

Rural Municipality of Gimli

BY-LAW # 09-0007 - AMENDED

BEING A BY-LAW OF THE RURAL MUNICIPALITY OF GIMLI FOR THE REGULATION OF TRAFFIC

WHEREAS *The Municipal Act* and *The Highway Traffic Act*, S.M. 1985-86, C.3 – Cap H60 authorizes a municipality to pass by-laws for the control of traffic, speed, rules of the road and Bicycles; and

WHEREAS The Municipal Act authorizes a council to pass by-laws respecting: the regulation of off-road vehicles on private and public property, and carrying out the administration and enforcement of municipal by-laws, the Municipal Act and any other Act the Municipality is authorized to enforce; and

WHEREAS The Off-Road Vehicles Act authorizes a municipality to regulate, administer and enforce rules respecting the operation of off-road vehicles.

NOW THEREFORE BE IT AND IT IS HEREBY enacted as a by-law of the Rural Municipality of Gimli as follows:

1.0 SHORT TITLE:

1.1 **THAT** this by-law be referred to as the “Rural Municipality of Gimli Traffic By-Law”.

2.0 TRAFFIC BY-LAW SCHEDULES:

2.1 **THAT** Council may from time to time, by resolution, add or attach additional schedules as deemed necessary and amend each and every schedule attached to this by-law and set out as attached hereto:

Schedule “A” – Payment of Fines

Schedule “B” – Warning Notice of Infraction

Schedule “C” – Agreement to Operate Parking Spaces on Municipal Property

Schedule “D” – Designated and Restricted Parking Spaces within the Municipality

Schedule “E” – Designated Truck Routes

Schedule “F” – Designated ORV Routes

3.0 DEFINITIONS:

3.1 **THAT** in this By-Law, ALL-TERRAIN VEHICLE/QUAD means an off-road vehicle that

(a) operates or travels on three or more low-pressure tires;

(b) has a seat designed to be straddled by the operator of the vehicle; and

(c) has handlebars for steering the vehicle (« véhicule tous-terrains »)

3.2 **THAT** in this By-Law, APPROACH or SIDEWALK CROSSING, means that portion of a sidewalk or boulevard improved or designed for the passage of vehicular traffic or pedestrian traffic and is fully contained within the boundaries of the Municipal Road Allowance.

3.3 **THAT** in this By-Law, ARTERIAL HIGHWAY or THROUGH HIGHWAY, means a highway or portion thereof so designated by council at which vehicles shall stop before entering thereon.

3.4 **THAT** in this By-Law, AXLE GROUP means axle group as defined in the regulations of *The Highway Traffic Act*.

3.4.1 **THAT** in this By-Law, “BY-LAW ENFORCEMENT OFFICER” means the “By-Law



Enforcement Officer" appointed or authorized by the Council of The Rural Municipality of Gimli to enforce by-laws of the Municipality.

- 3.5 **THAT** in this By-Law BICYCLE means a device propelled by human power upon which a person may ride, and
- (a) that has 2 tandem wheels either of which is more than 20 inches in diameter, or
 - (b) that has 3 wheels, but not more than 3 wheels, each of which is more than 20 inches in diameter.
- 3.6 **THAT** in this By-Law BOULEVARD means that portion of a street between the curb lines or lateral lines of a roadway and the adjoining property line exclusive of the sidewalk, and that portion of a street between the curbs separating the roadways of a divided highway.
- 3.7 **THAT** in this By-Law CHIEF ADMINISTRATIVE OFFICER (C.A.O.) means the person so appointed by Council of the Rural Municipality of Gimli from time to time and for the purpose of this by-law, shall include such person, as the Chief Administrative Officer is entitled to delegate his/her authority to by Council of the Rural Municipality of Gimli from time to time.
- 3.8 **THAT** in this By-Law CLERK means that person so appointed as Clerk of the Rural Municipality of Gimli by Council as from time to time.
- 3.9 **THAT** in this By-Law COUNCIL means the Council of the Rural Municipality of Gimli or such Committee as Council may delegate as Traffic Authority.
- 3.10 **THAT** in this By-Law CROSSWALK means:
- (a) that part of a highway in an intersection distinctly indicated for pedestrian crossing by a traffic control device or by lines or other markings on the surface thereof; or
 - (b) that part of a highway elsewhere than in an intersection distinctly indicated for pedestrian crossing by a traffic control device and by lines or other markings on the surface thereof; or
 - (c) that part of a highway that is included within the straight production directly and not diagonally,
 - (i) of the lateral lines of the sidewalk on either side of any roadway intersecting or meeting that highway; or
 - (ii) of the lateral lines of any sidewalk that intersects or meets the highway on either side thereof; measured, in each case, from the curb, or in the absence of curbs, from the edge of the roadway on which the crosswalk is situated, and includes a pedestrian corridor.
- 3.11 **THAT** in this By-Law CURB means the lateral line of a roadway.
- 3.12 **THAT** in this By-Law DANGEROUS GOODS means those goods, the nature of which are such that their transport by vehicle requires the person transporting same to display safety marks on the vehicle in order to comply with section 15 of the "**DANGEROUS GOODS HANDLING AND TRANSPORTATION ACT**" but does not include goods contained in a vehicle for the proper operation of that vehicle.
- 3.13 **THAT** in this By-Law DERELICT VEHICLE means an object that is not a new and unused vehicle, and if
- (a) it is not in operating condition;
 - (b) it does not have attached thereto, and exposed thereon, one or more number plates issued under The Highway Traffic Act for the current registration year under that Act;

- (c) it is kept in the open; and
- (d) the owner thereof either
 - (i) has abandoned it; or
 - (ii) is keeping it primarily for the purposes of salvaging or selling parts therefrom, or for the eventual sale thereof as scrap metal; and a derelict vehicle also includes the body or chassis of a used motor vehicle all or some of the parts of which have been removed, and to which clauses under the derelict vehicle apply.

- 3.14 **THAT** in this By-Law DESIGNATED OFFICER means the person(s) authorized by the Municipal Council to enforce any part of this By-Law.
- 3.15 **THAT** in this By-law DESIGNATED PARKING SPACE means a space designated by signs or pavement marking as being for the sole use of vehicles displaying a permit and that is located:
- (a) on a highway
 - (b) in a public parking lot or facility, or
 - (c) in a private parking lot or facility to which the public has access.
- 3.16 **THAT** in this By-Law DIRECTIONAL DIVIDING LINE means a line marked or placed on a roadway, not necessarily at the centre thereof, to indicate to the drivers of vehicles the portions of the roadway that may be used for traffic proceeding in each direction and in the case of a roadway on which no such line is marked or placed, means the centre line.
- 3.17 **THAT** in this By-Law DIRECTOR OF OPERATIONS shall mean the person so appointed by Council of the Rural Municipality of Gimli from time to time and for the purpose of this by-law, shall include such person(s) as the Director of Operations is entitled to delegate his authority to by Council of the Rural Municipality of Gimli from time to time.
- 3.18 **THAT** in this By-Law DRIVER means a person who drives or is in actual physical control of a vehicle, and the expressions "Drive" and "Driving" have a corresponding meaning.
- 3.19 **THAT** in this By-Law DRIVEWAY means that portion of land within the boundary of private property that is for the sole purpose of parking a vehicle(s), trailer, motorhome or other means of transportation that is either owned/leased by the property owner or his/her guests or that portion of land within the boundary of private property that is used to enter or exit his/her property.
- 3.20 **THAT** in this By-Law EMERGENCY VEHICLE means a vehicle used:
- (a) for police duty; or
 - (b) by a fire department; or
 - (c) as an ambulance; or
 - (d) for the purposes related to maintenance of a public utility and designated as an emergency vehicle by a traffic authority or by the Council of the Rural Municipality of Gimli; or
 - (e) a motor vehicle carrying rescue or first aid equipment in an urgent emergency under the authority of the Rural Municipality of Gimli
- 3.21 **THAT** in this By-Law FIRE CHIEF means the Chief of the Rural Municipality of Gimli Fire Department or such person as may be authorized by the Rural Municipality of Gimli to exercise the responsibilities referred to in section 24(4) of this By-Law.
- 3.22 **THAT** in this By-Law GROSS WEIGHT means the combined weight of a vehicle and load.
- 3.23 **THAT** in this By-Law HIGHWAY means any place or way, including any structure forming part thereof, which or any part of which the public is ordinarily entitled or permitted to use for the passage of vehicles, with or without fee or charge therefore and includes all the space between the boundary lines thereof, but does not include any area designated or intended, and primarily used, for the parking of vehicles and the necessary passage ways thereon.

