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TOWN OF BEAUSEJOUR PARKING BY-LAW NO. 1711/14**

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TOWN OF BEAUSEJOUR

BY-LAW NO. 1711/14

**BEING A BY-LAW OF THE TOWN OF BEAUSEJOUR
CONCERNING THE REGULATION OF PARKING**

Whereas section 231 the Municipal Act (TMA) provides authority for Council to pass by-laws with respect to governing the municipality in the manner Council considers appropriate, within the jurisdiction given to it under this and other acts;

And whereas sub-section 231(1) of the TMA permits Council to pass by-law respecting people, activities and things in, on or near a public place or a place open to the public, including municipal roads;

And whereas section 287 of TMA states a municipality has the direction, control and management of municipal roads within its boundaries;

And whereas the Highway Traffic Act provides authority to Council to make certain rules and pass by-laws respecting parking on municipal roads;

Now therefore the Council of the Town of Beausejour (Town), in open session assembled enacts as follows:

SECTION 1 – SHORT TITLE

1.0 This By-Law may be referred to as the "Town of Beausejour Parking By-Law".

SECTION 2 – LIST OF SCHEDULES

2.0 Attached to and forming part of this By-law are the following schedules:

Schedule 1A	Location of "Restricted Parking" Traffic Control Devices
Schedule 1B	Location of Limited Parking Restrictions
Schedule 1C	Location of Diagonal Parking Only Areas
Schedule 1D	Physically Disabled Persons Parking
Schedule 1E	Location of "Loading Zone Only"
Schedule 1F	Location of "No Parking Zones"
Schedule 1G	Fee Schedule
Schedule 1H	"Central Commercial" Zone Map

SECTION 3 – DEFINITIONS

3.0 The words and expressions used in this By-law have the same meaning as those same words and expressions have as set out in the Highway Traffic Act (Manitoba) and in TMA as the case may be, unless provided for otherwise in this By-law.

3.1 In this By-Law:

Boulevard	means that portion of a highway between the curb or the lateral line of the highway and the adjoining property line exclusive of the sidewalk; and that portion of a highway between the curbs or lateral lines of the roadway of a divided highway.
Central Commercial Zone	means the area within the Town's commercially zoned areas outlined on Schedule 1H.
Curb	means the lateral line of a roadway
Holiday	means the days defined as holidays under the Interpretation Act (Manitoba).
Director of Operations	means the person appointed to the position of Director of Operations for the Town.

SECTION 3 – DEFINITIONS (CONTINUED)

- Municipal Enforcement Officer** means a person appointed as a By-Law Enforcement Officer of the Town or such persons as may be authorized by the By-Law Enforcement Officer to exercise some or all of the powers vested in them by this By-law.
- Private Approach** means that portion of a sidewalk and/or boulevard improved or designed for the passage of a vehicle.

SECTION 4 – TRAFFIC CONTROL DEVICES

- 4.0 Traffic control devices are authorized to be placed and maintained as set out in the Schedules attached to this By-law.
- 4.1 The Director of Operations is authorized to place and maintain or cause to be placed and maintained traffic control devices as set out in the Schedules attached to this By-law.
- 4.2 The Director of Operations is authorized to place and maintain or cause to be placed and maintained temporary traffic control devices to regulate stopping, standing or parking of a vehicle in an emergency or for the purpose of the Town or an authorized agent or contractor carrying out work on a highway including street cleaning and snow removal operations or as authorized by a peace officer.
- 4.3 No person shall undertake any work within a highway that may interfere with the stopping, standing or parking of vehicles without first obtaining permission from the Director of Operations. The Director of Operations may impose conditions on the issuance of the permission, including requiring the placement and maintenance of temporary traffic control devices to regulate stopping, standing or parking of vehicles.

SECTION 5 - PARALLEL/DIAGONAL PARKING (ANGLE)

- 5.0 No person shall stop, stand or park a vehicle on a highway other than parallel with the curb, facing in the direction of vehicle traffic movement on that side of the highway, with the curb side wheels of the vehicle being within eighteen inches of the curb, and a clear space of least three feet in front of and behind the vehicle.
- 5.1 Where diagonal (angle) parking is permitted under this By-law, vehicles shall stop, stand or park at an angle of approximately thirty degrees to the curb, with the right front wheel touching or within one foot of the curb, and with a clear space of at least three feet on either side of the vehicle.

