
A BY-LAW OF THE MUNICIPAL CORPORATION OF THE TOWN OF HAY RIVER IN THE NORTHWEST TERRITORIES TO REGULATE THE SAFE PARKING AND OPERATION OF VEHICLES.

PURSUANT to sections 70 and 72, *Cities, Towns And Villages Act*, SNWT 2003, c 22; the *Summary Conviction Procedures Act*, RSNWT 1988, c S-15; and the *Motor Vehicles Act*, RSNWT 1988, c M-16;

WHEREAS the Council of the Municipal Corporation of the Town of Hay River deems it necessary to regulate, control and manage motor vehicle traffic within the municipal boundaries of the Town of Hay River.

AND WHEREAS the purpose of this by-law is to regulate the parking and operation of motor vehicles on highways within the municipal boundaries of the Town of Hay River.

NOW THEREFORE the Council of the Municipal Corporation of the Town of Hay River in the Northwest Territories in a session duly assembled enacts as follows:

SHORT TITLE

1. This by-law shall be cited as the "Traffic By-Law".

DEFINITIONS

2. In this by-law:
 - a. "**Bus**" means a motor vehicle with a maximum seating capacity set by the manufacture of more than ten (10) persons including the driver's seat;
 - b. "**Centre Line**" means the real or imaginary line that divides the lanes for traffic travelling in opposite directions on a two-way roadway;
 - c. "**Council**" means the Council of the Municipal Corporation of the Town of Hay River in the Northwest Territories;
 - d. "**Crosswalk**" means that part of a roadway marked as a pedestrian crossing by a traffic control device;
 - e. "**Dangerous Goods**" means substances or articles that pose a risk to people, property or the environment, due to their chemical or physical properties.
 - f. "**Driver**" means a person who operates a vehicle or, where the vehicle is not in motion, the person who is in actual physical control of the vehicle;

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- g. **"Emergency Vehicle"** means:
- (i) a motor vehicle that is used for emergency purposes, carries rescue or first aid equipment and has markings on the outside of the vehicle indicating that it is used for emergency purposes; or
 - (ii) a motor vehicle that is operated by a member of a fire department in the performance of his or her duties and has markings on the outside of the vehicle indicating that it is used by the fire department;
- h. **"Enforcement Vehicle"** means a motor vehicle operated by a person authorized to enforce any of the laws of the Northwest Territories, the laws of Canada, or the by-laws of a municipal corporation;
- i. **"GVW"** (Gross Vehicle Weight) means the combined weight of a motor vehicle and its maximum legal allowable load;
- j. **"Highway"** means a road, place, bridge or structure, whether publicly or privately owned, that the public is ordinarily entitled or permitted to use for the passage of motor vehicles, and includes:
- (i) a privately or publicly owned area that is designed and primarily used for the parking of motor vehicles, other than the driveway of a private dwelling;
 - (ii) where a plan of survey or other instrument establishes a highway, the area between the boundary lines of the highway as shown on the plan of survey or instrument;
 - (iii) a sidewalk, pathway, ditch or shoulder adjacent to and on either side of the travelled portion of the road or place and the area between the sidewalk, pathway, ditch or shoulder and the travelled portion of the road or place; and
 - (iv) a road on a frozen body of water or water course or a road that can only be used for a portion of the year;
- k. **"Intersection"** means the area closed by the imaginary extension and connection of the curbs or edges of roadways that intersect or join at an angle;

