

TOWN OF HERBERT

BYLAW 2024-01

A BYLAW OF THE TOWN OF HERBERT
TO REGULATE THE OPERATION AND PARKING OF VEHICLES

The COUNCIL of the Town of Herbert, in the Province of Saskatchewan, enacts as follows:

SECTION I: SHORT TITLE, APPLICATION AND INTERPRETATION

1.0 TITLE

1.1 This Bylaw may be cited as the "Traffic Bylaw".

2.0 APPLICATION OF THIS BYLAW

2.1 All provisions and enactments set forth in this Bylaw shall relate to and be in full force and effect within the limits of the Municipality.

2.2 The headings throughout this Bylaw are for convenience only and are not intended to be used to construe the intent of this Bylaw or any part hereof, or to modify, amplify, or aid in the interpretation or meaning of the provisions of this Bylaw.

2.3 If a court of competent jurisdiction should declare any section or subsection of this Bylaw to be invalid, such section or subsection shall not be construed as having persuaded the Council to pass the remainder of the Bylaw, and it is hereby declared that the remainder of this Bylaw shall be valid and remain in force.

2.4 In the prosecution of an alleged contravention of any provisions of this Bylaw, the onus of proof that the action giving rise to the charge was previously authorized shall lie upon the person charged.

3.0 INTERPRETATION

3.1 In this Bylaw and in any resolution of Council passed pursuant thereof, unless the context otherwise requires, the term or expression:

- (a) "ACT" means *The Traffic Safety Act*, SS 2004, c T-18.1 and amendments thereto, or any other Act enacted in its stead.
- (b) "ADMINISTRATOR" means the administrator of the Municipality.

- (c) "ALL TERRAINS VEHICLE" means an "all terrain vehicle" as defined in *The All Terrain Vehicles Act*, SS 1988-89, c A-18.02 and amendments thereto, or any other Act enacted in its stead.
- (d) "ANGLE PARKING" means the parking of vehicles with the right front wheel drawn up on the right-hand side of the roadway, or a distance of not more than thirty (30) centimeters from such curb, the vehicle to be placed at an angled of forty-five (45) degrees with the curb.
- (e) "CURB" means the dividing line of the roadway between the part of the roadway intended for use of vehicles and that part of the roadway not so intended, whether marked with a curb or not.
- (f) "COUNCIL" means the Council of the Municipality.
- (g) "DISABLED PERSON'S PARKING AREA" means all that portion of any roadway or other public place or public parking lot that has been designed by sign or other marking for the exclusive parking of disabled person's vehicle.
- (h) "DISABLED PERSON'S VEHICLE" means any vehicle which displays a special license plate or placard depicting thereon the international symbol of disabled issued by the Province of Saskatchewan or other competent governmental jurisdiction.
- (i) "DRIVER or OPERATOR" means any person who drives, operates, is in charge of or is in actual physical control of a vehicle including a driver, leader or rider of an animal.
- (j) "FIRE BRIGADE" means the personnel of the Volunteer Fire Department established by the Municipality.
- (k) "IMPOUND" means and includes the seizure, removal and detention of a vehicle.
- (l) "INTERSECTION" means the area where two or more roadways meet or cross each other but does not include a lane intersection.
- (m) "LANE" means a public roadway intended primarily to give access to the rear of real property.
- (n) "LOADING ZONE" means the portion of the roadway adjacent to the curb designated by signs and/or markings for the exclusive use of vehicle loading or unloading passengers or goods.
- (o) "LUG VEHICLE" means any truck, portable engine or traction engine having metal spikes, lugs or cleats projecting from the face of the wheels or tires thereof or having a metal track tread.

- (p) "MUNICIPALITY" means the Municipal Corporation of the Town of Herbert, in the Province of Saskatchewan.
- (q) "MUNICIPAL ENFORCEMENT OFFICER" means the Municipal or Bylaw Enforcement Officer appointed or designated by Council for the Municipality.
- (r) "OWNER" means the registered owner of a vehicle and includes:
- i. A lessee of a motor vehicle; or
 - ii. A person who is in possession of a motor vehicle under a contract by which that person may become the owner of the motor vehicle on full compliance with the terms of the contract.
- (s) "PARALLEL PARKING" means the parking of a vehicle with both right wheels thereof drawn up to the curb on the right-hand side of the roadway or at a distance of not more than thirty (30) centimetres from such curb and shall also include, in the case of one-way roadways and other roadways that allow a vehicle with both left wheels thereof drawn up to the curb on the left-hand side of the roadway.
- (t) "PARKING" means the standing of a vehicle whether occupied or not, upon a roadway, otherwise than temporarily in obedience to traffic regulations or traffic signs or signals.
- (u) "POLICE OFFICER" means "peace officer" as defined in the *Act*.
- (v) "RECREATIONAL VEHICLE" means a self-propelled or towed vehicular type unit, primarily designed as temporary living quarters for recreational, camping or travel use and which is used solely as a family personal conveyance and in no way used for commercial purpose. Without limiting the foregoing, recreational vehicles include:
- i. Travel trailer;
 - ii. Cabin trailer;
 - iii. Tent trailer;
 - iv. Truck camper;
 - v. Motor home;
 - vi. Park trailer;
 - vii. Fifth-wheel travel trailer.
- (w) "ROADWAY" means a road, street, avenue, land, parkway, driveway, square or place designated and intended for or used by the general public for the passage of vehicles, but does not include any area whether privately owned that is primarily intended to be used for the parking of vehicles and the necessary passageways

