

**PART II: REGULATION OF AND PROCEDURES TO ESTABLISH TRAFFIC CONTROL,
PLACING AND MAINTENANCE OF TRAFFIC CONTROL DEVICES**

4. TRAFFIC AUTHORITY and TRAFFIC AUTHORITY ADVISORY COMMITTEE

TRAFFIC AUTHORITY

- (a) Until this by-law is amended to state otherwise the Council shall be the Traffic Authority for all streets within the City, including private properties where the intention to have this by-law apply to such property is shown by the posting of a notice thereon but excepting all other private property and those portions of Provincial Trunk Highways and Provincial Roads outside the jurisdiction of the City.
[AM. B/L 5810/85/90; B/L 5871/28/91]
- (b) The Traffic Authority shall exercise all the powers authorized by The Municipal Act, The Highway Traffic Act and The Hazardous Goods Handling and Transportation Act and all powers as designated in this by-law.
[AM. B/L 5810/85/90]
- (c) The Traffic Authority may, from time to time, enter into agreements with other parties ("Private Parties"), providing for the enforcement of some or all of the provisions of this By-law within specific geographical areas by the Private Parties, their employees or agents, subject only to the limitation that the Private Parties may only exercise those powers of an officer which are set out in Sections 42 and 45.
- (c.1) The Traffic Authority may, from time to time, enter into agreements with other parties or agencies, providing for the delivery of the provision of Section 54.2(b) provided said service is compliance with Manitoba Regulation 578/88, as amended (Schedule W), and the Weights and Dimension Permit Manual (Schedule I).
[AM. B/L 6914]
- (d) The Traffic Authority shall meet and maintain minutes of all proceedings and the minutes shall be retained in the Office of the City Clerk.
- (e) [REP. B/L 5810/85/90]
- (f) [REP. B/L 5810/85/90]
- (g) [REP. B/L 5810/85/90]
- (h) The location of all Traffic Control Devices other than those Traffic Control Devices located on Provincial Highways and designated highways by the Province of Manitoba Department of Highways shall be approved by the Traffic Authority.
[AM. B/L 5693/59/89; B/L 5810/85/90; B/L 5871/28/91]
- (h.1) Provincial Trunk Highways and Provincial Roads within the City are divided into three categories; those exempt from the provisions of this by-law as referred to in subsection 3(a), those within the jurisdiction of the Province [Provincial Highways as defined in paragraph 2(c)(45)] and those within the jurisdiction of the City [designated highways as defined in paragraph 2(c)(22.1)]. The location of all categories are setout on Schedules "B1" and "B3" hereto.
[EN. B/L 5693/59/89; AM. B/L 5810/85/90; B/L 5871/28/91]
- (h.2) The location of Traffic Control Devices by the City on designated highways shall be approved by the Minister of Highways and Transportation or his designate.
[EN. B/L 5693/59/89; AM. B/L 5871/28/91]

4. (h.3) The location of Traffic Control Devices on Provincial Highways is not subject to this by-law.
[EN. B/L 5693/59/89; A/M B/L 5810/85/90; B/L 5871/28/91]
- (i) [REP. B/L 5810/85/90]
- (j) [REP. B/L 5810/85/90]
- (k) Notwithstanding the approval of the location of existing traffic control devices by the passage of this By-law, and subject to the authority of the Board, the Traffic Authority may, by simple majority vote, authorize any locational changes to any or all traffic control devices within the control of the Traffic Authority as the Traffic Authority determines to be reasonable.

TRAFFIC AUTHORITY ADVISORY COMMITTEE

- (l) For the purpose of determining what changes are necessary to the Traffic By-law, for updating the actual traffic control rules and devices and for the adoption of traffic controls in areas of new development or re-development, an advisory committee to the Traffic Authority shall be created to be known as the "Traffic Authority Advisory Committee" (TAAC).
- (l.1) The City Engineer shall have all those authorities and powers as designated by this by-law to the TAAC, which Committee shall serve as a support to the City Engineer.
[EN. B/L 6532]
- (m) The TAAC shall consist of members as recommended by the City Manager and approved by Council.
- (n) The City Manager shall designate a member of the TAAC to be Committee Chairman and designate a Secretary who may be a non-member of the Committee.
- (o) The TAAC shall meet at the call of the Chair to make such recommendations to the Traffic Authority as they deem appropriate or as requested by the Traffic Authority. Minutes shall be maintained by the TAAC.
[AM. B/L 5810/85/90; B/L 5871/28/91; B/L 6532]
- (p) To expedite the approval process for the placement, replacement or location of traffic control devices or other controls the TAAC shall determine the location of all traffic control devices except for the following determinations which shall be made by the Traffic Authority:
[AM. B/L 6665]
- (1) [REP. B/L 6532]
- (2) [REP. B/L 6532]
- (3) designation of hazardous goods routes and truck routes;
- (4) [REP. B/L 6532] and
- (5) such other locations and installations as the Traffic Authority deems necessary.
[AM. B/L 5693/59/89]

4. (q) The location and condition of Traffic Control Devices shall be reviewed and such devices maintained on a regular basis as determined by the TAAC. All concerns relating to traffic control devices shall be directed to the City Engineer. All repairs and replacements to be carried out shall be detailed on a memorandum and a record maintained by the TAAC, with copies to the person in charge of the Traffic Sign inventory system for the purpose of updating records.
[AM. B/L 5693/59/89; B/L 5810/85/90]
- (r) A request to install any new Traffic Control Device or to make any new rules relating to streets within the jurisdiction of the Traffic Authority shall be referred in writing to the City Engineer and he shall present the requests to the TAAC and, if approved, the procedure as set out in subsection (q) above shall be followed.
[AM. B/L 5693/59/89; B/L 5871/28/91]
- (s) On Provincial Highways the TAAC shall refer all proposed installations of traffic control devices to the Minister of Highways and Transportation or his designate for approval. All proposals for the installation of pedestrian corridors shall be referred to the Board for approval.
[AM. B/L 5693/59/89; B/L 5810/85/90; B/L 5871/28/91]
- (t) The TAAC shall have such other powers as either specifically designated by the Traffic Authority or as such arise by necessary implication from this or other by-laws.
[EN. B/L 5810/85/90]
- (u) When deemed necessary and expedient and in the absence of the City Engineer, the City Solicitor shall have the same powers as the TAAC, subject to his submitting to the TAAC for subsequent approval a report outlining the circumstances and details of any action taken.
[EN. B/L 5871/28/91; AM B/L 6532]

4.1 TRAFFIC CONTROL DEVICES

- (a) The location of all Traffic Control Devices shall be recorded in a Traffic Sign Directory to be maintained in the City Computer record-keeping system. A printout of the Traffic Sign Directory shall be prepared as required by the Traffic Authority and retained in the Office of the City Clerk and verified by his signature and the imprint of the City Seal as the current "Traffic Sign Directory".
- (a.1) The Traffic Authority shall identify a reduced-speed school zone with traffic control devices that comply with Reduced-Speed School Zones Regulation No. 136/2013.
[EN. B/L 7096]
- (b) With the exception of temporary traffic control devices referred to in Section 5, no traffic control device shall be installed on a street within the jurisdiction of the City without the prior written approval of the Traffic Authority, or, where authorized pursuant to subsection 4(p), the TAAC.
- (c) Subsection (b) shall not apply to the Department of Highways, its agents or employees with respect to those highways outlined in subsection 4(h.1).
- (c.1) Those private properties with an internal street system shall have installed, at the owner's expense, traffic control devices at each point where the internal street system interconnects with a City street. Written permission from the TAAC shall be required prior to the placement of any such traffic control device.
[EN. B/L 5871/28/91]

- 4.1 (d) The placement of any Traffic Control Device in contravention of this by-law by any person, shall be an offence and such Traffic Control Device(s) shall be removed at the convenience of the City.

[EN. B/L 5810/85/90]

5. **TEMPORARY TRAFFIC CONTROL DEVICES**

- (a) The Chief of Police or the City Engineer shall place and maintain, or cause to be placed and maintained, temporary traffic control devices for the purpose of prohibiting or regulating traffic where a parade, street construction, repair, painting, snow removal or emergency occurs (or such other situations requiring action on the discretion of the Chief of Police or the City Engineer). All such action shall be confirmed at the next ensuing meeting of the TAAC. [AM. B/L 5693/59/89; B/L 5810/85/90; B/L 5871/28/91]
- (a.1) The Minister of Highways and Transportation, or his designate shall have the same authority as the Chief of Police or City Engineer as referred to in subsection (a) above over Provincial Highways and designated highways. [EN. B/L 5693/59/89; AM. B/L 5871/28/91]
- (b) [REP. B/L 5810/85/90]
- (c) When workmen of Electric, Telephone, or Gas Utilities, or Private Firms are authorized, in accordance with Sections 10.1 and/or 54.4, to do work in, upon, or under any roadway within the jurisdiction of the City, they shall, at their own expense, supply and place traffic control devices in the manner approved by the City Engineer. Such signs shall be cleaned, maintained, repaired and replaced as often as is necessary to provide protection to the public to the satisfaction of the City Engineer. [AM. B/L 5810/85/90]
- (d) [REP. B/L 5810/85/90]
- (e) [AM. B/L 5693/59/89; REP. B/L 5810/85/90]
- (f) [REP. B/L 5810/85/90]
- (g) [AM. B/L 5693/59/89; REP. B/L 5810/85/90]
- (h) [REP. B/L 5810/85/90]
- (i) (1) The announcement of temporary parking restrictions imposed under subsection (a) shall be printed in the local newspaper and announced over the broadcast media at least six hours before the parking prohibition comes into effect, if feasible, and/or portable traffic control devices may be placed on affected streets by 1700 hours on the previous day and at least twelve hours prior to the parking prohibition taking effect. Such temporary traffic control devices shall be placed a minimum of four per block (two per side of each block).
- (2) Notwithstanding paragraph (1) above, where an emergency situation occurs the immediate placement of portable traffic control devices shall be deemed sufficient notice.

5. (i) (3) Where a situation occurs which prevents proper notification and signage of streets as outlined in paragraph (1) above, the City may have vehicles which are lawfully parked within the affected area towed to the nearest available parking area. The person responsible for ordering the vehicle to be towed shall immediately notify the Chief of Police of such action stating where the vehicle was removed from, where it was relocated to, the reason for such relocation, and a description of the vehicle involved. The Chief of Police shall then take all reasonable steps to notify the owner of such action and advise where the vehicle was relocated to. Under such circumstances, the City shall be responsible for all related towing charges and any traffic citations issued as a result of such emergency parking prohibition. Vehicles which are unlawfully parked may be cited and/or towed from the area at the owner's expense. The towing of any unlawfully parked vehicle pursuant to this paragraph shall be subject to the provisions of subsections 47(c) through (f) inclusive.
- (4) Where any temporary parking restriction is announced and the affected streets signed in accordance with paragraph (1) above, any vehicle which is parked within the affected area at or following the time such temporary parking restrictions take effect may be cited and/or towed from the area at the owner's expense. The towing of any vehicle pursuant to this paragraph shall be subject to the provisions of subsections 47(c) through (f) inclusive.

[EN. B/L 5810/85/90]

PART III: GENERAL USE PROVISIONS

6. VEHICLES IN FUNERAL PROCESSIONS

The driver of every vehicle in a funeral procession, indicated as such by the headlamps and four-way flashers of all motor vehicles therein being lighted, upon approaching a traffic control signal showing a red traffic control light, or a stop sign shall cause the vehicle to slow down or stop as may be necessary for safety, but may then proceed cautiously past the traffic control signal or stop sign, and the driver of each of the vehicles in the procession shall have the right of way over all other vehicles upon the street at the intersection or place where the signal or stop sign is situated. In the event any vehicle is separated from the procession the four-way flashers should be disengaged and normal driving practices resumed unless and until such vehicle is again in direct line with the procession at which time the four-way flashers should again be lighted. The lead vehicle in a procession shall use flashing yellow lights.

[AM. B/L 5871/28/91; B/L 6295/22/95]

6.1 HORSES

- (a) It shall be an offence for any person to ride or lead a horse on, across, or along any street, boulevard or sidewalk unless written permission to do so has first been obtained from the Chief of Police. On roadways situated in undeveloped areas within the City, and where in the opinion of an Officer such action does not constitute a hazard to pedestrian or vehicular traffic, the Officer, in his sole discretion, may choose not to compel compliance with this Section.

- 6.1 (b) Notwithstanding subsection (a), any person who takes part in a parade authorized in accordance with Section 13, may ride or lead a horse along the parade route providing such intention is specified on the parade permit at time of issuance.
- (c) Subject to subsections (a) and (b), every person riding or leading a horse shall be subject to all of the provisions of this by-law relating to the operation of vehicles.

[EN. B/L 5810/85/90]

6.2 BICYCLES

- (a) Every person riding a bicycle shall be subject to all of the provisions of this by-law relating to the operation of vehicles.
- (b) The erection and use of bicycle parking racks on the sidewalk or boulevard portion of a street may be authorized by the TAAC.
- (c) To provide for the return of stolen bicycles if recovered by the Brandon Police Service, every bicycle owned or operated by a resident of the City may be registered with the Municipal Licensing Office for a fee of \$5.00 per three year period, and upon the following information being supplied:
- full name, address and telephone number of owner
 - full description of bicycle, including colour
 - bicycle serial number.