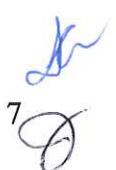
- 3.24 **THAT** in this By-Law HORSE includes mule, ox, or other beast of burden.
- 3.25 **THAT** in this By-Law INTERSECTION means the area embraced within the straight production of the lateral boundary lines of two or more highways that join one another at an angle, whether or not one such highway crosses the other.
- 3.26 **THAT** in this By-Law LANE means:
- (a) means a street not more than 6.2 meters in width;
 - (b) a roadway leading into public or private premises so to permit the ingress and egress of vehicles
- 3.27 **THAT** in this By-Law LANED ROADWAY means a roadway that is divided into two or more marked lines for vehicular traffic.
- 3.28 **THAT** in this By-Law LOADING ZONE means:
- (a) a designated portion of a highway adjacent to the curb reserved for the exclusive use of vehicles during the loading and unloading of passengers or materials;
- 3.29 **THAT** in this By-Law MOPED means a motor vehicle which
- (a) has 2 tandem wheels or w wheels, each of which is more than 250 millimetres in diameter,
 - (b) has a seat or saddle having a minimum unladen height of 650 millimetres, when measured from the ground level to the top of the forwardmost part of the seat or saddle,
 - (c) is capable of being driven at all times by pedals only if so equipped, by motor only, or by both pedals and motor, and
- the motor has a piston displacement of not more than 50 cubic centimeters, or is an electric motor neither of which is capable of enabling the moped to attain a speed greater than 50 kilometres per hour; (« cyclomoteur »)
- 3.30 **THAT** in this By-Law MOTORCYCLE means a motor vehicle, other than a tractor which:
- (a) is designated to travel on not more than three wheels on contact with the ground, and
 - (b) Has a seat or saddle for the use of the rider sitting astride thereof; and includes a bicycle with a motor attached by which it is driven, and a motor scooter, and is capable of obtaining the speed of 50 kilometers per hour or more.
- 3.31 **THAT** in this By-Law MOTOR HOME means a motor vehicle that
- (a) is designed and constructed as an integral unit to provide permanent living accommodation,
 - (b) is equipped with one or more beds and
 - (i) a stove or refrigerator, or
 - (ii) washing and toilet facilities, and
 - (c) is designed so that there is direct access from the living quarters to the driver's seat.
- 3.32 **THAT** in this By-Law MOTORIZED MOBILITY AID means a device which is specifically manufactured or modified for operation by a physically handicapped person and which has:
- (a) a maximum speed capability of not more than 15 kilometers per hour,
 - (b) a maximum width of not more than 81.2 centimeters, and
 - (c) a maximum mass of not more than 226 kilograms, and includes a motorized wheel chair.
- 3.33 **THAT** in this By-Law MOTOR VEHICLE means a vehicle not run upon rails that is designed to be self-propelled or propelled by electric power, but does not include a farm tractor, a self-propelled implement of husbandry, a special mobile machine, or a snowmobile other than one

mentioned in the exception set out in clause (a) and (b) of subsection (10) of 6 of The Highway Traffic Act.

- 3.34 **THAT** in this By-Law NUMBER PLATE means any proof of registration issued by the Registrar of Motor Vehicles, the Traffic Board, or the Taxicab Board, as the case may be, and required to be affixed to a motor vehicle or trailer.
- 3.35 **THAT** in this By-Law OFF-ROAD VEHICLE means any wheeled or tracked motorized vehicle designed or adapted for cross-country travel on land, water, ice, snow, marsh, swamp land or other natural terrain and includes, but is not limited to:
- (a) a snowmobile,
 - (b) an all-terrain vehicle,
 - (c) a mini-bike, dirt-bike and trail-bike,
 - (d) a miniature vehicle such as a dune or sport buggy,
 - (e) an off-road maintenance machine,
 - (f) an amphibious vehicle, and
 - (g) a four-wheel drive motor vehicle, motorcycle or snow vehicle that is being driven elsewhere than on a highway, whether or not it is registered under *The Drivers and Vehicles Act*, but does not include an implement of husbandry, farm tractor, special mobile machine, garden tractor, lawn tractor or golf cart
- 3.36 **THAT** in this By-Law ONE WAY STREET and ONE WAY LANE means a street or a portion of a street or a lane or a portion of a lane, as the case may be, so designated as one-way and duly signed.
- 3.37 **THAT** in this By-Law OVERNIGHT PARKING means an act of parking a vehicle during the hours of 12:01 A.M. and 7:00 A.M.
- 3.38 **THAT** in this By-Law OWNER means any person in possession of a motor vehicle under a contract providing that the ownership, title, and property therein is to vest in him at a subsequent time, upon payment of the whole or part of the price or the performance of any other condition, and also includes a person who, having been registered under Section 6 of the Highway Traffic Act as an owner of a motor vehicle or trailer, the ownership of which has passed from him, has failed to comply with Section 10 in the passing of the ownership thereof.
- 3.39 **THAT** in this By-Law PARADE means:
- (a) any procession or body of pedestrians, excepting members of Her Majesty's Armed Forces numbering more than thirty, standing, marching or walking anywhere on a highway, and /or
 - (b) group of vehicles, except a funeral procession or vehicles of Her Majesty's Armed Forces, numbering ten or more, standing or moving anywhere on a highway.
- 3.40 **THAT** in this By-Law PARK means to stand a vehicle whether occupied or not, except
- (a) when it is caused to stand temporarily for the purpose of, and while actually engaged in, loading or unloading, or
 - (b) in obedience to a peace officer or traffic control device.
- 3.41 **THAT** in this By-Law PEACE OFFICER means:
- (a) any member of the Royal Canadian Mounted Police force and any other police officer, police constable, or other person employed for the preservation and maintenance of the public peace; and
 - (b) any person lawfully authorized to direct or regulate traffic, or to enforce this Act or traffic by-laws or regulations, by making arrests for violation thereof or otherwise.
- 3.42 **THAT** in this By-Law PEDESTRIAN means a person afoot, or a person in a wheelchair or a child's carriage.

- 3.43 **THAT** in this By-Law PEDESTRIAN CONTROL SIGN means a traffic control signal directed at pedestrians.
- 3.44 **THAT** in this By-Law PEDESTRIAN CORRIDOR means a crosswalk, at an intersection or elsewhere, that has been designated as a pedestrian corridor by the proper traffic authority and that is illuminated and distinctly indicated for pedestrian crossing by:
- (a) such lights and other traffic control devices on the highway; and
 - (b) such lines, signs or other markings on the surface of the highway; as are prescribed in the regulations made by The Traffic Board.
- 3.45 **THAT** in this By-Law PERMIT means a valid physically disabled person's parking permit issued under Section 123.3 of the Highway Traffic Act.
- 3.46 **THAT** in this By-Law RECREATIONAL EQUIPMENT means a device or thing, other than a vehicle, on which a person can ride, or roll or slide over the ground, and includes, but is not limited to:
- (a) a sled, sleigh, toboggan or skateboard, and
 - (b) skates, skis, roller skates, roller blades or snowshoes.
- 3.47 **THAT** in this By-Law REDUCED RESTRICTED SPEED AREA means, subject to section 98
- (a) any city, town or village designated by the traffic board under section 98,
 - (b) any municipality or part of a municipality, or any part of unorganized territory, designated as a reduced restricted speed area by the traffic board under section 98, and
 - (c) any highway or portion of a highway designated by the traffic board under section 98.
- 3.48 **THAT** in this By-Law RESTRICTED PARKING SPACE means a space designated by signs or pavement markings for the sole purpose as to indicate special restrictions regarding 'No Parking', 'No Parking/Service Vehicles Only', 'Loading Zones', 'Time Restrictions' or other such type of restrictions, that may be approved by Resolution of Council from time to time, that are located:
- (a) on a highway
 - (b) in a public parking lot or facility, or
 - (c) in a private parking lot or facility to which the public has access
- 3.49 **THAT** in this By-Law ROADWAY means any place or way including any structure forming part thereof, which the public is ordinarily entitled or permitted to use for the passage of vehicles, with or without fee or charge therefore, but does not include a highway, or an area designed or intended and primarily used for the parking of vehicles.
- 3.50 **THAT** in this By-Law SCHOOL BUS means a vehicle that is designed and classified by the manufacturer as a school bus and used for the purpose of transporting pupils and other authorized persons to or from school or to or from approved school related activities.
- 3.51 **THAT** in this By-Law SEMI-TRAILER means a trailer so constructed that its weight and the weight of its load is carried partly upon an axle of the truck tractor towing it, and partly upon an axle of the trailer.
- 3.52 **THAT** in this By-Law SEMI-TRAILER TRUCK means truck tractor and a semi-trailer combined.
- 3.53 **THAT** in this By-Law SIDEWALK means footpath, whether or not paved or improved, that is intended primarily for the use of pedestrians and that either
- (a) forms part of that portion of a highway that lies between the curb line or, if there is none, the lateral boundary line of the highway, and
 - (i) the adjacent property lines; or

