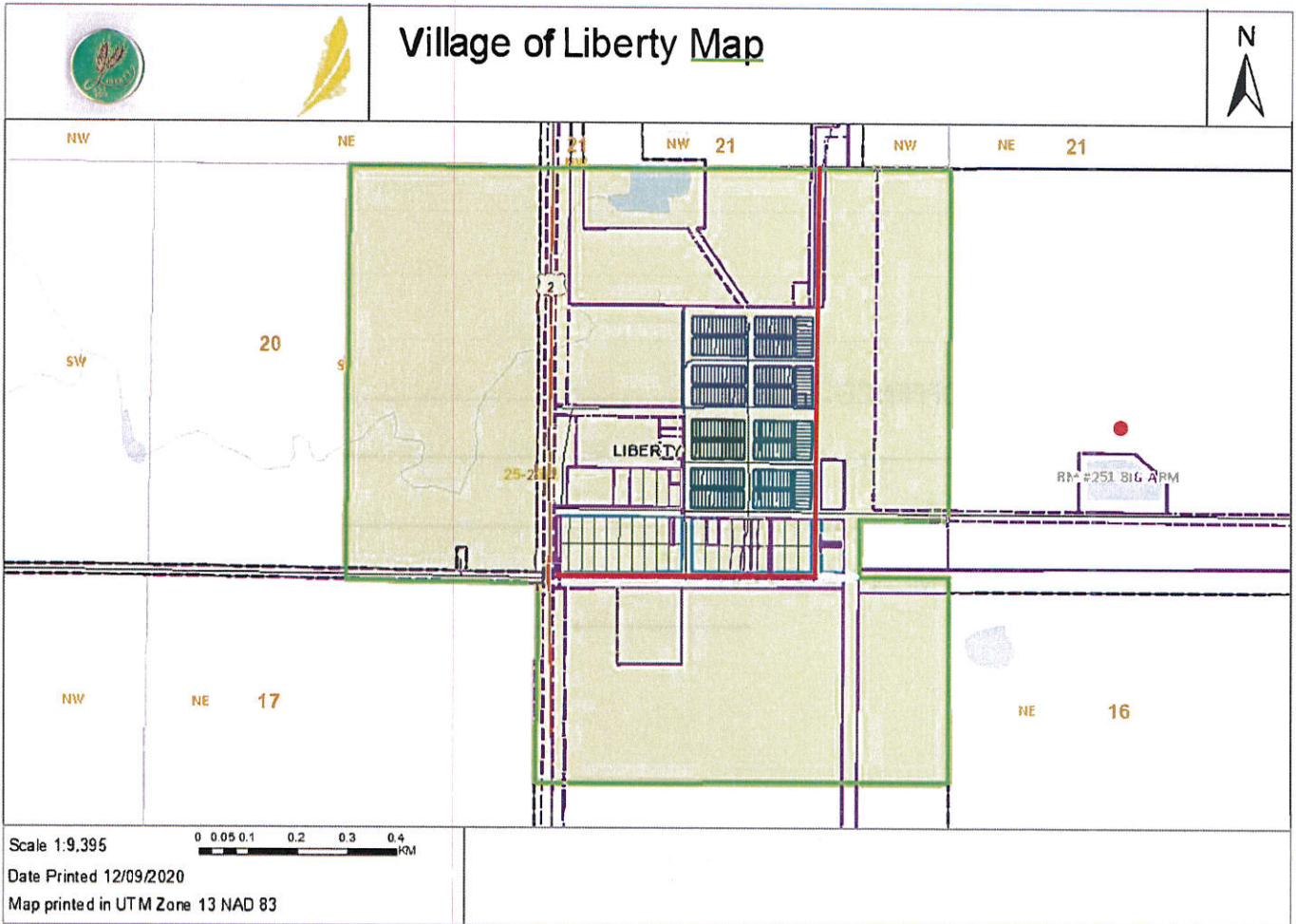
- (i) No person shall operate a vehicle at a speed greater than forty (40) km per hour in the speed zones as set out in this Appendix 1, Section 4 (c)(i) shown in Red;
  - (ii) No person shall operate a vehicle at a speed greater than fifty (50) km per hour in the speed zones as set out in this Appendix 1, Section 4 (c)(ii) shown in Orange.
- Township Road 253 easterly from Highway #2 east to the South West corner of the SE of 21-25-25 W2 (Roadway running along the most southerly portion of the Village of Liberty).