[AM. B/L 6143/92/93]

- (d) The penalty for violation of the restrictions set out in this Section shall be as set out in Section 56.2.

[EN. B/L 5810/85/90]

PEDESTRIANS' RIGHTS AND DUTIES

7. IDENTIFICATION OF PEDESTRIANS

- (a) Where an Officer has reasonable and probable grounds for believing that a pedestrian has committed or is committing a breach of those provisions of this By-law that relate to pedestrian traffic, he may require the pedestrian to stop and there and then to state correctly his name and address, and to prove his identity to the satisfaction of the Officer and,
- (b) If a pedestrian refuses or fails to stop and state correctly his name and address or so prove his identity when so required, the Officer may arrest him without warrant.

7.1 RIGHT-OF-WAY OF PEDESTRIAN

Where traffic control signals are not in place or not in operation when a pedestrian is crossing a street within a crosswalk, and the pedestrian is upon the half of the street upon which a vehicle is traveling, or the vehicle is approaching from the other half of the street and is so close as to endanger the pedestrian, the driver of the vehicle shall yield the right-of-way to the pedestrian.

[EN. B/L 6836]

7.2 PEDESTRIAN CROSSWALK, DUTIES OF DRIVER

Where a pedestrian is at the curb or edge of a street or a place of safety that is adjacent to a crosswalk that lies across a street upon which a vehicle is approaching so closely to the crosswalk as to endanger the pedestrian if they were to enter it, and the pedestrian is intending to cross the street in the crosswalk and is giving notice of intention to cross by extending a hand and arm at full length in such a manner to indicate clearly the direction in which to cross, the driver of the vehicle shall yield the right-of-way to the pedestrian by slowing down or stopping if required.

[EN. B/L 6836]

7.3 PASSING VEHICLE STOPPED FOR PEDESTRIAN PROHIBITED

Where a vehicle is stopped at a crosswalk or at an intersection to permit a pedestrian to cross the street, no driver approaching from the rear shall overtake and pass the stopped vehicle.

[EN. B/L 6836]

7.4 WHERE PEDESTRIANS YIELD RIGHT-OF-WAY

When a pedestrian is crossing a street at a point other than within a crosswalk, the pedestrian shall yield the right-of-way to the motorist.

[EN. B/L 6836]

7.5 PEDESTRIAN TO OBSERVE SAFETY MEASURES

No pedestrian shall leave a curb or other place of safety and walk or run into the path of a vehicle that is so close that it is impracticable for the motorist to yield the right-of-way.

[EN. B/L 6836]

7.6 DUTIES NOT TO OBSTRUCT TRAFFIC

A pedestrian who is crossing a street shall do so with all reasonable speed so as not to obstruct traffic unnecessarily.

[EN. B/L 6836]

8. SOLICITING RIDES ON A STREET

It shall be an offence for any person to stand on a street for the purpose of soliciting a ride from the driver of a vehicle except when hailing a taxicab.

9. DEVICE RESTRICTIONS ON A STREET

It shall be an offence for any person to ride upon or use any baby carriage or stroller, coaster, skateboard, roller skates, roller blades, sleigh, skis, snowboard, skates, toboggan, toy vehicles, or similar device on a street. This restriction shall not apply to baby carriages or strollers, toboggans, sleighs or wagons pulled or pushed along a street by a person or persons where there is no sidewalk within the street right-of-way or where an existing sidewalk is made impassable due to a buildup of snow thereon and any such vehicle is operated in a safe manner.

[AM. B/L 5693/59/89; B/L 5810/85/90; B/L 6042/79/92]

9.1 KEEPING LEFT AND WALKING TWO ABREAST

Any pedestrian proceeding along a street where no sidewalk is provided or where the sidewalk is not passable, shall walk as closely as is practicable to the left-hand edge of the roadway or of the shoulder as the case may be, or any person who may be walking on their left side, but persons walking on a street shall not walk more than two abreast.

[EN. B/L 6836]

9.2 DUTY OF CAUTION

A pedestrian operating a motorized mobility aid as defined in Subsection 2. (c) (35.1) of this by-law, shall at all times, do so with due caution, care and attention so as not to endanger other pedestrians utilizing the sidewalk at the time.

[EN. B/L 6836]

10. PEDESTRIANS CROSSING IN FRONT OF OR BEHIND A STOPPED BUS

It shall be an offence for any person who has alighted from a Bus which has stopped at a bus stop to start to cross to the opposite side of the street upon which such bus is travelling until such bus has moved away from its stopping place.

GENERAL STREET REGULATIONS**10.1 WORKING IN OR UPON ANY ROADWAY**

- (a) Subject to the provisions of Subsection (b) hereof, in the interest of public safety, any person desiring to work in or upon any roadway within the jurisdiction of the City must provide 48 hours notice to the City Engineer when such work would disrupt vehicular traffic flows on any arterial street, collector street or residential street.
- (b)
 - (1) No work shall be commenced in or upon any roadway without prior written permission of the City Engineer or, in the case of an emergency when the City Engineer is unavailable written permission of the Chief of Police.
 - (2) The City Engineer shall have the authority to restrict the hours during which such work shall be conducted on arterial and collector roadways so as to, in his opinion, minimize the disruption of traffic.
- (c) Subsections (a) and (b) above shall not apply to the Department of Highways, its agents or employees with respect to those highways outlined in Subsection 4(h.1) providing sufficient notice of any work which would render the highway impassable to emergency vehicles is given to the Chief of Police and Fire Chief to ensure there is no disruption to emergency services.

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

[EN. B/L 5810/85/90]

10.2 DAMAGING STRUCTURES IN STREETS

- (a) It shall be an offence for any person to damage any structure in, upon or under any street.
- (b) It shall be an offence for any person, other than a duly authorized employee or agent of the owner of the structure, to climb, break, cut, willfully destroy, tear down or interfere with any utility housing, or any light, power, telegraph, telephone, police or fire alarm or signal pole or tower or any other pole, tower, wire or cable or any guy wire or other support or accessory thereto.

[EN. B/L 5810/85/90]

10.3 NUISANCE AND DANGEROUS CONDITIONS

- (a) It shall be an offence for any person to place any building, structure, or other obstruction in or upon any street and any person who has placed any such building, structure or obstruction in or upon any such land previous to the passing of this By-law shall remove such building, structure or other obstruction after being given a reasonable time to do so by the Chief of Police, subject to existing or future encroachment agreements as authorized by the Property Administrator, or an annual Projecting Sign/Canopy License as authorized by the Supervisor of Municipal Licensing, and in the event that an emergency arises requiring such building, structure or other obstruction to be moved forthwith the Chief of Police shall direct that such building, structure or obstruction be removed and the cost of such removal shall become a charge against the owner thereof and may be assessed and collected by the City in the same manner as ordinary municipal taxes. This restriction shall not apply to approved traffic control devices or other approved structures installed or erected in accordance with the provisions of this by-law or the Act.
[AM. B/L 5871/28/91]
- (a.1) Notwithstanding subsection (a), the TAAC or its designate may, in their absolute discretion, authorize the placement or construction of any structure in or upon a street.
[EN. B/L 5871/28/91]
- (b) It shall be an offence for any person to throw, pile, deposit, or leave any articles, merchandise, water or material of any kind in or upon any street or boulevard or to carry out or permit any action causing or resulting in the creation of a nuisance or dangerous condition in or on any street or boulevard, but this section shall not be construed to interfere with the reasonable use of a portion of a street or boulevard for a reasonable time during the taking in or delivery of goods, wares, or merchandise as provided for herein, or as may be required under the City's Solid Waste By-law, as amended.
[AM. B/L 6295/22/95]
- (c) It shall be an offence for any owner or occupant of any premise to allow any gate or door to such premise to swing over the right-of-way of any street or sidewalk without prior written permission of the City Engineer. This restriction shall not apply to fence gates on residential property.
- (d) It shall be an offence for any person other than a Utility to place or leave on or across any part of a street, an unattended electrical cord or cable that is intended to be used for transmitting electrical energy from private property to or across a street unless the cord has been raised a minimum of 2.5 metres (8.2 feet) above the grade level and extends across only a sidewalk and/or a boulevard and the installation is temporary.
[AM. B/L 5961/118/91; B/L 6295/22/95; B/L 6836]
- (e) It shall be an offence for any person to construct, place or make any moveable trap doors, or doors for the purpose of entrance to any cellar or premises under any building, or place or make any steps or porches or other entrances to any cellar or premises under any building, or place or make any steps or porches or other entrances to buildings which shall in any way encroach upon any street or public place.

[EN. B/L 5810/85/90]

10.4 SIGNS, CANOPIES AND BANNERS

- (a) It shall be an offence for any person to erect, place, locate or continue any sign, mobile sign, canopy or banner on, or which shall in any way project onto or extend over, any street or sidewalk.
[AM. B/L 6593]
- (b) Notwithstanding Subsection (a) above and Section 23 of this By-law and subject to Schedule "V", Part III, Section 1 (permits) and Section 56.3 herein (penalties), any projecting sign or canopy constructed or maintained pursuant to an encroachment agreement heretofore granted may be maintained in accordance with the terms and conditions attaching to such agreement, in each case subject to the following provisions:
- (1) such encroachment may not be enlarged or altered in any manner except in conformity with this By-law for the whole encroachment provided however that the changing of moveable parts of signs or other encroachments that are designed for changes or the re-painting shall not be deemed to be alterations within the meaning of this Section.
 - (2) Should such encroachment be destroyed by any means to an extent of more than sixty (60%) percent of its replacement cost at the time of destruction, it shall not be reconstructed except in conformity with the provisions of this by-law.
 - (3) Should such encroachment be moved for any reason, any distance whatever, it shall thereafter conform with the provisions of this By-law for the new location.
[AM B/L 6571]
- (c) Notwithstanding subsection (a) and subject to subsection (e):
- (1) The Development Officer may, upon receiving an application, issue a Development Permit in accordance with "The City of Brandon Zoning By-law", as amended, for the installation or continuance of any projecting sign or canopy which extends onto any street; and
[AM. B/L 5909/66/91]
 - (2) The Chief Building Inspector may, upon receiving an application, issue a Building Permit in accordance with the City's Building By-law, as amended, for the erection and maintenance of any projecting sign or canopy which extends onto any street.
[AM. B/L 6571]
- (d) Notwithstanding Subsection (a):
- (1) The conditions and regulations pertinent to projecting sign/canopy encroachments shall be as set out on Schedule "V" hereto.
[AM. B/L 5909/66/91, 6571]

- 10.4 (d) (2) Where the proposed installation of a projecting sign or canopy will exceed the requirements as set out herein and in Schedule "V" (Part III, Sections 3, 4, 5, 6, and 7) hereto, the applicant may request, in writing, special permission to proceed with such installation. Any such request may be approved by the TAAC or its designate providing said installation will not exceed the requirements by more than ten (10%) percent. Any installation exceeding the requirements by more than ten (10%) percent must be submitted to and receive approval of the Traffic Authority.
- (3) [REP. B/L 6571]
- (4) Any Projecting Sign/Canopy installed or maintained in accordance with this By-law shall be inspected for safety and cleanliness every five (5) years utilizing a user pay system whereby businesses would be charged a service fee upon inspection.
[AM. B/L 5909/66/91, 6571]
- (e) Projecting signs and canopies shall only be permitted in Commercial and Industrial Districts, as same are defined in "The City of Brandon Zoning By-law", as amended. Installation of projecting signs and canopies in C3 (Highway Commercial) and CRSC (Commercial Regional Shopping Centre) Districts shall be subject to prior approval of the TAAC.
- (f) (1) The City reserves the right to demand the removal of any projecting sign or canopy where it is found that the location of such sign or canopy in any way impedes pedestrian or vehicular traffic or their safety and such decision shall be at the absolute discretion of the TAAC.
- (2) Where the TAAC deems such action necessary it shall provide written notice to the proprietor or occupant of the property on which such projecting sign or canopy is located stating that said projecting sign or canopy must be removed within such time limit as the TAAC determines reasonable in each case. Upon the expiration of said time limit, if said projecting sign or canopy has not been removed, the City Engineer shall cause same to be removed and stored at the Police Storage Yard. The expense of such removal shall be the responsibility of the proprietor or occupant of the property on which such projecting sign or canopy was located.
- (3) Notwithstanding paragraph (2), where the City Engineer, in his absolute discretion, deems such action to be of an immediate and urgent nature, he shall cause same to be removed forthwith and stored at the Police Storage Yard. The expense of such removal shall be the responsibility of the proprietor or occupant of the property on which such projecting sign or canopy was located.
- (4) Upon the removal of any projecting sign or canopy by the City, written notice shall be given to the proprietor of the property on which such projecting sign or canopy was located notifying that:
- i) the projecting sign or canopy is in the possession of the Police Service;
 - ii) same may be recovered upon payment of the removal costs and a \$50.00 storage fee to the Supervisor of Municipal Licensing;
 - iii) the removal of any projecting sign or canopy by the City Engineer under the authority of paragraph (3) is final and absolute.
- [AM. B/L 6098/47/93, B/L 6665]

10.4 (f) (5) Any projecting sign or canopy removed by the City will be kept for a period of sixty (60) days and if not recovered in accordance with paragraph (4) above, shall be sold or otherwise disposed of and any revenue garnered shall be applied against the removal costs and storage fee.