- (ii) the straight production of the adjacent property lines to the curb line or if there is none, to the lateral boundary line, of an intersecting highway; or
- (b) although not part of a highway, is maintained by the Rural Municipality of Gimli, set aside for pedestrian traffic only and for the purpose of giving access to property adjacent hereto.
- 3.54 **THAT** in this By-Law SINGLE AXLE means single axle as defined in the regulations of *The Highway Traffic Act*.
- 3.55 **THAT** in this By-Law SNOW VEHICLE means a vehicle that has a gross vehicle weight exceeding 454 kilograms and
- (a) is not equipped with wheels, but in place thereof is equipped with tractor treads alone or with tractor treads and skis, or with skis and a propeller, or is a toboggan equipped with tractor treads or a propeller,
- (b) is designed primarily for operating over snow or ice, and is used primarily for that purpose, and
- (c) is designed to be self-propelled.
- 3.56 **THAT** in this By-Law SNOW ROUTE means any highway or roadway within the boundary lines of the Rural Municipality of Gimli and so designated with proper signage, so as to regulate parking restrictions on said routes to enable the unencumbered removal of snow from the 15th. Day of November in any year to the 31st. day of March, in the following year, both dates inclusive.
- 3.57 **THAT** in this By-Law SPECIAL MOBILE MACHINE means:
- (a) A vehicle, other than a dump truck, truck mounted transit mixer or other truck mounted machine, that
- (i) Is used primarily for the purposes of construction and repair of highways, buildings and other structures and is only incidentally operated on a highway, and
- (ii) Is designed for purposes of such construction and repair, or
- (iii) Is operated by or on behalf of a traffic authority on a highway over which the authority has jurisdiction, or
- (b) A vehicle that
- (i) Is operated by or on behalf of a traffic authority on a highway over which the authority has jurisdiction for the purpose of sweeping, grading, scraping, plowing or clearing snow from or otherwise maintaining the highway surface,
- (ii) Is insured under a policy of liability insurance in an amount not less than the amount prescribed in section 161 of The Highway Traffic Act, and
- (iii) Is operated by a driver who holds a valid and subsisting driver's license for the truck where the vehicle is a truck mounted with a device to adapt it for the purpose of sweeping, grading, scraping, plowing or clearing snow from or otherwise maintaining a highway surface, but excludes a vehicle designed or primarily used for the transportation of persons or goods other than as set out above.
- 3.58 **THAT** in this By-Law STAND as applied to a vehicle, whether occupied or not, means
- (a) When required, to cause the vehicle to remain motionless in one place, and
- (b) when prohibited, to cause the vehicle to remain motionless in one place, except when necessary to avoid conflict with other traffic or in compliance with the directions of a peace officer or a traffic control device, and **STANDING** has a corresponding meaning.
- 3.59 **THAT** in this By-Law STOP, as applied to a vehicle whether occupied or not, means
- (i) when required, to cause the vehicle to cease to move, and
- (ii) when prohibited, to cause the vehicle to cease to move, except to avoid



conflict with other traffic or in compliance with the directions of a peace officer or a traffic control device and STOPPING to mean an act of parking for a duration of less than fifteen (15) minutes.

- 3.60 **THAT** in this By-Law TRACTOR means a self-propelled vehicle that is designed primarily for traction purposes, and that is not itself constructed to carry any load other than the driver, and includes a farm tractor but does not include a truck tractor or a special mobile machine.
- 3.61 **THAT** in this By-Law TRAFFIC includes pedestrians and ridden, driven, or herded animals and vehicles, and other conveyances, either singly or together, while using a highway for purposes of travel.
- 3.62 **THAT** in this By-Law TRAFFIC AUTHORITY means:
- (a) in the case of provincial highways, and highways in unorganized territory, and to the forest reserves to which reference is made in subsection 90(9), the minister
 - (b) in the case of inter-municipal highways, the municipalities acting together or one of the municipalities acting with the approval of the Municipal Board,
 - (c) in the case of highways within municipalities, except those on privately-owned land, the municipality within the limits of which the highway is situated,
 - (d) in the case of a highway, in an Indian Reserve except a provincial highway, the council of the band on the reserve,
 - (e) in the case of a highway on privately-owned land, the owner thereof,
 - (f) in the case of a highway in a local government district, or part thereof, that has been designated in an order made under section 321, that local government district.
- 3.63 **THAT** in this By-Law TRAFFIC CONTROL DEVICE means a sign, signal, light, marking, or device, not inconsistent with this Act, placed or erected by a traffic authority for the purpose of regulating, warning or guiding traffic.
- 3.64 **THAT** in this By-Law TRAFFIC CONTROL SIGNAL means a traffic control device, whether manually, electrically, or mechanically operated, by which, when operating, traffic is directed to stop and to proceed.
- 3.65 **THAT** in this By-Law TRAILER means a vehicle designed for carrying persons or chattels, and for being towed by a motor vehicle, and includes a farm trailer but does not include an implement of husbandry that is temporarily towed upon a highway.
- 3.66 **THAT** in this By-Law TRUCK means a motor vehicle or semi-trailer truck, that is not a delivery car and that is constructed or adapted to carry goods, wares, and merchandise, freight or commodities, but not passengers or luggage.
- 3.67 **THAT** in this By-Law TRUCK TRACTOR means a motor vehicle having a net weight of more than 4,000 kilograms, equipped with the lower half of a fifth wheel coupler designed to be used to pull a semi-trailer by coupling to the king pin attached to the semi-trailer.
- 3.68 **THAT** in this By-Law UNOBSTRUCTED, as applied to a roadway or a lane of a laned roadway means not obstructed by a stationary object.
- 3.69 **THAT** in this By-Law VEHICLE means a device, in, upon, or by which a person or thing is or may be transported or drawn upon a highway but does not include
- (a) a device designed to be moved solely by human muscular power or used exclusively upon stationary rails or tracks, or
 - (b) a motorized mobility aid.

4.0 VEHICLES IN FUNERAL PROCESSIONS:

- 4.1 The driver of every vehicle in a funeral procession indicated as such by lighted headlamps and the leading vehicle identified by distinguishing marker or pennant, upon approaching a stop signal or stop sign shall slow down as may be necessary for safety, but may proceed cautiously past the signal or sign.
- 4.2 The driver of a vehicle shall yield the right-of-way to vehicles in a funeral procession, when such vehicles are identified as noted in Section 4 (4.1) and shall not drive between the vehicles comprising a funeral procession while they are in motion, unless otherwise directed by a peace officer.

5.0 PUBLIC SERVICE VEHICLES:

The provision of this by-law prohibiting standing or parking shall not apply to:

- 5.1 vehicles of the Royal Canadian Mounted Police Force or vehicles engaged in the work of the Royal Canadian Mounted Police Force.
- 5.2 vehicles of or employed by the Rural Municipality of Gimli while in use or in connection with work being done on or near a highway.
- 5.3 vehicles of Her Majesty's Forces, the Royal Mail, or of the Manitoba Government, or any public utility if such vehicle has the owner's name painted thereon and is actually engaged in work necessary, on or near a highway requiring them to stand or be parked in contravention of any such provision.

6.0 PLACING AND MAINTENANCE OF TRAFFIC SIGNS

- 6.1 The Public Works Superintendent of the Rural Municipality of Gimli shall place and maintain or cause to be placed and maintained, all traffic signs authorized by council required to make effective the provisions of this by-law.
- 6.2 The Superintendent shall place and maintain or cause to be placed or maintained, temporary traffic signs for the purpose of prohibiting or regulating traffic where highway construction, repairs, painting, snow removal, street sweeping, or other emergency occurs.
- 6.3 Subject to the provisions of Section 4 & 5 of this By-Law, and unless otherwise instructed by a Peace Officer, pedestrians and drivers of vehicles, shall obey the direction, instructions, limitations, restrictions or prohibitions of any applicable traffic sign or device placed by authority of the said Superintendent of Public Works for the purpose of regulating or prohibiting traffic.
- 6.4 Whenever official traffic signs or devices are placed in position conforming to the requirements of this by-law, such signs or devices shall be presumed to have been so placed by the official act or direction of lawful authority unless the contrary shall be established by competent evidence.
- 6.5 No person shall place or maintain or display, upon or in view of a highway, any unofficial
- (a) sign, signal or device, which purports to be or is an imitation of or resembles an official sign, signal or device
 - (b) and no person shall attempt to hide from view any official sign, signal or device
- 6.6 No person shall without lawful authority drive or attempt to drive on or over, or tamper with or walk on any newly painted lines on any highway or sidewalk, when presence of such is indicated by markers or lighted lanterns.

