



## RURAL MUNICIPALITY OF HANOVER

### TRAFFIC BY-LAW NO. 2395-22

A By-Law of the Rural Municipality of Hanover to regulate Traffic, Parking, and the orderly use of public roads and streets.

July 27th, 2022 - First Reading

August 10th, 2022 - Second and Third Reading

## TABLE OF CONTENTS

### **PART 1: AUTHORITY, ENACTMENT AND DEFINITIONS**

1.	Authority.....	4
2.	Enactment .....	4
3.	Title .....	4
4.	Provincial and Federal Legislation .....	4
5.	Definitions .....	4

### **PART 2: TRAFFIC CONTROL**

6.	Traffic Control Standard .....	6
7.	Installation and Maintenance .....	7
8.	Protection of Traffic Control Devices .....	7
9.	Directional Arrows.....	7
10.	Temporary Traffic Control Devices.....	7

### **PART 3: HEAVY/COMMERCIAL VEHICLES**

11.	Designated Routes (No Truck Routes) .....	7
12.	Heavy Vehicle Restrictions .....	7
13.	Spring Weight Restrictions .....	8
14.	Determination of Weight .....	8

### **PART 4: RESTRICTED USE OF ROADS/STREETS**

15.	Temporary Street Closure .....	8
16.	Parades .....	9
17.	Funeral Processions.....	9
18.	Transporting Material.....	9
19.	Prohibited Obstructions .....	10

### **PART 5: MOVING VIOLATIONS**

20.	Hitchhiking.....	10
21.	Engine Retarder Brakes .....	10

### **PART 6: PARKING & STOPPING**

22.	Stopping and Parking Provisions Not Exclusive.....	10
23.	Parking at Curb .....	10
24.	Parallel Parking .....	10
25.	Limited Time Street Parking .....	11
26.	No Stopping.....	11
27.	Stopping or Parking in Loading Zones .....	11
28.	Parking Stalls Reserved for Physically Disabled Persons.....	11
29.	Parking Prohibited .....	11
30.	Parking of Prohibited Vehicles .....	12
31.	Snow Clearing.....	12
32.	Parking Exemptions .....	12

**PART 7: JURISDICTION RESPECTING MUNICIPAL ROADS/STREETS AND DRAINS**

33. Removal of Materials by Municipalities .....12  
34. Encroachments and Nuisances Forbidden .....12  
35. Control of Roads/Streets .....12  
36. Cost of Removal.....13  
37. Damage to Streets .....13  
38. Indemnifying the Municipality .....13  
39. Persons causing Obstructions .....13  
40. Private Works on Municipal Roads/Street .....13  
41. Municipality may Alter or Remove.....14  
42. Private Crossings .....14  
43. Payment.....14  
44. Construction of sidewalks .....14  
45. Removal by Municipality .....14  
46. Consent to Remove .....14  
47. Trees at intersecting Municipal Roads .....15  
48. Trees on Adjoining Land .....15  
49. Interference with Municipal Drains .....15  
50. Removal of Refuse in Drains.....15

**PART 8: LITTERING**

51. Littering .....15  
52. Conveying Waste .....16  
53. Allow Litter to Accumulate.....16  
54. Prima Facie Evidence of Littering .....16  
55. Remedial Work Carried out by RM on Private Property .....16  
56. Remedial Work carried out by RM in Public Places, Public Areas and on Private Property of another Person .....16

**PART 9: ENFORCEMENT**

57. Contravention by Owner or Operator.....16  
58. Reference to Time .....17  
59. Marking Tires.....17  
60. Placing and Removal Of Tickets.....17  
61. Removal and Impoundment of Vehicles .....17  
62. Remedies and Penalties .....18

**PART 10: SEVERABILITY .....18**

**PART 11: REPEAL .....18**

**SCHEDULE A: PENALTY FINE..... 19/20**

## **PART 1: AUTHORITY, ENACTMENT AND DEFINITIONS**

---

### **1. AUTHORITY**

The Rural Municipality of Hanover is empowered under Part 7 of the Municipal Act S.M. 1996 c.58; Parts III, IV and VI of the Highway Traffic Act RSM 1985/86 c.H60; and the Dangerous Goods Handling and Transportation Act RSM 1987 c.D12 to regulate traffic and parking and the use of Roads, Streets and Sidewalks by by-law and to impose penalties for the violation of such by-law.

### **2. ENACTMENT**

Now therefore, the Council of the Rural Municipality of Hanover enacts as By-Law the following:

### **3. TITLE**

This By-Law shall be known as and may be cited as the "Hanover Traffic By-Law"

### **4. PROVINCIAL AND FEDERAL LEGISLATION**

Pedestrians and all Persons driving, operating or using in any way a Vehicle on any Street, Public Walkway, Off Street Parking Area, other public property, or on Private Property (where and to the extent as authorized by this by-law), within the limits of the RM must in all respects conform to the provisions of this by-law save and except where provisions of this by-law are inconsistent with provisions of relevant Provincial or Federal Statutes in which case the provisions of such statutes will override the provisions of this by-law.

### **5. DEFINITIONS**

In this By-Law, except where otherwise required, words shall be given the same meaning as may be defined by the Manitoba Highway Traffic Act. In this By-Law:

5.1. "Alley" means a Lane as defined hereinafter.

5.2. "Approach" means that portion of a Curb, Sidewalk or Boulevard improved or designed for the passage of vehicular traffic.