(g) Notwithstanding Subsection (a), temporary signs may be placed by property owners or their representative(s) on the City right-of-way provided such temporary signs:

- (1) are placed a minimum of one-half (0.5) metres from the curb on a street or, where no curb exists, signs must be a minimum of two (2.0) metres from the edge of pavement or gravel on the street;
- (2) are placed a minimum of one (1.0) metre from any City sidewalk or pathway;
- (3) are placed a minimum of three (3.0) metres from any private driveway or public lane;
- (4) are placed a minimum of two (2.0) metres from any hydrant;
- (5) are erected immediately prior to the commencement of such event;
- (6) are removed immediately following such event;
- (7) are placed in such a manner so as not to obstruct the vision of traffic;
- (8) are securely fastened and placed as to prevent being dislodged by wind, rain, and similar natural elements;
- (9) have a sign face area of 0.6 square meters or less on each sign face and the top of a temporary sign must be less than one (1.0) metre above grade; and
- (10) shall not be allowed to be placed on utility poles, trees, street hardware or signposts that are not the property of the homeowner or their representative(s).

Setback requirements (g)(1) and (g)(2) above for temporary signs may be waived after consultation with and authorization by the City By-law Enforcement Division provided:

- (a) the request to waive the requirements is made two (2) working days in advance of the event; and
- (b) the waived requirements do not, in the opinion of the By-law Enforcement Officer making the decision, create a hazard to motorists or pedestrians.

The decision of the By-law Enforcement Officer is final.

[AM. B/L 6823]

(g.1) Notwithstanding subsection (a), sandwich board signs for the purpose of advertising may be placed on sidewalks in commercial or industrial districts providing such signs are:

- (1) placed either to the extreme outer edge of the sidewalk immediately adjacent to the street without inhibiting access to the curb particularly at bus stop zones, or located on the sidewalk parallel to the building wall in strict compliance with this by-law or in accordance with the City of Brandon Zoning By-law when located on private property;
- (2) placed in a location suitable to and in consultation with the City's By-law Enforcement Division;

- 10.4 (g.1) (3) constructed to be aesthetically pleasing in contrasting colours which are highly visible, with the placard portion of the sign extending to within one inch of the ground and weighted to secure the sign in a manner appropriate to prevent the sign from being dislodged by wind, rain and similar natural elements;
- (4) maintained in good condition and repair;
- (5) not impeding pedestrian traffic, or obstructing the vision of traffic especially at intersections, crosswalks and bus stop zones ensuring a minimum passageway of 1.52 metres (5');
- (6) restricted to one sign per business or use only, including any sandwich board sign provided in accordance with the City of Brandon Zoning By-law;
- (7) advertising only the directly adjacent business and do not contain any third party advertising; and
- (8) removed from the location daily in conjunction with the hours of operation for the business.

[EN. B/L 6593]

- (g.2) Notwithstanding Subsection (a), the placement of election signs on public right-of-ways or private property, shall be permitted subject to the following conditions:

- (1) said sign shall:
- (a) not exceed 0.76 metres x 1.2 metres or 2.5 feet x 4 feet in dimension;
 - (b) not be posted on a boulevard within 3.0 metres or 9.84 feet of the entrance to a lane or to a driveway;
 - (c) not be posted on a boulevard or median within 9.0 metres or 29.53 feet of an intersection;
 - (d) not exceed 0.8 metres or 2.6 feet in height if posted on private property within 3.0 metres or 9.84 feet of an intersection;
 - (e) not be posted on a boulevard within 30.5 metres or 100.0 feet of school property; and
 - (f) be removed within a period of ten (10) days following the date of election;
- (2) any sign which in the reasonable opinion of the Brandon Police Service is a safety hazard to pedestrians or motorists can be ordered removed immediately subject to appeal to the Sergeant in charge of the Traffic Section of the Brandon Police Service; and
- (3) in the event of default by the candidate or his agent in his covenant to remove said signs, the candidate or his agent covenants and agrees to pay to the City of Brandon the cost which the City of Brandon shall incur in employing a person to remove said signs or the cost of any City employee who shall remove said signs and in addition to the foregoing, will pay to the City of Brandon a fee as established in the City's Annual Fee Schedule to cover its administration costs in direction and removal of said signs.

The City Clerk or his designate shall and is hereby authorized to enter into agreements with election candidates or their agents with respect to the placement of said signs.

[EN. B/L 6823]

10.4 (h) Notwithstanding Subsection (a):

- (1) temporary banners across or adjacent to a street or roadway may be permitted, at no charge, upon the applicant receiving written permission from the City Engineer prior to the erection of any such banner and compliance with any and all conditions imposed by the City Engineer respecting same. Temporary banners may include, at the discretion of the City Engineer, Christmas decorations and other similar items;
- (2) signs on bus shelters and bus benches may be permitted upon the applicant receiving written permission from the City Engineer prior to the installation of any such sign and compliance with any and all conditions imposed by the City Engineer respecting same;
- (i) For the purpose of this By-law, any projecting sign or canopy shall be considered a fixture as opposed to being part of the structure of any building.
- (j) This By-law shall apply to all signs placed on utility poles or other structures located in a street with the exception of signs placed by a utility company on its own poles or structures for any purpose.
- (k) Penalties for violation of any provisions relating to this Section shall be as set out in Section 56.3 herein.

[EN. B/L 5810/85/90; AM. B/L 5871/28/91]

10.5 SPECIAL EVENTS

- (a) The TAAC may, at its discretion, authorize the temporary use of streets and/or sidewalks for special events such as sidewalk sales, street vendors, block parties, bicycle races, go cart races, soap box derbies and other like events.
- (b) Any person desiring to hold such an event as referred to in subsection (a) above, shall make application to the Supervisor of Municipal Licensing, in the form attached hereto as Schedule "U", for a Special Event permit. Issuance of such a permit shall be subject to:
 - (1) payment of an application fee in the amount set out in the City's annual fee schedule;
 - (2) compliance with all conditions and regulations imposed by said permit; and
 - (3) payment of any additional fees respecting such authorization as determined in the sole discretion of the TAAC as same may pertain to each individual application.

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

10.6 REMEDIAL ACTION

The City Engineer or Chief of Police may abate, remedy, remove or repair any nuisance or dangerous condition in a street or remove any unauthorized structure, pole, post or material in a street or erect and maintain any barricades or other protective device in a street for the purpose of preventing a breach of this by-law or to prevent a hazardous condition in a street resulting from an action contrary to this by-law or a failure to act in accordance with this by-law. The cost of any remedial actions undertaken in accordance with the above authority may be charged to the person responsible for the contravention of this by-law and collected in the same manner as ordinary municipal taxes.

[EN. B/L 5810/85/90]

10.7 SNOW, ICE, OR DIRT -- BUSINESS PREMISES

Every occupant, or in the event there is no occupant, the owner or person having charge or care of every business premise, shop, building, lot or parcel of land fronting or abutting on any street, occupied for the purpose of carrying on a business or formerly occupied as such but vacant shall:

- (a) (1) before 1000 hours on each day, following every fall of snow, hail, or rain which shall freeze on the sidewalk, or after falling of snow or ice from off any building, cause the same to be removed entirely off the sidewalk fronting or abutting on such premise, shop, building, lot or parcel of land, provided always that in the event the ice or snow shall be so frozen upon the surface, preventing it from being removed without damage to the sidewalks, every such person as aforesaid shall strew the same with ashes, sand, or some other suitable substance which will not damage the said sidewalk surface; further provided no person shall remove from any street, boulevard or sidewalk any snow or ice and deposit same on any street, boulevard or sidewalk in such a manner that could create a hazardous condition for either vehicular or pedestrian traffic; or[AM. B/L 5961/118/91]
- (2) before 1000 hours on each day, remove from the sidewalk fronting or abutting the aforesaid properties all dirt or other obstructions; and
- (3) when the day for a clean up under paragraphs (1) and/or (2) hereof falls on a holiday, then the clean up may be delayed until the day following the holiday, except, when a business affected by this provision is open on any such holiday, then said provisions are to be met on the holiday.
- (b) Where the provisions of paragraphs (1) and/or (2) of subsection (a) have not been met, the owner of the adjacent property may be charged with an offence under this by-law by the Chief of Police and be subject to the penalties as set out hereinafter.
- (c) Where the provisions of paragraphs (1) and/or (2) of subsection (a) have not been met within twenty-four hours of the time specified in the said clauses, then the Chief of Police shall notify the Manager of Public Works who shall cause the snow, ice, dirt or other obstructions to be removed forthwith by his staff, the expense of such clean up to be recorded and charged to the owner or owners of the land in default.
- (d) The Manager of Public Works shall monthly report all such expenditures to the City Treasurer and the expenditures shall be charged against the adjacent lot or parcel of land on the tax roll for the calendar year of such clean up and collected in the same manner as ordinary municipal taxes.

[EN. B/L 5810/85/90]

10.8 SNOW OR ICE -- ALL PROPERTIES

- (a) It shall be an offence for any person to remove from any private property, public property, street, boulevard or sidewalk any snow or ice and deposit same on any street, boulevard or sidewalk in such a manner that could create a hazardous condition for either vehicular or pedestrian traffic.
- (b) Subsection (a) shall not apply to the City, the Department of Highways, their agents or employees who are actively engaged in snow removal from streets, boulevards or sidewalks in the course of their employment or fulfillment of contract.

- 10.8 (c) Any person occupying a property where a building abuts the property line adjacent to a street in such a manner that snow cannot be cleared onto the property may pile the snow at the curb line of the street in such a manner that both vehicular and pedestrian traffic can pass only if a hazardous condition is not created when snow is piled in this manner.

[EN. B/L 5961/118/91]

GENERAL TRAFFIC REGULATIONS

11. SPEED IN CITY

It shall be an offence for any person in control of a vehicle to travel on any street at a greater speed than 50 kilometers (31 miles) per hour, unless the speed is indicated otherwise by an appropriate Traffic Control Device.

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

11.1 REDUCED-SPEED SCHOOL ZONES

Notwithstanding Subsection 11, it shall be an offence for any person in control of a vehicle to travel on any street designated as a reduced-speed school zone, as outlined in Schedule "Y" attached, at a greater speed than:

- (a) 30 km/h; or
- (b) 50 km/h if the maximum permitted speed for that portion of street within the reduced-speed school zone is 80 km/h or more

from 0800 to 1700 hours, Monday to Friday, from September 1 through to and including June 30.

[EN. B/L/ 7096]

12. AVOIDING CONFLICT WITH FIRE APPARATUS

- (a) It shall be an offence for any person, except by direction of the Fire Chief to drive or bring any vehicle within 30 metres (98.4 feet) of any fire apparatus on route to or at the scene of a fire.

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

- (b) The City may have any vehicle which is lawfully parked in or upon any roadway or lane at the scene of any fires in the City block in which such roadway or lane is situated towed to the nearest available parking area. The person responsible for ordering the vehicle to be towed shall immediately notify the Chief of Police of such action stating where the vehicle was removed from, where it was relocated to, the reason for such relocation, and a description of the vehicle involved. The Chief of Police shall then take all reasonable steps to notify the owner of such action and advise where the vehicle was relocated to. Under such circumstances, the City shall be responsible for all related towing charges. Vehicles which are unlawfully parked shall be removed at the owner's expense in accordance with Section 47 herein.

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

13. PARADES

- (a) It shall be an offence for any person to hold, take part in or be a member of a parade unless:
- (1) the parade is under the direction or control of a Parade Marshall or Organizer, and
 - (2) such Parade Marshall or Organizer shall obtain a permit from the Chief of Police in the form attached hereto as Schedule "J".

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

13. (b) A person desiring to hold a parade shall apply to the Chief of Police in writing for a permit not less than forty-eight hours before the time set for the commencement of the parade, and shall, when making his request, supply all such information as the Chief of Police may require and pay such sums of money as the Chief of Police may require for the purpose of publishing due notice of the parade and such diversion of traffic as he shall deem necessary as a result thereof.

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

14. **DRIVING THROUGH PARADES**

Unless so directed by an Officer, it shall be an offence for any person, other than the operator of an emergency vehicle, to drive a vehicle or bus through a parade.

15. **DRIVING THROUGH BARRICADED STREETS**

Unless otherwise directed by an Officer or traffic control device, it shall be an offence for any person to drive a vehicle, or bus, except vehicles engaged in related construction, on any portion of a street roped, barricaded or otherwise indicated by the proper authority as being closed to traffic temporarily or permanently.