on that area, and does not include a provincial highway within the municipalities as designated pursuant to the provisions of *The Highways and Transportation Act*, SS 1997, c H-3.01, or any other Act enacted in its stead;

- (x) "SCOOTER" means a motorized vehicle designed to be ridden by one person, which is principally for the purpose of transportation of handicapped, disabled or elderly people.
- (y) "SIDEWALK" means the portion of a roadway used exclusively for pedestrians, including walking trails.
- (z) "SNOWMOBILE" means a "snowmobile" as defined in *The Snowmobile*, RSS 1978, c S-52 and amendments thereto, or any other Act enacted in its stead.
- (aa) "SPEED ZONE" means any portion of a roadway within the Municipality as designated herein and identified by a sign erected and maintained at each end thereof, indicating the maximum speed applicable thereto.
- (bb) "STREET OR AVENUE" shall mean any street or public roadway within the Municipality therein as designated pursuant to the provisions of the *Act*;
- (cc) "TRAFFIC" means pedestrians, ridden animals, vehicles, buses, and other conveyances either singly or together while using any roadways.
- (dd) "TRAFFIC SIGN" means any sign, signal (other than traffic signals), marking or other device placed, painted, or erected for the guidance, regulation, warning, direction, or prohibition of traffic;
- (ee) "U-TURN" means the turning of a vehicle so as to cause it to proceed in the opposite direction from which it was proceeding immediately prior to the commencement of such turn.
- (ff) "VEHICLE" means a "motor vehicle" as defined in the *Act* and includes a device in, upon or by which a person or thing is or may be transported or drawn upon a street and includes a special mobile machines and agricultural implements, and, for the purpose of parking and stopping restrictions, includes any portion of a vehicle.

4.0 DEFINITION

- 4.1 Other words and expressions used in this Bylaw shall have the same meaning as given them in the *Act*.

5.0 VALIDITY

- 5.1 If any section, clause or provision of this Bylaw is for any reason declared by a court of competent jurisdiction to be invalid, the same shall not affect the validity of the Bylaw as a whole or any part thereof, other than the section, clause, or provision so declared to be invalid.

6.0 SCOPE

- 6.1 Stop Streets: roadways listed in Appendix 1.
- 6.2 Yield Streets: roadways listed in Appendix 2.
- 6.3 Lug Vehicle Permit: Form 1 located in Appendix 3.
- 6.4 No Parking: areas listed in Appendix 4.
- 6.5 Speed Zones: areas listed in Appendix 5.
- 6.6 Public Reserves: areas listed in Appendix 6.
- 6.7 Notice of Violation: Form 1 located in Appendix 7.
- 6.8 One-way Streets: roadways listed in Appendix 8.
- 6.9 Loading Zones: roadways listed in Appendix 9.

SECTION II: RESOLUTIONS, AUTHORITY, ETC.

7.0 EMERGENCY CONTROL MEASURES

- 7.1 A Police Officer is hereby authorized to direct traffic in conformity with the provisions of this Bylaw and *Act*.
- 7.2 In the case of fire, accident, danger, congestion, other emergency, or in order to expedite traffic, safeguard pedestrians, prevent accidents, or meet any unforeseen conditions, a Police Officer is hereby authorized to direct traffic in such manner as they may deem necessary whether or not in conformity with the provisions of this Bylaw or the *Act*.
- 7.3 In the case of fire, accident, danger, congestion, other emergency, or in order to expedite traffic, safeguard pedestrians, prevent accidents, or meet any unforeseen conditions, and no Police Officer is present, a member of the Fire Brigade is authorized to direct traffic in such a manner as they deem necessary whether or not in conformity with the provisions of this Bylaw or the *Act*.

7.4 Every person shall comply with any traffic signal or direction of a Police Officer or member of the Fire Brigade given pursuant to this section.

