

- 54.4 (e) Within thirty (30) days after the first day of January in each year, every utility shall file with the City Engineer a corrected map or set of maps, each drawn to a scale of not less than one inch {1"} to two hundred feet (200') showing the location, size, description, and date of installation, if known, of all such installations, including all those made during the previous year. In the event no additions have been made to its installation during the previous year, a utility may file with the City Engineer a written statement to that effect, within the period of time specified above. A utility may, at its option, provide corrected atlas sheets throughout the year as they are available rather than proceed as noted above.  
[EN. B/L 5871/28/91]

#### 54.5 DRIVEWAY PERMITS

Notwithstanding Section 54.4, any person wishing to construct a driveway approach shall make application to the City Engineer, in the form attached hereto as Schedule "S", for a Driveway Permit. Issuance of such permit shall be subject to:

- (a) payment of an application fee as set out in the City's annual fee schedule;  
[AM. B/L 6612]
- (b) compliance with all regulations and conditions contained on said permit; and
- (c) the applicant obtaining a crossing permit, pursuant to Section 54.6, where temporary access to the site is required across a boulevard, sidewalk, or curb.  
[EN. B/L 5810/85/90; AM/ B/L 6098/47/93]

#### 54.6 CROSSING PERMITS

- (a) It shall be an offence for any person to drive, ride or back a vehicle on, across or along any boulevard, sidewalk or curb at any place other than an authorized crossing.
- (b) Notwithstanding subsection (a), where any person finds such action is unavoidable, the owner or operator of the vehicle shall first make application to the City Engineer, in the form attached hereto as Schedule "T", for a Crossing Permit. Issuance of such permit shall be subject to:
  - (1) payment of an application fee as set out in the City's annual fee schedule;  
[AM. B/L 6612]
  - (2) the applicant accepting responsibility for any damage done to the boulevard, sidewalk or curb as a result of such action; and
  - (3) the applicant submitting any damage deposit as may be required by the City Engineer.  
[AM. B/L 6098/47/93]
- (c) Where any boulevard, sidewalk or curb has sustained damages from vehicles crossing thereon, whether lawfully or unlawfully, any required repairs will be carried out by the City and the costs paid by the owner and/or operator of the vehicle which damaged the boulevard, sidewalk or curb.  
[EN. B/L 5810/85/90]

### PART IV: PENALTIES

#### 55. LIABILITY OF OWNERS TO CONVICTION

- (a) Pursuant to Subsections 90(1) and 90(3) of the Act, any person who violates, contravenes, disobeys or refuses, omits, neglects, fails to observe, obey or comply with any or all provisions of this By-law is guilty of an offence and is liable on summary conviction to a fine not exceeding \$1,000.00 or to imprisonment for a term not exceeding 6 months, or to both such fine and such imprisonment.
- (b) Pursuant to Section 202 of The Municipal Act where such contraventions, refusal, neglect, omission, or failure to obey or observe continues for more than one day, the person is guilty of a separate offence for each day that it continues.

**56. PARKING VIOLATIONS**

- (a) Where an offence as alleged in Section 55 hereof is a parking violation, the specific fines as set out in the City's annual fee schedule are to be levied upon a guilty plea before the City Magistrate or his designate if such guilty plea is entered within 15 days of service subject to a discount for payment within 7 calendar days of the date of the Information and Summons Offence Notice. Payment on the 8th or subsequent day up to and including the 15th calendar day after the date of the Information and Summons Offence Notice, will receive a lesser discount as set out in the City's annual fee schedule. Upon payment, the person contravening the by-law shall not be liable to prosecution for that offence.

[AM. B/L 5810/85/90; 6612]

- (b) Parking violation service shall be effected by leaving a traffic citation as referred to in Section 45 hereof with the owner or operator of the vehicle alleged to be in violation of this by-law or by affixing the said citation to the vehicle in question.