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

16. **COVERING OF LOADS**

The operator of any vehicle upon a street within the City shall cover loads as required by Section 61 of the Act.¹

17. **CONDITION OF VEHICLE**

It shall be an offence for any person to drive, or operate a vehicle in such condition, so constructed or so loaded as to be likely to cause unnecessary delay to traffic, accident or injury to persons or property.

18. **VEHICLES NOT TO DAMAGE ROADWAYS**

It shall be an offence for any vehicle having corrugated or flanged metal wheels, or any device which is dragged or hauled without wheels, or any thing so constructed or loaded in such a manner as to damage the roadway, to be driven or hauled along, upon or across any of the roadways in the City; provided that should it be unavoidable to operate over any of the roadways, the owner or operator of the vehicle shall first obtain written permission from the City Engineer and shall be responsible for any damage done to the pavement or other surface of any roadway. Such repairs will be carried out by the City and the costs paid by the owner and/or operator of the vehicle which damaged the roadway.

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

19. **VEHICLES - NO LOUD SPEAKER**

It shall be an offence for any person to use a loud speaker on or from any vehicle on the roadway unless authorized and directed by the Chief of Police.

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

20. **"U"-TURNS RESTRICTED**

It shall be an offence for any driver to turn a vehicle so as to proceed in the opposite direction at or in a place where:

- (a) a Traffic Control Device prohibits making a U-turn; or
- (b) there is a signalized intersection; or
- (c) there is a 3-way or 4-way stop; or
- (d) such "U-turn" is otherwise permitted, unless he can do so without interfering with other traffic or pedestrians; or
- (e) there is a reduced-speed school zone.

[EN. B/L 7096]

21. ONE-WAY STREETS

Drivers of vehicles and buses on one-way roadways as designated by Traffic Control Devices shall drive only in the direction indicated by a traffic control device or devices located on, or adjacent to, the said roadway.

22. BLOCKING INTERSECTION

Notwithstanding any traffic control device indication to proceed, it shall be an offence for any driver of a vehicle or bus to enter an intersection unless there is sufficient space on the other side of the intersection to accommodate the vehicle or bus without obstructing the passage of pedestrians or other traffic.

23. OBSTRUCTION OF SIGHT LINES

No hedge, shrub, fence or other structure located within 3 metres (9.84 feet) of a street or lane intersection and no mobile sign located within 3 metres (9.84 feet) of any driveway or approach shall exceed .8 metres (2.63 feet) in height above the average ground height as detailed further for each respective zoning district in "The City of Brandon Zoning By-law", as amended.
[AM. B/L 5810/85/90; B/L 5871/28/91; B/L 6446/09/97]

23.1 TREES AND SHRUBS

- (a) It shall be an offence for an owner or occupier of any land to allow any part of a tree, shrub or sapling growing thereon to extend over or upon any street or sidewalk so as to interfere with, impede or endanger persons using such street or sidewalk.
- (b) When deemed necessary for the convenient and safe use of a street or sidewalk, the Director of Public Works may cause a notice to be issued requiring compliance within a stated period of time. Upon the expiration of such time period, if the encroachment has not been corrected, the City may cause any tree, sapling or shrub growing or planted on any land adjoining the street or sidewalk right-of-way and encroaching thereon to be trimmed. The cost of such work is the responsibility of the property owner and if not paid the City may add these costs to the real property taxes.
- (c) Notwithstanding the provisions set out in subsection (b), to ensure safe movement of City vehicles or equipment required to use the lane, the Director of Public Works can have City crews perform work of a minor nature to provide unimpeded use of the lane. In such instances, the costs will be borne by the City. No specific notice of such action to the owner or occupier prior to the work being undertaken is required providing the City has, within the previous 3 months, issued a public service announcement notifying residents in general of the City's authority to proceed in such a manner."
[EN. B/L 7211]

LOADING AND UNLOADING VEHICLES**24. EFFECTIVE HOURS OF LOADING ZONES**

Loading Zone Parking Restrictions shall be in force between 0800 hours and 1800 hours from Monday through Saturday inclusive except where otherwise posted.

25. USE OF LOADING ZONES

It shall be an offence for a person to:

- (a) cause a vehicle to occupy a loading zone, as identified by a traffic control device, for a continuous period in excess of fifteen (15) minutes;
- (b) cause a vehicle to occupy a loading zone for a purpose other than the loading or unloading of passengers or goods; or
- (c) cause a vehicle to occupy a loading zone designated as a "Passengers Only" loading zone for any purpose other than the loading or unloading of passengers and their luggage.

26. DELIVERIES TO BE MADE IN LANE

Notwithstanding any other provision of this By-law, where there is a lane adjacent to a commercial property, a person operating a vehicle to make a delivery or collection from such property shall use the lane if lane side delivery facilities are available. It shall be an offence for a person to permit a vehicle to occupy a lane continuously for a period in excess of fifteen (15) minutes for any purpose if less than 2.4 metres (7.87 feet) is left for the passage of other vehicular traffic through the lane.

27. VEHICLES BACKED TO CURB

On roadways which are curbed, it shall be an offence for any driver of a vehicle actually engaged in loading or unloading to park or stop the vehicle backed up to the curb. At all other locations it shall be an offence for any driver of such a vehicle to park or stop the vehicle in any manner other than parallel to the roadway unless the vehicle is completely clear of the marked lanes of such roadway and does not interfere with either pedestrian or vehicular traffic. Such person shall promptly remove such vehicle, or promptly move it so as to be properly parked, when loading or unloading has been completed.

28. PARKING OF MOVING VANS, OR OTHER SIMILAR MOTOR VEHICLE INTENDED FOR SUCH PURPOSE, AND LOADS OF MATERIALS

- (a) Regardless of the restriction on curbside parking, a driver of a moving van or other similar motor vehicle intended for such purpose, may park for the immediate purpose of loading or unloading household goods and furniture to a private residence or apartment, subject to Section 31, on any street other than an arterial street or collector street.
- (b) The driver of a moving van or other similar motor vehicle on collector streets or arterial streets, may park at such places and during such hours as may be permitted by the Chief of Police in each instance. On expiry of the allotted time the curb area must be cleared for traffic. [AM. B/L 5810/85/90]
- (c) It shall be an offence for any person to conduct the work of loading or unloading a moving van in such a way as to obstruct vehicles and pedestrians upon a street. [AM. B/L 5871/28/91]
- (d) Except as provided in Subsection (e), it shall be an offence for any person to handle any load including construction and other material(s), machinery and equipment, to or from a vehicle on a roadway except when the vehicle is standing or stopped in the parking lane of a street, or, if there is no parking lane, in the lane closest to the property line of the street, and any such work shall be done without interference to pedestrian or vehicular traffic. If any load cannot be handled in compliance with this provision, written permission from the Chief of Police must be obtained prior to handling the load. [AM. B/L 5810/85/90]
- (e) Should the nature of the load be such that, in the opinion of the Chief of Police, the safety and convenience of the public requires more protection, the Chief of Police may, with or without application from an interested party, order in writing, all at the cost of the applicant or person wishing to load or unload:
 - (1) which street shall be used for the work,
 - (2) which portion of such street may be temporarily closed,
 - (3) the time or times when the work may be done,
 - (4) the required degree of advance advertising, traffic control devices, flagmen and special measures needed to protect the safety and convenience of the public,
 - (5) the deposit or surety required to be placed with the City in advance, if any, to defray actual City costs including overhead charges.[AM. B/L 5810/85/90]

28. (f) When an order has been made pursuant to Subsection (e) with respect to any load, it shall be an offence for any person to handle such load on any street except in accordance with such order.
[AM. B/L 5810/85/90]

STANDING FOR LOADING AND UNLOADING BUS AND TAXICAB PASSENGERS

29. ESTABLISHMENT OF BUS STOPS

- (a) Bus Stops so designated by traffic control devices for the loading and unloading of bus passengers shall be at such locations as may, from time to time, be designated by the TAAC.
[AM. B/L 5810/85/90]
- (b) Each bus stop shall be of such dimensions as the TAAC shall deem, in each particular case, necessary.
- (c) Bus stops adjacent to an intersection shall be identified by a single traffic control device at that end of the bus stop furthest from the intersection while other bus stops shall be identified by two traffic control devices located one at each end of the bus stop.

30. ESTABLISHMENT OF TAXICAB STANDS

Taxicab stands so designated by traffic control devices may from time to time be established, relocated, extended or abolished by the TAAC.
[AM. B/L 5810/85/90]

30.1 ESTABLISHMENT OF TAXICAB ZONES

Taxicab zones so designated by traffic control devices may from time to time be established, relocated, extended or abolished by the TAAC.
[EN. B/L 5810/85/90]

31. RESTRICTED USE OF BUS STOPS AND TAXICAB STANDS

It shall be an offence for any person to stop or stand or park a vehicle, other than a bus, in a Bus Stop or Bus Lane, or a bus or authorized handicab van in a handi-transit bus stop, and it shall be an offence for any person to stop, stand or park a motor vehicle other than a taxicab in a taxicab stand. Vehicles in violation may be cited and/or towed away in accordance with the provisions of this By-law.
[AM. B/L 5810/85/90; B/L 6390/36/96]

31.1 RESTRICTED USE OF TAXICAB ZONES

It shall be an offence for any person to stop or stand or park a vehicle in a taxicab zone, other than:

- (a) a handi-transit bus; or
(a.1) an authorized handicab van; or
(b) a taxicab while actually engaged in loading and unloading of passengers, except when such space is occupied by a handi-transit bus or an authorized handicab van which takes priority.
- Vehicles in violation may be cited and/or towed away in accordance with the provisions of this by-law.
[EN. B/L 5810/85/90; AM. B/L 6390/36/96]

31.2 HANDICAB VAN REGULATIONS

- (a) Any owner or operator of a handicab van must be in possession of a current valid Taxicab License for that vehicle, obtained from the Chief License Inspector in accordance with the requirements of the City's Taxi By-law, in order to qualify for authorized handicab van status as required by sections 31, 31.1 and 41.
- (b) The City reserves the right to cancel authorization for such parking privileges at any time. Where such authorization is cancelled, the Supervisor of Municipal Licensing will provide written notice to the owner or operator of the handicab van by regular mail and the cancellation will not take effect until the seventh day following the date of mailing.
[EN. B/L 6390/36/96]

STOPPING, STANDING AND PARKING**32. METHOD OF STANDING OR PARKING OF VEHICLES**

Unless otherwise required by traffic control devices or by other provisions of this By-law, it shall be an offence for any person to stop, stand or park a vehicle, except an emergency vehicle, on any roadway other than parallel with the curb, headed in the direction of vehicular traffic movement in the adjacent traffic lane with the curb-side wheels of the vehicle or bus within 45 centimeters (17.7 inches) of the curb, and a clear space of .9 metres (2.95 feet) left ahead and behind. This provision shall not be enforced if: (a) two vehicles are parked less than .9 metres (2.95 feet) apart if both vehicles have sufficient space separating them from any further vehicles so as to be able to freely exit from the parking space; or (b) snow has accumulated to such an extent that vehicles cannot park adjacent to the curb, in which case a vehicle shall park within 45 centimeters (17.7 inches) of the snowbank so long as the vehicle is stopped or parked in compliance with Section 35 hereof.

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

33. ANGLE PARKING

- (a) It shall be an offence for any person to park a vehicle diagonally on any roadway except where traffic control devices indicate that a vehicle may be so parked.
- (b) Notwithstanding Subsection (a), it shall be an offence for any person to park, stand or stop a vehicle exceeding 6 metres (19.69 feet) in length diagonally at any time.

34. RUSH HOUR ZONE

Notwithstanding any other provision of this By-law, except when necessary in order to avoid conflict with traffic or to comply with the law or the directions of an Officer, it shall be an offence for a person to stop, stand or park a vehicle in a Rush Hour Zone, or allow a vehicle which such person has care and control of to remain stopped, standing or parked in such a zone, during a period of time when such stopping, standing, or parking is prohibited.