SECTION 6 – PROHIBITIONS ON STOPPING, STANDING AND PARKING

- 6.1 No person shall stop, stand or park a vehicle on a highway in violation of a traffic control device, including a temporary traffic control device, placed and maintained under this By-law.
- 6.2 No person shall stop, stand or park a vehicle:
- a. in a back lane;
 - b. in a loading zone set out in Schedule 1E, except temporarily for the purpose of, and while actually engaged in, loading or unloading the vehicle;
 - c. other than a passenger vehicle at any time upon the highways or portions of highways set out in Schedule “1B”;
 - d. on a highway that is barricaded or otherwise shown as being closed to vehicle access;
 - e. that interferes with the passage of vehicles along a highway;
 - f. that interferes with access to a private approach;
 - g. that is not in running condition or that is under repair. If a vehicle breaks down such that it is no longer in operating condition, the owner or operator shall take immediate action to have the vehicle removed from the highway;

SECTION 6 – PROHIBITIONS ON STOPPING, STANDING AND PARKING (CONTINUED)

- h. abreast of another vehicle on a highway, unless the person is complying with a traffic control device, or the direction of a peace officer;
 - j. within twenty (20) feet in all directions for the intersection of the side streets and Park Avenue.
- 6.3 No person shall remove or alter a mark made on a vehicle by a Municipal Enforcement Officer in the enforcement of this By-law unless the vehicle has been moved through the nearest intersection following the making of the mark.
- 6.4 No person, other than the person having control of a vehicle, shall remove from the vehicle an offence notice, Parking Ticket or other notice placed by a Municipal Enforcement Officer alleging that a violation of a provision of this By-law has been committed with respect to the vehicle on which the Parking Ticket or notice was placed.

SECTION 7 – PARKING FOR PHYSICALLY DISABLED PERSONS

- 7.0 Designated parking spaces for physically disabled persons parking shall be designated by signs or pavement markings.
- 7.1 No person shall stop, stand or park a vehicle in a designated parking space or in a manner that makes the designated parking space inaccessible, unless a permit is displayed in the vehicle and is used in accordance with the Highway Traffic Act.
- 7.2 On the highways or portions of highways set out in Schedule “1D”, a person authorized by this section to stop, stand or park a vehicle in a designated parking space may do so for a maximum of four hours.
- 7.3 A person authorized by this section to stop, stand or park a vehicle in a designated parking space may do so with the left-hand wheels of the vehicle parallel to and within eighteen inches of the curb on the highways or portions of highways set out in Schedule “1C”.

SECTION 8 – PARKING TIME LIMITS

- 8.0 No person shall stop, stand or park the following vehicles on a highway for more than two hours:
- a. commercial trucks over one ton
 - b. truck tractor;
 - c. trailer; or
 - d. motor home
- 8.1 This section does not apply to a truck, truck tractor or trailer that is actively being used by a tradesperson working on premises in the immediate area to where the vehicle is parked.

SECTION 9 – PARKING RESTRICTIONS FOR CLEANING, MAINTENANCE AND SNOW REMOVAL

- 9.0 No person shall stop, stand or park a vehicle on any portion of a highway in the Central Commercial Zone set out in Schedule 1H between the hours of 11:00 p.m. and 7:00 a.m. from November 1 up to and including April 30 in each year.
- 9.1 No person shall stop, stand or park a vehicle on any portion of a highway between the hours of 9:00 p.m. and 7:00 a.m. when traffic control devices have been placed indicating that snow removal or highway cleaning or maintenance operations are underway or are to be commenced on the day that the devices have been placed.
- 9.2 The traffic control devices referred to in this section shall be placed on the portions of the highway to be affected by the cleaning or maintenance operations by 4:00 p.m. on the day that the said operations are to start.

SECTION 10 – ADVERTISING RESTRICTION

- 10.0 No person shall stop, stand or park on a street within the Town of Beausejour, an advertising vehicle, a vehicle displayed for sale, or a vehicle for the purpose of displaying goods, wares or merchandise. This shall not include vehicles that have signage attached directly to the body of the vehicle for the purpose of identifying their trade, service, or product.