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- l. **"Large Vehicle"** means any motor vehicle used for business purposes, loaded or unloaded, with a maximum GVW of 4,082 kilograms (9,000 pounds) or greater but does not include a bus;
- m. **"Load, Loading or Unloading"** means parking or stopping any motor vehicle so as to allow freight to be taken on or off or passengers to enter, exit or descend from the motor vehicle;
- n. **"Motor Vehicle"** means any vehicle designed to travel on land that is drawn, propelled or driven by any kind of power (including muscular power), and does not include a mechanically propelled wheelchair or a device that is designed to run exclusively on rails.
- o. **"Municipality"** means the Municipal Corporation of the Town of Hay River.
- p. **"Obstruct"** means to willfully hinder, delay, restrict, interfere, obstruct, prevent, molest, harass, provide false or misleading information, or fail to immediately follow lawful direction from an Officer;
- q. **"Officer"** means a By-law Officer or Constable appointed by Council and any member of the Royal Canadian Mounted Police;
- r. **"Owner"** means the person(s), company, corporation, organization, institution or agency listed on the valid motor vehicle certificate of registration or the person(s), company, corporation, organization, institution, or agency listed on the most recent motor vehicle certificate of registration, where there is no valid motor vehicle certificate of registration in effect;
- s. **"Park"** means when the motor vehicle is stationary, whether occupied or unoccupied (except when the motor vehicle is stationary and occupied with a driver for the purpose of stopping as directed by a traffic control device, Officer, or the flow of traffic requires the motor vehicle to be stopped);
- t. **"Pedestrian"** means a person on foot or in a wheelchair and includes a child in a carriage or carried by a person on foot;
- u. **"Restricted Electronic Device"** has the meaning prescribed to it under the *Motor Vehicles Act*, RSNWT 1988, c M16, s 155.1(1), as amended from time to time;

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- v. **“Roadway”** means the part of a highway that is improved, designed or ordinarily used for the passage of motor vehicles, but does not include the shoulder of a highway;
 - w. **“SAO”** means the Senior Administrative Officer or Town Manager of the Town of Hay River;
 - x. **“Service Vehicle”** includes all motor vehicles owned by the Town of Hay River, or a private utility company, in which the motor vehicle is required and actually engaged in the work;
 - y. **“Sidewalk”** means the part of the highway beside or near a curb or edge of a roadway that is improved for the use of pedestrians;
 - z. **“Town”** means the geographical boundaries of the Town of Hay River, Northwest Territories;
 - aa. **“Town Hall”** means the main building used for the administration of the Municipality from time to time;
 - bb. **“Traffic”** includes motor vehicles, ridden or herded animals, and bicycles;
 - cc. **“Traffic Control Device”** means a sign, signal, light, line, marking or device placed or erected under a by-law for the purpose of regulating, warning, guiding pedestrians or traffic;
 - dd. **“Trailer”** means a contraption that is designed to be drawn on a highway by a motor vehicle, whether or not part of its weight or load rests on or is carried by that motor vehicle, but does not include a sidecar attached to a motorcycle;
3. Except as otherwise provided herein, the terms and expressions used in this by-law have the same meaning as in the *Interpretation Act*, SNWT 2017, c. 19; the *Cities, Towns and Villages Act*, SNWT 2003, c 22; and the *Motor Vehicles Act*, RSNWT 1988, c M-16.

APPLICATION

4. The provisions of the *Motor Vehicles Act* apply within the Town except where this by-law departs from such provisions, in which case the by-law provisions shall be enforced.

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5. Where any departure from the *Motor Vehicles Act* is indicated by means of a sign or traffic control device, every driver or pedestrian shall conform to the by-law.
6. This by-law does not apply to:
 - a. persons or to motor vehicles and other equipment actually engaged in highway construction or maintenance work on, under, or over the surface of a highway while at the site of the work if it is reasonably necessary for the purposes of the construction or work; and
 - b. all official By-Law, Municipality, Municipal Enforcement, Animal Control, Fire, Ambulance and Royal Canadian Mounted Police motor vehicles that are clearly identified on the exterior of the motor vehicle, regardless of whether the motor vehicle emergency equipment is activated or not.
7. Any motor vehicle parked contrary to any section in this by-law, may be removed at the risk and expense of the motor vehicle Owner, by an Officer or any person authorized to do so by an Officer.
8. Any motor vehicle removed under section 7, may be held at the risk and expense of the motor vehicle Owner, by an Officer or any person authorized to do so by an Officer, until the expenses of removal and storage of the motor vehicle have been paid to the Officer or to such person who has incurred such expense.