8.0 TEMPORARY CLOSING AND PARKING

8.1 The Mayor, a Police Officer, a member of the Fire Brigade, the Municipal Enforcement Officer, or Council of resolution shall have the authority to temporarily close any roadway, or portion thereof, to traffic, parking, or stopping for the purpose of:

- (a) Enabling work to be carried out by or on behalf of the Municipality, including road maintenance, repair, street cleaning, snow removal, or sewer or water line construction, repair, or improvement;
- (b) Facilitating the moving of any building, structure, machine or other object by or on behalf of the Municipality, or authorized by the Municipality;
- (c) To enable pedestrians to have the exclusive use thereof, or
- (d) To facilitate public gatherings.

8.2 The Mayor, a Police Officer, a member of the Fire Brigade, the Municipal Enforcement Officer, or other individual authorized by Council shall have the authority to have or cause to have temporary signs, warning devices, pavement markings, barricades or barriers to be erected, placed, or painted upon the roadway for the legal information of traffic on the roadways within the limits of the Municipality.

8.3 That all such signs, warning devices, pavement markings, painting, barricades or barriers erected, placed or painted upon any such roadway and presently existing or in existence shall be deemed to have been authorized by the Municipality.

9.0 AUTHORITY OF COUNCIL

9.1 Subject to the formal approval from the Highway Traffic Board, Council shall have the right at all times to:

- (a) By resolution, authorize the erection of warning and informational signs as well as what words, if any, shall be placed thereon and to abolish or remove same, and at its discretion to substitute others in place thereof, in accordance with the intent and meaning of this section and to regulate loading time in loading zones on all public

highways within the limits of the Municipality and to designate playgrounds and recreational areas.

- (b) By Bylaw, authorize the erection of traffic signals, lights, stop and yield signs and also by Bylaw to abolish, or remove same and at its discretion to substitute others in place thereof in accordance with the intent and meaning of this section.

9.2 The design, style or shape of signs authorized by Council shall conform to standards in use.

10.0 AMENDMENT OF SCHEDULES

10.1 Any or all schedules and/or appendices to this Bylaw may be amended or substituted from time to time by resolution by Council and shall form part of this Bylaw, subject to formal approval from the Highway Traffic Board.

11.0 SITE LINE RESTRICTIONS

11.1 The Municipal Enforcement Officer, or other individual authorized by Council may order that any hedge, shrub, tree, or other obstruction be removed, trimmed, or cut down, for the safety of pedestrians or drivers on a roadway as may be deemed necessary to overcome such danger where a visual obstruction is present, or upon the report of a Police Officer that there is a danger to traffic.

11.2 The owner or occupant shall grow or suffer to be grown any trees, hedges, shrubs, fence or other structure, which exceeds one (1) metre in height, and which falls within a triangle of land formed by the intersection of the two property lines on the intersecting roadways and a line connecting the points on the said property lines six (6) meters from the intersection of the said lot property line.

12.0 MISCELLANEOUS SIGNS

12.1 No person shall, except where authorized by resolution of Council or when duly authorized by law, erect upon or immediately adjacent to any roadway, any sign, marker, signal, light, or any advertising sign or device.

12.2 No person shall deface, injure, knock down, remove, obscure, or interfere with any sign or marker erected pursuant to his Bylaw.

SECTION III: DRIVING OR OPERATING

13.0 STOP STREETS

- 13.1 The roadways set out in Appendix 1 are established as stop streets and the erection of stop signs for the said street is hereby authorized. The provisions of the *Act* shall apply to all traffic approaching and facing a “stop” sign on all streets set out in Appendix 1.
- 13.2 All stop signs shall be erected and maintained at a distance of approximately three (3) metres from a roadway intersection at a 90-degree angle to the traffic approaching the intersection.
- 13.3 At a junction where two or more traffic directions are controlled by stop signs, the driver who arrives and stops first continues first. If two or more drivers in different directions stop simultaneously at a junction controlled by stop signs, the driver on the left must yield the right-of-way to the driver on the far right.
- 13.4 At any three or four-way stop, the first vehicle to come to a complete stop has the right-of-way.

14.0 YIELD STREETS

- 14.1 The roadways set out in Appendix 2 are established as yield streets and the erection of yield signs for the said street is hereby authorized. The provisions of the *Act* shall apply to all traffic approaching and facing a “yield” sign on all streets set out in Appendix 2.
- 14.2 All yield signs shall be erected and maintained at a distance of approximately three (3) metres from a roadway intersection at a 90-degree angle to the traffic approaching the intersection.
- 14.3 At any intersection where a yield sign is present, the driver facing the sign must yield the right of way to any other motorist approaching the intersection.

