

TOWN OF WATSON LAKE

BY-LAW 01-08

Being a By-Law to Regulate Traffic within the Town of Watson Lake

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WHEREAS pursuant to the provisions of Section 265 and 272 of the Municipal Act 1998 which states in part as follows;

**SECTION 265** A Council may pass bylaws for municipal purposes respecting the following matters:

(1) Subject to the Motor Vehicles Act the use of motor vehicles or other vehicles, on or off highways, and the regulation of traffic, parking and pedestrians,

**SECTION 272** Subject to this Act and the Highways Act, a municipality has jurisdiction, management, and control over all highways within the boundaries of the municipality, other than a highway excepted by order of the Commissioner in Executive Council.

Motor Vehicles Act Section 117, 118, and 119 which state in part as follows:

- 117 (1) With respect to highways, subject to its direction, control, and management, a municipality by bylaw, may
- (a) prescribe a maximum speed in excess of 50 kilometres per hour for all or any part of a highway.
  - (b) prescribe a maximum speed of less than 50 kilometres per hour for all or any part of a highway, and
  - (c) prescribe a minimum speed for all or any part of any highway designated in the bylaw or prescribe different speeds
    - (i) for daytime and night time
    - (ii) for different periods of the year, or
    - (iii) for different traffic lanes on the same highway
- (2) A Municipality may prescribe
- (a) different maximum speeds for different classes of vehicles, and
  - (b) different maximum speeds for daytime and night time, but may not increase the maximum speed prescribed by this Act for school zones and playground zones.
- (3) With respect to any school zone or playground zone on a highway subject to its control and management, a municipality may prescribe a maximum speed limit less than that fixed by section 133 of the Motor Vehicles Act but not less than 20 kilometres per hour.
- (4) A person authorized by the municipality may, by signs posted along a highway subject to the direction, control and management of the municipality, fix a maximum speed limit in respect of any part of the highway under construction or repair or in a state of disrepair applicable to all vehicles or to any class or classes of vehicles while travelling upon that part of the highway.
- (5) Where speed limits are prescribed pursuant to this section the municipality fixing the speed limit shall cause to be erected along the highway signs indicating the speed limits so prescribed.

118 (1) A municipality may authorize the placing, erecting or marking of traffic control devices at such locations as are considered necessary for controlling highways subject to its direction, control and management.

119 (1) With respect to highways under its direction, control and management, a Municipality may make by-laws for the regulation and control of vehicle, animal and pedestrian traffic and may make bylaws

(a) restricting the weight of vehicles or of vehicles with their loads using the highways or any particular highway in the municipality.

(b) controlling and regulating the use of all highways, sidewalks and other public places and delegating to the chief constable or municipal manager any powers in connection therewith.

(c) delegating to the municipal manager the power to prescribe where traffic control devices are to be located, including traffic control devices restricting the speed of vehicles, providing that traffic control devices located by such persons pursuant to a delegation under this paragraph shall be deemed to have been made by bylaw of the municipality and providing for a record of all such locations to be kept which shall be open to public inspection during normal business hours.

(d) classifying motor and other vehicles and pedestrians for any and all purposes involving the use of streets, lanes and other public places.

(e) preventing or restricting, controlling and regulating

(i) the parking of vehicles or of any particular class or classes of vehicles on all or any highways and other public places or any portion thereof, and authorizing any person enforcing its parking laws to place an erasable chalk mark on the tread face of the tire of a parked or stopped vehicle without that person or the municipality incurring any liability for doing so.

(ii) the parking on specified highways or within a certain distance from any building, of any class or classes of vehicles or of vehicles used for carrying inflammable, combustible, explosive or other dangerous material whether loaded or unloaded, and defining the route or routes through the municipality that such vehicles must follow in entering or traversing the municipality and prohibiting them from travelling on any designated highway, bridge, overpass or subway, and

(iii) any other use of the highways and other public places or any portion thereof or for vehicles or any particular classification thereof.