35. GENERAL STANDING AND PARKING PROHIBITIONS

Unless specifically required by other provisions of this By-law, or by the direction of an Officer to do otherwise, it shall be an offence for any person to stop, stand or park, as follows:

- (a) a vehicle on a sidewalk;
[AM. B/L 5810/85/90]
- (a.1) a vehicle on a boulevard, except where said vehicle is parked within the bounds of an approved driveway and approach and does not obstruct a sidewalk, cycle path, walkway, or bike-walkway;
[EN. B/L 5810/85/90]
- (b) a vehicle on or within 3 metres (9.84 feet) of the entrance to a lane or to a driveway;
- (c) a vehicle within an intersection or within 9 metres (29.53 feet) thereof except where otherwise indicated by a traffic control device;
[AM. B/L 6017/54/92]

35. (d) a vehicle within 3 metres (9.84 feet) of a fire hydrant; or when the hydrant is not located at the curb, within 3 metres (9.84 feet) of the point on the roadway nearest the hydrant or edge of pavement or where designated on a traffic control device;
- (e) subject to Subsection (i) a vehicle on or within 6 metres (19.69 feet) on the approach side and within 2 metres (6.42 feet) on the other side of a crosswalk;
- (f) a vehicle within the right-of-way of a railway track;
- (g) a vehicle alongside or opposite any roadway excavation or obstruction when such stopping, standing or parking would obstruct traffic;
- (h) a vehicle on a roadway side of a vehicle stopped or parked at the edge or curb of a roadway (no double parking);
- (i) a vehicle in a parking lane within 9 metres (29.53 feet) of the approach to any flashing beacon, stop sign, yield sign or traffic control signal situated at the side of a roadway;
[AM. B/L 6017/54/92]
- (j) a vehicle upon a bridge or other elevated structure constructed within a roadway;
- (k) a vehicle in a place in contravention of traffic control device;
- (k.1) a vehicle not bearing an applicable special parking permit in a special parking zone for a period of time in excess of that permitted by a traffic control device and such vehicle shall be removed from the space at or prior to the expiration of the time permitted;
[EN. B/L 5961/118/91]
- (l) a vehicle in such manner that it constitutes a hazard on the street;
[AM. B/L 5871/28/91]
- (m) a truck or other vehicle on a street in any residential area designated and zoned as such under "The City of Brandon Zoning By-law", as amended, between 2200 hours and 0700 hours, where:
- (1) the gross vehicle weight of which exceeds 5773 kilograms (12,727 lb.); or
 - (2) the length of which exceeds 10 metres (32.79 feet) in length alone or in combination with other vehicles attached thereto; or
 - (3) the vehicle has a passenger capacity, inclusive of the driver thereof, of more than sixteen (16) people; or
 - (4) the vehicle is a trailer, licensed or unlicensed, and the trailer is disconnected from any other vehicle; and
 - (5) fifth-wheel recreational trailers, other recreational trailers, motorhomes, and buses which have been converted into motorhomes are exempted from this subsection so long as these recreational vehicles are so parked for less than 48 hours, are unoccupied and, in the case of trailers, are connected to a motor vehicle;
- [AM. B/L 5810/85/90]

35. (n) a vehicle upon a street, but excluding a lane as referred to in Section 26 hereof, in such manner as to leave available less than 4 metres (13.12 feet) of the width of the roadway for free movement of traffic;
- (o) a vehicle in a lane, except a vehicle which is temporarily stopped for loading or unloading purposes in compliance with Section 26 hereof;
- (p) a vehicle used for the purpose of displaying signs, advertisements, goods, wares, or merchandise on any roadway;
- (q) a truck whether loaded or unloaded, used for the purpose of carrying or storing bulk gasoline, liquid petroleum gas or propane, fuel oil or other liquid material that is inflammable or explosive or any dangerous goods, unless attended while transferring products and subject to the further restrictions as set out in Section 28 hereof;
[AM. B/L 5810/85/90]
- (r) a vehicle for the principal purpose of washing, servicing or repairing such vehicle, except the immediate repair necessitated by an emergency or requiring minor repairs so as to be movable;
- (s) a vehicle on a roadway where traffic control devices marked "Funeral, No Parking" have been placed, if such traffic control devices have been erected in accordance with the provisions of this By-law;

OVERNIGHT PARKING

- (t) a vehicle continuously at any one location on any City street for a period of more than forty-eight (48) hours without moving such vehicle through the nearest intersection;

PARKING AT CHURCHES

- (u) a vehicle on a street at or near a church contrary to the parking restrictions as set out in this by-law, subject to "special parking permits" or "special parking zones" which may be issued or established as set out in Section 36 hereof;
[AM. B/L 5961/118/91]

NO PARKING IN FRONT OF SCHOOLS

- (v) a vehicle in designated no parking zones in front of Private and Public Schools at any time;
- (w) a vehicle adjacent to a parking meter which has been hooded pursuant to the direction of the TAAC;
[AM. B/L 5810/85/90]
- (x) a vehicle in no parking or stopping anytime zones as designated by a traffic control device.

SPECIAL PARKING PERMITS AND SPECIAL PARKING ZONES**36. (a) SPECIAL PARKING PERMITS**

- (1) The TAAC may, at its discretion, designate special groups or categories of vehicle operators and upon determination that an individual falls within such group or category, issue to that individual a special permit authorizing that individual, or such other individual operating a vehicle on his behalf, a permit allowing parking according to the terms set out on the permit, notwithstanding other provisions of this By-law. Such permits as authorized shall be issued by the Supervisor of Municipal Licensing unless otherwise designated in this By-law.
[AM. B/L 5810/85/90]
- (2) The terms and conditions of the issuance of such permit shall be determined in the sole discretion of the TAAC.
[AM. B/L 5810/85/90]
- (3) Such permits shall be attached to the permit holder's vehicle.

(b) SPECIAL PARKING ZONES

- (1) The TAAC may designate, at its discretion, special parking areas where parking shall be restricted. For example, to restrict parking to special classes of vehicles such as buses or to the holders of special permits such as physically handicapped persons.
- (2) Such special parking zones may also be established to assist in regulating parking at or near institutions such as Brandon University or the Brandon General Hospital. Residents in such special parking zones may be issued special parking permits, at the discretion of the TAAC, as contemplated under subsection (a) above.

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

- (c) The fee for such special parking permits shall be determined by the TAAC.
[AM. B/L 5810/85/90]
- (d) It shall be an offence for any person other than a person to which such special parking permit has been issued, unless such person has been so authorized by such permit, to park a vehicle in contravention of this section.
- (e) The parking of vehicles without appropriate parking permits attached thereto in special parking zones is prohibited.

36.1 PARKING REGULATIONS IN BRANDON UNIVERSITY AREA

- (a) Notwithstanding any other parking restrictions set out in this by-law, for the months from September to April, both inclusive, parking, on both sides except where otherwise indicated, on the following streets and avenues within the City shall be restricted to a maximum of two hours at any one time, from Monday to Friday, between the hours of 0800 and 1800 (8:00 a.m. and 6:00 p.m.) as detailed below, subject to subsection (c) hereinafter:

Two Hour Parking

20th Street	Between the northerly limits of Lorne Avenue and the southerly limits of Princess Avenue;
Lorne Avenue	Between the westerly limits of the lane located between 20th Street and 21st Street and the easterly limits of 21st Street;
Louise Avenue	Between the westerly limits of the lane located between 20th Street and 21st Street and the easterly limits of 21st Street;
Princess Avenue	Between the westerly limits of 18th Street and the easterly limits of 21st Street;
15th Street	Between the northerly limits of Victoria Avenue and the southerly limits of Lorne Avenue, excluding the areas adjacent to the playground and the community centre;
16th Street	Between the northerly limits of Victoria Avenue and the southerly limits of Princess Avenue;
17th Street	Between the northerly limits of Victoria Avenue and the southerly limits of Rosser Avenue.
19th Street	Between the northerly limits of Princess Avenue and the southerly limits of Rosser Avenue;
20th Street	Between the northerly limits of Princess Avenue and the southerly limits of Rosser Avenue;
20th Street	Between the northerly limits of McTavish Avenue and the southerly limits of Victoria Avenue on the west side only;
21st Street	Between the northerly limits of Victoria Avenue and the southerly limits of Rosser Avenue with the exception of the west side of 21st Street between the northerly limit of Princess Avenue and the southerly limit of the public lane located between Princess Avenue and Rosser Avenue;
22nd Street	Between the northerly limits of Victoria Avenue and the southerly limits of Princess Avenue;

36.1	(a)	Lorne Avenue	Between the westerly limits of 15th Street and the easterly limits of 18th Street;
		Lorne Avenue	Between the westerly limits of 21st Street and the easterly limits of 23rd Street;
		Louise Avenue	Between the westerly limits of 15th Street and the easterly limits of 16th Street on the south side only;
		Louise Avenue	Between the westerly limits of 16th Street and the easterly limits of 18th Street;
		Louise Avenue	Between the westerly limits of 21st Street and the easterly limits of 23rd Street;
		Princess Avenue	Between the westerly limits of 16th Street and the easterly limits of 18th Street;
		Princess Avenue	Between the westerly limits of 21st Street and the easterly limits of 22nd Street.

[AM. B/L 5810/85/90; B/L 5826/101/90; B/L 6098/47/93; B/L 6295/22/95, B/L 6948]

- (b)** All of the said streets shall be posted with parking restriction signs the form of such signs to be as set out on Schedule "M". The method by which the signs will indicate the period of enforcement will be at the discretion of the TAAC.
[AM. B/L 6295/22/95]
- (c)** The parking restrictions set out in subsection (a) above shall not apply to vehicles displaying a valid residential parking permit the form of which is set out on Schedule "N", providing the vehicle is parked within the block of residence for which the permit was issued.
[AM. B/L 5961/118/91]
- (c.1)** The City reserves the right to revoke any permit when the vehicle for which it was issued has had two or more convictions for parking within the Brandon University area in contravention of subsection (c).
[EN. B/L 5961/118/91]
- (d)** Residential parking permits shall be issued through the Municipal Licensing Office, at the discretion of the Supervisor of Municipal Licensing, subject to the conditions set out in the subsections hereinafter.

- 36.1 (e)** A residential parking permit may be obtained by a resident of a dwelling located on one of the streets or avenues described in subsection (a) above with the exception of residents on the campus of Brandon University (within the area bounded by 18th Street, Louise Avenue, 20th Street and Princess Avenue) who are not eligible to obtain a residential parking permit.
- (f)** An applicant for a residential parking permit must provide confirmation of residency within the area described in subsection (a) above and either the lease or authorized use of a vehicle by presenting to the Municipal Licensing Office:
- (1)** in the case where the applicant is the owner of the vehicle, a current Province of Manitoba vehicle registration/insurance certificate showing a residence within the described area;
 - (1.1)** in the case where the applicant is a tenant, owner of the vehicle and attends Brandon University, a current Province of Manitoba vehicle registration/insurance certificate, a letter signed by the applicant's landlord confirming residency within the specified area and a copy of the applicant's current Brandon University registration form or other similar document acceptable to the Supervisor of Municipal Licensing;
[EN B/L 6635]
 - (2)** in the case where the applicant is a property owner, or a dependent thereof, leasing the vehicle, a current Province of Manitoba vehicle registration/insurance certificate, and a signed copy of the current lease/rental agreement for the vehicle, and a valid Province of Manitoba Driver's License showing a residence within the described area;
 - (3)** in the case where the applicant is a tenant leasing the vehicle, a current Province of Manitoba vehicle registration/ insurance certificate, and a signed copy of the current lease/rental agreement for the vehicle, and a letter signed by the applicant's landlord confirming residency within the specified area;
 - (4)** in the case where the applicant is a property owner, or a dependent thereof, and has authorized use of the vehicle, a current Province of Manitoba vehicle registration/insurance certificate, and a letter from the registered owner of the vehicle authorizing the applicant's continued use of same, and a valid Province of Manitoba Driver's License showing a residence within the described area;
 - (5)** in the case where the applicant is a tenant and has authorized use of the vehicle, a current Province of Manitoba vehicle registration/insurance certificate, and a letter from the registered owner of the vehicle authorizing the applicant's use of same, and a letter signed by the applicant's landlord confirming residency within the specified area;
 - (6)** For the purpose of this subsection, an Applicant with an Out-of-Province motor vehicle registration for which the Applicant has obtained a student authorization letter or sticker from the Province of Manitoba Motor Vehicle Licensing Office shall be deemed to be the holder of a current Province of Manitoba vehicle registration/insurance certificate.
[EN. B/L 5810/85/90]
- [AM. B/L 5810/85/90]
- (g)** There shall be no charge for the issuance of the annual residential parking permit.
- (h)** Residential parking permits shall be valid for all or part of a year. Such year shall commence on the 1st day of May and shall expire on the 30th day the following April.
[AM. B/L 6635]
- (i)** [REP. B/L 6635]

36.1 (j) [REP. B/L 6635]

- (k) A residential parking permit to be valid must be firmly affixed to the inside lower corner of the windshield on the passenger's side of the vehicle with the "front" side of the permit facing out.
[AM. B/L 5810/85/90]
- (l) A replacement permit may be obtained for the balance of the year, as a year is described in subsection (h), for a fee as set out in the City's annual fee schedule, should the motor vehicle in question be sold, or the windshield of the vehicle be replaced, or a lease/rental vehicle be exchanged for another lease/rental vehicle.
[AM. B/L 6612]
- (m) To obtain a replacement permit as referred to in subsection (l) the applicant must provide evidence satisfactory to the Supervisor of Municipal Licensing, of either sale of vehicle, or replacement of windshield, or exchange of lease/rental vehicle.
[AM. B/L 5810/85/90]
- (n) The penalty for violation of the parking restrictions as set out in this section shall be as set out in Section 56 of this by-law.
[AM. B/L 5810/85/90]

[EN. B/L 5693/59/89]

36.2 PARKING REGULATIONS IN BRANDON GENERAL HOSPITAL AREA

The Traffic Authority may enter into an agreement with the Brandon General Hospital whereby the hospital may, on behalf of the City, enforce the provisions of this by-law and issue parking citations as setout in Sections 42 and 45 within the area bounded by the following streets:

1st Street	Between the southerly limit of Van Horne Avenue and the southerly limit of Victoria Avenue;
Victoria Avenue	Between the easterly limit of 1st Street and the westerly limit of Park Street;
Park Street	Between the southerly limit of Victoria Avenue and the southerly limit of Van Horne Avenue;
Van Horne Avenue	Between the westerly limit of Park Street and the easterly limit of First Street.