5.3. "Block" means the area of a street between one intersection and the next intersection.

5.4. "Boulevard" means the portion of a street, on either side or in the center of the street, that:

- a) is adjacent to the roadway or its shoulder;
- b) is maintained for the purpose of improving the appearance or safety of the street;
- c) is not intended to be used to carry vehicular traffic; and
- d) is not a shoulder.

5.5. "Bus" means a motor vehicle that:

- a) is designed, constructed, or modified for the principal purpose of carrying passengers; and
- b) has a seating capacity of at least 11 persons, including the driver.

5.6. "Chief Administrative Officer Designate" means the person or persons designated by the Chief Administrative Officer (CAO) of the RM who have been given authority over sections of this By-Law.

5.7. "Council" means the elected Council for the Rural Municipality of Hanover.

5.8. "Curb" means the actual curb to a street and where no curb exists, it means the dividing line between that part of a street intended for the use of vehicles and that part of a street intended for use by pedestrians.

5.9. "Disabled person's parking permit" means a parking permit issued under the Manitoba Highway Traffic Act.

5.10. "Driveway" means the same as "Approach".

5.11. "Heavy Vehicle" means:

- a) a motor vehicle or truck with a gross weight registration exceeding 4,536 kilograms (10,000 lbs); or
- b) any vehicle, including any combination of motor vehicle, trailer and load with a weight exceeding 4,536 kilograms (10,000 lbs)

5.12. "Holiday" means New Year's Day, Louis Riel Day, Good Friday, Victoria Day, Canada Day, Terry Fox Day (Civic Holiday), Labour Day, Thanksgiving Day, Remembrance Day, Christmas Day and Boxing Day.

5.13. "Industrial Zone" means parcels designated as such by the RM of Hanover Zoning By-Law.

5.14. "Lane" means a street which is not numbered, named or otherwise designated.

5.15. "Motorized Mobility Aid" means a device which is specifically manufactured or modified for operation by a physically disabled person and which has:

- a) a maximum speed capability of not more than 15 kilometers per hour;
- b) a maximum width of not more than 91 centimeters (36 inches), and
- c) a maximum mass of not more than 226 kilograms (500 lbs.), and includes a motorized wheelchair.

5.16. "Parade" means any group of pedestrians marching or walking on any street except members of the Armed Forces and/or any group of vehicles proceeding on a street under a common leadership (except funeral processions or Armed Forces Vehicles)

5.17. "Pedestrian" means any person on foot, in a wheelchair, in a child's carriage, or a physically disabled person operating a motorized mobility-aid.

5.18. "Penalty Notice" means a penalty notice issued under the *Municipal By-Law Enforcement Act* in respect of a contravention of this By-Law.

5.19. "Person" means any individual and includes corporation, firm, partnership and association or company and utilities.

5.20. "Private works" includes private roadways, crossings, openings, signs, or other advertising devices and other structures constructed, erected, installed or maintained on a municipal road for the use or benefit of owners or occupants of property adjoining or connected therewith.

5.21. "Provincial Highway" for the purpose of this by-law, means any provincial trunk highway or provincial road or portion thereof within the RM for which the Minister of Transportation and Infrastructure of the Province of Manitoba is designated as the Traffic Authority, and for which the provisions of this by-law are applicable.

5.22. "Recreational Vehicle" means a vehicle designed for camping or other recreational purposes. It includes, but is not limited to, a motorhome, a truck on which a camper has been installed, a camping or travel trailer, and any trailer carrying recreational equipment such as a boat or other watercraft, a snowmobile, all-terrain vehicle or other off-road vehicle.

5.23 "RM" means the Rural Municipality of Hanover.

5.24. "Roadway" means the portion of a street that is improved or ordinarily used for vehicular traffic but does not include the shoulder.

5.25. "Spring Weight Restrictions" are limits that restrict the weights of vehicles allowed to be operated upon streets that do not have concrete pavements during periods of the year when damage to such streets is reasonably expected to occur by the CAO.

5.26. "Street" means any public right-of-way, including a road, highway or a Provincial Highway, providing primary access to abutting property, used as a public thoroughfare for vehicles and pedestrians including streets under construction or repair, and where the context so requires, includes the whole of the area between the boundaries of the streets as recorded in the Land Titles Office and includes all lanes and alleys.

5.27. "Traffic Control Device" means a sign, signal, light, pedestrian corridor, school corridor, marking or device, not inconsistent with the Highway Traffic Act, placed or erected by the Chief Administrative Officer Designate for the purpose of regulating, warning or guiding traffic, but does not include a parking meter.

5.28. "Traffic lane" means a strip of roadway intended to accommodate a single line of moving vehicles.

5.29. "Trailer" means a vehicle designed for carrying goods or persons and for being towed by a motor vehicle.

5.30 "Urban Community" means a Local Urban District or urbanized community within the borders of the Rural Municipality of Hanover.

5.31. "Vehicle" means a device, in, upon, or by which a person or thing is or may be transported or drawn upon a street but does not include a device designed to be moved solely by human muscular power or a motorized mobility aid.

5.32. "Work of Necessity" means work that is required to repair, replace, maintain or improve infrastructure belonging to the RM, the Province of Manitoba, or other public utilities.