7.0 SOLICITING RIDES ON HIGHWAY

- 7.1 No person shall stand on a highway for the purpose of soliciting a ride from the driver of a vehicle.
- 7.2 Where there is a sidewalk that is reasonably passable on either or both sides of a highway, a pedestrian shall not walk on a highway.
- 7.3 Where there are no sidewalks that are reasonably passable on either side of the highway, then a pedestrian may walk on the edge of a highway as close to the curb or edge of the highway as possible and they shall walk on the side of the highway upon which traffic is traveling in the opposite direction as to which the pedestrian is proceeding.

8.0 GENERAL REGULATIONS

- 8.1 No person shall travel on a roadway at a speed of greater than 30 kilometers per hour within a restricted reduced speed area of any park or playground in the Rural Municipality of Gimli.
- 8.2 No person shall travel on a roadway at a speed of greater than 30 kilometers per hour within a restricted reduced speed area of any school or schoolyard while school is in session between the hours of 8:00A.M. through 5:00P.M. Monday to Friday inclusive.
- 8.3 No vehicle shall be driven on a sidewalk or boulevard, but may be driven over an approach or sidewalk crossing.
- 8.4 No person shall travel at a speed greater than 50 kilometers per hour on any highway or roadway within the boundaries of the Rural Municipality of Gimli except in those areas within the Rural Municipality of Gimli which have been designated by by-law or other governing authorities or otherwise duly posted to have a different rate of speed.
- 8.5 No person shall allow the use of an extension cord to be run across from his/her private property onto a sidewalk, boulevard, approach, lane, laneway or other municipal or public space.
- 8.6 Businesses within the Boundaries of the Rural Municipality of Gimli and with written contractual agreement with the Rural Municipality of Gimli shall be allowed to maintain customer parking spaces on Municipal owned property or boulevards upon the approval of "Council" and provided that proper signage be erected by the Superintendent of Public Works of the Rural Municipality of Gimli or cause to be placed or maintained, and the associated costs to be appropriately charged back to the said business. Further, in the agreement it shall be indicated that the Business Owner would also be responsible for the proper upkeep and maintenance of said parking spaces at all times. Both parties would be required to complete "Schedule C" which would become effective by resolution of "Council".

9.0 GENERAL REGULATION - SCENES OF FIRES

- 9.1 A motor vehicle owned by a volunteer member of the Rural Municipality of Gimli Fire Department may be equipped with a lamp affixed to the left front fender, not exceeding 100 millimeters in diameter, casting a red flashing light, and showing the letters "VVF" in black; and the lamp shall be illuminated only when the motor vehicle is proceeding to a fire or other emergency, and no other motor vehicle shall be equipped with such a lamp.
- 9.2 The driver of a vehicle shall not closely follow a vehicle of the Fire Department traveling in response to a fire alarm or drive into or park a vehicle within the block that the fire fighting vehicle has stopped in answer to a fire. (This section shall not apply to vehicles

operated by the members of the Fire Department in response to a fire alarm).

- 9.3 No person shall drive a vehicle over any unprotected fire hose extended for fire fighting purposes.
- 9.4 No person shall willfully fail or refuse to comply with any lawful order or direction of a fire department official or a person directed by a fire department official enforcing the provisions of this by-law.

10.0 PARADES

No person shall hold, take part in or be a member or a parade unless:

- 10.1 The parade is under the direction or control of a person acting as Marshall or Organizer.
- 10.2 The parade has been duly permitted by Council of the Rural Municipality of Gimli.
- 10.3 Any person desiring to hold a parade shall apply to the C.A.O. of the Rural Municipality of Gimli in writing for a permit therefore not less than four weeks prior to the time set for commencement of the parade, and shall when making his/her request, specify the nature of the parade, the day and hour at which it is to be held, the place of formation and dispersal, the exact route to be followed, the estimated length or time for the parade to pass a given point and pay such sums of money as the Council shall require for the purpose of publishing due notice of the parade and such diversion of traffic as he/she may deem necessary as a result thereof.
- 10.4 The C.A.O. on approval of Council on receipt of an application made in accordance with the provisions of this section shall, as he/she may deem necessary, make arrangements to properly police the streets during the passage of the Parade, to divert traffic and barricade or obstruct highways, lanes, roadways, or portions thereof.
- 10.5 While a parade is in progress, pedestrians not participating shall be restricted to the adjoining sidewalk.
- 10.6 Unless so directed by a By-Law Enforcement Officer, Peace Officer or member of The Royal Canadian Mounted Police, no person shall drive a vehicle through a parade.
- 10.7 Unless otherwise directed by a By-Law Enforcement Officer, Peace Officer or member of The Royal Canadian Mounted Police, no person shall drive a vehicle on any portion of a highway that has been roped off, barricaded or otherwise indicated to traffic.
- 10.8 Every person driving, leading, or riding a horse shall be subject to all the provisions of this by-law.
- 10.9 A person driving, riding or leading a horse or horse drawn vehicle shall at all times hold the reins in his/her hand and shall not lose control of the horse or vehicle.
- 10.10 A person driving, riding or leading a horse or horse drawn vehicle shall be responsible for ensuring that a proper receptacle is attached at the rear of the horse for the purposes of excrement and, furthermore, any excrement that may be deposited on any roadway within the Rural Municipality of Gimli by the said horse shall be immediately cleared from the roadway by the driver, rider or leader of the horse.

11.0 CLOSING OF THE HIGHWAYS

- 11.1 The Rural Municipality of Gimli may by resolution duly passed close any highway or portion thereof for the purpose of conducting a special event thereon and provided proper signage is in place 24 hours prior to that event taking place.

- 11.2 The Rural Municipality of Gimli may by resolution duly passed designate any highway or portion thereof as a "Snow Route" for the purpose of regulating or prohibiting the flow of traffic for a maximum of 48 hours after any given snowfall as deemed necessary to speed the clean up of said highway provided temporary 'No Parking' signs are posted 24 hours prior to clean up.

12.0 RESTRICTIONS ON USE OF HIGHWAY

- 12.1 All highways and roadways within boundaries of the municipality will have weight restrictions, which unless otherwise posted, will be restricted to 80 per cent of normal axle weight. Restriction dates will be determined by the annual restriction dates imposed by Infrastructure and Transportation, Province of Manitoba.
- 12.2 Exceptions for vehicles carrying essential commodities will be as described and specified in the Spring Road Restrictions Bulletins issued by the Province of Manitoba.
- 12.3 Under the authority of the Manager of Public Works & Operations of the Rural Municipality of Gimli, permits may be issued only to prevent undue hardship or for economic necessity. Other request for permits may be considered, at the discretion of the Manager of Public Works & Operations, in situations where it is determined to be in the public interest.
- 12.4 A peace officer/by-law enforcement officer may at any time stop and weigh, or cause to be weighed, any vehicle or any vehicle and load, on a highway; and, for that purpose, he may require that the vehicle be driven to any scale capable of weighing the vehicle and its load and which is available for use at the time of the demand made by the peace officer/by-law enforcement officer.
- 12.5 Every person shall:
- 12.5.1 Stop his vehicle when required so to do by a signal from a peace officer/by-law enforcement officer under subsection 12.4; and
 - 12.5.2 When so required by a peace officer/by-law enforcement officer under subsection 12.4 drive his vehicle to a scale capable of weighing the vehicle and its load and which is available for use at the time of the requirement made by the peace officer/by-law enforcement officer.
- 12.6 No action lies against a peace officer/by-law enforcement officer or against the Municipality for loss or damage suffered by any person resulting from the enforcement of or compliance with this section.
- 12.7 Where a person operates, or causes to be operated, upon a highway a motor vehicle in excess of the weight permitted by *The Highway Traffic Act* or this By-Law or the provisions specified in the Spring Road Restrictions Bulletins issued by the Province of Manitoba, and the vehicle causes damage to the highway or any part thereof, the owner and operator are jointly and severally liable to the traffic authority for the damage.
- 12.8 A person is guilty of an offence if, by an excess weight of less than 2,000 kg, the person contravenes or fails to comply with;
- 12.8.1 A provision of this section respecting vehicle or axle maximum gross weight or a provision respecting vehicle or axle maximum gross weight of a regulation made under this section; or