(f) regulating and controlling the manner and method of entering and leaving private property whereon the parking of vehicles is permitted by the person in possession of the private property to persons other than his relatives, either for profit or otherwise.

(g) preventing the encumbering of streets and other

public places by vehicles and other articles, and

(h) providing for the impounding and removal from a highway, street, alley, parking lot or other public place of a vehicle in respect of which charges have not been paid or of a vehicle parked in violation of a provision of a bylaw or regulation.

119 (2) (d) regulating parades or processions over and along any highways within the municipality, and prohibiting the passage of any parade or procession over any or all highways within the municipality unless and until a permit therefor has been issued by the Mayor, or the Council by resolution has expressly permitted it.

(e) closing or restricting the use of any highway, subway, bridge or overpass or part of any highway, subway, bridge or overpass within the municipality either as to the full width thereof or as to part of the width thereof with respect to any class or classes of vehicles or with respect to any class or classes of pedestrians, and providing for the proper enforcement of any such closing either by way of the erection of barricades or by the adoption of such other means as the council considers necessary or expedient.

(i) prohibiting a class or classes of motor vehicles from using wholly or partially or for a certain period or periods a highway within the municipality.

(l) providing for the placing on a vehicle parked in contravention of this Act or a bylaw under this section of a parking tag in the form prescribed by bylaw allowing the payment of a penalty to the municipality in lieu of prosecution for the offence and setting the penalty applicable to each such offence.

(m) restricting the use of a highway in whole or in part to a particular class of vehicle.

(p) prohibiting the owner of a vehicle or person in charge of a vehicle from parking or leaving the vehicle on private property without authority from the owner, tenant, occupant or person in charge or control of the private property and providing for

(i) the impounding and removal from the private property of a vehicle so parked or left thereon without authority.

(q) prescribing speed limits on lanes or other thoroughfares prepared for the use of vehicles in privately owned trailer parks.

AND WHEREAS it is deemed expedient and in the best interest of the Town of Watson Lake to establish a Traffic Bylaw.

NOW THEREFORE, the Council of the Municipality of the Town of Watson Lake in Open Meeting duly assembled, hereby ENACTS AS FOLLOWS:

1.0 In this bylaw:

- a) "Commercial or Industrial Trailer" means a vehicle without motor power designed to be drawn by or used in conjunction with a motor vehicle or truck tractor and so constructed that an appreciable part of its weight and that of its load rests on or is carried by the motor vehicle or truck tractor, but does not include a house trailer or trailer having a registered gross vehicle weight (GVW) of less than 700 kg licensed pursuant to the Motor Vehicle Act.
- b) "Council" means the Council of the Town of Watson Lake.
- c) "Crosswalk" means any portion of a roadway at an intersection or elsewhere distinctly indicated for pedestrian crossing by signs or by lines or by other markings on the surface.
- d) "Chief Administrative Officer" means the Chief Administrative Officer of the Town of Watson Lake.
- e) "Highway" means any cul-de-sac, boulevard, thoroughfare, street, road, trail, avenue, parkway, driveway, lane, alley, square, bridge, causeway or other place, whether publicly or privately owned, any part of which the public is ordinarily entitled or permitted to use for the passage or parking of vehicles, and includes:
  - (i) a sidewalk, including a boulevard portion thereof,
  - (ii) where a ditch lies adjacent to and parallel with the roadway,
  - (iii) all the land shown on a registered plan of survey of a highway right-of-way,
  - (iv) where a highway right-of-way is contained between fences or contained in a cut-line or between a fence and one side of the roadway, all the land between the fences, all the land in the cut-line or all the land between the fence and the edge of the roadway, as the case may be,
  - (v) where a highway right-of-way is not shown on a registered plan of survey or is not contained between fences or cut-lines, all the land within 30 metres of the road centre line; where the 30 metre width encroaches on surveyed parcels of land the area within the parcels shall be excluded.
- f) "Motor Vehicle" means a vehicle that is designed to be self propelled in any manner except by muscular power, but does not include a vehicle operated solely upon rails, a vehicle operated exclusively off-highway, a tractor engine or power assisted wheelchair, or a vehicle that is not primarily designed to carry a load and is used exclusively for mining, forestry, construction, road maintenance or farming operations.

