



## THE RURAL MUNICIPALITY OF MACDONALD

### BY-LAW NO. 12/21

BEING A BY-LAW OF THE RURAL MUNICIPALITY OF MACDONALD to provide for the regulation of parking of trucks and trailers within the Municipality.

WHEREAS a municipality has the direction, control and management of municipal roads within its boundaries;

AND WHEREAS Sections 232(1) of *The Municipal Act* provides in parts as follows:

232(1) A council may pass by-laws for municipal purposes respecting the following matters:

- (a) the safety, health, protection and well-being of people, and the safety and protection of property;
- (b) people, activities and things in, on or near a public place or a place open to the public, including parks, municipal roads, recreation centres, restaurants, facilities, retail stores, malls, and private clubs and facilities that are exempt from municipal taxation;

AND WHEREAS Sections 236(1)(b)(ii) of *The Municipal Act* provides in parts as follows:

236(1) Without limiting the generality of clause 232(1)(o) (enforcement of by-laws) and subject to subsection (3), a by-law passed under that clause may include provisions

- (b) remedying contraventions of by-laws, including
  - (ii) subject to the regulations, providing for fines and penalties, including the imposition of a penalty for an offence that is in addition to a fine or imprisonment, so long as the penalty relates to a fee, rate, toll, charge or cost that is associated with the conduct that gives rise to the offence, or related to enforcing the by-law,

AND WHEREAS Section 90(1),(2) & (3) of *The Highway Traffic Act* in parts as follows:

90(1) A traffic authority may classify vehicles according to dimensions, design, weight, kind of weight carried or otherwise, for any class or all classes of vehicles and may make rules or by-laws supplementary to, or in addition to, but not contrary to, any provision of this Act, *The Drivers and Vehicles Act* or the regulations under either Act and applicable on highways over which the traffic authority has jurisdiction or within any area over which the traffic authority has jurisdiction, with respect to

- (a) parking, stopping and standing of vehicles and bicycles;

and may impose penalties for a violation of any such rule or by-law.

90(2) Where the traffic authority imposing a penalty under subsection (1) is a municipality, the council of the municipality shall impose the penalty by by-law.

90(3) Notwithstanding subsection (1), the council of an urban municipality may make rules or by-laws as provided in subsection (1) applicable to any part of a provincial highway within the municipality; but no such rule has effect unless approved in writing by the minister or the minister's delegate, and the notice of approval is attached to and forms part of the rule or by-law.

AND WHEREAS the Council of the Rural Municipality of Macdonald deems it necessary and in the best interest of the Municipality to restrict the parking of trucks and trailers on municipal right-of-ways in the Municipality;

NOW THEREFORE, the Council of the Rural Municipality of Macdonald, in Council assembled, enacts as follows:

### **1. Title**

This By-Law may be referred to as "No Trucks and Trailers Parking By-Law".

### **2. Definitions**

- (a) Unless otherwise expressly provided or unless the context otherwise requires, words and expressions in this By-Law have the same meaning as the same words and expressions in *The Municipal Act* and *The Highway Traffic Act*.
- (b) Wherever the singular or masculine are used throughout this By-Law, the same shall be construed as meaning the plural or feminine or neutral, where the context so requires.
- (c) "Municipal Road" means a municipal road as defined in The Municipal Act and includes a road and road allowance maintained by the Municipality.
- (d) "Truck" means a motor vehicle designed or adapted primarily for the transportation of cargo or property and has one of the following:
  - i) A GVWR exceeding 4,490 kilograms;
  - ii) More than four tires;
  - iii) Includes a trailer with a combined GVWR (truck and trailer) exceeding 6,500 kilograms.

### **3. Prohibition**

- a) No person shall park, or stop a truck over 4,490 kg in weight, school buses, semi-trailers of any type, trailer, or motor home on a municipal road within areas zoned Residential General, Residential General-1 and Residential Suburban in the Municipality's Zoning By-Law for a period of time longer than two consecutive hours.
- b) Within areas zoned Residential General, Residential General-1 and Residential Suburban in the Municipality's Zoning By-Law no person shall park a truck or trailer for use by a tradesperson working on premises in the immediate area overnight on any municipal road.

#### **4. Exemption to Prohibition**

The No Trucks and Trailers Parking restrictions set out in section 3 do not apply to the following:

- a) Trucks or trailers parked for use by a tradesperson working on premises in the immediate area;
- b) Emergency vehicles;
- c) A truck owned and operated by Canada Post Corporation, the Government of Canada, the Province of Manitoba or a public utility, provided such truck has the owner's name visibly displayed on it and it is actively engaged in works requiring the truck to drive, stop or be parked on a municipal road within areas zoned Residential General, Residential General-1 and Residential Suburban;
- d) A truck owned and operated, or a truck contracted and employed by the Municipality while in use in connection with work being done on or near a municipal road within areas zoned Residential General, Residential General-1 and Residential Suburban;
- e) A truck operated by a person during the course of loading or unloading.

#### **5. Contravention and Fines**

A person who contravenes this By-Law is guilty of an offence and is liable on summary conviction to a fine of not more than \$1000.00. Any costs associated with or resulting from enforcing this By-Law are in addition to any such fine, and are an amount owing to the Municipality and may be collected in any manner in which a tax may be collected or enforced under The Municipal Act.

#### **6. Severability**

If any provision of this By-Law is held to be invalid by any court of competent jurisdiction, the remaining provisions of the By-Law shall not be invalidated.

DONE AND PASSED by the Council of the Rural Municipality of Macdonald, in Council duly assembled, at Sanford, Manitoba this 14<sup>th</sup> day of September A.D., 2021.

#### **THE RURAL MUNICIPALITY OF MACDONALD**

*Original Signed by*

*"B. Erb"*

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Brad Erb  
Reeve

*"D. Hrehirchuk"*

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Daryl Hrehirchuk, CMMA  
Chief Administrative Officer

*Read a First time this 17<sup>th</sup> day of August A.D., 2021*

*Read a Second time this 14<sup>th</sup> day of September A.D., 2021*

*Read a Third time this 14<sup>th</sup> day of September A.D., 2021*