- 12.8.2** A condition respecting vehicle or axle maximum gross weight of a permit issued under sections 12.2 or 12.3.
- 12.9** A person is guilty of an offence if, by an excess weight of 2,000 kg or more, the person contravenes or fails to comply with;
- 12.9.1** A provision of this section respecting vehicle or axle maximum gross weight or a provision respecting vehicle or axle maximum gross weight of a regulation made under this section; or
- 12.9.2** A condition respecting vehicle or axle maximum gross weight of a permit issued under sections 12.2 or 12.3.
- 12.10** A person who commits an offence under subsection 12.8 or 12.9 is liable on summary conviction to a fine of \$13.20 for each 50 kg. or portion of such a weight, by which the actual gross weight of the vehicle, a single axle or an axle group exceeds the maximum gross weight prescribed or permitted by the provision or condition.
- 12.11** All trucks, truck tractors or semi-trailer trucks within the Rural Municipality of Gimli shall be operated only over and along the streets or sections of streets set forth as Truck Route in Schedule "E" hereto, but any truck, truck tractor or semi-trailer truck may operate upon any street where necessary to the conduct of business at a destination point, provided that Truck Routes are used until reaching the intersection nearest the destination point. Upon leaving the destination point, a truck, truck tractor or semi-trailer truck shall return by the shortest routing to a Truck Route.
- 12.12** Notwithstanding Section 12.11, to minimize truck travel on non-truck routes when a truck, truck tractor or semi-trailer has multiple deliveries in an area bounded by Truck Routes, it may proceed to conduct such business without returning to the nearest Truck Route and only after the completion of all business return by the shortest routing to a Truck Route.
- 12.13** Where "Route" Signs are installed and maintained on a street or section of street, the street or section of street shall be deemed to be a Truck Route within the terms of this by-law.
- 12.14** Where Provincial Trunk Highway signs or Provincial Road signs of The Province of Manitoba are installed and maintained on a street or section of street, the street or section of street shall be deemed to be a Truck Route within the terms of this by-law.
- 12.15** Nothing in this by-law prohibits a person from driving a truck or truck tractor without a trailer between that person's home and the nearest Truck Route.
- 12.16** Subject to the exemptions provided in Section 12.17 herein, no person shall park or leave a truck, a truck trailer, a semi-trailer detached from a truck tractor on any street or public parking lot within the Rural Municipality of Gimli.

12.17 The provisions of this by-law relating to parking shall not apply to:

- 12.17.1** Vehicles of the Police Service and/or the Fire Department while used in the course of duty;
- 12.17.2** Vehicles of or employed by the Municipality while in use in connection with work of necessity being done on or near a street;
- 12.17.3** Vehicles of or employed by the Government of Manitoba, the Government of Canada or a public utility, if such vehicles have the owner's name painted thereon, or can otherwise be identified as such, and are actually engaged in work of necessity on or near a street requiring them to park in contravention of these provisions;
- 12.17.4** For periods not exceeding one hour while loading or unloading goods at a commercial establishment or such longer time for the immediate purpose of loading or unloading household goods and furniture to a private residence or apartment.
- 12.17.5** The parking of a truck or truck tractor without a trailer at a person's residence, provided the truck or a truck tractor is parked entirely on private property.

12.18 No person shall engage, operate, apply or otherwise use an engine retarder brake on any vehicle driven in the Rural Municipality of Gimli, except in an emergency where it is necessary in the circumstances to do so.

13.0 CLINGING TO MOTOR VEHICLES

No person riding upon or using any vehicle or device shall attach the same or himself/herself to any moving vehicle, upon a highway and no driver of any moving vehicle shall permit any such person to attach himself/herself, his/her vehicle or other device, thereto.

14.0 U-TURNS

- 14.1** No person shall turn a vehicle on a highway in said Municipality so as to proceed in the opposite direction except at an intersection, unless such a turn is prohibited at such intersection.
- 14.2** No person shall turn a vehicle so as to proceed in the opposite direction at any intersection on Center Street in said Municipality.

15.0 BICYCLES

- 15.1** Every person riding a bicycle shall be subject to all the provisions of this by-law, insofar as they can be made applicable thereto.
- 15.2** A person who is operating a bicycle shall comply with the following provisions, namely,
 - 15.2 (i)** He/she shall not ride on a sidewalk in any way that interferes with the unencumbered movement of pedestrian traffic.
 - 15.2 (ii)** Subject to clause (15.1) he/she shall ride as closely as practicable to the right

- hand edge or curb of a highway or to any person who may be riding a bicycle on his/her right side; and persons riding on a highway shall not ride more than two abreast.
- 15.2 (iii) He/she shall keep at least one hand on the handlebars.
- 15.2 (iv) He/she shall not ride other than upon or astride a regular seat of the bicycle as provided by the manufacturer.
- 15.2 (v) He/she shall not use the bicycle to carry more passengers at one time than the number for which it is designed and equipped by the manufacturer.
- 15.2 (vi) He/she shall not ride a bicycle on a highway where signs prohibit their use.
- 15.2 (vii) He/she shall give the signals required by the Manitoba Highway Traffic Act.
- 15.2 (viii) Any person operating a bicycle shall obey the instructions of traffic signs and devices applicable to vehicles, unless directed by a By-Law Enforcement Officer, Peace Officer or member of The Royal Canadian Mounted Police.
- 15.2 (ix) No bicycle shall be equipped with nor shall any person use upon a bicycle any siren horn or device producing a sound, which resembles that produced by a siren horn.
- 15.2 (x) Any person guilty of a breach of any of the provisions of Section 15 shall be liable to seizure of his or her bicycle and the same may be held under seizure by a By-Law Enforcement Officer, Peace Officer or member of The Royal Canadian Mounted Police within the Rural Municipality of Gimli until such time as the person guilty of such breach has paid the fee set forth in Schedule A attached hereto.

16.0 SNOWMOBILES, UNLICENSED MOTORCYCLES, ALL TERRAIN VEHICLES, QUADS, MOPEDS, OFF-ROAD VEHICLES AND MOTORIZED MOBILITY AIDS

- 16.1 Unless otherwise directed by a By-Law Enforcement Officer, Peace Officer or member of the Royal Canadian Mounted Police, no person shall drive a snowmobile or any unlicensed motorcycle, minibike, all terrain vehicle, quad, unlicensed moped or off-road vehicle on any highway, roadway, or lane within the Rural Municipality of Gimli.
- 16.2 No person shall operate an unlicensed motorcycle, all terrain vehicle, quad, moped or off-road vehicle within the boundaries of the Rural Municipality of Gimli on:
- (a) land identified in the Dominion Government Survey as a road allowance;
 - (b) public reserve land;
 - (c) park land or land set aside for recreational use by the public;
 - (d) land along the shore of a lake or body of water;
 - (e) crown land;
 - (f) land used by Manitoba Hydro for water storage or a power reserve;
 - (g) land owned by the Rural Municipality of Gimli;
 - (h) land used for a drain, located on land owned by Manitoba, the Municipality or privately owned,
 - (i) a sidewalk
- 16.3 Subject to sub-section 16.1 it will be lawful for a driver licensed under the Highway Traffic Act to drive a snowmobile across a highway, roadway or lane or other posted designated routes that may be approved by private written agreement, Municipal By-laws or as assigned by a resolution of Council.
- 16.4 Subject to the provisions of the existing By-Law for the purpose of regulating the operation of snowmobiles within the limits of the Rural Municipality of Gimli, the driver of a snowmobile must drive the snowmobile along the lane immediately adjacent to his or her residence or immediately adjacent to the residence of his or her relative to the nearest designated route.
- 16.5 Any person operating a licensed motorcycle shall only operate that motorcycle upon the area of a highway which has been designated for vehicular traffic.

- 16.6 Any individual operating a Motorized Mobility Aid within the boundaries of the Rural Municipality of Gimli shall do so only on sidewalks within the R. M. He/she shall not ride a motorized mobility aid on a sidewalk in any way that interferes with the unencumbered movement of pedestrian traffic. It shall be an offence for any person to ride upon a motorized mobility aid on a street. This restriction shall not apply where there is no sidewalk within the street right-of-way or where an existing sidewalk is made impassable due to a curb impediment or made impassable due to a buildup of snow thereon and any such vehicle is operated in a safe manner.
- 16.7 The prohibition on the operation of an off-road vehicle on privately owned land does not apply to a person who has permission from the owner or occupier of the land.
- 16.8 The prohibition on the operation of an off-road vehicle on Crown land does not apply to a person who has permission from the Crown or from the occupier who holds the land under a lease or permit from the Crown.
- 16.9 The prohibitions on the operation of an off-road vehicle in subsection 16.2 do not apply to a person employed by or contracted to perform work for Canada, Manitoba, a Municipal Government, or Manitoba Hydro during the course of the performance of their duties.
- 16.10 No person shall operate an off-road vehicle within 100 meters of a dwelling between the hours of 11:00P.M. and 7:00A.M. This prohibition does not apply to a person operating an off-road vehicle who has permission from the owner or occupier of the dwelling and providing that the Noise By-Law of the R.M. of Gimli is not in violation.
- 16.11 No person shall operate an off-road vehicle except in accordance with the age restrictions set out in the *Off Road Vehicles Act*.
- 16.12 No person shall operate an off-road vehicle in a careless manner, and must operate in accordance with the rules governing the reasonable and prudent operation of an off-road vehicle set out in sections 31 and 31.1 in the *Off Road Vehicles Act*.