- g) "Park", when prohibited, means the standing of a

vehicle, or any part thereof, whether occupied or not, except when standing temporarily for the purpose of and while actually engaged in loading or unloading.

- h) "Pedestrian" means a person afoot, or an invalid or child in a wheelchair or carriage.
  - i) "Roadway" means that part of a highway intended for vehicular traffic.
  - j) "Sidewalk" means that portion of a highway between the curb line or lateral line of a roadway and the adjacent property line intended for the use of pedestrians; when no portion of a highway within a commercial area has been improved for the use of pedestrians, the portion of a highway other than a lane, lying within five feet of the adjoining property line shall be deemed to be intended for the use of pedestrians and included in the definition of "sidewalk" for the purpose of this bylaw.
  - k) "Stop" or "Stand" means, when required, a complete cessation of movement; and when prohibited, the halting of a vehicle, even momentarily, whether occupied or not, except when necessary to avoid conflict with other traffic or to comply with the directions of a traffic officer or traffic control device.
  - l) "Tanker Truck" means a motor vehicle or truck tractor with a commercial or industrial trailer or semi-trailer transporting any type of liquid or gas having a noxious odour or "dangerous goods" as per the Transport of Dangerous Goods Act, or containing or consisting of a tank transporting any type of liquid or gas having a noxious odour.
  - m) "Traffic" includes pedestrians, ridden or herded animals, vehicles, bicycles, and other conveyances, either singly or together, while using a highway for purposes of travel.
  - n) "Traffic control signal" means a device, whether manually, electrically or mechanically operated, including signs, by which traffic is directed to stop and to proceed.
  - o) "Trailer" means a vehicle so designed that it may be attached to or drawn by a motor vehicle and intended to transport property or persons, and including any trailer that is constructed or equipped as a dwelling place, living abode or sleeping place, either permanently or temporarily, but does not include machinery or equipment used in construction or maintenance of highways.
  - p) "Vehicle" means a device in, upon or by which a person or thing is or may be transported or drawn upon a highway.
  - q) "Yield" means to yield the right of way to all other traffic.
- 2.0 a) For the purposes of the enforcement of this By-Law, every person who is appointed to be a By-Law Enforcement Officer has all of the powers and functions of a peace officer as referred to in Section 226 of the Motor Vehicles Act.

- b) Every member of the Royal Canadian Mounted Police is ex officio an officer for the purposes of this By-Law.

- 3.0 Unless the context otherwise requires,
- a) the provisions of this By-Law relating to the operation of vehicles refer only to the operation of vehicles upon a highway.
  - b) the provisions of this By-Law do not apply to persons, vehicles and other equipment while actually engaged in highway construction or maintenance work upon, under or over the surface of highway while at the site of the work, but do apply to them when travelling to or from the site of the work; and
  - c) a person riding an animal or driving an animal-drawn vehicle upon a highway has all the rights and is subject to all the duties that a driver of a vehicle has under this bylaw.

#### TRAFFIC CONTROL

- 4.0 (1) In this By-Law the power is delegated to the Chief Administrative Officer to prescribe where traffic control devices are to be located, including traffic control devices restricting the speed of vehicles, and wherever a location for a traffic control device is prescribed, it shall be deemed to have been done by this By-Law.
- a) Temporary traffic control devices may be placed on highways on the authority of the CAO. Temporary traffic control devices placed under this subsection shall be removed on the authority of the CAO or when the requirement for temporary traffic control no longer exists.
- (2) A record of traffic control devices and their locations as prescribed by the CAO under subsection 4.0 (1) shall be kept at the Town Office, and the record shall be open for public inspection during the normal business hours of the Town Office.
- (3) No person shall erect or maintain a device or structure that interferes with the effectiveness of a traffic control device.
- (4) No person shall tear down, deface, injure or otherwise molest a sign or notice erected or posted up under lawful authority for the purpose of guiding or warning persons operating vehicles, pedestrians, or others on a highway.