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

37. PARKING PROHIBITION TO ACCOMMODATE STREET CLEANING, MAINTENANCE OR SNOW CLEARING

- (a) The City Engineer may, whenever he finds that weather conditions are restricting motor vehicle traffic flow, prohibit or restrict parking on any City streets for snow plowing and other purposes. Such parking restrictions may be put into effect on parts of or all streets other than snow emergency routes as necessary by declaring it in a manner prescribed hereinafter. This restriction shall remain in effect until terminated by announcement of the City Engineer.
[AM. B/L 5810/85/90]

37. (a.1) The Minister of Highways and Transportation, or his designate, shall have the same powers as the City Engineer as setout in subsection (a) above over designated highways.
[EN. B/L 5693/59/89; AM. B/L 5810/85/90; B/L 5871/28/91]
- (b) Except when otherwise directed by an Officer, it shall be an offence for any person to park or leave unattended, a vehicle on any portion of a street during the prohibition period as announced for the purpose of snow removal, street cleaning or maintenance operations.
- (c) (1) The announcement of temporary parking restrictions imposed under subsection (a) shall be printed in the local newspaper and announced over the broadcast media at least six hours before the parking prohibition comes into effect, if feasible, and/or portable traffic control devices may be placed on affected streets by 1700 hours on the previous day and at least twelve hours prior to the parking prohibition taking effect. Such temporary traffic control devices shall be placed a minimum of four per block (two per side of each block).
- (2) Notwithstanding paragraph (1) above, where an emergency situation occurs the immediate placement of portable traffic control devices shall be deemed sufficient notice.
[AM. B/L 5693/59/89; B/L 5810/85/90]
- (d) (1) Where a situation occurs which prevents proper notification and signage of streets as outlined in paragraph c(1) above, the City may have vehicles which are lawfully parked within the affected area towed to the nearest available parking area. The person responsible for ordering the vehicle to be towed shall immediately notify the Chief of Police of such action stating where the vehicle was removed from, where it was relocated to, the reason for such relocation, and a description of the vehicle involved. The Chief of Police shall then take all reasonable steps to notify the owner of such action and advise where the vehicle was relocated to. Under such circumstances, the City shall be responsible for all related towing charges and any traffic citations issued as a result of such emergency parking prohibition. Vehicles which are unlawfully parked may be cited and/or towed from the area at the owner's expense. The towing of any unlawfully parked vehicle pursuant to this paragraph shall be subject to the provisions of subsections 47(c) through (f) inclusive.
- (2) Where any temporary parking restriction is announced and the affected streets signed in accordance with paragraph c(1) above, any vehicle which is parked within the affected area at or following the time such temporary parking restrictions take effect may be cited and/or towed from the area at the owner's expense. The towing of any vehicle pursuant to this paragraph shall be subject to the provisions of subsections 47(c) through (f) inclusive.
[AM. B/L 5810/85/90]
- (e) [REP. B/L 5810/85/90]
- (f) However, nothing in this Section shall be construed to permit parking at any time or place where it is forbidden by any other provision of law.

SNOW EMERGENCY ROUTES**38. PARKING ON SNOW EMERGENCY ROUTES**

- (a) Whenever the City Engineer in his opinion finds that weather conditions will make it necessary that motor vehicle traffic be expedited and that parking on City streets be prohibited or restricted for snow plowing and other purposes, the City Engineer shall put into effect a parking restriction on parts of or all snow emergency routes as necessary by declaring it in a manner prescribed in this By-law.
- (b) Notwithstanding the provisions of Subsection (a) hereof, a parking restriction shall automatically go into effect on any part of any snow emergency route on which there has been an accumulation of fresh snow and/or ice, of 5 centimetres (1.97 inches) or more during an eight-hour period.
- (c) Once in effect, a restriction under this Section shall remain in effect until terminated by announcement of the City Engineer in accordance with this By-law.
- (d) While the prohibition is in effect, it shall be an offence for any person to park or allow to remain parked any vehicle on any portion of a snow emergency route to which it applies. However, nothing in this Section shall be construed to permit parking at any time or place where it is forbidden by any other provision of law.
- (e) Parking bans may be declared by the City Engineer for the purpose of snow clearing.
[AM. B/L 5810/85/90]

STALLED VEHICLE ON SNOW EMERGENCY ROUTE

- (f) Whenever a vehicle becomes stalled, stuck or immobile for any reason, whether or not in violation of this By-law, on any part of a snow emergency route on which there is a covering of snow, sleet or ice and on which there is a parking restriction in effect, the person operating such a vehicle shall take immediate action to have the vehicle towed or pushed off the roadway of such snow emergency route, either onto the first cross street which is not a snow emergency route, or onto the public space portion of a nearby boulevard. It shall be an offence for any person to abandon or leave a vehicle in the roadway of a snow emergency route (regardless of whether he indicates, by raising the hood or otherwise, that the vehicle is stalled), except for the purpose of securing assistance during the actual time necessary to go to a nearby telephone or other place of assistance and return without delay.
[AM. B/L 5810/85/90]

TRAFFIC CONTROL DEVICES TO MARK SNOW EMERGENCY ROUTE

- (g) The City Engineer may post on each street designated as a snow emergency route, traffic control devices a minimum of 4 per block (2 per side of each block).
[AM. B/L 5810/85/90]

39. DECLARATION OF THE CITY ENGINEER

- (a) The City Engineer shall cause each snow emergency declaration made pursuant to Sections 37 and 38 of this By-law to be publicly announced by means of broadcasts or telecasts from local media outlets with a normal operating range covering the City, and he may cause such declaration to be further announced in newspapers of general circulation when feasible. Each announcement shall describe the action taken by the City Engineer including the time it became or will become effective, and shall specify the streets or areas affected. A parking restriction shall not go into effect until at least two (2) hours after it has first been announced to the media.
[AM. B/L 5810/85/90]
- (b) The City Engineer shall make or cause to be made a record of each time and date when any restriction is announced to the public in accordance with this Section.
[AM. B/L 5810/85/90]

TERMINATION OF PARKING RESTRICTION BY THE CITY ENGINEER

- (c) Throughout the duration of a snow emergency parking restriction, should the City Engineer find that some or all of the conditions which gave rise to same no longer exist, he may declare the restriction terminated, in whole or in part, in a manner prescribed by this by-law, effective immediately upon announcement.
[AM. B/L 5810/85/90]

LIMITED TIME PARKING**40. REGULATIONS NOT EXCLUSIVE**

The Traffic Authority, the TAAC, the Chief of Police, the City Engineer and/or the Fire Chief may override the provisions of this by-law and impose more restrictive provisions on stopping, standing or parking pursuant to their discretionary powers as set out herein or elsewhere where required in the interest of public safety or convenience.
[AM. B/L 5810/85/90]

41. PARKING TIME LIMITED

- (a) Where a traffic control device indicates a maximum parking time, or a maximum parking time during certain hours and/or days, it shall be an offence for a person to park a vehicle on those streets or portions of streets during restricted hours or days for a period in excess of the period of time stated on the traffic control device. Any vehicle being operated for the transportation of a handicapped person and identified by a Handicapped Parking Authorization Permit shown therein, may be parked for no more than four (4) consecutive hours in any such limited time parking space. Any person operating an authorized handicab van may stop or stand the vehicle in any such limited time parking space for the sole purpose of, and while actually engaged in, the loading and unloading of a physically disabled person being transported therein.
[AM. B/L 6295/22/95; B/L 6390/36/96; B/L 6809]
- (b) Any motor vehicle displaying a Veteran's License Plate shall be exempt from any one (1) or two (2) hour parking time restrictions posted on the parking restriction traffic control device.
[EN. B/L 6809, AM. B/L 6861]

42. OFFICERS MARKING PARKED VEHICLES

- (a) An Officer, for the purpose of enforcing the provisions of this or any other By-law or regulation of the City respecting the parking of vehicles, may make or place a mark upon any tire of a vehicle which is parked upon a street.
- (b) It shall be an offence for any person to remove, alter, obliterate or deface a mark made or placed upon a vehicle by an Officer as provided in Subsection (a) until the vehicle has been moved through the nearest intersection.

43. ADDITIONAL OFFENCES

- (a) Notwithstanding any traffic citation which may already have been issued with respect to a vehicle which is found parked, stopped or standing in violation of any parking restriction contained in this by-law, each additional observed violation or period of violation shall constitute a separate offence if the continuing offence is a "time related offence". All other parking offences shall constitute a separate offence every twenty-four hours after the issuance of the first traffic citation.
[AM. B/L 5810/85/90; B/L 5871/28/91]
- (b) For the purpose of this section, a "time related offence" is any breach of a provision of this by-law which restricts the time a vehicle may be parked, or left standing on a street or off-street parking area within the City.
[AM. B/L 5810/85/90]

44. PARKING METERS AND PARKING METER ZONES

Notwithstanding Section 32:

- (a) The driver of a vehicle wishing to occupy a metered parking space shall:
 - (1) operate the meter in accordance with the instructions printed thereon; or
 - (2) operate the meter as follows, in the event there are no instructions printed thereon:
 - i) insert one (1) Canadian coin as specified;
 - ii) turn handle as far as possible to the right (clockwise);
 - iii) ensure needle has moved to indicate amount of time registered on the meter and that the yellow violation flag or red expiration flag are not showing;
 - iv) where additional time is required, immediately insert more coins, one at a time, following the steps outlined in clauses ii) and iii) for each coin inserted, however in no case shall more coinage be inserted than is necessary to obtain the maximum parking time allowed by the meter;
 - (3) remove the vehicle from the space at or prior to the expiration of the time indicated by the meter.

When an officer checks a meter which is showing a yellow violation flag, possibly indicating an improperly turned meter, the officer shall first write and issue a traffic citation for the appropriate violation, then turn the meter handle. If it is determined by the officer that the meter is not in proper working order he shall then cancel the traffic citation so issued.
[AM. B/L 5871/28/91; B/L 5988/25/92]

- (b) Upon the expiration of the maximum time indicated on a parking meter, it shall be an offence for a person to further deposit or cause to be deposited in a parking meter a coin for the purpose of obtaining an extension of the parking time beyond the time prescribed on the parking meter head;

44. (b.1) any vehicle being operated for the transportation of a handicapped person and identified by a Handicapped Parking Authorization Permit shown thereon, may be parked for no more than four (4) consecutive hours in any metered parking space without charge;
[EN. B/L 5810/85/90]
- (b.2) any motor vehicle displaying a Veteran's License Plate shall have free parking at any City of Brandon parking meter on City of Brandon property.
[EN. B/L 6809, AM. B/L 6861]
- (c) Any vehicle parked in any parking meter zone shall be parked with the front and rear bumper of such vehicle parallel to the curb and adjacent to the parking meter designating and controlling the particular stall or parking space. It shall be an offence to park said vehicle in such a way that the same shall not be within the area as designated by the positions of the meters and either the front or the rear bumper of the vehicle must be no further than 2 metres (6.42 feet) to the front or rear of the said parking meter;
- (d) It shall be an offence for a person to park a vehicle having an overall length of more than 6 metres (19.69 feet) in any parking meter area unless the area is designated by traffic control devices as an over-length vehicle parking zone;
- (e) It shall be an offence for a person to deposit, or cause to be deposited, any slug, device or substitute for the required Canadian coins in any parking meter;
- (f) Schedules "E1" and "E2" set out the location of parking meters on City streets, with time limits of either one hour or two hours as indicated on the schedule;
[AM. B/L 5810/85/90]
- (g) Unless specifically required by other provisions of this by-law or the direction of an Officer, it shall be an offence for a person to cause a vehicle to occupy, or allow a vehicle that he has care and control of to continue to occupy, a metered parking space where the parking meter adjacent thereto indicates that the parking time thereon has expired.

METERED PARKING SPACE RENTALS

- (h) The TAAC or its designate may authorize the rental of one or more metered parking spaces if satisfied such space or spaces are to be used during, and for the purpose of, construction, renovation or maintenance work to be carried out on adjacent property. Such meter(s) may be hooded or actually be removed. The various fees to be charged for hooding meters, removal and replacement of meters, related application fees and other charges are set out in the City's annual fee schedule. Regulations relating to such rentals are set out in Schedule "K" hereto. Any person wishing to rent such metered parking spaces shall make application to the Supervisor of Municipal Licensing, in the form attached hereto as Schedule "L", for a Metered Parking Space Rental permit. Issuance of such a permit shall be subject to payment of the required fees set out in the City's annual fee schedule and compliance with the regulations as set out in Schedule "K" hereto.
[AM. B/L 5693/59/89; B/L 5810/85/90; B/L 6612]
- (i) Subject to subsection (h) above, no vehicle shall be parked adjacent to a hooded parking meter or adjacent to a metered parking space where the meter has been removed unless the vehicle operator is in possession of a valid Metered Parking Space Rental permit for such space.
[AM. B/L 5810/85/90]

SUNDAY AND HOLIDAY EXEMPTIONS

- (j) Any metered space may be used without payment on Sundays; on Public Holidays; and between 1800 hours on any day and 0800 hours the following day unless otherwise indicated on the parking meter.