## **PART 2 - TRAFFIC CONTROL DEVICE**

---

### **6. TRAFFIC CONTROL STANDARD**

6.1 The Transportation Association of Canada's Uniform Traffic Control Devices for Canada Manual is hereby adopted as the standard for all traffic control devices within the RM. Traffic Control Devices in existence at the time this By-Law is passed may be permitted by RM Council or the CAO Designate.

## **7. INSTALLATION AND MAINTENANCE OF TRAFFIC CONTROL DEVICES**

7.1. The CAO Designate is hereby authorized to install and maintain traffic control devices for the purpose of control, warning, guidance, information and direction of traffic in conformity with the provisions of this By-Law or any traffic requirements approved by RM Council.

7.2. No person may install a traffic control device on public property unless given written approval by the CAO Designate. The placement of any traffic control device in contravention of this By-Law is an offence and such traffic control device(s) will be removed.

7.3. The CAO Designate will keep a record of the location of all traffic control devices and zones where parking or stopping is restricted or prohibited by a traffic control device. The record will be available for inspection at the administration office of the RM during normal business hours.

7.4. A person may request the RM to install or remove a traffic control device. Requests must be made in writing and may be reviewed by RM Council in a public meeting.

## **8. PROTECTION OF TRAFFIC CONTROL DEVICES**

No person may damage, deface, remove, obscure, or interfere with any traffic control device placed or maintained by the RM for the purpose of traffic or parking control.

## **9. DIRECTIONAL ARROWS**

Where a sign indicates parking or stopping restrictions by directional arrow, that restriction will continue in the direction of the arrow to the next road/street intersection unless interrupted by a similar sign with an opposite facing arrow.

## **10. TEMPORARY TRAFFIC CONTROL DEVICES**

10.1. The CAO Designate will place and maintain, or cause to be placed and maintained, temporary traffic control devices for the purpose of prohibiting or regulating traffic in conformity with the provisions of this By-Law or any traffic requirements approved by Council.

10.2. Any person undertaking work authorized by the RM of any form within a road/street or in any way interfering with or obstructing the normal use of a road/street must place and maintain a temporary traffic control device as directed by the CAO Designate.

## **PART 3 – HEAVY/COMMERCIAL VEHICLES**

---

### **11. DESIGNATED ROUTES (NO TRUCK ROUTES)**

11.1 The CAO Designate will determine and keep a record of heavy vehicle routes and spring weight restrictions placed on roads/streets within the RM. This record will be available for inspection at the administration offices of the RM during normal business hours and on the RM website.

11.2 The commonly used term of “No Truck Routes” shall be used to identify designated routes where restrictions have been placed on roads/streets within the RM.

### **12. HEAVY VEHICLE RESTRICTIONS**

No person may operate (drive, use, park or stand) a heavy vehicle on any road/street except:

12.1. while such a heavy vehicle is travelling on a designated heavy vehicle route;

12.2. while such a heavy vehicle is making collection or delivery, provided that the operator proceeds by the most direct route to or from the point of collection or delivery, to or from the nearest heavy vehicle route;

12.3. while such a heavy vehicle is proceeding to or from a business premises located in an industrial zone, provided that the operator proceeds by the most direct route to or from the business premises, to or from the nearest heavy vehicle route;

12.4. a vehicle owned and operated, or a vehicle contracted and employed by the RM while in use in connection with work being done for the municipality.

12.5. emergency vehicles.

12.6. a vehicle of Her Majesty's Mail, or of the Government of the Province of Manitoba, and of any public utility, if such vehicles have the owner's name painted thereon and are actually engaged in works of necessity on or near a municipal road/street requiring them to stop or be parked in contravention of any such provision.

12.7 a heavy vehicle operated by a resident traveling to and from their home, provided the resident uses caution and care to and from their home to a municipal road/street not shown on the No Truck Route map.

### **13. SPRING WEIGHT RESTRICTIONS**

13.1. RM spring weight restrictions take effect for the same period of time as that which is designated by the province of Manitoba for provincial highways which run through the RM.

13.2. The CAO Designate will place and maintain, or cause to be placed and maintained, temporary traffic control devices for the purpose of indicating that spring weight restrictions are in effect.

13.3. Heavy vehicle axle loadings will be restricted to 65% of legal axle loadings or as indicated with a traffic control device when spring weight restrictions are in effect except on specified heavy vehicle routes.

13.4. No person may operate any heavy vehicle that exceeds permitted spring weight restrictions within the RM except where a permit has been obtained from the CAO Designate to allow passage of that heavy vehicle over specified RM road/streets at a specified time.

13.5 Road 32N between PR216 and PTH12, historically known as Ridge Road, is designated as a "No Truck Route" during spring weight restrictions.

### **14. DETERMINATION OF WEIGHT**

Any person operating a vehicle must comply with a request of a Police Officer, Peace Officer, Special Constable, or By-Law Enforcement Officer to immediately proceed to a weigh scale and allow the vehicle to be weighed for the purpose of determining:

14.1. if the vehicle exceeds the weight limits allowed for when spring weight restrictions are in effect; or

14.2. if the vehicle exceeds the weight limits allowed for on roads/streets not designated as heavy vehicle routes.

## **PART 4: RESTRICTED USE OF ROADS/STREETS**

---

### **15. TEMPORARY ROAD/STREET CLOSURE**

15.1. The CAO Designate is authorized to temporarily:

a) Close the whole or any part of a road/street at any time for any purpose considered necessary;

b) Prohibit parking on the whole or any part of a road/street at any time for any purpose considered necessary.