#### SIGNS AND ADVERTISING

- 5.0 (1) No advertising may be placed upon a traffic control device.
- (2) No person may erect a sign or advertisement on a highway or highway right-of-way except with a written permit issued in advance by the CAO.

#### SPEED REGULATIONS

- 6.0 (1) Except as otherwise posted, no person shall drive a motor vehicle upon a highway within the Municipality at a rate of speed greater than 50 (fifty) kilometres per hour.

- (2) Council may by resolution declare any section of any highway to be a restricted speed zone.

- (3) Where a restricted speed zone is posted, no person shall drive a motor vehicle upon a highway at greater than 30 (thirty) kilometres per hour. When the restriction is posted as being limited to certain hours, the maximum speed of 50 (fifty) kilometres per hour applies outside of the posted hours.
- (4) For the purpose of responding to an emergency, the driver of an ambulance, a police or fire vehicle, may, with due regard for safety, exceed the posted speed limit and disregard any traffic control device, provided that all emergency warning devices of the vehicle are activated.
- (5) The speed limit on those sections of the Alaska Highway and the Robert Campbell Highway lying within the Municipal boundaries will be as determined and posted by the Government of Yukon Highways Department.
- (6) Notwithstanding subsection (5), the maximum speed on the Robert Campbell Highway between the High School Zone to the Alaska Highway shall not exceed 50 kilometres per hour.

TRAFFIC DIRECTIONS

- 7.0 (1) Every driver shall obey the instructions of any applicable traffic control device.
- (2) An officer may direct traffic according to his discretion notwithstanding anything in this By-Law, where he reasonably considers it necessary to do so to
- a) ensure orderly movement of traffic
  - b) prevent injury or damage to persons or property; or
  - c) permit proper action in an emergency.
- (3) Where a police officer is not present at the scene of a fire or emergency, any member of the fire department or ambulance crew may exercise the powers of an officer under subsection (2).
- (4) Notwithstanding anything in this By-Law, every driver shall obey the directions of an officer or other person directing traffic under this By-Law.
- (5) Notwithstanding anything in this By-Law, where a person is stationed or a barricade or sign is erected upon a highway to direct traffic in connection with any construction, repair or other work upon the highway, every driver shall obey the directions given by the flag person, or, if none, by barricades or signs.

PARKING REGULATIONS

- 8.0 (1) Council may, by resolution, establish parking regulations to:
- a) prohibit all parking
  - b) limit parking to a specified duration
  - c) restrict parking during specified hours or days
  - d) restrict parking to a specified category of vehicles

- e) direct the manner of parking

- (2) The CAO may declare any area to be a "No Parking Zone" for a limited period for the purpose of facilitating

road maintenance work, snow clearing, parades, etc.

- (3) No person shall park a vehicle, either attended or unattended so as to obstruct the free passage of traffic on a highway, or where it creates a dangerous condition for other users of the highway.
- (4) Subsection 3 does not apply when a motor vehicle is so disabled that it is not practical to avoid stopping and temporarily leaving a vehicle on the highway, under such circumstances the vehicle may remain on the highway for a maximum of two hours.
- (5) Where a vehicle is standing or parked
  - a) in violation of subsection 3 or 4
  - b) in a position that causes it to interfere with the maintenance of a highway or the removal of snow by a person authorized to do so by Council
  - c) in a position that causes it to interfere with emergency vehicles

an officer or person authorized by Council may immediately remove the vehicle at the owner's expense or require the driver or person in charge of the vehicle to move it to a position determined by the officer or authorized person.