DESIGNATED EXEMPTIONS

44. (k) The Traffic Authority may, by resolution, designate any day or days when parking without payment will be allowed in a metered zone.
[AM. B/L 5810/85/90]
- (l) Notwithstanding subsections (j) and (k), every vehicle parked in a metered zone on Sundays, Public Holidays, designated days as authorized pursuant to subsection (k) above, or between 1800 hours on any day and 0800 hours the following day, is subject to all other provisions of this By-law.
[AM. B/L 5810/85/90]
- (m) (1) No more than one vehicle may be parked in a single parking meter space at one time with the exception of motorcycles which may park to a maximum of three motorcycles in a single parking meter space.
- (2) Where the motorcycles referred to above are parked in violation of any provisions of this by-law, each such motorcycle shall be cited.
[EN. B/L 5810/85/90]

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

45. **CITATION OF VEHICLE PARKED OR LEFT IN VIOLATION OF BY-LAW**

- (a) Whenever any motor vehicle is found parked or left in violation of any provision of this By-law, and such vehicle is not removed and impounded as provided for in this By-law, an Officer, on finding such vehicle, shall conspicuously affix a traffic citation to such vehicle. Such citation shall contain the license plate number and such other information describing the vehicle as the officer determines to assist in identifying the owner or operator of the vehicle. The form of such citation shall be as set out in Schedules "F1" and "F2" hereto.
[AM. B/L 5810/85/90]
- (b) Schedule "F1" is the form of traffic citation which shall continue in use until supplies are exhausted and Schedule "F2" is the form of traffic citation which shall be phased into use to replace Schedule "F1" as deemed appropriate by the Supervisor of Municipal Licensing.
[EN. B/L 5810/85/90]
- (c) The form of traffic citation as set out in Schedules "F1" and "F2" hereto may be printed partially in red ink and partially in black ink as determined by the Traffic Authority to be appropriate.
[EN. B/L 5810/85/90]

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

45.1 **LIENS AND JUDGEMENTS RESPECTING OUTSTANDING TRAFFIC CITATION(S)**

- (a) The Supervisor of Municipal Licensing may, in his sole discretion, initiate proceedings by lien or by judgement for the collection of outstanding traffic citations. Such proceedings shall be in accordance with the provisions of The Summary Convictions Act, S.M. 1985-86, Chap.S230, and current amendments thereto.

- 45.1 (b) Pursuant to section 215.1 of The Municipal Act, R.S.M. 1988, c.M225, and current amendments thereto, where any lien is registered against a motor vehicle in respect of outstanding traffic citation(s), the registered owner shall pay to the City an administration fee as set out in the City's annual fee schedule, in addition to any other related costs incurred by the City in the collection process.

[EN. B/L 6191/40/94; AM. B/L 6612]

46. **PARKING EXEMPTIONS**

The provisions of this By-law prohibiting or regulating stopping and parking shall not apply to:

- (a) vehicles of the Police Service and/or the Fire Department while used in the course of duty (excluding paid breaks);
[AM. B/L 5810/85/90; B/L 6098/47/93]
- (b) vehicles of or employed by the City while in use in connection with work of necessity being done in or near a street requiring them to stop, stand, or be parked in contravention of any such provisions;
[AM. B/L 5871/28/91]
- (c) other clearly marked City vehicles parked at parking meters or time limited parking zones while the drivers of the vehicles are engaged in City business (excluding paid breaks);
- (d) vehicles of, or employed by, the Government of Manitoba, the Government of Canada, or a public utility, if such vehicles have the owner's name painted thereon, or can otherwise be identified as such, and are actually engaged in work of necessity on or near a street requiring them to stop or be parked in contravention of any such provisions;
[AM. B/L 5693/59/89; B/L 5871/28/91]
- (e) [REP. B/L 5810/85/90]
- (f) any other vehicles identified by a valid City Parking Permit issued by the TAAC insofar as same is provided in accordance with the terms set out on the permit.
[AM. B/L 5810/85/90]
- (g) armoured vehicles while used in the course of duty, providing a driver remains in the vehicle at all times, is prepared to move the vehicle if required, and the vehicle is not parked or stopped in such a manner as to constitute a hazard. This exemption does not apply to bus stops.
[EN. B/L 6295/22/95]

REMOVAL OF VEHICLES UNLAWFULLY PARKED

47. **REMOVAL, IMPOUNDING AND RETURN OF VEHICLES**

- (a) Any vehicle may be towed from a street or from an off-street parking area when:
 - (1) Subject to paragraph (3), the vehicle has been previously cited, on at least one occasion, for a breach of this or other by-laws, or breach of The Highway Traffic Act or The Municipal Act traffic related provisions; or

47. (a) (2) In the opinion of an Officer, the vehicle:
- i) is impeding traffic flow; or
 - ii) is restricting access to or from a street; or
 - iii) is a hazard to other vehicle operators; or
 - iv) is a hazard to pedestrians; or
 - v) is a hazard to private or public property.
- (3) For the purpose of paragraph (1) above, such prior breach may be a continuing offence where the vehicle has not been moved since being cited previously or, alternatively, where the same vehicle has been cited previously for the same or similar offences so as to constitute, to the officer involved, a course of conduct contrary to the provisions of this or other by-laws, The Highway Traffic Act or The Municipal Act.
[AM. B/L 5810/85/90]
- (b) Any vehicle shall be towed from a street or from an off-street parking area when it:
- (1) occupies or partially occupies a fire lane or other emergency access lane; or
 - (2) occupies a bus stop or bus zone; or
 - (3) occupies a railway crossing; or
 - (4) is parked within 3 meters (9.84 feet) of a fire hydrant; or
 - (5) is double parked; or
 - (6) is parked in an area designated as "no stopping anytime".
- (c) Whenever an officer removes or has removed a vehicle from a street as authorized in this By-law, the officer shall take all reasonable steps to notify the owner that his motor vehicle was removed and impounded, together with the reasons for its removal or impoundment, and of the place where it is detained or stored.
- (d) Whenever an officer removes or has removed a vehicle from a street under this Section and does not know and is not able to ascertain the name of the owner, or for any reason is unable to give the notice to the owner as hereinbefore provided, and in the event the vehicle is not returned to the owner within a period of three (3) days, then the officer shall send a written report of such removal by mail to the Authority of the Province of Manitoba whose duty it is to register motor vehicles and shall file a copy of such notice with the proprietor of any public garage or compound in which the vehicle may be stored.
- (e) (1) No person shall recover any vehicle removed and impounded in accordance with this by-law except as provided herein. Before the owner or person in charge of such vehicle shall be allowed to recover it from the place where it has been placed or impounded, he shall present to the proprietor of the garage or compound in which the vehicle is stored:
- i) a release form provided to him by the Chief of Police,
 - ii) evidence of his identity and right to possession of the vehicle acceptable to the operator of the compound.

47. (e) (2) Any person requesting the release of such vehicle shall:
- i) sign a receipt for its return,
 - ii) pay the cost of removal,
 - iii) pay any cost of storage accrued.
- (3) Until paid, these charges constitute a lien on the vehicle which may be enforced in the same manner as a garage keeper's lien in accordance with the provisions of The Garage Keeper's Act.
- (4) The rates to be charged for towing vehicles and storage of vehicles shall be as established by City tender process.

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

- (f) It shall be the duty of the Chief of Police to keep a record of each vehicle removed in accordance with this By-law. The record shall include a description of the vehicle, its license plate number, the date and time of its removal, where it was removed from, its location, the name and address of its owner and last operator, if known, its final disposition, and the parking violation involved.
[AM. B/L 5810/85/90]
- (g) This Section shall be supplemental to any other provision of law granting Officers authority to remove vehicles.

48. **PARKING ON PRIVATE PROPERTY**

- (a) It shall be an offence for any person to park or leave a vehicle on private property on which there is erected and maintained a traffic control device(s) indicating:
- (1) that the parking of vehicles thereon is prohibited; or
 - (2) that parking of vehicles is prohibited without the permission of the owner, occupant or the person in charge or control of the property; or
 - (3) that parking of vehicles thereon during the period indicated, without the permission of the owner, occupant or the person in charge or control of the property is prohibited; or
 - (4) that the posted area is designated as a fire lane.

[AM. B/L 6295/22/95]

- (b) The owner, occupant or person in charge or control of private property who wishes to take advantage of the regulations in this Section for the purpose of keeping persons or unauthorized persons from parking or leaving vehicles on the property or within certain parking stalls shall erect and maintain thereon clear and legible signs which indicate that, pursuant to the City's Traffic By-law, parking is prohibited or is restricted to certain users, such as customers or handicapped persons, or to certain days or times.
[AM. B/L 5961/118/91]

48. (c) In cases where special permits are issued to designate certain persons as authorized users of a private parking area or parking stall, such as handicapped parking permits, the sign which restricts parking in that area or stall shall also state 'permit must be displayed'.
[AM. B/L 5961/118/91]
- (d) For the purpose of this section, an unauthorized parked vehicle shall mean any and all vehicles parked or left standing on private property contrary to subsections (a), (b) or (c) above.
- (e) Pursuant to subsections (b) and (c) above, the property owner, occupant or person in charge or control, shall establish a suitable system for the allocation of authorized or reserved parking spaces on each property and shall be responsible for determining whether or not any specific vehicle is authorized to park in a particular parking stall.
- (f) Pursuant to subsections (b) and (c) above, the property owner, occupant or person in charge or control, shall allow any vehicle displaying a "handicapped parking" authorization symbol to park in a "handicapped parking only" parking lot or parking stall.
- (f.1) It shall be an offence for any person to park a vehicle in such a lot in a manner that makes a "handicapped parking only" parking stall inaccessible, unless a handicapped parking authorization permit is displayed in the vehicle and is used in accordance with the Act and the regulations of the Act.
[EN. B/L 5961/118/91]
- (g) For the purpose of this section and Section 49, any revenues generated from fines collected as a result of the enforcement of these sections shall be paid to and retained by the City to help cover the costs of such enforcement.

49. **OFF-STREET PARKING LOTS**

- (a) For the purpose of parking on off-street parking lots or on private property it shall be lawful to rent parking spaces to the general public by means of tickets, dispensed by hand or by machine. It shall be an offence for any driver to enter such area, or to park or leave a vehicle in such area without complying with the requirements and instructions for such area as posted at the entrance thereto, or to leave a vehicle in such an area beyond the period of time permitted by the ticket issued.
- (b) Where stalls or allotments are designated or marked out within any parking area, every person parking a vehicle within any such area shall park the same so that the vehicle shall conform to the direction of parking and be wholly within the boundaries of such stall or allotment. Failure to do so shall constitute an offence under this By-law.
[AM. B/L 6295/22/95]
- (c) It shall be an offence for any person to park a vehicle in such a lot, whether lined or unlined, in such a manner as to impede the free flow of traffic within such lot, or in a manner that makes a "handicapped parking only" parking stall inaccessible, unless a handicapped parking authorization permit is displayed in the vehicle and is used in accordance with the Act and the regulations under the Act.
[AM. B/L 5961/118/91]
- (d) It shall be an offence for any person to park a vehicle in a parking stall if such stall has been designated "no unauthorized parking" or "reserved parking only" or "handicapped parking only" unless specifically authorized to so park by a designated official of the City.