17.0 EXCESSIVE NOISE

No person shall create or cause a disturbance of the peace by blowing of horns, or squealing of tires, or operating vehicles with improper mufflers or no mufflers at all within the Rural Municipality of Gimli

18.0 PARKING

- 18.1 Except where otherwise indicated by a traffic sign or device, a driver shall not stop, stand or park a vehicle other than on the right side of a highway and with the right hand wheels parallel to that side and where there is a curb, within eighteen inches of the curb; and where there is no curb, the passenger side wheels of the vehicle must be on the shoulder and the driver side wheels of the vehicle must be on the roadway.
- 18.2 Except where otherwise indicated by a traffic sign or device, a driver shall not stop, stand or park a vehicle in any of the following places:
- 18.2 (i) On a sidewalk, boulevard or approach
- 18.2 (ii) At the entrance to a lane or to a driveway or an approach leading into public or private premises so as to obstruct the ingress or egress of vehicles.
- 18.2 (iii) Within an intersection, or within 6 meters of an intersection.

- 18.2 (iv) Within 3 meters of a fire hydrant or when the hydrant is located at the curb, within 3 meters of the point of the curb nearest the hydrant.
- 18.2 (v) On a crosswalk
- 18.2 (vi) Within 3 meters of any crosswalk
- 18.2 (vii) Along side or opposite any street excavation or obstruction when stopping, standing or parking would obstruct traffic.
- 18.2 (viii) On the left side of any vehicle parked on a highway.
- 18.2 (ix) Within 6 meters of a stop sign.
- 18.2 (x) In front of a fire station, whether on the same or opposite side of the highway.
- 18.2 (xi) No person shall stop, stand or park a motor vehicle in a designated parking space, or in a manner that makes a designated parking space inaccessible, unless the vehicle displays a permit in accordance with the Highway Traffic Act and the regulations under that Act.
- 18.2 (xii) In contravention of any traffic sign, device or painted road markings put in place by the Municipality or that have been required to be put in place by the Municipality.
- 18.3 No person shall stop, stand, or park or cause to stop , stand, or park any vehicle on a highway, that has not been duly registered as provided by the Manitoba Highways Traffic Act.
- 18.4 No person shall stop, stand or park or cause to stop, stand or park any vehicle on any highway or roadway within the limits of the Rural Municipality of Gimli so designated and properly signed as a 'Snow Route' between the hours of 12:01A.M. and 7:00A.M. during the period from the 15th day of November in any year to the 31st day of March in the following year, both dates inclusive.
- 18.5 No person shall park or cause to park any vehicle on any highway or roadway within the limits of the Rural Municipality of Gimli, including all the space between the boundary lines of such highway, between the hours of 12:01A.M. and 7:00A.M. during the period from the 15th day of November in any year to the 31st day of March in the following year, both dates inclusive after a snowfall of 15cm or more.
- 18.6 No person shall park any truck having a cargo capacity of over one ton, or any tractor trailer, or any truck tractor, or any unhitched trailer, or any school bus as the same are defined in the Highway Traffic Act or as defined in Section 3 of this by-law on any highway within the limits of the Rural Municipality of Gimli between the hours of 1A.M. and 7:00A.M. 12:0
- 18.7 No person shall park or cause to be parked, a vehicle between the hours of 12:01A.M. and 7:00A.M. on any portion of a highway upon which has been placed the preceding day temporary "No Parking" signs indicating the portion of the highway upon which parking is so prohibited.
- 18.8 Unless specifically permitted by Resolution of Council, no person shall park or cause to be parked on any highway:
- 18.8 (i) an advertising vehicle.
- 18.8 (ii) a gasoline tank truck unattended.
- 18.8 (iii) a vehicle, for the principal purpose of washing, greasing, or repairing such vehicle, except the immediate repairs necessitated by an emergency.

- 18.8 (iv) vehicle displayed for sale.
- 18.8 (v) or any vehicle or trailer that is for the purpose of being used as a temporary place of residence.
- 18.9 Exceptions to the Parking By-Law, other than those as identified in Schedule 'D', shall be as follows:
- 18.9 (i) Centre Street, Goldfield Street and 1st. Avenue shall be designated as "Snow Routes".
- 18.9 (ii) That a Reduced Restricted Speed Zone is hereby established on Second Avenue from Goldfield Drive to Barney Thomas Drive.
- 18.9 (iii) That a Reduced Restricted Speed Zone is hereby established on Third Avenue from Goldfield Drive to Barney Thomas Drive.
- 18.9 (iv) That a Reduced Restricted Speed Zone is hereby established on Barney Thomas Drive between Second Avenue and Third Avenue.
- 18.9 (v) That a Reduced Restricted Speed Zone is hereby established on Goldfield Drive between Second Avenue and Third Avenue.
- 18.9 (vi) That a Reduced Restricted Speed Zone is hereby established on Autumnwood Drive from Solvin Road to Centre Avenue West.
- 18.9 (vii) No blocking of streets, avenues or lanes by any vehicles, including service vehicles.
- 18.9 (viii) No parking in any lane in the Rural Municipality of Gimli.
- 18.9 (ix) No RV Parking on the East side of the lane east of First Avenue from Goldfield Drive to Barney Thomas Drive including the Public Parking lot.
- 18.9 (x) No RV Parking on Second Avenue South in the cul de sac by the Viking Statue.
- 18.9 (xi) No RV Parking overnight on any Public Parking Lot, roadway, highway, lane or laneway within the boundaries of the Rural Municipality of Gimli between the hours of 12:01 A.M. and 7:00 A.M.
- 18.9 (xii) No Overnight Parking of any vehicles on the roadways within the boundaries of Winnipeg Condo Plan 208 commonly known as Aspen Park.
- 18.9 (xiii) That temporary No Parking be in place from May 1 – June 15 and September 15 – October 30 of each year on the East side of 1st. Avenue in front of the Yacht Club compound gate. The no parking zone shall be located on the east side of 1st. Avenue being the most northerly (20') twenty feet from the north boundary of the Yacht Club Compound Gate and the most southerly (20') twenty feet from the south boundary of the Yacht Club Compound Gate.
- 18.9 (xiv) That by Resolution "Council" may designate special parking areas, with proper signage, to accommodate large volumes of traffic for special events such as the annual "Icelandic Festival" and other large Public gatherings. These special

parking areas cannot be in place for a period of more than two weeks.

- 18.9 (xv) That all dead-end roadways or streets within the Rural Municipality of Gimli that dead end east of Highway #9 at the lake shall be deemed and designated 'No Parking' zones.
- 18.9 (xvi) That all Designated and Restricted Parking Spaces within the Rural Municipality of Gimli as set out per Schedule "D" must be properly signed and/or have proper pavement markings. All Designated Parking Spaces shall be exclusively for the use of vehicles of physically disabled persons displaying a physically disabled persons' parking permit issued under The Highway Traffic Act.

19.0 ENFORCEMENT

- 19.1 A person appointed as a By-Law Enforcement Officer under the Municipality's Enforcement By-Law No. 07-0046 is authorized to administer and enforce this By-Law and the Off-Road Vehicles Act within the Municipality. The By-Law Enforcement Officer is a designated officer under the Municipal Act and a peace officer under the Off-Road Vehicles Act for the administration and enforcement of this By-Law and the Off-Road Vehicles Act. The By-Law Enforcement Officer shall have the powers provided to a designated officer under the Municipal Act and to a peace officer under the Off-Road Vehicles Act in carrying out such administration and enforcement.
- 19.2 A By-Law Enforcement Officer who believes that an offence has been committed in relation to an off-road vehicle, may seize and detain the off-road vehicle. The By-Law Enforcement Officer shall detain the off-road vehicle at the place designated by the Municipality.
- 19.3 A By-Law Enforcement Officer who believes that an off-road vehicle must be detained for over 5 days as it is required as evidence in a prosecution of an offence or for further investigation, shall apply to a justice and follow the procedure set out in the Off-Road Vehicles Act.
- 19.4 If the owner of the off-road vehicle was not present at the time when the off-road vehicle was seized, the By-Law Enforcement Officer shall take reasonable steps to notify the owner that the off-road vehicle has been detained, the reasons for detention and what the owner can do about the return of the off-road vehicle under the Off Road Vehicles Act and this By-Law.
- 19.5 If the owner has not applied for the return of the off-road vehicle within 30 days from the date of the seizure, the By-Law Enforcement Officer shall provide notice to the owner that the By-Law Enforcement Officer may dispose of the off-road vehicle by a fixed date if the owner does not apply for the return and pay the fees set out in Schedule A.
- 19.6 If the off-road vehicle is not required to be detained as described in section 19.3 of this By-Law, the By-Law Enforcement Officer shall release the off-road vehicle upon application by the owner of the off-road vehicle, and payment of the seizure and detention fees set out under Schedule A.
- 19.7 If the owner has not applied for the return and paid the fees by the set date, the By-Law Enforcement Officer may dispose of the off-road vehicle. If the off-road vehicle is sold, the By-Law Enforcement Officer shall apply the proceeds of sale against the outstanding fees set out in Schedule A and return any balance to the owner. Outstanding fees not recovered through the disposition of the off-road vehicle are an amount owing to the Municipality by the person responsible for the offence relating to the seizure of the off-road vehicle.