- (6) No person shall park a vehicle in a place where a traffic control device indicates parking is prohibited.
  - a) No person shall park a vehicle within 5 metres of a fire hydrant.
- (7) No person shall park any Commercial or Industrial trailer of any kind on any highway in any residential district.
  - a) No person shall park any tanker truck of any kind on any highway in any residential zone, as defined in the Zoning By-Law.
  - b) No person shall park any vehicle that weighs or together with its load weighs more than 5600 kg (12,435 lbs) on any highway in any residential zone.
  - c) No campers, recreational vehicles or holiday trailers of any kind shall be occupied while parked or standing on any highway within the limits of the Town between the hours of 8:00 p.m. and 8:00 a.m.
- (8) No person shall stop, stand, or park a commercial vehicle in any residential area for any purpose for any period of time other than for the expeditious loading or unloading of passengers or the expeditious unloading and delivery or pick up and loading of materials.
- (9) Subject to the above, the method of parking and general parking prohibitions shall be in compliance with the Motor Vehicles Act.

#### STORING OF MOTOR VEHICLES

- 9.0 (1) Any motor vehicle parked on one location on a highway for a period exceeding seventy-two hours shall be deemed to be stored on a highway.



- a) Any trailer and/or boat when parked on a highway and attached to a motor vehicle shall be deemed to be part of that vehicle for the purpose of this By-Law.
- b) Any trailer and/or boat when not attached to a motor vehicle shall be deemed to be stored on a highway when parked on one location for a period exceeding twenty-four hours.
- (2) A By-Law Enforcement Officer may order the owner of a stored vehicle, trailer and/or boat to remove same from a highway.
- (3) Where an owner fails within twenty-four hours to comply with an order pursuant to subsection 2, or where the owner cannot readily be found, a By-Law Enforcement Officer may have the unit(s) removed at the expense of the owner, and shall hold same in custody until the owner has paid all costs incurred in moving and storing the items(s). Unless the vehicle, trailer or boat is claimed and paid for by the owner within thirty days of impoundment, the CAO may order disposal of the unit(s).

TRACKED VEHICLES

- 10.0 (1) The moving of any tracked vehicle or any vehicle equipped with lugs, except motorized toboggans (snowmobiles), on any highway shall be prohibited.
- (2) Prior to loading or unloading a tracked vehicle or equipment on a highway near a worksite, a contractor shall apply to the CAO for authorization to do so and shall abide by any conditions established for same.
- (3) For the purpose of installing, maintaining, or altering public utility installations located on or near a highway, a public utility may operate a tracked vehicle or equipment on a highway, provided that authorization from the CAO has been obtained prior to such operation.

TRUCKS, HEAVY EQUIPMENT, BUILDINGS AND OVERSIZE LOADS

- 11.0 (1) Council may, by resolution, specify restrictions as to the weight or size of vehicles or loads that may be operated on highways.
- (2) The CAO or Chief By-Law Enforcement Office may, upon receipt of an application in writing, grant a permit for the moving of a vehicle or heavy equipment that exceeds a weight or size restriction specified in a resolution under 11.0 (1).
  - a) Upon receipt of an application in writing, the CAO or Chief By-Law Enforcement Officer may grant a permit for the moving of a building or part of a building on or across a highway.

Such permits may be general, or may specify the time or highway that may be used, or may contain conditions related to the protection of persons and property from injury.

- (3) No person shall operate any vehicle contrary to a restriction specified by a resolution under 11.0 (1), or transport or move any building or part thereof on or across any highway without first having obtained a permit issued pursuant to 11.0 (2). The costs of repair

for any damage to road surfaces resulting from such movement is the responsibility of the permit holder as per Section 15.0 (2) of this Bylaw.

- (4) Any Officer having reason to believe that a vehicle is being operated contrary to a resolution under 11.0 (1), or in excess of a permit issued under 11.0 (2) may require that such vehicle be driven forthwith to and weighed at the nearest operating Weigh Scales within the municipal boundary.

