

**BY-LAW NO. 3 - 03
A BY-LAW OF THE MUNICIPALITY OF ROTHESAY
TO REGULATE TRAFFIC**

The Council of Rothesay, under authority vested in it by the Municipalities Act R.S.N.B. (1973), Chapter M-22 and amendments thereto and in accordance with the Motor Vehicle Act, R.S.N.B. (1973), Chapter M-17 and amendments thereto enacts as follows:

TITLE

This By-law may be cited as the "Rothesay Traffic By-law".

INTERPRETATION

1. In this By-law, unless the context otherwise requires;
 - a) 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 defined in the Act;
 - b) "bridge" means any structure used or intended to be used for the purpose of carrying traffic on a highway, over or across a river, stream, ravine, railway or other highway, and having a length between abutments not less than three meters, and includes the approaches thereto;
 - c) "bus stop" means a street or portion of a street set aside for the exclusive parking of buses for the purpose of allowing passengers to enter or alight therefrom;
 - d) "Council" means the Mayor and Councillors of Rothesay;
 - e) "curb" means and includes any lateral limit of the portion of a street used and intended to be used for vehicles whether marked by curbing or not;
 - f) "designated parking space" means a parking space which has specifically been marked or painted in a parking lot to facilitate the parking of vehicles in a neat and orderly fashion;
 - g) "loading zone" means a street or portion of a street set aside for the exclusive parking of commercial vehicles for the purpose of loading and unloading of merchandise;
 - h) "taxicab stand" means a portion of a street within the Town designated by the Planning Advisory Committee, in collaboration with the Chief of Police to be used as a Taxicab stand and so marked;
 - i) "traffic officer" means a member of the Royal Canadian Mounted Police, Rothesay Regional Police Department, or any person designated by the Council as a traffic officer;
 - j) "Town" means the town of Rothesay or the area contained within its municipal boundaries as the context requires; and

- k) "tricycle" means every device propelled by human power upon which any person may ride, having three wheels.

MAXIMUM SPEED OF VEHICLES

- 2. Pursuant to the Motor Vehicle Act, Chapter M-17 of the Revised Statutes of New Brunswick:
 - (a) 40 kilometres per hour is prescribed as the rate of maximum speed on any highway or street within the Town unless otherwise set out in Schedule 'A-1' or designated as a Provincial Highway by the Province of New Brunswick;
 - (b) between the hours of 07:30 and 16:00, 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 the school zones set out in Schedule 'A-2';
 - (c) twenty (20) kilometres per hour is prescribed as the rate of maximum speed in all Town-owned parks.

TRAFFIC CONTROL DEVICES

- 3. Traffic control signals to regulate, warn or guide traffic shall be erected, placed and maintained at the intersections listed on Schedule 'A-3' of this By-law.
- 4. In addition at intersections where sidewalks exist, special pedestrian control signals exhibiting the words "Walk" and "Don't Walk" or the TAC standard symbols for "Walk" and "Don't Walk" shall be erected, placed and maintained at the intersections listed on Schedule 'A-3' of this By-law.

THROUGH HIGHWAYS

- 5. Highways and portions of highways designated as through highways are listed as through highways on Schedule 'A-4' of this By-law. Stop signs shall be erected at all entrances thereto and at all entrances to Hampton Road and Marr Road other than those listed in Schedule 'A-3'.

TRUCK ROUTES

- 6. Council may designate highways or portions of highways as Truck Routes. Highways and portions of highways so designated are listed as truck routes on Schedule 'A-5' of this By-law.
- 7. All other streets or highways whether posted as restricted to trucking or not are restricted for use by trucks except for local deliveries. Notice of any prohibition imposed under the authority of section 27 shall be given by signs posted in appropriate places throughout the municipality where the restrictions apply to the highways in general, otherwise on or near the highway affected.

8. Subject to section 9 where, in the opinion of Council, the operation of a truck is appropriate on a local street, Council may establish a truck route and shall publish a notice to that effect on the Rothesay website and post signs where deemed by Council to be appropriate.
9. The Council may cancel a notice or restriction published under section 8 by giving a certificate to that effect.
10. The driver of a commercial vehicle having more than two axles or a registered gross vehicle mass of more than ten thousand kilograms (10,000 kg) shall not use any highway within the Town except a truck route.
11. For the purpose of delivering or taking delivery of a load at a point in the Town not immediately accessible to a truck route, and returning therefrom, the driver of a vehicle mentioned in this section, shall use a truck route to and from the point thereon nearest the point of delivery or pick up and use only the highway which provides the shortest route between the truck route and the point of delivery or pick up.
12. The provisions of this section do not apply to:
 - i. vehicles owned by or under contract to the Town;
 - ii. vehicles owned by the Rothesay Regional Fire Department;
 - iii. vehicles owned by the Province of New Brunswick;
 - iv. vehicles owned by a public utility.