50. (a) Vehicles parked in violation of Sections 48 and 49 may be:
- (1) cited by an officer or by a person or persons appointed by the property owner with a traffic citation in the form as set out in Schedules "F1" and "F2"; or
 - (2) at the option of the property owner, towed from the property and impounded.
- [AM. B/L 5810/85/90]
- (b) [REP. B/L 5810/85/90]
- (c) The penalty for vehicles parked in violation of Sections 48 and 49 shall be as set out in the City's annual fee schedule, and pursuant to subsection 299.1(4) of the Act.
[AM. B/L 5961/118/91; 6612]
- (d) The towing of any vehicle pursuant to this section shall be subject to provisions of subsections 47(c) through (f) inclusive.
[AM. B/L 5693/59/89]
- (e) The Police Service shall be notified by the towing contractor of the removal of a vehicle pursuant to this section and such notice shall include the following details; make, model, and license plate number of the vehicle, date and time of its removal, where it was removed from, its final disposition and the parking violation involved.
[AM. B/L 5693/59/89; B/L 5810/85/90; B/L 6098/47/93]

OTHER REGULATIONS

51. (a) The operation of snowmobiles within City limits is prohibited.
- (b) Notwithstanding subsection (a):
- (1) snowmobiles may be operated only along prescribed trails which are set out on Schedule "X" attached hereto; and
 - (2) operation of snowmobiles must be in accordance with the provisions of The Off-Road Vehicles Act, S.M. 1987-88, c.64-Cap.O31; and
 - (3) the maximum speed at which snowmobiles may travel shall not exceed a speed which is suitable for the conditions of the trail, save and except where the maximum speed is further restricted as indicated by signs posted along the trail route. Maximum speed limits may be established from time to time by Council resolution.
- [AM. B/L 5810/85/90; 6413/59/96]

51.1 ENGINE RETARDER BRAKING SYSTEM

The use of any engine retarder braking system is prohibited within the City limits.
[EN. B/L 6098/47/93]

52. TIME REFERENCES

- (a) All time references in this By-law are on a twenty-four hour clock basis: 0000 being midnight and 1200 being noon however, time references on traffic control devices may be shown on a twelve hour clock designating a.m. or p.m. as required.
[AM. B/L 5693/59/89]
- (b) Hour designations shall be deemed to refer to Daylight Savings Time when such is in current use in the city, and at all other times, to Central Standard Time.
53. [AM. B/L 5710/76/89; REP. B/L 5810/85/90]

53.1 DIMENSION AND WEIGHT RESTRICTIONS

- (a) Regulations respecting vehicle dimension and weight restrictions shall be as set out in Schedule "W" hereto, being a consolidation of Manitoba Regulation 575/88, as amended by Manitoba Regulations 292/89, 80/91, 170/93 and 97/202.
[AM. B/L 5909/66/91; B/L 6295/22/95, B/L 6914]
- (b) (1) All streets within the City shall be and are hereby designated as Class A highways.
- (2) Notwithstanding paragraph (1) and subject to paragraph (3), City Truck Routes and Provincial Truck Routes as set out in Schedule "D1", shall be and are hereby designated as Class A1 highways.
- (2.1) Notwithstanding paragraph (1), RTAC Truck Routes as set out in Schedule "D1", shall be and are hereby designated as RTAC Route highways.
[EN. B/L 5988/25/92]
- (3) Notwithstanding paragraph (2), Restricted Weight City Truck Routes as set out in Schedule "D1" shall be and are hereby designated as Class A highways.
- (c) Nothing in this section shall be construed to permit operation of a truck on any street or portion thereof when such operation is in contravention of other provisions of this or other by-laws or in contravention of any statute passed by the Province of Manitoba or the Government of Canada.
- (d) Notwithstanding this section, applications for movement of oversize/overweight vehicles may be made pursuant to Section 54.2.
[EN. B/L 5810/85/90; AM. B/L 5871/28/91, AM. B/L 6914]

54. ROUTES FOR TRUCK TRAVEL

- (a) (1) All trucks shall be operated only over and along the streets or sections of streets set forth as truck routes on Schedules "D1" and "D2" hereto or on such other routes as designated by the Traffic Authority, subject to further restrictions as set out in Section 53.1.
[AM. B/L 5810/85/90]
- (2) Notwithstanding paragraph (1), trucks with a gross vehicle weight of less than 5,773 kilograms (12,727 lb.) may travel on all streets within the City.
[EN. B/L 5810/85/90]
- (3) Notwithstanding paragraph (1), commercial bus operators may apply to the TAAC for authority to travel on routes off of truck routes for access to depots.
[EN. B/L 5810/85/90]

54. (a) (4) Notwithstanding paragraph (1), and subject to paragraph (5), any truck may operate on any street where necessary to the conduct of business at a destination point, provided that truck routes are used until reaching the intersection nearest the destination point. Upon leaving the destination point, a truck shall return by the shortest route to a truck route.
[EN. B/L 5909/66/91]
- (5) Notwithstanding paragraph (1), RTAC vehicles may travel over such lower designated streets up to the lesser of eleven percent (11%) in excess of each such street's respective weight restrictions or 62,500 kilograms (137,787 lb.) for a maximum of 8 kilometres (5 miles) for the purpose of reaching a truck terminal.
[EN. B/L 5909/66/91]
- [AM. B/L 5810/85/90; B/L 5909/66/91]
- (b) All routes identified or designated as truck routes pursuant to paragraph (a)(1) above, shall be identified by the placement of Traffic Control Devices adjacent thereto, in such number as the TAAC shall deem necessary.
[AM. B/L 5810/85/90]
- (c) All streets and/or sections of streets designated as truck routes may be used as such for the full twenty-four hours of each day of the year unless otherwise designated. The City Engineer shall keep and maintain a current map setting out the streets or portions of streets designated as truck routes and copies of the map shall be available to the public at no charge. Such map shall also show those streets, if any, from which all trucks are prohibited.
[AM. B/L 5810/85/90]
- (d) Where, at any time, conditions arise whereby, in the opinion of the City Engineer, the street is or is likely to be damaged by the operation of any class of vehicle, the City Engineer may order, subject to subsection (d.1), an immediate discontinuance of the operation of any class of vehicle or all vehicles over that street or portion of street until such time as the City Engineer re-opens the street or portion of street.
[AM. B/L 5871/28/91]
- (d.1) Prior to making an order under subsection (d) for any Provincial Highway or designated highway, the City Engineer shall first receive approval of the Minister of Highways and Transportation or his designate.
[EN. B/L 5871/28/91]
- (e) The Traffic Authority may by resolution prohibit the operation of any truck on any highway, street or lane.
- (f) [AM. B/L 5693/59/89; REP. B/L 5810/85/90]
- (g) [REP. B/L 5810/85/90]
- (h) It shall be an offence for any person to park vehicles subject to this section at any time on any street in the City other than on a truck route except when the vehicle is engaged in loading or unloading pursuant to Section 28 hereof.
[AM. B/L 5693/59/89]
- (i) [REP. B/L 5810/85/90]

54.1 TRANSPORTATION OF DANGEROUS GOODS

- (a) It shall be an offence for any truck or other vehicle that is required to have a safety mark respecting the transporting of dangerous goods, notwithstanding such vehicles' gross vehicle weight, to travel over or along any streets or sections of streets within the City other than those designated as Dangerous Goods Truck Routes on Schedules "D1" and "D2" hereto.
- (b) Notwithstanding subsection (a), and subject to subsection (c), any such vehicle may operate on any street where necessary to the conduct of business at a destination point for required repair or servicing work to be done, or where it is necessary to reach the carrier's premises, provided that dangerous goods truck routes are used until reaching the truck route which will access the intersection nearest the destination point, and then using that truck route until reaching the intersection nearest the destination point. Upon leaving the destination point, such vehicle shall return by the shortest route to a truck route and then to a dangerous goods truck route.
- (c) Notwithstanding subsection (a), persons in control of locations within the City which require regular pick-up or delivery of dangerous goods must have a plan of travel approved by the City Engineer to authorize its distributors and suppliers to leave the dangerous goods truck route for the purpose of reaching the destination point, and must ensure its distributors and suppliers are aware of and comply with such approved plan. This provision applies to all locations which involve storing bulk gasoline, liquid petroleum gas or propane, fuel oil or other dangerous goods, as well as the City's Water Treatment Plant, Wastewater Treatment Plant, and Sportsplex facility, and any other similar facilities as deemed necessary by the City Engineer at his sole discretion.
- (d) Any person in control of a location that is not required to submit a plan of travel for approval in accordance with subsection (c) may volunteer to register a plan of travel in order to avoid travel through residential or institutional areas of the City, or for some other purpose acceptable to the City Engineer.
- (e) When considering a submitted plan of travel for approval, the City Engineer must ensure that:
 - i) truck routes are used as much as is reasonable for reaching the required destination;
 - ii) the selected route encroaches in the least possible manner on any residential or institutional area;
 - iii) the ingress or egress points at municipal boundaries are acceptable routes for the adjacent municipality;
 - iv) the hours of operation for delivery or pick-up are acceptable for the area involved;
 - v) the length of the vehicle in relation to the proposed plan of travel does not cause a safety concern;
 - vi) where the length of the vehicle is considered a safety concern a more acceptable plan of travel is developed or the length of the vehicle is lessened.
- (f) Every vehicle that is required to have a safety mark shall comply with the requirements of this by-law and the provisions of The Dangerous Goods Handling and Transportation Act RSM 1987, c.D12 and the regulations thereto.
- (g) That in a state of emergency the City Engineer be authorized to designate temporary dangerous goods truck routes in accordance with the emergency or, when construction activities make it necessary, alter the dangerous goods truck route accordingly.

[EN. B/L 6588]

54.2 MOVEMENT OF OVERSIZE/OVERWEIGHT VEHICLES OR OTHER OBJECTS**Overweight/Oversize Vehicle/Object Offence**

- (a) It shall be an offence for any person to drive any vehicle or move any building or other object over, upon or along a street if such vehicle, building, or other object, while being driven or moved, exceeds any of the dimension or weight restrictions as set out in the Act or Section 53.1 of this by-law.
- (b) Notwithstanding Subsection 54.2 (a), this regulation does not apply to a person:
 - (i) who is operating a vehicle including a special mobile machine that is operated solely for the purpose of road construction, maintenance or snow removal when the vehicle is being operated on behalf of the Traffic Authority;
 - (ii) who is operating a vehicle and who has a permit issued under the Act and regulations authorizing the operation of the vehicle on a highway.

[EN. B/L 5810/85/90; AM. B/L 5909/66/91; B/L 6295/22/95, B/L 6914]

54.3 VENDING MACHINES

- (a) It shall be an offence for any person to place or locate a vending machine, including any vending machine not included within the definition of 'vending machine' herein upon any streets, boulevards or sidewalks within the City.
- (b) Notwithstanding subsection (a), the TAAC or its designate may, at their discretion, issue a permit authorizing the placement of a vending machine upon any street, boulevard or sidewalk. Any person desiring to obtain such a permit shall make application to the Supervisor of Municipal Licensing. The application form, the conditions relating to the issuance of such a permit and the regulations relating to the placement of said vending machines are set out in Schedule "O" hereto. The required permit fee, to be paid to the Supervisor of Municipal Licensing, is as set out in the City's annual fee schedule.
[AM. B/L 6612]
- (c) Compliance with this Section does not negate the obligation to comply with other City licensing by-laws and by-laws of general application.
[EN. B/L 5810/85/90]

54.4 EXCAVATIONS

- (a) It shall be an offence for any person to cut, break, tear up or remove any road surface or make any excavation in or under any street, boulevard, or sidewalk for any purpose.
- (a.1) Subsection (a) shall not apply to the Department of Highways, its agents or employees with respect to Provincial Highways or designated highways;
[EN. B/L 5871/28/91]
- (b) Notwithstanding subsection (a) and subject to subsection (c), the City Engineer may issue an excavation permit for the purpose of a street or boulevard cut, or construction of roadways, approaches, sidewalks, road grades, drainage ditches, or repair to and construction of water, sanitary sewer, storm sewer lines, natural gas, electric and telecommunication services.

54.4 (b.1) Whenever the City intends to improve or pave any street, the City Engineer shall first give notice to all persons owning property abutting on the affected street and to all utilities operating in the City. Within thirty (30) days of the issuance of said notice, all such persons or utilities shall, subject to subsection (c), make application for any and all connections as well as repairs which would ordinarily necessitate excavation of the street.

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

(c) Prior to issuance of an excavation permit the applicant shall:

(1) satisfy the City Engineer that:

- i) the person who will be performing such work is licensed by the City to do so; and**
- ii) the person who will be performing such work is an authorized, licensed and bonded contractor in the City who has furnished the City with a certificate of qualification; or**
- iii) he is an employee of the City, or engaged as an independent contractor by the Department of Engineering and Operations, and such work is to be carried out in the course of such employment or fulfillment of contract.**

[AM. B/L 5961/118/91]

(2) obtain a crossing permit pursuant to Section 54.6 where access to a construction site is required across a boulevard, sidewalk or curb.

(3) file a Surety Bond of \$15,000 with the City Treasurer.

(4) provide the City Engineer with a damage deposit, in such amount as determined by the City Engineer, for any location where a building permit is required, to cover possible damage to any structure in the adjoining streets or public places resulting from such operations. Said deposit may be retained by the City until all work on the construction site, including lot grading, has been completed.

(5) make application to the City Engineer, in the form attached hereto as Schedule "Q", for an excavation permit and shall meet the following requirements:

- i) Make payment of a permit fee, in the amount set out on Schedule "R" hereto, together with any other prescribed fees.**
- ii) Make application for excavation permits for sewer, water, gas or other utility service connections at least forty-eight hours prior to commencement of the work except in the case of emergency repair work when immediate notice shall suffice.**
- iii) Make application for excavation permits for utility structures at least seven days prior to commencement of the work except in the case of emergency repair work when immediate notice shall suffice. Such plans as may be required showing alignment, grade and structural details of the proposed work shall be supplied to the City Engineer for inspection and approval before an excavation permit is issued. Changes in alignment or grade must be approved by the City Engineer before being carried out in the field and "revised as constructed" plans shall be submitted upon completion of the work.**
- iv) agree to comply with all conditions and regulations as set out on Schedules "Q" and "R" hereto.**

(d) The City Engineer has the authority to:

(1) deny the issuance of any excavation permit where in his opinion it is in the public interest to do so.

[A.M. B/L 6665]

(2) cancel any excavation permit which has been issued under his authority at any time, if the permit holder or his agent(s) fail to comply with any of the imposed requirements or conditions under which said permit was originally issued.

[EN. B/L 5810/85/90]

- 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]