#### PEDESTRIANS

- 12.0 (1) No pedestrian shall leave a curb or other place of safety and walk or run into the path of a vehicle that is so close that it is impracticable for the driver to yield.
- (2) Where a vehicle is stopped at a marked cross walk or at an intersection to permit a pedestrian to cross the highway, no driver approaching from the rear shall overtake and pass the stopped vehicle.
- (3) When a pedestrian is crossing a highway at a point other than a crosswalk or within an intersection, he shall yield the right of way to a driver.
- (4) Notwithstanding subsections (1), (2) and (3), a driver shall
  - a) Exercise due care to avoid colliding with a pedestrian who is upon the highway
  - b) Give warning by sounding the horn when necessary
  - c) Take proper precaution upon observing a child or an apparently confused or incapacitated person who is upon the highway.
- (5) Where there is a sidewalk or pathway that is reasonably passable on either or both sides of the roadway, a pedestrian shall not walk upon the roadway.
- (6) Where there is no sidewalk or pathway, a pedestrian walking along or upon the highway shall, when practicable, walk only on the left side of the roadway of the shoulder of the highway facing traffic approaching from the opposite direction.

#### BICYCLES

- 13.0 (1) A person operating a bicycle upon a highway has the same rights and duties as a driver of a vehicle.
- (2) The operation of any bicycle on any highway in the municipality shall be in accordance with all regulations in Sections 199-205 of the Motor Vehicles Act.
- (3) No person shall operate a bicycle on any sidewalk.
- (4) An officer may seize and impound for a period not exceeding 60 days any bicycle used or operated in contravention of this By-Law.

#### NOISE DEVICES

- 14.0 (1) No person shall operate a vehicle on a highway with a loud speaker or noise making device attached to the vehicle for advertising or for any other purpose unless a written permit has been issued to him by the By-Law

Enforcement Officer or CAO.

- (2) Except as a reasonable warning, no person shall at any time sound or use the horn, bell or warning device of a motor vehicle in order to make unnecessary or unreasonably loud or harsh noise.
- (3) A motor vehicle shall not be operated on any street or highway with an exhaust system that creates unnecessary or unreasonably loud or harsh noise.
- (4) No person shall operate a motor vehicle on a street or highway in such a manner as to cause the tires to make an unnecessarily loud or harsh squealing noise.
- (5) Use of engine compression or engine retarding brakes in the central business areas or residential sections of the Town is not permitted.

#### GENERAL REGULATIONS

- 15.0 (1) Any vehicle used by or on behalf of the Town or a public utility shall be equipped with an amber flashing dome light, and such light shall be activated when, for the purpose of road or public utility maintenance, such vehicle obstructs the normal flow of traffic.
- (2) No person shall break, tear, remove, damage, or make any excavation on or under any road surface, highway or sidewalk without the written permission of the CAO; every person who may be granted such permission shall be liable and responsible to replace or repair, as soon as possible thereafter, or immediately upon the order of the Town and to the satisfaction of the Town, such road surface, highway or sidewalk which was in any way encumbered, broken, torn or damaged by such person.
    - a) Any person who breaks, tears, removes, injures, damages or encumbers in any way any pavement, road surface, sidewalk or highway by any means shall be liable for the damage so caused and shall be responsible for the costs of repairing such damage, in addition to any penalty assessed hereunder for contravening the provisions of this by-law.
  - (3) No person shall store any materials (including but not limited to logs, fire wood or building supplies) on any highway or highway right-of-way. If materials are removed by the Town or by persons authorized to do so by the Town from the highway or highway right-of-way such removal shall be at the owner's expense.
  - (4) Snow removed from private property may not be placed on the travelled portion of any highway. When conditions warrant, the Town may limit the area of highway right-of-way available for placement of snow removed from private property.
  - (5) All costs and charges incurred in moving or storing a vehicle under this bylaw are the owner's expense and may be considered and collected as a debt to the Town.

- a) No person having an interest in a vehicle moved or stored under this bylaw has a right of action for damages arising out of the moving or storing of the vehicle.
- (6) The time periods specified in Sections 7 and 8 of this by-law may be changed from time to time by resolution of