TRAFFIC CONTROL

9. Where an Officer reasonably considers it necessary to ensure orderly movement of traffic, to prevent injury or damage to persons or property, or to permit proper action in an emergency, the Officer may direct traffic accordingly to his or her direction, notwithstanding anything in this bylaw, and every person shall obey the Officer's directions.
10. No person shall erect or maintain upon, or in view of a highway, a device that purports to be, or resembles or interferes with the effectiveness of a traffic control device unless he or she is authorized to do so in writing by the SAO.
11. Council may by resolution, authorize the alteration, replacement, concealment or removal of any sign or device upon or near any highway within the Town which falsely purports to be or which might be mistaken for a traffic control device.
12. No person shall alter, damage, attempt to or remove a traffic control device, or any part thereof, without written authorization of the SAO.

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DELEGATION OF AUTHORITY FOR TRAFFIC CONTROL DEVICES

13. The Council of the Town of Hay River hereby:
 - a. delegates to the SAO, the power to prescribe the location and placement and removal of traffic control devices; and
 - b. directs the SAO to keep a record of such locations, which record shall be open to public inspection during normal business hours at Town Hall.
14. Notwithstanding section 10, the Council may by resolution, authorize the design, construction, erection or placement, display, alteration, replacement, removal or concealment of traffic control devices.
15. Traffic control devices erected within the Town shall be deemed to have been erected by lawful authority.

PARKING

16. Where a motor vehicle has been parked in contravention of this by-law, it shall be deemed to be illegally parked by or with the consent of the motor vehicle Owner.
17. Tickets issued for parking offences shall be issued to the motor vehicle's Owner, unless otherwise indicated in this by-law.
18. No Owner shall park their motor vehicle on a roadway as to obstruct the safe passage of other traffic on the roadway.
19. No Owner shall park their motor vehicle in front of, or on a roadway within three (3) metres of a public or private driveway.
20. No Owner shall park their motor vehicle on or over a sidewalk.
21. No Owner shall park their motor vehicle within a crosswalk or within six (6) metres of a crosswalk.
22. No Owner shall park their motor vehicle within an intersection.
23. No Owner shall park their motor vehicle on a roadway in front of, or anywhere within three (3) metres of a fire hydrant.

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24. No Owner shall park their motor vehicle in a fire lane as designated by a traffic control device.
25. No Owner shall park their motor vehicle in a location designated as "no parking" by a traffic control device.
26. No Owner shall park their motor vehicle contrary to a traffic control device.
27. No Owner shall park their motor vehicle outside of a single parking stall indicated by painted lines on the road surface or within any public parking lot.
28. No Owner shall park a motor vehicle, other than a bus, in a bus stop designated by a traffic control device
29. No Owner shall park their motor vehicle within five (5) metres in front of a stop or yield sign located at the side of a roadway.
30. No Owner shall park their motor vehicle on the left side of a centre line on a roadway, so that the motor vehicle is parked and facing the flow of oncoming traffic regardless of whether or not there is oncoming traffic present at the time.
31. No Owner shall park their motor vehicle in a location designated for physically disabled persons, unless:
 - a. there is a valid disabled parking permit displayed inside the motor vehicle;
 - b. the permit is easily visible from the outside and front of the motor vehicle;
 - c. the permit number and expiry date are clearly visible from the outside and front of the motor vehicle;
 - d. the disabled parking permit has been issued by a Government Agency or other organization authorized by a Government Agency to issue disabled parking permits.
32. No Owner shall park a motor vehicle with a valid disabled parking permit, in a location designated for a physically disabled person, unless the person to whom the disabled parking permit was issued was a passenger in the motor vehicle when it was parked or will be a passenger in the motor vehicle when it resumes motion. Breach of this section shall also be considered as misuse of a disabled parking permit.
33. No Owner shall park their motor vehicle in a location, in excess of the allotted time specified on a traffic control device.