15.2. Where a road/street is temporarily closed or parking is temporarily prohibited on a road/street, the road/street must be signed or barricaded to provide notice of the temporary closing or prohibition.

15.3. No person may drive or park a vehicle on any road/street which has been temporarily closed, except where permitted by the CAO Designate who closed the road/street.

## **16. PARADES**

16.1. A person who desires to hold a parade must apply in writing to the CAO Designate requesting a letter of authorization at least 21 days before the time set for the commencement of the parade.

16.2. The parade application request must include:

- a) the date and time at which the parade is intended to take place;
- b) the locations of formation and dispersal;
- c) the exact route to be followed;
- d) the estimated length of time for the parade to pass a given point; and
- e) any other provision as may be required by the CAO Designate.

16.3. No person may hold, take part in, or be a member of a parade unless:

- a) the parade is under the direction or control of a marshal or organizer; and
- b) the parade has been authorized in writing by the CAO Designate.

16.4. The CAO Designate may issue a letter of authorization for a parade subject to any directions they impose as to time, marshalling and route to be followed.

16.5. Every parade permit is subject to compliance with all By-Laws of the RM.

16.6. Any deviation from the terms and directions stated in the Letter of Authorization except as authorized by the CAO Designate is an offence and will cause authorization of a parade to become void and of no effect.

16.7. The CAO Designate may require payment of a fee for the purpose of publishing due notice of the parade and for such diversion of traffic as is deemed necessary as a result thereof.

16.8. No person may cross through or in any way obstruct or interfere with a parade or assembly for which a parade has been authorized except:

- a) if directed by a police officer or;
- b) if operating an emergency vehicle such as an ambulance, Hanover Fire Department vehicle, or vehicle belonging to the RCMP.

## **17. FUNERAL PROCESSIONS**

The driver of every vehicle in a funeral procession indicated as such by the 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. The driver of each of the other vehicles in the procession shall have the right-of-way over all other vehicles upon the road/street at the intersection or place where the signal or stop sign is situated.

## **18. TRANSPORTING MATERIAL**

18.1. All material of any kind being transported over any road/street or lane must be transported in such a manner and in such containers that no part of the material, while in transit may find its way onto the surface of the street or lane. Examples of this could include, but not limited to mud, manure, etc. The owner or operator is responsible for the removal of any material or items falling onto the road/street or lane.

18.2. No person may place any item or material that will obstruct any road/street, lane, sidewalk or boulevard. Any person who has placed such an item or material is responsible for removing it.

18.3. No person may litter on any road/street, lane, sidewalk, boulevard or other public property.

#### **19. PROHIBITED OBSTRUCTIONS**

No person may:

19.1. Place or leave any cord or cable across any street, lane, or sidewalk except for the purpose of traffic counts authorized by the CAO Designate.

19.2. Build or construct any crossing in, on, or across any road/street, boulevard, sidewalk, drain, gutter, or any other public place in the RM without written permission from the CAO Designate.

19.3. Obstruct, interfere with or interrupt the free passage of road/traffic on any street, lane or sidewalk.

19.4. Place or dump snow, earth, gravel, sand or other material on a road/street, except where permitted by the CAO Designate.

### **PART 5: MOVING VIOLATIONS**

---

#### **20. HITCHHIKING**

No person standing or walking on a public road/street, sidewalk or boulevard may solicit a ride from the operator of a vehicle by word, gesture, or any action whatsoever.

#### **21. ENGINE RETARDER BRAKES**

No person operating a vehicle may use engine retarder brakes within the RM's urban community limits, except to avoid or reduce the impact of a collision or in the case of such other emergency.

### **PART 6: PARKING & STOPPING**

---

#### **22. STOPPING AND PARKING PROVISIONS NOT EXCLUSIVE**

The provisions of this By-Law dealing with restrictions on stopping or parking may not relieve any person from the duty to observe other and more restrictive provisions, prohibiting or limiting the stopping or parking of vehicles in specified places or at specified times.

#### **23. PARKING AT CURB**

No person may park a vehicle upon a road/street except:

23.1. at the right-hand curb on a two-way road/street;

23.2. at either curb on a one-way road/street;

23.3. parallel to or alongside the curb unless angle parking is indicated by signs or markings;

23.4. in the direction of traffic on that side of the road/street; and

23.5. if such parking is not otherwise prohibited by this By-Law.

#### **24. PARALLEL PARKING**

24.1. No person may parallel park:

a) with the front or rear wheel nearest the curb more than 0.45 metres (1.5 feet) from that curb;

b) within one metre (3.2 feet) of any vehicle previously parked in front of or behind the vehicle.

24.2 The operator of a motorcycle must park the vehicle at an angle of forty-five degrees to the curb and have the rear wheel within 0.3 metres (12 inches) of the curb.

#### **25. LIMITED TIME STREET PARKING**

Where limited time street parking is established, no person may:

25.1. park any vehicle upon any street for a time that exceeds the limit indicated by parking signage; or

25.2. move any parked vehicle to another spot on the same block at the expiration of the time allowed for by parking signage.

#### **26. NO STOPPING**

26.1. No person may stop a vehicle on any road/street so as to interfere with or interrupt the passage of traffic.

26.2. No person may stop a vehicle on any road/street in a traffic lane, except where required by traffic, a traffic control device, or as directed by a police officer or peace officer.