56.1 [EN. B/L 5693/59/89; REP. B/L 5810/85/90]

**56.2 GENERAL PENALTIES**

Pursuant to Subsection 245(1), clause (k) of The Municipal Act, where any person in charge or control of a bicycle commits any infraction of the regulations contained herein respecting bicycles, an Officer may, upon observing any such infraction, seize such bicycle and impound same for a period of thirty days. The owner of any such bicycle so impounded may recover same by:

- (a) providing sufficient proof of ownership to the Police Service; and
- (b) paying a fine of \$30.00 to the City.

[EN. B/L 5810/85/90; AM. B/L 6098/47/93; B/L 6143/92/93]

56.3 Pursuant to Section 202 of The Municipal Act:

- (a) any person who contravenes, or refuses, neglects, omits, or fails, to obey or observe, any provision of Section 10.4 herein, is guilty of an offence and liable to a minimum fine of \$100.00, but in any case not to exceed \$1,000.00; and
- (b) where such contravention, refusal, neglect, omission, or failure to obey or observe continues for more than one day, the person is guilty of a separate offence for each day that it continues.

[EN. B/L 5871/28/91]

**PART V: REPEAL**

57. (a) By-law No. 3738 and amending By-law Nos. 3763, 3796, 3832, 3909, 3922, 3932, 3985, 3997, 4039, 4040, 4095, 4308, 4364, 4429, 4467, 4585, 4632, 4634, 4645, 4712, 4942, 4982, 5073, 5081, 5123, 5129, 5135, 5138, 5140, 5173, 5300, 5324, 5344, 5412, 5472, 5495, 5547, 5566, 5583, 5592, 5596 and By-law Nos. 2578, 4448, 4469, 4633, 4581 and 5242 are hereby repealed.

- (b) The repeal of the By-laws in the last preceding subsection mentioned shall not revive any By-law or any provision of any By-law repealed by them, nor shall the said repeal prevent the effect of any saving clause in the said By-laws or the application of any of the said By-laws 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.

- (c) **And the repeal of the said By-laws should not affect:**
- (1) 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;
  - (2) Nor 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;
  - (3) Nor 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;
  - (4) Nor any office, appointment, commission, salary, allowance, security, duty, or any matter or thing appertaining thereto at the time of such repeal;
  - (5) Nor any bond, note, debenture, debt, or other obligation made, executed, or entered into by the Corporation at the time of such repeal.
  - (6) Nor shall any such repeal defeat, disturb, invalidate, or prejudicially affect any other matter or thing whatsoever had, done, completed, existing or pending at the time of such repeal.
  - (7) Pursuant to Section 3, Provincial Trunk Highways and Provincial Roads shall be subject to By-law No. 3738, as amended, until such time as the said Ministerial approval has been obtained notwithstanding the repeal of the said By-law No. 3738.

58. That this By-law shall come into full force and effect on the 1st day of May A.D. 1989.

DONE AND PASSED by the Council of The City of Brandon duly assembled this 3rd day of April, A.D. 1989.

"K. J. Burgess"

MAYOR

"W. I. Ford"

CITY CLERK

Read a first time this 16th day of March A.D. 1987.

Read a second time this 3rd day of April A.D. 1989.

Read a third time this 3rd day of April A.D. 1989.

I, Conrad Robert Arvisais, Clerk of the municipality of The City of Brandon, DO HEREBY CERTIFY the within to be a true and correct copy of Traffic By-law No. 5463/16/87, as amended by By-laws 5677/43/89, 5693/59/89, 5710/76/89, 5810/85/90, 5826/101/90, 5871/28/91, 5909/66/91, 5961/118/91, 5988/25/92, 6003/40/92, 6017/54/92, 6020/57/92, 6042/79/92, 6098/47/93, 6143/92/93, 6191/40/94, 6295/22/95, 6311/38/95, 6390/36/96, 6413/59/96, 6446/09/97, 6468/31/97, 6532, 6571, 6588, 6593, 6612, 6624, 6635, 6665, 6684, 6809, 6823, 6836, 6861, 6914, 6948 and 7096.



C.R. Arvisais, City Clerk