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34. No Owner shall park their unattached trailer on any roadway, including, but not limited to cargo, utility, boat or recreational trailers.
35. No Owner shall park a Large Vehicle on any roadway, except:
 - a. during active loading or unloading of the Large Vehicle;
 - b. in accordance with approved by a traffic control device, or
 - c. in accordance with any written authorization granted by the SAO or the SAO's designate.
36. No Owner shall idle a Large Vehicle for more than fifteen (15) minutes within one hundred (100) metres of any residential dwelling.
37. No Owner shall park their motor vehicle on any roadway or on Town land for a period greater than seventy-two (72) consecutive hours. The motor vehicle must be removed off the roadway or Town land for not less than eight (8) consecutive hours between every seventy-two (72) hour period.
38. No Owner shall park their motor vehicle on private property, unless they have received authorization from the property Owner or lawful tenant.
39. Motor vehicles illegally parked on private property may be towed and stored at the motor vehicle Owner's expense, as authorized by an Officer.
40. No person shall place on any public sidewalk or roadway, any object which may be a hazard to any pedestrian or motor vehicle, except where written authorization has been granted by the SAO or the SAO's designate.

YIELDING AND STOPPING

41. No driver shall fail to stop and remain stopped as directed by a traffic control device.
42. No driver shall fail to stop and remain stopped, as directed by a stopped school bus with its lights flashing.
43. No driver shall fail to obey direction from authorized traffic control person or school crossing guard.
44. No driver shall operate a motor vehicle to pass another motor vehicle travelling in the same direction contrary to traffic control device.
45. No driver shall fail to yield, as directed by a traffic control device.

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46. No driver shall fail to yield to a pedestrian on a crosswalk.
47. No driver shall fail to yield for an approaching emergency or enforcement motor vehicle with activated emergency lights.
48. No driver shall fail to reduce motor vehicle speed to one-half (50%) of the posted speed limit within one-hundred twenty (120) metres of a stopped emergency or enforcement vehicle with its emergency lights activated.

SPEED CONTROL

49. No driver shall operate a motor vehicle 1km – 20km in excess of maximum speed limit indicated on a posted traffic control device.
50. No driver shall operate a motor vehicle 21km – 40km in excess of maximum speed limit indicated on a posted traffic control device.
51. No driver shall operate a motor vehicle greater than 40 km in excess of maximum speed limit indicated on a posted traffic control device.
52. No driver shall operate motor vehicle unreasonably slow, as to obstruct traffic.

DISTRACTED DRIVING

53. No driver shall operate a motor vehicle while holding a Restricted Electronic Device while operating a motor vehicle.
54. No driver shall operate motor vehicle without due care and attention. A driver will be considered to not be operating a motor vehicle with due care and attention when the driver's attention is fully or partly focused away from operating the motor vehicle in a reasonably safe manner.
55. No driver shall operate motor vehicle with an animal located between the driver and the windshield or between the driver and the driver door of a moving motor vehicle.

NOISE

56. No driver shall cause or permit any radio, stereo, stereophonic equipment or other apparatus for the production or amplification of sound to be operated in a motor vehicle, so that the sound is heard at a distance of twenty (20) feet or more from

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the motor vehicle emitting the sound. This section applies to all motor vehicles located on any highway and is in effect at all times of the day and night.

57. No driver shall cause or permit the use of a horn or bell attached to the motor vehicle as to make excessive noise.
58. No driver shall cause excessive noise from the contact of the motor vehicle tires with the highway surface.
59. No driver shall operate a motor vehicle emitting a noise from the engine or exhaust system that is excessively loud for the type of motor vehicle.

GENERAL PROVISIONS

60. Every person having in his or her care or control or being the Owner of a motor vehicle upon which a load of garbage or other material is being carried upon a highway shall so secure or cover such load as to prevent the littering of the highway or any part thereof.
61. No person shall discard any garbage or refuse onto any highway, except into a designated container intended for the collection of garbage/refuse.
62. All drivers shall wear a seat belt, as designed, in a moving motor vehicle.
63. All passengers aged fifteen (15) years of age and over shall wear a seat belt as designed, in a moving motor vehicle.
64. No driver shall operate motor vehicle with passenger aged fourteen (14) years of age or under not wearing a seat belt as designed or child not secured in an approved child or booster restraint device as designed, in a moving motor vehicle.
65. No driver shall operate a motor vehicle resulting in a pedestrian to be splashed by excess water, mud or slush from the road surface.
66. No driver shall operate a motor vehicle without headlights or tail lights during low visibility conditions.
67. No Owner shall park any motor vehicle:
 - a. that is then being used to transport dangerous goods;
 - b. that is not then being used to carry dangerous good, but is normally used to transfer dangerous goods;within the Town of Hay River, unless:

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- c) the motor vehicle is then being loaded or unloaded;
 - d) a traffic control device specifically authorizes parking of motor vehicles carrying dangerous goods; or
 - e) the motor vehicle is parked in accordance with any written authorization granted by the Town's Fire Chief or his or her designate.
68. No person shall perform any type of maintenance or repairs to any motor vehicle or trailer, including anything on or within any motor vehicle or trailer, on any roadway (except for emergency repairs, thereby allowing the motor vehicle or trailer to be removed from the roadway).
69. No driver shall operate any motor vehicle or equipment on a highway, which may cause damage to the highway, unless written authorization has been granted by the SAO or their designate. Persons who cause damage to a highway will be responsible for all costs incurred by the Town of Hay River in repairing or replacing the damaged highway.
70. No person shall disturb, wipe off, or otherwise remove or conceal a chalk mark placed on the tire of a motor vehicle by an Officer, unless such removal of chalk is done by driving the motor vehicle.
71. No person shall obstruct an Officer in the performance of the Officer's lawful duties.
72. Every person shall stop, remain stopped, and remain with the motor vehicle as directed by an Officer in the performance of the Officer's lawful duties.
73. Every person shall immediately provide adequate identification to an Officer, for the purpose of confirming the Name, Birthdate and current Home Address of a person under investigation for any provision within this by-law.

GENERAL INTERPRETATION

74. Every person who places any object on any public roadway or sidewalk shall be fully responsible for all damages to property (public or private) and injury or death caused to any other person, as determined by a court of law.
75. For the purposes of enforcement of the parking provisions of this bylaw, an Officer may place an erasable chalk mark on the tire of any parked or stopped motor vehicle, for which the Town of Hay River and/or the Officer shall incur no liability.

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76. Every person who contravenes sections 12 to 73 of this bylaw is guilty of an offence, punishable on summary conviction and is liable to:
- a. a fine of not less than one hundred (\$100.00) dollars and not more than five thousand (\$5,000.00) dollars; and
 - b. in default of payment of a fine imposed, a period of imprisonment not exceeding six (6) months.
77. The invalidity of any section, sentence, or provision of this by-law shall not affect the validity of any part of this by-law that can be given effect without such invalid part or parts.
78. Every person who contravenes any of the provisions within this Bylaw is guilty of an offence under this by-law and subject to the penalties outlined in Schedule "A", attached hereto and forming part of the by-law.
79. An Officer may:
- a. issue a Summary Offence Ticket in the form prescribed by the *Summary Conviction Procedures Act* to any person who contravenes any provision of this by-law;
 - b. issue a Municipal Parking Ticket and leave it on an offending motor vehicle and such person or the Owner of the motor vehicle may, in lieu of prosecution, pay the voluntary penalty for the offence as listed in Schedule "A" attached hereto and forming part of this by-law, prior to the court date specified on the ticket.
80. All fines in this by-law shall be reduced by fifty (50%) percent off the total fine amount indicated on the ticket, if the fine is paid in full and payment is received at the Town Hall before the court date indicated on the ticket.
81. Bylaw Nos. 1530, 1530B, 1530C, 1530D, 1530E, 1530F and 1530G are hereby repealed.

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Read a first time this 28 day of November . 20 17 .

Read a second time this 28 day of November . 20 17 .

Read a third time and finally passed this 19 day of December . 20 17 .

Mayor



Senior Administrative Officer

CERTIFIED that this by-law has been made in accordance with the requirements of the *Cities, Towns And Villages Act*, SNWT 2003; and the *Motor Vehicles Act*, RSNWT 1988, c M-16; and the by-laws of the Municipality on this 19 day of December . 20 17 .