#### **27. STOPPING OR PARKING IN LOADING ZONES**

27.1. No vehicle may be stopped or parked in a loading zone unless it is in the process of being loaded or unloaded.

27.2. No vehicle may remain in a loading zone, even if it is in the process of being loaded or unloaded, for longer than the length of time specified on the signage designating the loading zone.

#### **28. PARKING STALLS RESERVED FOR PHYSICALLY DISABLED PERSONS**

28.1. No person may park a vehicle in any parking stall marked by signs, painted lines or poles reserving the spot for physically disabled persons unless a valid disabled person's parking permit is displayed.

28.2. The disabled person's parking permit must be used and displayed in the vehicle in accordance with *The Highway Traffic Act* of Manitoba and the regulations under that Act.

#### **29. PARKING PROHIBITED**

No person may park a vehicle for any period of time:

29.1. where it is double parked;

29.2. on any portion of a boulevard, sidewalk or crosswalk;

29.3. within a road/street intersection;

29.4. in a traffic lane of any road/street;

29.5. on any road/street where parking has been temporarily prohibited;

29.6. on any back lane or alley for more than 15 minutes;

29.7. any place where signage indicates parking is prohibited;

29.8. in any posted fire lane;

29.9. within 3 meters [10 feet) of a fire hydrant;

29.10. within 9 meters (30 feet) of a stop sign or traffic light;

29.11. within 3 meters (10 feet) of the approach side of any sidewalk or crosswalk;

29.12. obstructing any private approach or driveway;

29.13. any place where a curb is painted yellow upon direction of the CAO Designate;

29.14. in the opposite direction of traffic

### **30. PARKING OF PROHIBITED VEHICLES**

The following are prohibited from parking on any road/street, lane or RM owned parking lot at any time:

- 30.1. any trailer, semi-trailer or tractor, or heavy vehicle not actively loading or unloading for more than two hours unless parked for use by tradespeople actively working on premises in the immediate area;
- 30.2. any unlicensed vehicle or vehicle with expired registration;
- 30.3. any snowmobile, dirt bike, all-terrain vehicle, golf cart or similar vehicle;
- 30.4. any bus not actively picking up or dropping off passengers;
- 30.5. any vehicle displaying a sign on which the advertising copy is not fixed and may be changed while the vehicle is in motion or while it is stopped or parked on a street;
- 30.6. any vehicle displayed for sale;
- 30.7. any vehicle being used for the purpose of displaying goods for sale; 31.8. any vehicle which is not in running condition or which is under repair.

### **31. SNOW CLEARING**

31.1. No person may park or stop a vehicle or permit a vehicle to be parked or stopped on any road/street or portion of a road/street during and after snowfall events which will require the removal of accumulated snow. Persons may resume parking on roads/streets after snow removal operations have been completed.

### **32. PARKING EXEMPTIONS**

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

- 32.1. Emergency vehicles such as ambulances, Hanover Fire Department vehicles or vehicles belonging to the RCMP.
- 32.2. Vehicles belonging to or employed by the RM while in use in connection with work of necessity being done on or near a road/street.
- 32.3. Vehicles belonging to the Government of Manitoba, the Government of Canada, or a public utility where they are:
  - a) clearly identified as such;
  - b) actively engaged in work of necessity that requires them to stop or be parked in contravention of this by-law;

## **PART 7: JURISDICTION RESPECTING MUNICIPAL ROADS/STREETS AND DRAINS**

---

### **33. REMOVAL OF MATERIALS BY MUNICIPALITY**

The RM or any person duly authorized by the municipality may remove and dispose of any grass, hay, brush, or weeds found or being upon any municipal road/streets, or part thereof with the RM.

### **34. ENCROACHMENTS AND NUISANCES FORBIDDEN**

No person shall make, create, cause, leave, or permit any encroachment or nuisance on or in a municipal road/street.

### **35. CONTROL OF ROADS/STREETS**

The RM may

- a) Prevent, control, permit or license any act, or the placing or maintaining of anything, on a municipal road/street.
- b) Prevent or control a nuisance or dangerous condition on or near a municipal road, and authorize a CAO Designate to abate or remedy any such nuisance or dangerous condition at the expense of the person causing or permitting it.
- c) Subject to section 36, remove from a municipal road anything placed or maintained thereon in contravention of a by-law, or otherwise without lawful authority.
- d) Beautify, improve, maintain, and preserve any municipal road, and construct or operate thereon any work or undertaking deemed by the council to be beneficial to the RM.

#### **36. COST OF REMOVAL**

The removal of anything from a municipal road as provided in subsection 35(a) except as otherwise herein provided, shall be at the expense of the owner of that thing, or, in the case of a projection from, or object attached to, an adjoining building or land, at the expense of the owner of the building or land.

#### **37. DAMAGE TO STREETS**

Any expense incurred by the RM in removing any scaffolding, building material, waste matter, or other structure, matter or thing, placed on a municipal road in connection with the construction of a building on land adjacent thereto, or in making good any damage to a municipal road or any property of the RM caused by, or arising out of, any such construction, including subsidence of a municipal road owing to faulty or insufficient back filling or the use of improper material for back filling in connection with the construction, shall be paid to the RM by the owner of the land; and the expense, as certified by the Municipal Engineer, may be recovered by the RM from the owner by process of law, and may be added to the taxes on the land and collected in the same manner as the general municipal taxes of the RM.