20.0 REMOVAL OF VEHICLES

- 20.1 Where a By-Law Enforcement Officer, a Peace Officer or a member of The Royal Canadian Mounted Police has reasonable and probable cause for believing that a vehicle is in breach of any of the provisions of Section 18 of the By-Laws, then he/ she may remove the vehicle or cause it to be removed and take the vehicle into his custody and cause it to be taken to and stored in a suitable place.
- 20.2 Any costs and charges incurred in moving or storing a vehicle or both, under Subsection 20.1 hereof are a lien on the vehicle that may be enforced under the GARAGE KEEPERS ACT by the person who moved or stored the vehicle at the request of the By-Law Enforcement Officer, Peace Officer or a member of The Royal Canadian Mounted Police or other authorized person.
- 20.3 The removal and storage of any vehicle is in addition to and not a substitution for any other penalties.

21.0 SPECIFIC PENALTIES

- 21.1 Whenever any motor vehicle without a driver is found parked or stopped in violation of Section 18 of this by-law, the By-Law Enforcement Officer or other authorized individual finding such vehicle shall take its registration number and may take any further information displayed on the vehicle which may identify its user and shall conspicuously affix to such vehicle a BY-LAW INFRACTION NOTICE for the EAST INTERLAKE BY-LAW ENFORCEMENT REGION on a form provided by the Municipality, for the driver to answer to the charge against him/her within the allotted time – Option A – within 14 days; Option B – 15 to 28 days – during regular business hours and at the appropriate office as indicated on the reverse of the Infraction Notice or may place a WARNING NOTICE OF INFRACTION (Schedule B).
- 21.2 Any person found guilty of a breach under Section 18 of this by-law shall be liable upon conviction thereof to a penalty or fine in the sum as set forth in Schedule A attached hereto, in addition to any costs which they may be required to pay. Costs may include such charges as may be levied in the event the vehicle is removed under the provisions of this by-law or any other court costs. The fine may be paid voluntarily by any person attending at the offices of the Chief Administrative Officer of the Rural Municipality of Gimli or other person assigned by him/her to such duty and paying the fine and costs herein referred to in this Section. In addition to all other rights of collection, which the Municipality may have at law, such amounts may be collected by the Municipality in the same manner as a tax may be collected or enforced under *The Municipal Act*.
- 21.3 Any person found guilty of a breach under Section(s) 4, 6, 7, 8, 9, 10, 12, 13, 14, 15, 16 or 17 of this by-law shall be liable upon conviction thereof to a penalty or fine in the sum as set forth in the **General Enforcement By-Law** in addition to any costs which they may be required to pay. Costs may include such charges as may be levied in the event the vehicle is removed under provisions of this by-law or any other court costs. The fine may be paid voluntarily by any person attending at the offices of the Chief Administrative Officer of the Rural Municipality of Gimli or other person assigned by him/her to such duty and paying the fine and costs herein referred to in this Section. In addition to all other rights of collection, which the Municipality may have at law, such amounts may be collected by the Rural Municipality in the same manner as a tax may be collected or enforced under the *The Municipal Act*.
- 21.4 In any prosecution charging a violation of any law of regulation governing the standing, or parking of a vehicle, proof that the particular vehicle described in the evidence of the By-Law Enforcement Officer or other duly authorized individual was parked in violation of any such law or regulation, together with proof that the defendant named in the information was at the time of such parking the registered owner of such vehicle, shall constitute in evidence a prima facie presumption that the registered owner of such vehicle

was the person who parked or placed such vehicle at the point where, and for the time during which, such violation occurred.

21.5 A person who contravenes a provision of the Off-Road Vehicles Act or Section 16 of this By-Law, in addition to a fine or penalty imposed under the Off Road Vehicles Act, is liable for the costs associated with or resulting from enforcing the Off Road Vehicles Act and this By-Law. Such costs 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.

22.0 PERMISSION PRESUMPTION

In the enforcement of this By-Law, a person who is not the owner or occupier of the land upon which the person is found operating an off-road vehicle shall be deemed to be operating the off-road vehicle without the permission of the owner or occupier, unless the person can establish that the permission was granted.

23.0 By-law 08-0004 of the Rural Municipality of Gimli is hereby repealed.

24.0 By-law 09-0007 of the Rural Municipality of Gimli is hereby amended.

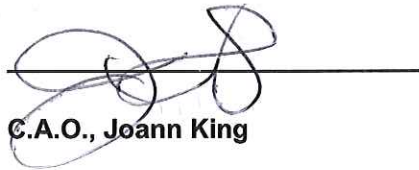
25.0 This By-law comes into effect on the day it is passed.

DONE AND PASSED in Council duly assembled in The Rural Municipality of Gimli, in the Province of Manitoba on this 17th day of June A.D., 2009.

RURAL MUNICIPALITY OF GIMLI



MAYOR, Tammy Axelsson



Read a first time this 3rd day of June, A.D., 2009

Read a second time this 17th day of June, A.D., 2009

Read a third time this 17th day of June, A.D., 2009

SCHEDULE A OF BY-LAW #09-0007 AMENDED

In the event of a contravention of the provisions of this by-law:

1. 1. VOLUNTARY PAYMENT OF FINES

- 1.0 The By-law Enforcement Officer may issue a notice in a form approved by the Rural Municipality of Gimli from time to time (hereinafter referred to as a By-Law Infraction Notice) to any person or vehicle allegedly contravening any provisions of this by-law.
- 2.0 The said By-Law Infraction Notice shall set out the Number Plate, and any information which may be necessary for a thorough understanding of the circumstances of the alleged contravention. The said By-Law Infraction Notice shall be attached to the vehicle or handed to the owner(s) or operator should he/she be present at the time.
- 3.0 (i) The owner or operator of the said vehicle may, within TWENTY-EIGHT (28) days of the time that a By-Law Infraction Notice is attached to or placed upon his vehicle or handed to the owner or operator, between such hours and at such place or places as may be noted on the By-Law Infraction Notice, report with such By-Law Infraction Notice, and pay to the Chief Administrative Officer or other person assigned by him/her to such duty, the penalty on the basis as set out below.
 - I. If the fine is paid within the first FOURTEEN (14) day period the penalty shall be in the amount of \$25.00.
 - II. If the fine is paid within the FIFTEENTH TO TWENTY-EIGHTH (15th – 28th) day the penalty shall be in the amount of \$50.00.
- (ii) Subsection (i) above shall be deemed to have been complied with in any case where the By-Law Infraction Notice, together with full payment of the said penalty, is received by the Chief Administrative Officer of the Rural Municipality of Gimli within the time limited as aforesaid through the mail; provided however, that where the payment consists of a certified cheque or money order, it is deemed to have been received only when the certified cheque or money order instrument is honoured by the bank or financial institution upon which it is drawn.

- 4.0 On payment of the said sum in this section for such contravention, the Chief Administrative Officer or other person assigned shall issue his/her receipt therefore and shall keep a record showing the number of the By-Law Infraction Notice, the Number Plate (if a motor vehicle), the offence, and the amount paid.
- 5.0 Upon payment by a person of the penalty, there shall be no further prosecution for the contravention in respect of which payment has been made.
- 6.0 If the person concerned fails to pay the penalty for the alleged contravention in accordance with sub-section 3.0 of Section 1., or if the person concerned pays with a cheque or other negotiable instrument that is not honoured as set out in clause (3.0)(ii) of Section 1., he/she shall be liable to prosecution as set out hereafter in respect thereof.
- 7.0 That any person who contravenes or disobeys, or refuses or neglects to obey any order made under this By-Law is guilty of an offence and is liable, on summary conviction, to a fine of \$1,000.00 or in the case of an individual, to imprisonment for a term not exceeding six months or to both such a fine and such an imprisonment.
- 8.0 That where a corporation commits an offence under this By-Law, each Director or Officer of the corporation who authorized, consented to, connived at, or knowingly permitted or acquiesced in the doing of the act or omission that constitutes the offence, is likewise guilty of an offence and is liable, on summary conviction, to the penalties for which provision is made in Section 7.0 above.
- 9.0 That any and all fines, penalties and associated costs assessed for violations of this by-law are an amount owing to the Rural Municipality of Gimli by the individual(s) in violation of the By-Law and in addition to all other rights of collection, which the Municipality may have at law, such amounts may be collected in the same manner as a tax collected or enforced under *The Municipal Act*.

10.0 The Council of the Rural Municipality of Gimli, or such person as it may delegate from time to time, may in their respective sole discretion, as the case may be, determine that the circumstances surrounding the issuing of a By-Law Infraction Notice justify its cancellation. In such event, the Council or such delegate, as the case may be, shall have the authority to cancel such By-Law Infraction Notice without the imposition of any penalty referred to in this By-Law, or otherwise.