STOPPING, STANDING, OR PARKING OF A VEHICLE

13. No Person shall stop, stand or park a vehicle on any highway within the Town not designated as a provincial highway except in accordance with this By-law and no person shall stop, stand or park a vehicle on any street or portions thereof:
 - i. having a measured width between curbs of less than 6.5 meters;
 - ii. set aside for the exclusive parking of buses or taxicabs for the purpose of allowing passengers to enter or alight therefrom;
 - iii. so as to prevent or obstruct the passing of other vehicles;
 - iv. within three (3) meters of an entrance to a church, school, hotel or theater; or
 - v. in any areas listed on Schedule 'A-7'
14. No person shall park a vehicle in a parking lot other than in a designated parking space.
15. A traffic officer may move or cause to be moved any vehicle found stopped or parked in violation of the provisions of this By-law on any highway within the Town. A vehicle so moved under this section shall be stored in such a place as the traffic officer may direct and the registered owner of such vehicle at the time shall be liable for the costs and charges for the moving and storage thereof.

16. It is hereby declared that the provisions of this section are enacted for the purpose of street maintenance.

(a) In the months of December, January, February and March, between the hours of midnight and 07:00 of any day, no person shall park a vehicle unattended on any highway.

(b) In those months of April, May, June, July, August, September, October and November, between the hours of 02:30 and 06:30. of any day, no person shall park a vehicle unattended on any highway, except parking lots.

(c) The Council, or its designate, or a traffic officer may move or cause to be moved any vehicle found impeding winter maintenance, plowing of snow, stopped or parked in violation of the provisions of this By-law on any highway within the Town. A vehicle so moved under this subsection shall be stored in such a place as the Council or its authorized designate, or a traffic officer may direct and the registered owner of such vehicle at the time shall be liable for the costs and charges for the moving and storage thereof.

DISABLED PARKING

17. 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 person's identification plate, permit or placard issued by the Registrar of Motor Vehicles for the Province of New Brunswick.

FIRE LANES

18. No person shall stop, stand or park a vehicle, whether attended or unattended, within 6 metres of the exterior wall of a mall or plaza or other building where a fire lane has been designated.

BUS STOPS

19. Any bus operated or approved for operation by the Town may stop at a designated bus stop for the purposes of accepting and/or discharging passengers.

20. Those areas so designated on any portion of a highway as passenger drop-off and pick-up stops shall be marked by the appropriate signs showing the limits thereof. Locations of Bus Stops are subject to the approval of the Council or its designate.

LOADING ZONES

21. Those areas so designated on any portion of a highway as loading zones shall be marked by appropriate signs showing the limits thereof.

22. No person shall stand, stop or park a vehicle in an authorized loading zone between the hours of 07:00 and 22:00 Monday to Friday, inclusive, unless it meets all of the following conditions:
- (a) the vehicle bears a commercial license plate or has commercial signs prominently and permanently affixed to the vehicle establishing that the vehicle is a commercial vehicle other than a taxicab;
 - (b) the owner or driver of the vehicle is actually engaged in loading or unloading of merchandise from the vehicle; and
 - (c) the vehicle occupies the loading zone for a maximum continuous period of not more than ten (10) minutes.

TAXICAB STANDS

23. No person shall stand, stop or park a vehicle in a taxicab stand unless:
- (a) such vehicle is a taxi licensed in accordance with the Rothesay Taxi By-law 17-01 and amendments thereto; and
 - (b) the vehicle is attended by the driver thereof and available for hire.

WINTER TRACTION TIRES

24. In this section:

"winter traction tires" means:

- i. tires with treads designed specifically to provide effective traction on streets during snow and ice conditions;
- ii. 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 providing 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 thirty-first day of March in the following year;

25. 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;
26. When any traffic officer finds a motor vehicle impeding traffic in violation of the provisions of Section 25, such officer may:
- (a) move or cause to be moved such vehicle; or
 - (b) require the driver to move the vehicle to a position off the main travelled portion of such street;

WEIGHT RESTRICTIONS

27. Subject to section 28 where, in the opinion of the Council, the operation of a motor vehicle may cause serious damage to a highway due to climatic conditions, Council may impose weight restrictions with respect to such highway at such time and for such period as Council deems necessary and

shall publish a notice to that effect in a newspaper of general circulation in the Town.