#### **38. INDEMNIFYING THE MUNICIPALITY**

The RM may require a person applying for a permit to use or excavate any part of a municipal road for, or in connection with, work thereon or on adjacent property, to secure the RM, by a bond or cash deposit, against any such expense or damage caused by or arising out of the work.

#### **39. PERSONS CAUSING OBSTRUCTIONS**

Where a claim for damages is made against the RM arising out of an obstruction, structure, encroachment or nuisance, place, caused or permitted on a municipal road by a person other than an employee of the RM, or by the RM at that other person's request, whether or not pursuant to a permit or agreement with the RM, or any claim for damages otherwise arising as the result of an act or default on the part of a person other than such an employee is made, the person placing, causing, performing, making or permitting the obstruction, structure, encroachment, nuisance, act or default, shall indemnify and save harmless the RM from all costs, damages and expenses arising therefrom, or in connection therewith; and, whether or not a claim is made against the RM in respect thereof, that person is directly responsible for the obstruction, structure, encroachment, nuisance, act, or default to any person, including the RM, suffering damage therefrom.

#### **40. PRIVATE WORKS ON MUNICIPAL ROADS/STREETS**

The RM may

- a) Permit private works on the municipal roads therein;
- b) Prescribe the terms and conditions upon which private works may be installed, constructed, reinstalled, reconstructed, maintained or used;
- c) Make such annual or other charge for the privilege conferred, and for the use of the private works, as the council deems reasonable; and
- d) Enforce the payment of those charges by adding them to, and recovering them in like manner as, taxes payable in respect of the land abutting the particular work;
- e) Require that all private works shall comply with the requirements of the RM as to location, construction, materials, workmanship, and other matters in connection with the installation, construction, reinstallation, reconstruction or maintenance thereof;
- f) Hear and determine any application by a by-law or regulation relating to the location or size of any private works to be made.

#### **41. MUNICIPALITY MAY ALTER OR REMOVE**

The RM may, at any time, reconstruct, alter, or remove any private works in existence on any municipal road.

#### **42. PRIVATE CROSSINGS**

The cost of all work done by the RM in the construction, reconstruction, maintenance, removal, or alteration of a private crossing or roadway or other approach to private property, or of a sidewalk built or improved by an owner, or of any other structure laid or constructed on a municipal road to serve adjoining land, shall, if the RM so requires, be paid by the owner of the land fronting thereon upon or before the completion of the work.

#### **43. PAYMENT**

The annual charge, if any, made by the RM in respect of any private works shall be paid by the owner of the land fronting thereon, forthwith upon demand made by the RM, and if not so paid, may be added to the taxes on that land and collected in the same manner as the general municipal taxes of the RM.

#### **44. CONSTRUCTION OF SIDEWALKS**

Subject to The Manitoba Hydro Act, The Highways and Transportation Department Act, and The Manitoba Telephone Act, no person other than the RM shall

- a) Construct any sidewalks, poles, or other works that are to be constructed on any municipal road, including a departmental road within the meaning of The Highways and Transportation Act; and
- b) Maintain and repair such sidewalks, poles, and works so constructed or being constructed.

#### **45. REMOVAL BY MUNICIPALITY**

The RM may cause any tree, hedge, shrub, or sapling, growing or planted on a municipal road to be removed, if and when the removal is deemed necessary for any purpose of public improvement in connection with the municipal road, or any case of failure of the owner of adjacent land to comply with the terms of any by-law relating thereto.

#### **46. CONSENT TO REMOVAL**

No tree, hedge, shrub, or sapling, to which section 45 applies in the RM shall be removed as provided in the section unless one month's notice of the proposed removal is given to the owner of the adjacent land; and

neither that owner nor any other person, unless so authorized by law, shall remove, cut down, or injure any such tree, hedge, shrub, or sapling, for any cause or reason, without the express written permission of the RM.

#### **47. TREES AT INTERSECTING MUNICIPAL ROADS**

The RM may enter upon any land upon either side of a municipal road that intersects another municipal road, or that intersects a departmental road as defined in The Highways and Transportation Department Act and fell or remove any trees, hedges, shrubs, saplings, or other obstructions that, in the opinion of the council, prevent persons upon the municipal road, and at any place within 100 yards of the intersection, from having a clear and unobstructed view of traffic approaching the intersection; and for any such purpose the council may fix, and order payment of, such compensation to the owner of the land as it deems just.

#### **48. TREES ON ADJOINING LAND**

The RM may enter on any land adjacent to a municipal road, for the purpose of causing any tree, hedge, shrub, or sapling, growing or planted thereon, to be trimmed at the expense of the owner when deemed necessary for the convenient use of the municipal road, or for the safety of traffic thereon, without being liable in damages or for compensation therefor; and the council may levy and collect the cost of such trimming, as certified by the Manager of Public Works or another appropriate officer of the RM, in the same manner as taxes levied against the land on which the tree, hedge, shrub, or sapling is situated.

#### **49. INTERFERENCE WITH MUNICIPAL DRAINS**

Every person, who, without previously having written authority from the RM to do so, deepens, widens, alters, diverts, or stops up or in any way interferes with, any drain, culvert, natural watercourse, or surface watercourse constructed, opened, made improved, deepened, or widened wholly or partially, by, or at the expense of, the RM, is guilty of an offence.