APPENDIX 2

HEAVY VEHICLE ROUTES

<u>Street</u>	<u>From</u>	<u>To</u>
Victory Street (Township Road 253)	Highway #2	Railway Avenue
Railway Avenue	Victory Street (Township Road 253)	Full length of Railway Avenue within Village of Liberty municipal boundary



**APPENDIX 3**

**of Bylaw No. 4 of 2020**

**NOTICE OF PARKING VIOLATION**

On the \_\_\_\_\_ day of \_\_\_\_\_ 20\_\_\_\_ at/near \_\_\_\_\_,  
Saskatchewan

At \_\_\_\_\_ a.m./p.m

**Vehicle Description:**

License Plate Number		
Vehicle Make		
Vehicle Model		
Vehicle Year		
Vehicle Colour		

**DESCRIPTION OF OFFENCE:** \_\_\_\_\_

**BYLAW & SECTION#:** \_\_\_\_\_

**VOLUNTARY PAYMENT AMOUNT:** \_\_\_\_\_

\_\_\_\_\_  
Name of Issuing Officer

\_\_\_\_\_  
Signature

**NOTICE RESPECTING VOLUNTARY PAYMENT WITHOUT COURT APPEARANCE**

Where a penalty for violation exists, you may make voluntary payment of the penalty at the municipal office of the Village of Liberty located at:

54 Prince Street  
Imperial, SK S0G 2J0

during regular office hours or by mail within 14 days from the date of service of this Notice of Violation.

If you do not make a voluntary payment within the time set out above, you shall be liable to prosecution and upon summary conviction to the penalties in the General Penalty Bylaw of the Village.



**APPENDIX 4**

**SPECIAL EVENT PARKING PERMIT [section4(b)(i)]**

**Purpose**

1. The purpose of this permit is as follows:
  - (a) To designate certain Roadways within the Village of Liberty as parking zones or limited parking zones during a special event;
  - (b) To grant permits to participants of special events, and establish parking zones or limited parking zones, the display of which would allow them to park their vehicles for a time longer than allowed by a posted parking restriction in a parking zone or limited parking zone;
  - (c) To set the terms and conditions for granting of the permits.

**Effect of Permit**

2. (a) Notwithstanding subsection (2a) the vehicle must be parked in accordance with all other provisions of the Traffic Bylaw No. 04 of 2020

**Application for Permit**

3.
  - (a) Any owner of the property may apply to the Village of Liberty for a special events parking permit;
  - (b) If the application made complies with the terms outlined, a special event parking permit shall be issued;
  - (c) Application for permit must be made at least 7 days prior to event.

**Display of Signage**

4. (a) The special event owner shall erect all appropriate signage to warn traffic of event ahead.

Effective dates: \_\_\_\_\_

Date: \_\_\_\_\_

Administrator \_\_\_\_\_

<u>Conditions:</u>	
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## Schedule No. 1

### Penalties

Section, SubSection and Classes	Offence	Penalty
4(g)(i)	Damage to Roadways	\$500.00
	Operating unlicensed construction equipment violating conditions (per condition violated)	\$500.00
	Parking violations - Form 3 Early Payment Option	\$100.00 \$ 50.00
	Summons Ticket Offences Exceeding maximum gross weight.	Penalty as specified in the Roadways and Transportation Act and Vehicle Weight and Dimension Act (reg 8) and Summary Offences Procedures Act Regulation schedules.

**\*Note:**

Other violations of the Traffic Bylaw are Notice of Violation offences using the Notice of Violation form as laid out in the General Penalty Bylaw.