SECTION 11 – PARKING EXEMPTIONS

- 11.0 This By-law does not apply to:
- a. police and municipal enforcement vehicles;
 - b. Town vehicles or vehicles employed by the Town while in use in connection with works being done in or near a highway requiring them to stop, stand or be parked in violation of this By-law; or
 - c. vehicles of the Government of Manitoba, the Government of Canada, or a public utility if such vehicles have the owner's name painted thereon and are engaged in work on or near a highway requiring them to stop, stand or be parked in contravention of this By-law.

SECTION 12 – ADMINISTRATION AND ENFORCEMENT

- 12.0 The position of the Director of Operations is a designated officer for the purposes of the administration and enforcement of this By-law. The Director of Operations shall have all the powers provided to a designated officer under TMA, including the power to move or cause to be moved vehicles stopped, standing or parked on a highway in violation of this By-law.
- 12.1 The position of Municipal Enforcement Officer under the Town's Enforcement By-law No. 1613/07 is a designated officer for the purposes of the administration and enforcement of this By-law. The Municipal Enforcement Officer shall have all the powers provided to a designated officer under TMA, including the power to:
- a. make or place a mark on a vehicle,
 - b. issue a Parking Ticket or offence notice,
 - c. move a vehicle to another location not in violation of this By-law,
 - d. tow or remove a vehicle, and
 - e. enforce a violation through an offence.
- 12.2 A Municipal Enforcement Officer may remove, tow and impound a vehicle found in violation of this By-law. The vehicle shall be taken to a location designated by the Town.
- 12.3 The owner of the vehicle towed, removed or impounded under this By-law may apply to the Municipal Enforcement Officer for the return of the vehicle. If the owner applies for the return of the vehicle, the Municipal Enforcement Officer shall release the vehicle to the owner upon payment by the owner of the removal and impoundment fees set out in Schedule 1G.
- 12.4 If the owner has not applied for the return of the vehicle within 30 days from the date of the impoundment, the Municipal Enforcement Officer shall notify the owner that the Town may dispose of the vehicle by a certain date if the owner does not pay the outstanding removal and impoundment fees set out in Schedule 1G. If the owner has not paid the outstanding fees by the set date, the Municipal Enforcement Officer may dispose of the vehicle. If the vehicle is sold, the Municipal Enforcement Officer shall apply any proceeds of sale against the outstanding fees and return any balance to the owner.

SECTION 13 – OFFENCE

- 13.0 A person who fails to comply with a provision of this By-law is guilty of an offence and is liable to a fine of not more than \$1000.00.
- 13.1 A person who is convicted of failing to comply with a provision of this By-law, in addition to a fine or penalty imposed under sub-section 13.0, is liable to any costs associated with or resulting from enforcing this By-law. Such costs are an amount owing to the Town and may be collected in any manner in which a tax may be collected or enforced under TMA.
- 13.2 Where the un-metered stopping, standing or parking of a vehicle is restricted by time under this By-law and the vehicle has been marked by the Municipal Enforcement Officer, the vehicle shall be deemed to have not moved since the making of the mark, unless the owner can demonstrate that the vehicle moved through the nearest intersection after the mark was placed on the vehicle.

SECTION 14 -VOLUNTARY PAYMENT

- 14.0 In the event of a violation under this By-law:
- a. a Municipal Enforcement Officer may issue a Parking Ticket, in a form approved by the Town alleging a violation of this By-law.
 - b. the Parking Ticket shall set out the licence plate number of the vehicle, information describing the violation, and the amount provided for in Schedule 1G of this By-law. The Parking Ticket shall be attached to the vehicle or handed to the owners or operator should they be present.
 - c. the owner or operator of the vehicle may, within twenty days of issuance of the Parking Ticket, attend at the Town municipal office and pay to the Town the amount set out on the Parking Ticket.
 - d. the owner or operator of the vehicle may comply with sub-section (c) by mailing the Parking Ticket, together with the amount set out on the Parking Ticket to the Town municipal office, provided the Parking Ticket and amount are received by the Town within twenty days of the issuance of the Parking Ticket. Where the payment is by way of a cheque or other negotiable instrument, it is deemed to have been received only when the cheque or instrument is honoured by the bank or financial institution upon which it is drawn.
- 14.1 Upon payment as set out in section 14.0, there shall be no further prosecution or action taken by the Town for the contravention in respect of which the payment has been made.
- 14.2 If no payment is made in accordance with section 14.0, the Municipal Enforcement Officer may proceed with the prosecution of the violation through an offence.