15.0 ONE-WAY STREETS

15.1 The roadways set out in Appendix 3 are established as one-way streets. No person shall operate a vehicle in a direction other than that indicated on the highways as listed in Appendix 3.

16.0 PUBLIC RESERVES, ETC.

16.1 The areas set out in Appendix 6 are established as public reserves.

16.2 No operator of a vehicle is permitted to operate, drive, park, or stop a vehicle in a public reserve, except a maintenance vehicle or a vehicle using a designated parking area.

17.0 LOADING ZONES

17.1 The roadways set out in Appendix 9 are established as loading zones and the erection of yield signs for the said street is hereby authorized.

17.2 No operator of a vehicle shall remain in a loading zone for a period of two (2) minutes for the purpose of embarking or disembarking passengers, provided that on the expiration of the two (2) minute period the onus of proof of loading or unloading of goods shall rest with the driver of any vehicle found in such loading zone.

17.3 No operator of a vehicle shall remain in a loading zone for a period exceeding five (5) minutes for the purpose of loading or unloading goods.

SECTION IV: ALL TERRAIN VEHICLES, SNOWMOBILES AND SCOOTERS

18.0 ALL TERRAIN VEHICLES

18.1 All terrain vehicles are permitted to operate on the travelled portion of the whole or any part of a roadway within the limits of the Municipality, subject to the following restrictions:

- (a) Every person who operates an all-terrain vehicle shall hold a valid driver's license and shall be insured with a \$200,000 liability policy.
- (b) Every person who operates an all-terrain vehicle shall use the most direct route to the destination from the point of origin or from the origin to the corporate boundaries of the Municipality.
- (c) Operation of an all-terrain vehicle must not exceed 30km/h within the corporate limits of the Municipality.

(d) No person shall operate an all-terrain vehicle between the hours of 2300-0600.

19.0 SNOWMOBILES

19.1 Snowmobiles are permitted to operate on the travelled portion of the whole or any part of a roadway within the limits of the Municipality, subject to the following restrictions:

- (a) Every person who operates a snowmobile shall hold a valid driver's license and shall be insured with a \$200,000 liability policy.
- (b) Every person who operates a snowmobile shall use the most direct route to the destination from the point of origin or from the origin to the corporate boundaries of the Municipality.
- (c) Operation of a snowmobile must not exceed 30km/h within the corporate limits of the Municipality.
- (d) No person shall operate a snowmobile between the hours of 2300-0600.
- (e) All snowmobiles must be registered as per *The Snowmobile*, RSS 1978, c S-52.

20.0 SCOOTERS

20.1 No person shall operate a scooter on a public roadway unless the scooter displays a red, yellow or orange flag with a total surface area not less than 500 cm² (77.5 inches²) at a height of not less than 1.5 metres (4.92 feet) from the ground.

21.0 LUG VEHICLE

21.1 No person shall propel, operate or drive any lug vehicle upon any roadway within the municipality without first having obtained from the administrator a permit in writing authorizing same.

21.2 The administrator is hereby authorized to issue permits in writing for the purpose of s. 20.1 of this Bylaw in any case where the applicant thereof has signed a written undertaking in Form 1, Appendix 3, provided that the administrator shall not issue any such permit unless they are satisfied that with reasonable care in operation the lug vehicle may be propelled or driven over the roadway without damage resulting thereto.

21.3 Nothing contained in s. 21.1 shall be deemed to preclude the transport of a lug vehicle as herein defined over any roadway where same is being carried by means of a rubber-tired trailer or other conveyance equipped with rubber tires.

SECTION V: STOPPING AND PARKING

22.0 METHOD OF PARKING

- 22.1 No operator of a vehicle shall stop or park a vehicle on any street other than parallel parking.
- 22.2 No operator of a vehicle shall stop or park a vehicle on any roadway continuously for longer than twenty-four (24) hours.
- 22.3 No operator of a vehicle shall stop or park a vehicle, other than a vehicle equipped with bumpers, front and rear, on Herbert Avenue between the intersections at Shaw Street and Thompson Street.

23.0 NO PARKING

- 23.1 The areas set out in Appendix 4 are established as no parking areas, and the erection of “No Parking” signs for the said areas is hereby authorized.
- 23.2 No operator of a vehicle shall stop or park the vehicle in the in the areas set out in Appendix 4.

24.0 NO OBSTRUCTION

- 24.1 No operator of a vehicle shall stop or park a vehicle or recreational vehicle:
- (a) at locations where designated signage prohibits parking.
 - (b) within three (3) metres of the entrance of any lane.
 - (c) Within six (6) metres of an intersection.
 - (d) So that any portion of the vehicle extends over a sidewalk or sidewalk crossing.
 - (e) In any lane or street so as to obstruct the entrance to any driveway or approach leading to private or public premises.