Senior Administrative Officer

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**SCHEDULE "A"
Schedule of Fines**

<u>OFFENSE</u>	<u>SECTION</u>	<u>FINE</u>
Damage, alter or remove traffic control device	12	\$ 500
Parked to obstruct traffic	18	\$ 100
Parked in front of or within 3 metres of driveway	19	\$ 100
Parked on sidewalk	20	\$ 100
Parked within 6 metres of crosswalk	21	\$ 100
Parked within intersection	22	\$ 100
Parked in front of or within 3 metres of fire hydrant	23	\$ 300
Parked in a fire lane	24	\$ 300
Parked in a no parking area	25	\$ 100
Parked contrary to traffic control device	26	\$ 100
Parked outside single parking stall	27	\$ 100
Parked in bus stop	28	\$ 100
Parked within 5 metres in front of Stop / Yield sign	29	\$ 100
Parked on left side of roadway – face traffic	30	\$ 100
Parked in disabled parking zone w/o valid permit	31	\$ 200
Misuse of disabled parking permit	32	\$ 200
Parked in excess of time limit indicated on sign	33	\$ 100
Unattached trailer parked on roadway	34	\$ 100
Large vehicle parked on roadway (GVW 4,082 kg)	35	\$ 200
Idle large vehicle over 15 min within 100m of residence	37	\$ 300
Parked over 72 hours on roadway or public land	38	\$ 100
Parked on private property w/o permission	39	\$ 200
Place hazard object on public sidewalk or roadway	40	\$ 200
Fail to stop and remain stopped as indicated by traffic control device	41	\$ 200
Fail to stop and remain stopped for school bus	42	\$ 200
Disobey traffic control person or school crossing guard	43	\$ 200
Pass motor vehicle contrary to traffic control device	44	\$ 100
Fail to yield to traffic control device	45	\$ 100
Fail to yield to pedestrian on crosswalk	46	\$ 200
Fail to yield to emergency/enforcement vehicle	47	\$ 500

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Fail to reduce speed to Emergency/Enforcement vehicle	48	\$ 300
<u>OFFENSE</u>	<u>SECTION</u>	<u>FINE</u>
Speeding in excess (01 – 20 km)	49	\$ 150
Speeding in excess (21 – 40 km)	50	\$ 500
Speeding in excess (40 km and greater)	51	\$ 1,000
Drive unreasonably slow to obstruct traffic	52	\$ 100
Distracted Driving—hold restricted electronic device	53	\$ 500
Drive without due care & attention	54	\$ 200
Drive with animal between driver & windshield or door	55	\$ 200
Excess radio volume – heard over 20 feet from motor vehicle	56	\$ 100
Excess noise from motor vehicle horn or bell	57	\$ 100
Excess noise from motor vehicle tires contact highway surface	58	\$ 100
Excess noise from motor vehicle engine or exhaust	59	\$ 100
Transport insecure load on motor vehicle	60	\$ 100
Deposit garbage/refuse on highway	61	\$ 200
Not wear seat belt – driver	62	\$ 200
Not wear seat belt – passenger 15 years & older	63	\$ 200
Operate motor vehicle with child under 15 years not wearing a seat belt or child not in approved child seat	64	\$ 300
Drive motor vehicle to splash pedestrian by water/mud/snow	65	\$ 200
Drive w/o headlights/tail lights during low visibility	66	\$ 100
Illegally park motor vehicle transport dangerous goods	67	\$ 500
Perform repairs on motor vehicle / trailer on roadway	68	\$ 200
Operate motor vehicle equipment causing damage to highway	69	\$ 500
Remove or disturb chalk mark on motor vehicle tire	70	\$ 300
Obstruct Officer	71	\$ 500
Fail to stop, remain stopped and stay with motor vehicle as directed by Officer	72	\$ 500
Fail to provide adequate ID to Officer	73	\$ 300

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All fines paid and received at the Town of Hay River (Town Hall) before the court date indicated on the ticket, shall be reduced by fifty (50%) percent off the total fine amount indicated on the ticket. This shall only apply for offences indicated in this by-law.