SECTION 15 – PARKING PROVISION NOT EXCLUSIVE

- 15.0 The provisions of this By-Law shall not relieve a person from complying with the provisions prohibiting, restricting or limiting the stopping, standing or parking of a vehicle set out under the Highway Traffic Act.

By-law No. 1698/13 is hereby repealed and any amendments thereto.

Read for the first time this 12th day of August, 2014
Read for the second time this 9th day of September, 2014
Read for the third time and passed this 9th day of September, 2014



MAYOR



ADMINISTRATOR

The Town of Beausejour Parking By-law

Schedule "1A"

LOCATION OF RESTRICTED PARKING TRAFFIC CONTROL DEVICES

1. No truck over one (1) ton carrying capacity shall be parked on the following Streets:
 - a) Park Avenue between First Street and Sixth Street
 - b) Third Street South on the east side from Park Avenue, South to a point perpendicular to the South boundary of Pacific Avenue
 - c) First Street on both sides from Park Avenue to the lane South of Park Avenue
 - d) Third Street South on the west side from a point 150 feet south of Park Avenue to Pacific Avenue

2. Unless otherwise indicated by signs installed by the Municipality no vehicle shall be parked or stopped at any time on the following Streets, Avenues or portions of Streets or Avenues:
 - a) Fourth Street North on the West side between Park Avenue and Park Avenue Lane north thereof
 - b) Fifth Street North on the West side between Park Avenue and Gertrude Avenue
 - c) Third Street North on the west side between Park Avenue and the lane north thereof
 - d) Seventh Street on the East side from Park Avenue North to the entrance to Centennial Park
 - e) First Street South on both sides from Atlantic Avenue to a point two hundred and fifty feet north thereof
 - f) Second Street North east side from public lane north of Park Avenue to Gertrude Avenue
 - g) Third Street South on both sides from Atlantic Avenue to a point two hundred and fifty feet north thereof
 - h) Fifth Street South both sides from Weselak Drive South to Atlantic Avenue
 - i) Fifth Street South on the west side, from Park Avenue to the lane south of Park Avenue
 - j) Fifth Street South on the east side, from Park Avenue to the lane south of Ashton Avenue
 - k) Tenth Street North on the east-side from Park Avenue North to Baker Avenue
 - l) Turner Street on the west side between Watson Avenue and Atlantic Avenue
 - m) Third Street North on the east side from Park Avenue to a point 20 feet North of Park Avenue
 - n) Fourth Street North on the east side from Park Avenue to a point 20 feet North of Park Avenue
 - o) Fifth Street North on the east side from Park Avenue to a point 20 feet North of Park Avenue

The Town of Beausejour Parking By-law

Schedule "1B"

LOCATION OF LIMITED PARKING RESTRICTIONS

1. Limited parking Monday to Saturday 8:00 A.M. to 4:00 P.M.

Except on Sundays and Statutory holidays, No vehicle shall be parked for more than one hundred and twenty consecutive minutes (Two Hours) at any time between 8:00 o'clock in the forenoon and 4:00 o'clock in the afternoon on any of the following streets, or portions of streets:

- (a) Park Avenue on both sides between First Street and Seventh Street
- (b) Third Street South on the east side from Park Avenue to Ashton Avenue
- (c) Third Street South on the west side from Park Avenue to Pacific Avenue
- (d) Fifth Street North on the East side from Park Avenue to Gertrude Avenue
- (e) First Street South on both sides from Park Avenue to Ashton Avenue
- (f) Second Street South on west side from Park Avenue to Ashton Avenue
- (g) Second Street South on east side from Park Avenue to the Lane south of Park Avenue
- (h) Second Street North on the East side between Park Avenue to the Lane north of Park Avenue
- (i) Third Street North on the East side between Park Avenue and Gertrude Avenue
- (j) Fourth Street North on the East side between Park Avenue and Gertrude Avenue
- (k) Fourth Street South on west side from Park Avenue to Ashton Avenue
- (l) Gertrude Avenue on the south side from Fourth Street North to a point 200 feet East there-from