28. The Council may cancel a notice or restriction published under section 27 by giving a certificate to that effect.
29. Notice of any prohibition or restriction imposed under the authority of section 27 shall be given by signs posted in appropriate places throughout the municipality where the restrictions apply to the highways in general, otherwise on or near the highway affected.
30. Notwithstanding section 27, the Council may cause to be posted on any bridge not on a designated Provincial highway a sign indicating maximum load and height limits, and such sign when so posted shall be conclusive evidence of load and weight restrictions placed on the bridge.
31. Where a person operates a motor vehicle on a highway with respect to which weight restrictions are in effect, and the weight of the vehicle including load is in excess of the weight restriction, that person is guilty of an offence and on summary conviction is liable to a fine of not less than one hundred dollars nor more than one hundred twenty-five dollars.
32. Sections 25 to 29 do not apply to Provincially Designated Highways.
33. A police officer may arrest without warrant any person whom he finds committing or has reasonable grounds for believing has committed an offence specified in section 31 and take such persons before a judge of a court of competent jurisdiction to be dealt with according to law.
34. No person shall move along or across a sidewalk, street or public place, any building, vehicle or other heavy object that by reason of its weight, size or form of construction may cause damage to the structure therein and thereon, except in accordance with a special permit issued by the Town Engineer.

HORSES

35. No person shall:
 - (a) drive a horse or horse-drawn vehicle upon a sidewalk except for the purpose of directly crossing such sidewalk; or
 - (b) leave a horse unattended on any highway unless the horse or the vehicle to which it is harnessed is firmly fastened to a post or weight.

TRICYCLES

36. No person shall ride or drive or tricycle on a highway unless the person is wearing a helmet.
37. No person or guardian of a person who is under sixteen (16) years of age shall authorize or knowingly permit that person to ride or operate a tricycle on a highway unless the person is wearing a helmet.

38. No person shall ride or drive a bicycle upon any footpath or sidewalk except for the purpose of crossing such sidewalk.

PARADES AND PROCESSIONS

39. The Council, or its designate, may from time to time authorize an event or parade which may cause the disruption of traffic flow on a highway or highways within the Town.

40. Where an event or parade has been authorized in accordance with section 39 the organizers of such an event shall apply to the Chief of Police for a parade permit and the Chief or his designate may issue a permit providing he is satisfied that proper measures have been taken for the safe passage of the parade and for the safety of bystanders.

41. Where any portion of an event approved in accordance with section 39 is proposed to take place on a Provincially Designated Highway, the party proposing the event must advise the Department of Transportation District Engineer in writing, at least ten (10) business days prior to the scheduled date of the event describing the measures taken to address all relevant safety factors.

ONE WAY AND CONTROLLED ACCESS HIGHWAYS

42. Highways and portions of highways designated by Council as One-way Highways are listed in Schedule 'A-6' of this By-law.

43. Highways or portions of highways designated as a controlled-access highway are listed in Schedule 'A-8' of this By-law.

NUISANCES

44. No person shall place upon any highway for sale or display goods, wares vehicles or merchandise or solicit and receive orders for same.

45. No person shall dump, push or place snow or ice onto the highway or within the ditches of any highway.

46. No person shall remove or attempt to remove, dig up, cut down, destroy or in any manner damage or injure any trees in or upon any highway or public place.

47. No motor vehicles, except those authorized by the Town, are allowed on lands designated as parks, playgrounds, beaches, green areas, ball fields, lawns, nature preserves, land for public purposes or open spaces, except in those areas designated as driveways and parking lots.

48. No person shall park a motor vehicle on any street at any time so as to impede traffic and if a traffic officer or person designated by Council orders the vehicle removed, the owner of the vehicle shall be liable for any removal, towing and storage charges.

49. No person shall place or park on any street, at any time, a motor vehicle for the purpose of sale, or display for offer of sale and if a traffic officer or person designated by Council orders the vehicle removed, the owner of the vehicle shall be liable for the cost of removal, towing and storage of the vehicle.

IMPOUNDING OF VEHICLES

50. A traffic officer may remove and impound any vehicle which is found to be parked on any street in contravention of any By-law and no person shall take possession of a vehicle so removed or impounded until all costs and charges for removal, towing and storage of such vehicle have been paid.

OFFENCES

51. Every person is guilty of an offence under this By-law who,

- (a) in any manner, except in the reasonable use of the highway, breaks the shoulder of or otherwise damages a highway;
- (b) defaces, destroys or removes any tree located in the highway right-of-way;
- (c) damages or defaces any highway, bridge or culvert;
- (d) willfully hinders or interrupts any officer, engineer or agent acting under the authority of the Council in the lawful exercise of his duties;
- (e) refuses or neglects to perform a duty imposed upon him by this By-law; or
- (f) violates or fails to comply with a provision of this By-law, or of a resolution made under authority thereof.

