

BY-LAW NO. T-1

A BY-LAW TO REGULATE TRAFFIC

BE IT ENACTED by the Council of the Town of Nackawic as follows:

1. Interpretation

In this by-law, unless the context otherwise requires, words in this by-law which are defined in section 1 of the Motor Vehicle Act, R.S.N.B. 1973, and amendments thereto, have the meaning as so defined:

“School zone” means a portion of a highway in the vicinity of a school building, the limits of which are marked by signs bearing the words "school zone" or "school" or by using the Transportation Association of Canada (TAC) standard school area signs.

“All terrain vehicle” means any motor vehicle designed or adapted for off-road use and without limiting the generality of the foregoing, includes dirt bikes, dune buggies, motorized snow vehicles and amphibious machines but does not include any vehicle which is designed for use and is being used in agriculture, forestry, mining or construction, any vehicle registered under the Motor Vehicle Act or any vehicle exempted from the application of this Act by regulation.

“Street” means the entire width between the boundary lines of every highway, road, lane, boulevard, alley, drive, avenue, park, public square, common, or any other place in the Town when any part thereof is used by the public for the passage of vehicles, and includes any sidewalk, bridge, divider, median, safety island, ditch, drain or culvert therein.

“Operate”, in relation to all terrain vehicles, includes the act of driving, stopping, parking, pushing or towing the vehicle or leaving the vehicle standing.

“Peace officer” means any member of the RCMP Detachment of the Town of Nackawic.

2. Stop Intersections

2.01 The intersection of each street or highway set forth under the heading “Stop Street” in each of the following clauses with the street or highway set forth under the heading “Through Street” in the same clause is a Stop Intersection:

Stop Street

Through Street

a) Otis Drive	Highway No. 105
b) Landegger Drive	Highway No. 105
c) Wilmot Drive	Landegger Drive
d) Boyd Street	Landegger Drive
e) Doyle Street	Landegger Drive
f) McNair Drive	Landegger Drive
g) Landegger Drive	Otis Drive
h) Tilley Crescent	Doyle Street
i) Doyle Street	McNair Drive
j) Clark Crescent	McNair Drive
k) McClelan Crescent 1	McNair Drive
l) McClelan Crescent 2	McNair Drive
m) McNair Drive	Otis Drive
n) Bird Street	Pugsley Street
o) Todd Street	Pugsley Street
p) Pugsley Street	Otis Drive
q) Todd Street	Harding Drive
r) McLaren Crescent	Harding Drive
s) McLaren Lane	Harding Drive
t) Harding Drive	Otis Drive
u) Snowball Crescent	Otis Drive
v) Smythe Lane	Highway No. 105
w) Carleton Drive	Highway No. 105
x) Pinder Road	Highway No. 105
y) Pinder Road	Carleton Drive
z) Wilmot Drive	Otis Drive
aa) Bird Street	Todd Street
bb) Stanley Street	Smythe Lane
cc) Trenholme Street	Stanley Street

2.02 Stop signs shall be erected at the entrance to a Through Street at all Stop Intersections referred to in subsection 2.01 hereof.

3. Yield Right-of-Way Signs

3.01 At the westerly intersection of Otis Drive with the Provincial Highway, where the roadway for vehicles entering Otis Drive from the southwest merges with the roadway for vehicles entering Otis Drive from the northeast, shall be a yield right-of-way intersection and the driver of a vehicle entering Otis Drive from the southwest shall yield the right-of-way to all vehicles entering Otis Drive from the northeast.

3.02 Yield signs shall be erected at all yield right-of-way intersections referred to in Subsection 3.01.

4. Truck Routes

4.01 The Council, by resolution, may from time to time designate streets, other than provincially designated highways, as truck routes.

4.02 The Town Council shall cause the truck routes referred to in subsection 4.01 to be marked with signs bearing the words "Truck Route for Vehicles having a Gross Weight of Eight Tons or more" or by signs in symbol form only as prescribed in the Uniform Traffic Control Devices for Canada manual.

4.03 The driver of a vehicle having a gross weight of eight tons or more shall not use any street within the Town except a truck route provided that the driver may, for the purposes of delivering or taking delivery of a load at a point of delivery within the Town not immediately accessible to a truck route, and of returning there from, use the truck route to and from the entrance thereon, nearest the point of delivery and use the highway not being a truck route which provides the shortest route between the truck route and the point of delivery.

4.04 The provisions of this section do not apply to vehicles owned by the Town of Nackawic, vehicles owned by the Province of New Brunswick, or vehicles owned by a public utility.

5. Disabled Parking

No person shall park a vehicle on a highway in a location reserved for parking by disabled persons unless there is displayed on or in the vehicle a disabled persons identification plate, permit or placard issued by the Registrar of Motor Vehicles for the Province of New Brunswick.