2. Limited One (1) Hour Parking Monday to Saturday 8:00 A.M. to 4:00 P.M.

Except on Sundays and Holidays, no vehicle shall be parked for more than 60 consecutive minutes (one hour) at any time between 8:00 o'clock in the forenoon and 4:00 o'clock in the afternoon on the following areas:

- a) All Public Parking Stalls on the east side of the Public Parking Lot from Park Avenue to the lane north of the Co-op Food Store

3. No parking Monday to Friday 8:00 A.M. - 10:00 A.M. and 2:00 P.M. - 4:00 P.M.

- a) Fifth Street South on the west side from the lane north of Ashton Avenue to Weselak Drive

The Town of Beausejour Parking By-law**Schedule "1C"****LOCATION OF DIAGONAL PARKING ONLY AREAS**

- 1) Park Avenue on both sides from First Street to Sixth Street
- 2) Third Street South on the east side from Park Avenue to Ashton Avenue
- 3) Third Street South on the east side from Ashton Avenue south to a point perpendicular to the south boundary of Pacific Avenue
- 4) Third Street South on the west side from a point 150 feet south of Park Avenue to Pacific Avenue
- 5) First Street South on the west side from Park Avenue to the Railway R.O.W.
- 6) First Street South on the east side from Park Avenue to Ashton Avenue

The Town of Beausejour Parking By-law

Schedule "1D"

PHYSICALLY DISABLED PERSONS PARKING

1. Veterans Lane (Recreation Centre) – West Side
2. Zion Lutheran Church – Located at 403 First Street North. Gertrude Avenue on the North side from a point ninety (90) feet West of First Street to a point one hundred and sixty five (165) feet West of First Street
3. Provincial Building - Two parking stalls at North end of Building on 20 First Street South
4. Beausejour Clinic – Located at 708 Park Avenue. Two parking stalls in front of the Clinic on the South Side of Park Avenue, from a point one hundred and eighty-five (185) feet east of Fourth Street South to a point two hundred and five (205) feet east of Fourth Street South
5. The business of Mark's Medi-Wheel Chair – Located at 659 Park Avenue
6. The business of Knysh Funeral Home – Located at 437 Park Avenue, East Approach
7. Kobelka's Chiropractic – Located at 420 Park Avenue and Beausejour Physio – Located at 418 Park Avenue two parking stalls along common boundary.
8. Beau-Head Senior, located at 645 Park Avenue (1 stall) – along Park Avenue.

The above noted Physically Disabled Persons Parking locations will be designated by a blue coloured curb and/or traffic control device.

The Town of Beausejour Parking By-law

Schedule "1E"

LOCATION OF LOADING ZONE ONLY TRAFFIC CONTROL DEVICES

1. Fifth Street South on the east side from the lane south of Ashton Avenue to the south limit of Weselak Drive
2. First Street South in front of the Main Entrance of the Provincial Building
3. First Street South in front of the H.E.W. Building (31 First Street South)
4. Fourth Street North in front of main entrance of Twin Maples
5. Third Street North at the Third Street Residence (612 Third Street North)
6. Third Street South in front of the main entrance to Armstrong Manor
7. James Avenue at the south entrance to South Haven Lodge
8. Third Street South in front of main entrance of Burgoyne Station (93 Third Street South)

The Town of Beausejour Parking By-law

Schedule "1F"