#### **50. REMOVAL OF REFUSE IN DRAINS**

Where any person, without previously having written authority from the RM so to do, deposits or puts into any drain, culvert, natural watercourse or surface watercourse any soil, stones, refuse, waste, brush, trees, water or other matter, the RM may, in writing, require that person to remove the soil, stones, refuse, waste, brush, trees or other matter and recover the expense thereof by levying the amount against the property of the person who is in default, and may recover the amount in like manner as taxes in arrear.

### **PART 8 – LITTERING**

---

#### **51. LITTERING**

No person shall dump, deposit, drop, throw, discard, or leave or cause or permit the dumping, depositing, dropping, throwing, discarding, or leaving of litter upon any public place or area or upon any highway, unless:

- a) Said litter is deposited at a disposal site designated by the RM as a nuisance ground and such deposit is made in accordance with the regulations of the RM governing the use of said nuisance ground;
- b) Said litter consisting of industrial waste, carcasses of animals or poultry, eggs, and embryos, is disposed of in accordance with instructions issued by the Province;
- c) Said person is involved in an emergency situation.

## **52. CONVEYING WASTE**

No person shall convey or cause to be conveyed on any highway any litter, offal, swill, liquid waste in a vehicle that is not properly constructed so as to prevent the contents thereof escaping therefrom.

## **53. ALLOW LITTER TO ACCUMULATE**

No person owning or occupying private property shall allow litter to accumulate upon that property in such a manner as to create a health hazard or in such a manner that such litter may be blown or otherwise carried by the natural elements unto a public place, public area, highway or private property.

## **54. PRIMA FACIE EVIDENCE OF LITTERING**

Whenever litter is thrown, deposited, dropped, blown, or dumped, from any vehicle it shall be prima facie evidence that the operator of said vehicle, and the owner of the vehicle, shall have violated this bylaw.

## **55. REMEDIAL WORK CARRIED OUT BY RM ON PRIVATE PROPERTY**

Where any owner, agent, lessee, or occupier who has been given, a notice, order, or direction by the CAO Designate to do any act or thing to remedy any situation or condition existing on their property contrary to any part of this bylaw and who neglects or refuses to comply with such notice.

## **56. REMEDIAL WORK CARRIED OUT BY RM IN PUBLIC PLACES, PUBLIC AREAS AND ON PRIVATE PROPERTY OF ANOTHER PERSON**

Where any person who has been given a notice , order or direction by the CAO Designate to do any act or thing to remedy any situation or condition existing in a public place, in a public area, highway or on private property of another person, contrary to any part of this bylaw, and who neglects or refuses to comply with such notice, order or direction within the time specified, the CAO Designate may order the work carried out and charge the cost of the work done to the person in receipt of such notice, order, or direction, and in default or payment recover the cost as a debt due to the RM.

## **PART 9 - ENFORCEMENT**

---

### **57. CONTRAVENTION BY OWNER OR OPERATOR**

57.1. If a vehicle is in contravention of a provision of this By-Law, the operator of the vehicle is in contravention of that provision and is liable to pay any fine or administrative penalty imposed in respect to that contravention.

57.2. If a vehicle is in contravention of a provision of this By-Law, an owner of the vehicle who was not the operator is also responsible for that contravention and is liable to pay any fine or administrative penalty imposed in respect of that contravention unless the owner establishes that the vehicle was in the possession of the operator without the owner's consent.

57.3. If both the owner of a vehicle and its operator are liable for the same contravention, a penalty notice may be issued to either of them or separate penalty notices may be issued to each of them. If they are each issued a penalty notice, each is liable for the amount payable under the notices issued.

57.4. If a trailer connected to a motor vehicle is in contravention of this By-Law, the operator and the owner of the motor vehicle are liable for that contravention.

57.5 If a vehicle or equipment is found committing an offence that requires the municipality to



## **58. REFERENCE TO TIME**

A reference to a time in this By-Law or on any traffic control device that prohibits or regulates stopping or parking on a road/street or in a RM owned parking facility is a reference to the time determined in accordance with *The Official Time Act* of the Province of Manitoba.

## **59. MARKING TIRES**

59.1. A CAO Designate or person authorized by the RCMP with the enforcement of this By-Law may place an erasable mark on the tread face or side of any tire of any parked vehicle.

59.2. No person may obstruct justice by physically removing or erasing a mark placed on the tread face or side of a tire of any parked vehicle by a CAO Designate or person authorized by the RCMP until the vehicle has been moved through the nearest intersection.

59.3. Digital photographs are acceptable evidence for determining whether a vehicle has been parked in contravention to this By-Law.

## **60. PLACING AND REMOVAL OF TICKETS**

60.1. No person, other than a CAO Designate or person authorized by the RCMP with the enforcement of this By-Law, may place a Penalty Notice ticket, Provincial Offence Ticket, or Warning Notice on any vehicle.

60.2. No person, other than the owner or operator of a vehicle may remove a Penalty Notice ticket, Provincial Offence Ticket, or Warning Notice from a vehicle.

60.3. Penalty Notice Tickets may be delivered by registered or ordinary mail to the address indicated in the records of the Registrar of Motor Vehicles for any contravention of this By-Law.

a) a notice that is sent by ordinary mail is deemed to have been given to the person seven days after the day it is mailed.

b) a notice that is sent by registered mail is deemed to have been given to a person on the day that it is delivered to their address.