6. Parking Restrictions

6.01 During the months of November, December, January, February and March, between the hours of midnight and 7 o'clock in the forenoon of any day, no person shall stop or park a vehicle unattended on any street in the Town.

6.02 Subject to the provisions of the Motor Vehicle Act, and amendments thereto, the Council, for special purposes, may cause to be erected and maintained for a period of not exceeding seven (7) days, signs or other traffic control devices for the purpose of directing or regulating traffic or the parking of vehicles and when so erected and maintained, no person shall fail to comply with the direction given by such signs or devices; it being provided that the Council, before authorizing any traffic control device to be placed near or upon a provincially designated highway, shall obtain the permission of the Minister of Transportation.

7. Winter Traction Tires

In this section,

"Winter traction tires" means tires with treads designed to provide more effective traction on streets during snow and ice conditions, or tires equipped with tire chains made of iron and steel links or studs or other material designed to fit and fasten over motor vehicle tires provided effective traction on streets during snow and ice conditions.

"Winter period" means the period between the first day of December in any year and the fifteenth day of April in the following year.

7.01 No person shall, while snow or ice is on the surface of a street during a winter period, drive a motor vehicle, which is not equipped with winter traction tires on such a street in such a manner as to interfere with the passage of other motor vehicles or persons.

7.02 Any person who drives a motor vehicle in violation of subsection 7.01 above, or fails to move a motor vehicle when required to do so by any peace officer is guilty of an offence.

8. Maximum Speed Of Vehicles

Pursuant to the Motor Vehicle Act, Chapter M 17 of the R.S.N.B.:

8.01 Between the hours of 7:30 am and 4:00 pm, Monday to Friday, for a period commencing the first day of September and continuing until the thirtieth day of June, each date inclusive, 30 kilometres per hour is prescribed as the rate of maximum speed within a school zone, with the exception of those school zones which are located on Provincially designated routes.

8.02 50 kilometres per hour is prescribed as the maximum speed on Otis Drive between the posted signs at corner of McNair Drive to 228 Otis (Thornton Property).

8.03 70 kilometres per hour is prescribed as the maximum speed on Otis Drive between the posted signs at 228 Otis Drive (Thornton Property) to 375 Otis Drive (Corey Property).

8.04 50 kilometres per hour is prescribed as the maximum speed in the remainder of the Town where the speed limit is not otherwise posted.

8.05 70 kilometres per hour is prescribed as the maximum speed on Hwy. 105 between the posted signs at 410 Hwy. 105 (Wortman property) to 795 Hwy. 105 (Bill MacLean property).

9. Pedestrian Crosswalks

9.01 Pedestrian crosswalks shall be the locations described as follows:

- a) Across McNair Drive where McNair Drive intersects Landegger Drive.
- b) Across McNair Drive at intersection of Clark Crescent across Clark at intersection of McNair (2 sites).
- c) Across Landegger Drive at the westerly side of the intersection of Landegger Drive and McNair Drive.
- d) Across Boyd at intersection of Landegger Drive.
- e) Across Landegger Drive at Kirk Church.
- f) Across Todd Street at intersection of Harding Drive.
- g) Across Landegger Drive at intersection to Otis Drive.
- h) Across Otis Drive at Arena entrance.
- i) Across Otis Drive in the vicinity of the southern corner of Pugsley Street to the eastern side of Otis Drive in the vicinity of the Senior Citizens' Home.
- j) Across Todd Street at the intersection of Todd Street with Harding Drive.
- k) Across Harding Drive at the intersection of Harding Drive with McNair Drive.
- l) Across Pugsley Street at intersection with Todd Street
- m) Across Pugsley Street at intersection with Bird Street.
- n) Across Harding Drive at intersection with McLaren Crescent.
- o) Across Harding Drive at intersection with McLaren Lane.
- p) Across Harding Drive at intersection with Otis Drive.
- q) Across Snowball Crescent at intersection with Otis Drive (both ends).
- r) Across Doyle Street at intersection with Landegger Drive.
- s) Across Stub Street by 43 Doyle Street (Wilson property) at intersection with Doyle Street.

9.02 Such other pedestrian crosswalk locations as deemed necessary by resolution of Council, except Provincially designated highways.

9.03 The Council shall cause the crosswalks referred to in subsection 9.01 hereof to be distinctly indicated for pedestrian crossing by line or other markings on the surface of the roadway.

10. All Terrain Vehicles

10.01 No person shall drive an all terrain vehicle on any sidewalk, highway or street, including the right-of-way limits of a highway or street, except for the purpose of proceeding directly across the sidewalk, highway or street when such crossing can safely be made without impeding or being a hazard to approaching vehicles or pedestrians.

10.02 No person shall drive or be an occupant of such an all terrain vehicle unless such person or persons is properly wearing a helmet that complies with the standards prescribed by the regulations under the *Motor Vehicle Act*.