ADMINISTRATION, ENFORCEMENT AND PENALTIES

52. The Council, or its designate, may from time to time cause to be erected signs or other devices for the purpose of directing or regulating vehicle and or pedestrian traffic and may remove such signs or devices and any such sign or device is a traffic control device under the Motor Vehicle Act.

53. Every person charged with an offence under 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 \$25.00 (Twenty-five Dollars) to the Rothesay Regional Police Force as follows:

- i. in person at the Rothesay Regional Police Station, Quispamsis, New Brunswick, in cash or by cheque or money order made payable to the Rothesay Regional Police Force; or
 - ii. by mail to: Rothesay Regional Police Force, 3 Landing Court, Quispamsis, New Brunswick, E2E 4R2, Attention Fine Revenue Clerk, by cheque or money order only, payable to the Rothesay Regional Police Force;
- at which time the ticket or ticket number shall be surrendered to the Rothesay Regional Police Force and such payment shall be deemed payment in full.

54. If the voluntary payment set out in section 53 has not been received on or before the date a charge pertaining to the offence has been laid in Provincial Court, the person charged with the offence may make a voluntary payment of \$50.00 (Fifty Dollars) as follows:

- i. in person at the Hampton Court House, Hampton, New Brunswick, by cash or certified cheque or money order payable to the Minister of Finance; or
 - ii. by mail to: Province of New Brunswick, P. O. Box 6000, Fredericton, New Brunswick, E3B 5H1, Attention Provincial Court, by certified cheque or money order only, payable to the Minister of Finance;
- at which time the ticket or ticket number shall be surrendered to the Provincial Court and such payment shall be deemed payment in full.

55. If the voluntary payments set out in section 53 and section 54 have 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, on conviction, to a fine of \$125.00.

REPEAL PROVISIONS

56. All By-laws, rules and regulations and amendments heretofore passed, adopted and observed by the councils of the former Town of Rothesay and the former Villages of Fairvale, East Riverside-Kingshurst and Renforth, more specifically but not limited to: By-Law 10 (Rothesay), By-Law 75 (Fairvale) and By-Laws 35 and 36 (Renforth) are hereby repealed.

EFFECTIVE DATE

This By-law comes into effect on the date of final enactment thereof.

FIRST READING BY TITLE July 14th, 2003

SECOND READING BY TITLE August 11th, 2003

READ BY SECTION NUMBER:
(Advertised as to content on the Rothesay website in accordance with Municipalities Act, R.S.N.B. (1973) Chapter M-22) November 21st, 2003
(Posted to Rothesay website)

THIRD READING BY TITLE AND ENACTMENT December 8th, 2003

CONSOLIDATED WITH By-law No. 3-03-1 February 9th, 2004

CONSOLIDATED WITH BY-LAW NO. 3-03-2 April 13th, 2004

ORDER OF THE LIEUTENANT-GOVERNOR IN COUNCIL #2004-244 June 30th, 2004

Department of Public Safety - Deputy Minister July 15th, 2004

William J. Bishop
MAYOR

Mary Jane E. Banks
CLERK

- A-5 TRUCK ROUTES**
- (a) Bradley Lake Road
 - (b) Campbell Drive
 - (c) Dolan Road
 - (d) Fox Farm Road
 - (e) French Village Road
 - (f) Grove Ave.
 - (g) Hampton Road
 - (h) Marr Road
 - (i) Millennium Drive
 - (j) Rothesay Road
 - (k) Route 1 (McKay Highway)
 - (l) Route 111 (Airport Arterial)
 - (m) Southridge Road
- A-6 ONE WAY HIGHWAYS**
- A-7 RESTRICTED PARKING ZONES**
- (a) Rothesay Park Road
 - (a) Ballpark Road
 - both sides from Gondola Point Road and extending 325 metres along Ball Park Road
 - (b) French Village Road
 - Both sides from Route 111 to the Quispamsis boundary
 - (c) Gondola Point Road
 - east side from Rothesay Road to Church Avenue
 - (d) James Renforth Drive
 - both sides from the northern intersection with Rothesay Road and extending 500 metre southerly
 - (e) McGuire Road
 - both sides from Highway 1 extending 150 metres east
 - (f) Park Drive
 - from the City boundary extending north 300 metres
 - (g) Rothesay Road
 - both sides for the entire length of the street
 - (h) Wharf Road
 - both sides for the entire length of the street
 - (a) Campbell Drive from the intersection with Hampton Road to the intersection with Route 111.
- A-8 CONTROLLED ACCESS HIGHWAYS**