LOCATION OF NO PARKING ZONES

1. Elm Avenue from First Street North to Fifth Street North – No Parking on the North side
2. Pine Avenue from First Street North to Fifth Street North – No Parking on the North side
3. William Avenue from First Street North to Fifth Street North – No Parking on the North side
4. Oak Avenue from First Street North to Fifth Street North – No Parking on the North side
5. Dale Avenue from First Street North to Fifth Street North – No Parking on the South side
6. Gertrude Avenue from a point approximately 300 feet west of First Street North to James Street – No Parking on the North Side
7. Gertrude Avenue from First Street North to Fourth Street North – No Parking on the North side
8. Ash Avenue from James Street to First Street North – No Parking on the North side
9. Poplar Avenue from James Street to First Street North – No Parking on the North side
10. James Street from Park Avenue to Ash Avenue – No Parking on the West side
11. German Street from Park Avenue to Ash Avenue – No Parking on the West side
12. Second Street North from Dale Avenue to the end of Second Street North – No Parking on the West side
13. Third Street North from Gertrude Avenue to the end of Third Street North – No Parking on the East side
14. Third Street North from Park Avenue to Gertrude Avenue – No Parking on the West side
15. Fourth Street North from Park Avenue to the end of Fourth Street North – No Parking on the West side
16. Fifth Street North from Park Avenue to the end of Fifth Street North – No Parking on the West side
17. Seventh Street North from Park Avenue to Gertrude Avenue – No Parking on the East side
18. Tenth Street North of Park Avenue to the end of Tenth Street North – No Parking on the East side
19. Pacific Avenue from Second Street South to Third Street South – No Parking on the South Side
20. Second Street South from Atlantic Avenue to the end of Second Street South – No Parking on the West side
21. Turner Street from Atlantic Avenue to James Avenue – No Parking on the West side
22. Watson Avenue from First Street South to Third Street South – No Parking on the South side
23. South Hill Drive from First Street South to Parkview Lane – No Parking on the North side
24. South Hill Drive form Parkview Lane to Bisko Boulevard – No Parking on the South and West side
25. Bisko Boulevard from First Street South to Second Street South – No Parking on either side
26. Fourth Street South from Ashton Avenue to the stop sign at Weselak Drive – No Parking on the West side
27. Weselak Drive – No parking adjacent to all sides of Public Reserve
28. Weselak Drive from Fifth Street South to Fourth Street South - No Parking on the South side
29. Ashton Avenue from Fifth Street South East to its terminus – No Parking on the North side
30. Fifth Street South from Atlantic Avenue to James Avenue – No Parking on the West side

The Town of Beausejour Parking By-law

Schedule "1F"

LOCATION OF NO PARKING ZONES (PAGE 2)

31. Fifth Street South from Park Avenue to the lane South of Ashton Avenue – No Parking on the East side
32. Joyce Street from Kaatz Drive to James Avenue – No Parking on the West side
33. Belle Place, Connor Place, and Ruth Place – No Parking adjacent to the designated public reserve
34. Belle Place from Fifth Street South to a point two hundred seventy (270) feet West of Fifth Street South – No Parking on the North side
35. Connor Place from Fifth Street South to a point two hundred seventy (270) feet West of Fifth Street South – No Parking on the South side
36. Ruth Place from Fifth Street South to two hundred seventy (270) feet East of Fifth Street South – No Parking on the South side
37. Panorama Drive from First Street South to Fairway Drive North – No Parking on the North side
38. Fairway Drive North from Panorama Drive to Lakeshore Drive – No Parking on the West side
39. Lakeshore Drive from Fairway Drive North to Panorama Drive – No Parking on the South side
40. Fairway Drive South from Lakeshore Drive to Cemetery Lane – No Parking on the East side
41. James Avenue from First Street South to Cemetery Lane – No Parking on either side
42. Parkview Lane from South Hill Drive to Bisko Boulevard – No Parking on East side
43. Burr Oak Way from Atlantic Avenue to Woodridge Drive – No Parking on the West and South side
44. Elm Dale Street from Park Avenue to its terminus – No Parking on the East side
45. Woodridge Drive form Atlantic Avenue to South Limit – No Parking on the East side
46. Kaatz Drive from Fifth Street South to Joyce Street – No Parking on the South side
47. Community Lane from James Avenue to South Limit – No Parking on the West side
48. Evergreen Street from Kaatz Drive to James Avenue – No parking on the East side

The Town of Beausejour Parking By-law

Schedule "1G"

FEE SCHEDULE

Any individual guilty of an infraction under this Section is subject to a \$25.00 fine. If paid within 14 days of the infraction the fine would be reduced to \$15.00.

-15-
By-law 1711/14
The Town of Beausejour Parking By-law
Schedule "H"
Central Commercial "CC" map