10.03 No person shall operate an all terrain vehicle within the Town of Nackawic except on private land that is either owned by the owner or operator of the vehicle or on which permission to operate the vehicle has been granted by the property owner.

10.04 A person may operate an all terrain vehicle on a highway:

a) when it is not practical to operate a conventional motor vehicle on a highway due to weather or other conditions and as a result of a state of emergency being declared by the governmental authority having jurisdiction to make such declaration, and

b) when such person is engaged in the erection, repair, maintenance or inspection of electric power or telecommunication wires or cables which have been or are being erected under, along or upon the highway, to the extent necessary for the purposes of such work.

11. General

11.01 No person shall drive a vehicle in an assemblage or procession with one or more other vehicles upon a street so as to impede or be a hazard to other traffic on the street without approval of the Town Council.

11.02 Subsection 11.01 does not apply to vehicles being driven in a funeral procession.

11.03 No person shall unnecessarily sound a horn on a vehicle or any unnecessary noise by the operation of a motor vehicle on a street or in a public place.

11.04 No person shall make or cause to be made any unnecessary noise by means of, or with, the tires of a vehicle upon a street or in a public place.

11.05 No person shall construct or permit to remain a barbed wire fence along any street or sidewalk.

11.06 No person shall discharge a firearm into or on any street.

11.07 No person shall drive a horse or horse-drawn vehicle upon a sidewalk except for the purpose of directly crossing such sidewalk.

11.08 No person shall coast or slide on a sled, toboggan, wagon, skateboard or other device on a street in the Town.

11.09 No person shall stand in a group or crowd on a street within the Town after having been requested by a peace officer to disperse or move along such street.

11.10 No person shall place, erect, affix or maintain or cause to be placed, erected, affixed or maintained upon a building within the Town any sign, pole, luminaries, advertising device or any goods, wares or merchandise which projects over a street.

11.11 Every person while engaged in removing snow or ice from the roof of a building shall exercise due precautions to prevent injury or damage to persons or property on the street.

11.12 No person, in removing snow from any property, shall create or leave any obstructions on the public sidewalk.

11.13 No person shall permit water to fall upon a sidewalk from the roof of a building owned or occupied by that person.

11.14 No person shall drive a vehicle on a curb or sidewalk without protecting such curb or sidewalk from damage. Every person who damages a curb, pavement or sidewalk shall immediately cause it to be repaired at his or her own expense to the satisfaction of the Town Engineer.

11.15 Every person who owns property adjacent to, contiguous to, or fronting on, a street shall maintain the boulevard, which is continuous to his or her property. Maintenance includes, but is not restricted to, keeping the boulevard free of weeds, tall grass or garbage.

11.16 No person shall place or string across any street an advertising device without the permission in writing from the Council. The device shall not remain in place for a period longer than is permitted by the Council.

11.17 No person shall stop or operate a vehicle 10 metres from the rear of all snow removal and plowing equipment while such vehicle is in operation.

12. Penalty Provision

Every person who violates any provision of this by-law is guilty of an offence.

12.02 Every person charged with an offence under any section of this by-law may, on or before the date a charge pertaining to the offence has been laid in Provincial Court, make a voluntary payment of Fifty Dollars (\$50.00) as follows:

- a) in person at the Town Hall, 115 Otis Drive, Nackawic, in cash or by cheque or money order made payable to the Town of Nackawic, or
- b) by mail to: Town of Nackawic, 115 Otis Drive, Nackawic, New Brunswick, E6G 2P1, by cheque or money order only, payable to the Town of Nackawic

at which time the ticket or ticket number shall be surrendered to the Town of Nackawic and such payment shall be deemed payment in full.

12.03 If the voluntary payment set out in subsection 12.02 has not been received on or before the hearing scheduled for entering of a plea before the Provincial Court, the person charged with the offence is liable to a fine pursuant to the provisions of Part II of the Provincial Offences Procedure Act.

13. Repeal Provision

13.01 By-law No. 55, A By-law To Regulate Traffic And Parking In The Town Of Nackawic, passed by Town Council on October 26, 1981, and amendments thereto, is hereby repealed.

13.02 The repeal of By-law No. 55, A Bylaw To Regulate Traffic And Parking In The Town Of Nackawic, and amendments thereto, shall not affect any penalty, forfeiture or liability, incurred before such repeal or any proceeding for enforcing the same completed or pending at the time of repeal; nor shall it repeal, defeat, disturb, invalidate or prejudicially affect any matter or thing whatsoever completed, existing or pending at the time of repeal.

DULY PASSED AND ENACTED BY THE COUNCIL OF THE TOWN OF NACKAWIC ON
APRIL 19, 2004

Robert G. Connors, Mayor

Nancy Cronkhite, Chief Administrative Officer

Read for the first time on: April 5, 2004
Read for the second time on: April 19, 2004
Read for the third time and enacted on: April 19, 2004