## **61. REMOVAL AND IMPOUNDMENT OF VEHICLES**

61.1. A Hanover By-Law enforcement officer, Police Officer or other CAO Designate may at their discretion immediately remove or cause to be removed and impounded any vehicle that is:

a) stopped or parked in contravention of a provision of this By-Law;

b) stopped or parked in a manner that causes it to interfere with removal of snow from a street by an authorized person;

c) stopped or parked in a position that causes it to interfere with the work of emergency workers such as paramedics, fire fighters or police officers;

d) is apparently abandoned on or near a street.

e) found to be an unlicensed vehicle.

61.2. Any person requesting the release of an impounded vehicle must:

a) present appropriate identification which corresponds to the vehicle's ownership and registration;

b) sign a receipt for its return;

c) pay the cost of removal;

d) pay any cost of storage accrued.

61.3. Until paid, charges listed in section 38.2 of this By-Law 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 Manitoba *Garage Keeper's Act*.

## **62. REMEDIES AND PENALTIES**

62.1. Subject to the Administrative Penalties By-Law, or a By-Law implemented under the authority of the Provincial Offences Act, any person who contravenes or disobeys, or refuses or neglects to obey any provision(s) of this By-Law is guilty of an offence and is liable to the fines listed in Schedule "A".

62.2. Where a corporation commits an offense against this By-Law, each person who is authorized, or consented to, connived at, or knowingly permitted or acquiesced in, the doing of the act that constitutes offence, is likewise guilty of the offense and liable to the penalty for which provision is made in section 39.1.

62.3. Where the contravention, refusal, neglect, omission, or failure, continues for more than one day, the guilty person is liable to a separate offense for each day it continues.

## **PART 10: SEVERABILITY**

---

If any section, subsection, sentence, clause, phrase or other portion of this By-Law is for any reason held invalid or unconstitutional by any Court of competent jurisdiction, that portion shall be deemed a separate, distinct and independent provision and the holding of the Court shall not affect the validity of the remaining portions of the By-Law.

## **PART 11: REPEAL**

---

The following By-Laws are hereby repealed:

- Truck Parking By-Law No. 2449-20
- No Truck Route By-Law No. 2486-20
- Roads and Drains By-Law No. 1953-97
- Littering Bylaw No. 1770-93

DONE AND PASSED in Council duly assembled, this 10th day of August, 2022.

  
\_\_\_\_\_  
Reeve Stan Toews  
  
\_\_\_\_\_  
CAO Luc Lahaie

Read a first time this 27<sup>th</sup> day of July, 2022

Read a second time this 10th day of August, 2022

Read a third time this 10th day of August, 2022

## SCHEDULE A: PENALTY FINES

Hanover Traffic By-Law No. 2395-22		Fine	
Provision	Contravention	Full Fine (\$)	Discounted Fine (\$)
s. 8	Damaging, defacing, removing, obscuring or interfering with a traffic control device	1000	500
s. 12	Contravention of Heavy Vehicle Restrictions	1000	500
s. 13	Contravention of Spring Weight Restrictions	\$25 for every 50kg overweight, and an additional \$200 surcharge if paid later than 15 days after ticket issue date.	
s. 13.4	Fail to obtain a permit for an over-weight heavy vehicle	500	250
s. 14	Fail to comply with request to stop or weigh a vehicle	500	250
s. 15.3	Driving or parking a vehicle on a temporarily closed street	100	50
s. 16	Failure to obtain a Letter of Authorization for a parade	200	100
s. 16.6	Failure to follow Letter of Authorization for a parade	200	100
s. 18	Failure to adequately cover and or secure a load	40	20
s. 18, 19.4	Dumping or placing snow, earth, sand, rock, any items or other material on a street, lane, sidewalk or boulevard.	100	50
s. 19.1	Placing or leaving any cord or cable across a street, lane or sidewalk	40	20
s. 19.3, 26	Obstructing traffic	40	20
s. 23, 24	Improperly parked	40	20
s. 25	Parking beyond time limit (limited time street parking)	40	20
s. 25	Parking beyond time limit (paid parking space)	40	20
s. 27	Improperly Parked in a loading zone	40	20
s. 28.1	Parking outside the boundaries of a single parking stall	40	20
s. 28.2	Failure to display a valid disability parking permit	250	250
s. 29	Parking where parking prohibited	40	20
s. 29.1	Double parked	40	20
s. 29.2	Parking on a boulevard, sidewalk or crosswalk	40	20
s. 29.3	Parking within an intersection	40	20
s. 29.4	Parking in a traffic lane of any street	40	20
S. 29.5	Parking where prohibited by temporary traffic control device	40	20
s. 29.6	Parking in a back lane or alley for more than 15 minutes	40	20

Hanover Traffic By-Law No. 2395-22		Fine	
Provision	Contravention	Full Fine (\$)	Discounted Fine (\$)
s. 29.8	Parking in a fire lane	40	20
s. 29.9	Parking within 3 metres of a fire hydrant	40	20
s. 29.10	Parking within 9 metres of a stop sign or traffic light	40	20
s. 29.11	Parking on or within 3 metres of the approach side of a sidewalk or cross walk	40	20
s. 29.12	Parking in front of a driveway or approach	40	20
s. 29.13	Parking in front of a yellow curb	40	20
s. 29.14	Parking in the opposite direction of traffic	40	20
s. 30	Parking a prohibited vehicle on a street or lane	40	20
s. 30.2	Parking an unlicensed vehicle or vehicle with expired registration	40	20
s. 31	Interfering with snow clearing operations	40	20
s. 51	Littering	200	100