25.0 TRAILER PARKING

- 25.1 No person shall park a cargo, utility, flatbed, construction, boat or snowmobile trailer that is unattached from the vehicle used for moving same, on any lane or street, excepting town-owned equipment.

26.0 RECREATIONAL VEHICLES

- 26.1 No owner or operator of a recreational vehicle shall park the recreational vehicle on a roadway for more than forty-eight (48) consecutive hours following which the owner or operator shall move the recreational vehicle to an off-roadway location for a period of not less than forty-eight (48) consecutive hours before the recreational vehicle may be parked again on a roadway.
- 26.2 No owner or operator of a recreational vehicle shall park the recreational vehicle on any roadway in such a manner as to constitute a hazard to other persons using the roadway.
- 26.3 Any recreational vehicle parked on a roadway shall display a current and valid license plate in compliance with the *Act*.

27.0 PARKING ON PRIVATE PROPERTY

- 27.1 No operator of a vehicle shall park a vehicle in any private parking place, private parking entrance/driveway or on any private property of which they are not the owner, occupant, licensee, or permittee except with the consent of the said owner, occupant, licensee or permittee.

28.0 MAXIMUM DIMENSIONS OF PARKED VEHICLE

- 28.1 No person shall park a vehicle, truck, tractor unit, trailer, bus, or a vehicle connected to a trailer, implement, or any other equipment that has an overall length of more than six (6) metres on a roadway in a residential "R" zone, except while unloading or loading.
- 28.2 No person shall park a vehicle, truck, tractor unit, trailer, bus, or a vehicle connected to a trailer, implement, or any other equipment that has an overall length of more than ten (10) metres on a roadway in a "R1" or "R2" zone for more than two (2) hours in a twenty-four (24) hour period.

29.0 FIRE HYDRANT

- 29.1 No operator of a vehicle shall park within five (5) metres of any fire hydrant or, where the fire hydrant is not located at the curb, within five (5) metres of the point of the curb nearest the hydrant unless the operator remains at the wheel of the vehicle and is at all times

ready to move the vehicle upon request by a Police Officer, a Municipal employee, a member of the Fire Brigade, or the Municipal Enforcement Officer.

30.0 PARKING OF UNLICENSED VEHICLES

30.1 No vehicle shall be parked on a roadway unless it is displaying a current and valid license plate in compliance with the *Act*.

31.0 DISABLED PERSON'S PARKING

31.1 A vehicle displaying a visible international sign of the disabled shall be allowed to park in any on-street parking stall or zone marked reserved for the disabled.

31.2 No operator of a vehicle shall park a vehicle, other than a disabled person's vehicle, anywhere in any disabled person's parking area.

31.3 The spaces designated for disabled person's parking shall be located as directed by resolution of Council.

32.0 UNATTENDED VEHICLE ON JACKS

32.1 No person shall stand or park a vehicle or recreational vehicle on any roadway or public property for the purpose of vehicle repairs, with the exception of emergency repairs limited to three (3) hours.

32.2 No person shall leave any vehicle for more than three (3) hours on any roadway when that vehicle has been placed on a jack or blocks.

33.0 ENGINE RUNNING

33.1 No operator of a vehicle shall permit or allow any vehicle in their charge or control to stop in any park or stop with the engine running unless:

- (a) the vehicle is securely locked, and the emergency brake is on; or
- (b) The vehicle is occupied by or under the control of the driver, operator or another responsible person.

34.0 CORDS ON SIDEWALKS

- 34.1 No person shall lay or stretch a lead or cord capable of transmitting electrical energy from a building to a motor vehicle and/or recreational vehicle across or over a sidewalk, lane, street, or roadway.

SECTION VI: SPEED AND RULES FOR OPERATION

35.0 NO U-TURNS

- 35.1 No operator of a vehicle shall turn the vehicle so as to proceed in the opposite direction between intersections within the Municipality.

36.0 SPEED

- 36.1 No operator of a vehicle shall operate a vehicle within the Municipality at a speed greater than forty (40) km/h, and thirty (30) km/h in the speed zones as set out in Appendix 5.

37.0 UNNECESSARY NOISE, THROWING GRAVEL

- 37.1 No operator of a vehicle shall operate a vehicle on any roadway or parking lot in such a manner as to cause the tires or any other part of the vehicle to make excessive, unusual or unnecessary noise.
- 37.2 No operator of a vehicle on any roadway or parking lot shall accelerate the vehicle to such an extent so as to cause the tires to slide, spin or throw gravel or other substances.

38.0 STUNTING

- 38.1 No operator of a vehicle on any roadway or parking lot shall perform or engage in any stunt or activity that is likely to distract, startle or otherwise interfere with other users of the sidewalk or other public place.

SECTION VII: ENFORCEMENT PROVISIONS

39.0 IMPOUND OR STORAGE

- 39.1 In addition to and notwithstanding any provisions of Section VIII of this Bylaw, any Police Officer, Municipal Enforcement Officer, or other individual authorized by Council may remove or cause to be removed any vehicle or recreational vehicle, and seize, impound

or store such vehicle, the contravenes any section of the Bylaw and may include, but is not limited to:

- (a) Any vehicle or recreational vehicle that is unlawfully placed, left or kept on any roadway, other public place, or on Municipal property;
- (b) Any vehicle or recreational vehicle that is unlawfully stopped or parked pursuant to Section V of this Bylaw;
- (c) Any vehicle or recreational vehicle that is found on a roadway, other public place, or Municipal property when:
 - i. The owner of the vehicle owes three (3) or more outstanding penalties to the Municipality for breaches of this Bylaw;
 - ii. The appeal period against the imposition and amount of said penalties has expired; and
 - iii. At least two (2) notices that the penalties are outstanding were sent to the owner at least one (1) week apart.

39.2 The Municipality may retain, impound, or store a vehicle or recreational vehicle which has been removed or caused to be removed under s. 39.1 until the amount of outstanding penalties, if any, and the costs incurred in removing and impounding or storing the vehicle have been paid, and upon payment of said outstanding penalties and cost the vehicle shall be released to the Owner. The costs mentioned in this subsection shall include, but are not limited to, the following:

- (a) The actual cost of removal.
- (b) Administration fee of fifty (\$50.00) dollars.
- (c) The cost of storage at a rate of ten (\$10.00) dollars per day to a maximum of one hundred fifty (\$150.00) dollars.
- (d) Any actual cost of any legal action

39.3 Following full payment of any penalties, seizure, removal and impounding fees of the vehicle, the vehicle will be released to the Owner. Owners must remove the vehicle within forty-eight (48) hours.

39.4 If the penalties and costs described in s. 39.2 have not been paid within a period of thirty (30) days, the Municipality shall have the right to recover same from the Owner of the vehicle by:

- (a) Legal action in court of competent jurisdiction;
- (b) Sale through public auction; or
- (c) By private sale of the vehicle.

39.5 Prior to the sale of a vehicle which has been impounded or stored under this section, the Municipality shall provide notice designating the time and place of the sale at least fourteen (14) days prior to the sale by:

- (a) Publishing a notice in a newspaper circulating in the Municipality;
- (b) Sending a copy of said notice by regular mail to the owner at the address last appearing on the vehicle registration; and
- (c) By any other means which Council may consider appropriate.

39.6 The proceeds from such sale shall be applied firstly on the penalties and costs described in s. 39.2 and the balance remaining, if any, shall be paid to the Owner.

39.7 If the proceeds from such sale are insufficient to satisfy the penalties and costs described in s. 39.2, the amount of the shortfall shall be a debt due and owing from the owner and enforceable by the Municipality in any manner allowed by law.

40.0 CHALKING TIRES

40.1 In order to determine the time which a vehicle or recreational vehicle has been parked in a location where parking is restricted to a specific time, any Police Officer, Municipal Enforcement Officer, or other person authorized by Council may place an erasable chalk mark on the tread base of the tire of the parked or stopped vehicle or recreational vehicle without such person or the Municipality incurring any liability for doing so.

40.2 No person shall remove an erasable chalk mark placed under s. 40.1 while the vehicle or recreational vehicle remains parked at the location where it was marked.

SECTION VIII: PENALTIES AND PAYMENT

41.0 PENALTIES

41.1 Any person convicted of a breach of the provisions of this bylaw shall forfeit and pay the ticket, summary or notice of violation as set out Appendix 7.

- 41.2 If a person referenced in s. 41.1 makes payment of the ticket, summary or notice of violation within thirty (30) days of the service of the service of the ticket, summary or notice of violation, the penalty will be reduced as set out in Appendix 7.
- 41.3 The ticket, summary or notice of violation shall be in Form 2 of Appendix 7, attached to and forming part of this Bylaw.
- 41.4 Service of such ticket, summary or notice of violation may be made personally or by attaching the ticket, summary or notice of violation to the vehicle in respect of which an offense has been committed or by mailing such a ticket, summary or notice addressed to the registered Owner of the vehicle.

42.0 PAYMENT OF PENALTIES

- 42.1 Such person served with a ticket, summary or notice of violation may pay same at the Office of the Town of Herbert between the hours of 9:00 a.m. and 4:00 p.m., excepting Saturdays, Sundays, and public holidays, provided that payment must be made within thirty (30) days of the service of the service of the ticket, summary or notice of violation. If payment is made within such time and accepted, then that person shall not be liable to prosecution for the offense.
- 42.2 If the person given such ticket, summary or notice of violation fails to pay the specified penalty within thirty (30) days, then the provisions of this section shall no longer apply and the person shall be liable to prosecution for the offense in the ordinary way, provided that nothing in this section shall prevent any person served with such ticket, summary or notice of violation from exercising his right to defend any of these specified offenses.

43.0 OWNER OF VEHICLE

- 43.1 The Owner of a vehicle as defined in the *Act* shall be liable for violation of any of the provisions of this Bylaw in connection with operation of a vehicle, unless such owner proves to the satisfaction of a Provincial Magistrate or Justice of the Peace trying the case, that at the time of the offence the vehicle was not being operated by him/her nor by any person with his/her consent express or implied.

SECTION IX: REPEAL OF FORMER BYLAWS

44.0 REPEAL

44.1 The following bylaws and any amendments thereto are hereby repealed: 85-14, 88-5, 90-8, 94-2.

45.0 EFFECTIVE DATE

45.1 This Bylaw shall come into force and be in effect on the final passing thereof.

READ THREE TIMES AND passed by the Council of the Town of Herbert, in the Province of Saskatchewan, this ____ day of _____, 2024.

{Mayor}

SEAL

{Administrator}

TOWN OF HERBERT
BYLAW 2024-01

APPENDIX 1 – STOP STREETS

The following streets are hereby designated as “Stop” streets:

- (a) Herbert Avenue from Neidpath Street west to Dominion Street, except for traffic approaching Herbert Avenue from the north on Willoughby Street and Taylor Street.
- (b) Shaw Street from Railway Avenue, South Railway Avenue and First Avenue.
- (c) Railway Avenue from Willoughby Street.
- (d) Shaw Street from South Railway Avenue, East and West
- (e) Add lobethal at prairie, north and south

TOWN OF HERBERT
BYLAW 2024-01

APPENDIX 2 – YIELD STREETS

The following streets are hereby designated as “Yield” streets:

- (a) The north side of Herbert Avenue from First Street, Taylor Street, Willoughby Street and Lobethal Street
- (b) Railway Avenue from Taylor Street to Brownlee Street, except for the traffic approaching Railway Avenue from the north on Willoughby Street.
- (c) Prairie Avenue from Willoughby Street to ~~Lobethal Street~~. **Change to Klassen**
- (d) Bison Avenue from Annable to Lobethal Street.
- (e) Prospect Avenue at the west intersection with Shaw Street.
- (f) Connaught Avenue at the west intersection with Shaw Street.
- (g) Leonard Street, Thompson Street, Dennis and Brownlee at the intersection with Connaught Avenue.
- (h) Shaw Street from First Avenue east side, Railway Avenue west side, Prairie Avenue east and west, Bison Avenue east and west, and Prospect Avenue east and west.
- (i) Donnelly Street at Prairie Avenue and Bison Avenue.
- (j) South Railway Avenue from Arthur Street and Siegrist Street.

TOWN OF HERBERT
BYLAW 2024-01

APPENDIX 3 – LUG VEHICLE PERMIT

OPERATION OF LUG VEHICLE

NAME: _____

ADDRESS: _____

VEHICLE DESCRIPTION: _____

PLATE #: _____

ROUTE: _____

DEPOSIT: _____

I declare that:

- (a) I will use reasonable care in propelling, operating or driving such lug vehicles over the roadway to prevent any damage resulting to the roadway.
- (b) I will, when operating such lug vehicle over any bridge or culvert on any roadway or on any specified bridge or culvert, without first laying down on such bridge or culvert approved protected materials (planks or timbers) of not less than Five (5cm) centimeters in thickness or less than Four (4m) metres in length, such material is to be laid lengthwise across the bridge or culvert in the direction in which the lug vehicle is proceeding in such a manner that they will support the wheels or tread of the lug vehicle on both sides throughout its entire passage over such bridge or culvert.
- (c) I will pay for all damages caused to such roadway or to any bridge or culvert as a result of propelling, operating or driving such lug vehicle.

Owner/Operator

TOWN OF HERBERT
BYLAW 2024-01

APPENDIX 4 – NO PARKING AREAS

The following streets areas are hereby designated as “No Parking” areas:

- (a) Dennis Street in front of Fire Hall as designated by signs.
- (b) Prairie Avenue in front of Mennonite Brethren Church as designated by signs.
- (c) Connaught Avenue from Dennis Street to Annable Street as designated by signs.
- (d) Herbert Avenue in front of Herbert Nursing Home Inc. as designated by signs.
- (e) South Railway Avenue, also known as “the old highway,” as designated by signs.

TOWN OF HERBERT
BYLAW 2024-01

APPENDIX 5 – SPEED ZONES

The following areas are hereby designated as “Speed Zones”:

- (a) Connaught Avenue from Dennis Street to Annable Street.
- (b) Leonard Street from Prairie Avenue to Herbert Avenue.
- (c) Annable Street from Prairie Avenue to Herbert Avenue.
- (d) Thompson Street from Prospect Avenue to Connaught Avenue.
- (e) Leonard Street from Prospect Avenue to Connaught Avenue.
- (f) Herbert Avenue from Leonard Street to Annable Street.

TOWN OF HERBERT
BYLAW 2024-01

APPENDIX 6 – PUBLIC RESERVES, ETC.

The following areas are hereby designated as “Public Reserves”:

- | | | |
|-----|----------------|---|
| (a) | Municipal Park | Lots 1-8 & 13-15, Block 6, Plan 62392 |
| (b) | Cemetery | 527' x 280' Block 1, Plan 2266
168' x 700' Block 1, Plan B3773 |
| (c) | Golf Course | Blocks 7, 8, 15, 16, Plan E39 |

TOWN OF HERBERT
BYLAW 2024-01

APPENDIX 7 – NOTICE OF VIOLATION

NOTICE OF VIOLATION – FORM 1

		TOWN OF HERBERT BYLAW VIOLATION TAG			
DAY	MO	YR	• A.M. • P.M.		
DATE			TIME		
B Y L A W	ANIMAL BLDG. WASTE TRAFFIC SIGN FENCE OTHER				
	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
THIS TAG ISSUED FOR BREACH OF SECTION			Specified Penalty \$		
OFFENCE _____					
LOCATION _____					
NAME _____					
ADDRESS _____					
VEH LIC No		DR LIC No			
PARTICULARS		OFFICER			
<p>YOU MAY AVOID PROSECUTION FOR THIS OFFENCE BY PAYING THE PENALTY INDICATED ABOVE TO THE TOWN OF HERBERT WITHIN 15 CALENDAR DAYS.</p> <p>FAILURE TO COMPLY WILL RESULT IN PROSECUTION IN PROVINCIAL COURT NO REMINDER NOTICE WILL BE SENT</p>					
No 051					

PENALTIES

OFFENSE	Penalty if Paid Within Thirty (30) Days	Penalty if Not Paid Within Thirty (30) Days
SECTION III: Driving or Operating		
13.1 No Stopping	100	200
14.1 Failing to Yield	100	200
15.1 Wrong way on a One Way	100	200
16.1 Operation in a Public Reserve	50	100
17.1 Parking in a Loading Zone	50	100
SECTION IV: All Terrain Vehicles, Snowmobiles, Etc.		
18.1 Operating contrary to (a) – (d)	100	200
19.1 Operating contrary to (a) – (d)	100	200
20.0 Operating Scooter without flag	50	100
21.1 Lug Vehicle Without Permit	200, plus any costs for damage	
SECTION V: Stopping and Parking		
22.1 Unlawful Parking	50	100
22.2 Limited Parking	50	100
22.3 Unlawful Vehicle	50	100
23.2 No Parking	50	100
24.1 Unlawful Parking contrary to (a) – (e)	50	100
25.1 Trailer Parking	50	100
26.1 Recreational vehicle	50	100
27.1 Private Property Parking	50	100
28.1 Maximum Dimensions	50	100
29.1 Fire Hydrant	50	100
30.1 Unlicensed Vehicle	50	100
31.2 Disabled Person's Parking	50	100
32.1 Vehicle on Jacks	50	100
33.1 Engine Running	50	100
34.1 Cords on Sidewalk	50	100
SECTION VI: Speed and Rules for Operation		
35.1 U-Turn	50	100
35.2 Maximum Speed	100	200
37.1 Unnecessary Noise	100	200
38.1 Stunting	100	200

TOWN OF HERBERT
BYLAW 2024-01

APPENDIX 8 – ONE WAY STREETS

The following streets areas are hereby designated as “One Way Streets”:

- (a) Entrance into the Town of Herbert extending from a point approximately 875' south and 950' west of the quarter corner north of Section 8-17-9-3 to a point approximately 500' south and 1340' west of the same quarter corner north of Section 8-17-3.

TOWN OF HERBERT
BYLAW 2024-01

APPENDIX 9 – Loading Zones

The following areas are hereby designated as “Loading Zones”:

- | | | |
|-----|----------------|---------------------------------|
| (a) | Herbert Avenue | Lot 3 & 4, Block 13, Plan L3680 |
| (b) | Herbert Avenue | Lot 5, Block 14, Plan L3680 |