11.0 Fees for Off-Road Vehicle/Quad/A.T.V./Moped & Unlicensed Motorcycle Violations:

- Seizure and Detention Fees - \$500.00
- Storage Charges - \$5.50 per day
- Hook-up Fee - \$35.00
- Towing Charges and \$1.50 per kilometer

SCHEDULE 'B' BY-LAW #09-0007

EAST INTERLAKE BY-LAW ENFORCEMENT REGION

WARNING NOTICE OF INFRACTION

_____Town Of Winnipeg Beach

_____R.M of Gimli

Name_____

Addresss_____

VEHICLE PLATE #:_____

PROVINCE:_____

Dear Sir or Madam:

It has been brought to our attention that you are in violation of By-Law_____

Which states_____

We understand that it is possible you are not aware of the by-law and wish to give you every opportunity to take the necessary steps to comply with the by-laws. Also, should you have any questions regarding the by-law or other issues, please do not hesitate to contact us for an explanation. There are NO FINES involved as this is only a WARNING.

We would appreciate if you could remedy the situation within the next two weeks as we will be doing a follow up at that time or if this is a parking violation please ensure future compliance.

We thank you in advance for your co-operation in this matter and for helping us to maintain our reputation as a warm, friendly and beautiful place to live.

Sincerely Yours,
Keith Joss,

By-Law Enforcement Officer,
East Interlake By-Law
Enforcement Region
Town of Wpg. Beach
R.M. of Gimli
Ph: 642-2986



SCHEDULE 'C' BY-LAW #09-0007

AGREEMENT TO OPERATE PARKING SPACES ON
MUNICIPAL OWNED PROPERTY

I/We (Name) _____ operating a business as:
(Name) _____; request
permission from the Rural Municipality of Gimli, to operate for the purposes of customer
parking, the following section of Municipal Property as described hereto: _____

_____.

It is further agreed, that proper signage be erected by the Superintendent of Public Works
for the Rural Municipality of Gimli or cause to be placed or maintained, and that the
associated costs to be appropriately charged back to the said business. Further, this
agreement shall require the said business owner to be responsible for the proper upkeep
and maintenance of said parking spaces at all times.

This agreement shall remain in effect until such time as either party gives 60 days written
notice to terminate the agreement and not until such time as the agreement is terminated
by resolution of "Council".

Once this agreement is completed and duly signed by both parties; it would become
effective by resolution of "Council".

C.A.O., Rural Municipality of Gimli:

Business Owner Name:

Signature:

Signature:

Witness:

Witness:

Date: _____

Date: _____

Handwritten initials

SCHEDULE 'D' BY-LAW #09-0007 - AMENDED

SCHOOLS

1. That the first duly signed parking stall immediately to the North of the 'Loading Zone' on the East side of 3rd. Ave. in front of Dr. George Johnson Middle School be established as a designated parking space.
2. That the first duly signed parking stalls immediately to the East and West side of the sidewalk at the South entrance to the Sigurbjorg Stefansson Early School shall be established as designated parking spaces.
3. That the first two duly signed and painted parking stalls on the North/East corner of the parking lot located on the South side of Gimli 1915 Public School shall be established as designated parking spaces.
4. That the first duly signed parking stalls immediately to the North and South of the sidewalk fronting the parking lot located on the East side of Gimli 1915 Public School shall be established as designated parking spaces.

HOSPITALS, CLINICS & SENIOR'S RESIDENCES

1. That the first duly signed parking stall North of the Emergency Entrance to Johnson Memorial Hospital on the East side of 7th. Avenue shall be established as a designated parking space.
2. That the first 3 duly signed and painted parking stalls off the Main Entrance to Johnson Memorial Hospital on the West side of 6th. Avenue shall be established as designated parking spaces.
3. That the first duly signed parking stall immediately to the North of the sidewalk entrance to Dr. Weisenthal's Office on the East side of 3rd. Avenue shall be established as a designated parking space.
4. That between the duly signed parking stalls immediately to the North and South entrance of New Haven Lodge on the West side of 2nd. Avenue shall be established as 'No Parking Between Signs'.
5. That between the duly signed street parking area immediately to the North and South entrance of New Harbour Lodge on the West side of 5th. Avenue shall be established as 'No Parking Between Signs'.



CHURCHES

1. That the first three duly signed parking stalls on the Municipal Road Allowance on the west side of 3rd. Avenue as located on the east boundary of Lot 97/98 Block 4 Plan 17671 L owned by the Lutheran Congregation of Evangelical Trustees and extending Southerly 35 feet on the West side of Third Avenue from the point where it intersects with the south side of Keenora Street shall be established as designated parking spaces.

BUSINESSES

1. That the first duly signed parking stalls on either side of the Rear Lobby Entrance of the Lakeview Resort Hotel shall be established as designated parking spaces. That the two parking stalls on the S.E. side of the Lakeview Resort Hotel and facing the East side front exterior of Seagulls Restaurant & Lounge.
2. That the duly signed parking stall at the entrance to the Lighthouse Mall on the West side of 3rd. Avenue shall be established as a designated parking space.
3. That the duly signed parking stall at the North/East side of Field's Department Store parking lot located on the North side of Centre Street shall be established as a designated parking space.
4. That the first two duly signed and painted parking stalls off the South/West entrance to the Gimli Credit Union Building and located on the North/East corner of 3rd. Avenue shall be established as designated parking spaces.
5. That the first two duly signed parking stalls off the North/West entrance to Super A Foods located on the South side of Centre Street shall be established as designated parking spaces.
6. That the four duly painted parking stalls East of the Doorway Entrance to Sobey's shall be established as designated parking spaces.
7. That the duly signed parking stalls North and South off the entrance to the Gimli Theatre on the West side of 2nd. Avenue shall be established as 'No Parking Between Signs/Emergency Vehicles Only'
8. That the duly signed parking stall at the side entrance to Chicken Chef located on the West side of 2nd. Avenue shall be designated 'No Parking'



PUBLIC SPACES

1. That the four duly signed parking stalls for the entire front width North to South of the building known as The Royal Canadian Legion Branch No. 182 and located at 146 6th. Avenue, South Beach shall be established as designated parking spaces.
2. That the duly signed parking stalls off the entrance to the New Horizon's Senior's Centre shall be established as designated parking spaces.
3. That the first duly signed parking stall on the west side of the Post Office Building located on the North/East corner of 5th. Avenue shall be established as a designated parking space.
4. That the duly signed and painted parking stalls on the East and West side of the walkway entrance to the Spray Park on the North side of Amisk Street shall be established as designated parking spaces.
5. That the duly signed and painted parking stalls on the East and West side of the walkway entrance to the Gimli Park Pavilion shall be established as designated parking spaces.
6. That the duly signed and painted parking stalls on the South/East side and North/East side of the walkway entrance to the Waterfront Centre shall be established as designated parking spaces.
7. That the first two duly painted parking stalls on the North/West corner of the Public Library located on the South/East side of 1st. Avenue and Goldfield Drive shall be established as designated parking spaces.
8. That the duly signed and painted parking stalls on the North and South side of the Public Parking lot walkway entrance to Candy Cane Lane located at the 2nd. Avenue Public Parking Lot shall be established as designated parking spaces.
9. That the first four duly signed parking stalls immediately South of the South side entrance to the Curling Rink shall be established as designated parking spaces.
10. That the first two duly signed and painted parking stalls on the East side of the laneway East of 1st. Avenue and Goldfield Drive in the Public Parking lot shall be established as designated parking spaces.



11. That the first two duly signed and painted parking stalls on the East side of the laneway East of 1st. Avenue and Keenora Street in the Public Parking lot shall be established as designated parking spaces.
12. That the two duly signed and painted parking stalls on the East side of the Public Parking Lot located between Keenora and Barney Thomas Drive and immediately North and South of the 'No Parking/Service Vehicles Only' duly posted signs shall be established as designated parking spaces.
13. That the duly signed parking stalls on the East side of the Public Parking Lot located between Keenora and Barney Thomas Drive and adjacent to the Concession Stands shall be established as 'No Parking/Service Vehicles Only'.
14. That the duly signed Public Parking Lot located between Keenora and Barney Thomas Drive shall be established as 'No R.V. Parking'.



Schedule F to By-Law 09-0007 Section 16 All Terrain Vehicle (ATV) Route Map for the Interlake Off Road Vehicle Club

ATV Travel in the Rural Municipality of Gimli is prohibited in all urban areas, rural subdivisions, the Rails to Trails system and areas not designated as ATV Routes.

Designated ATV Routes

- 1) A person who is qualified under the Act to operate an All Terrain Vehicle (ATV) may, during the period from April 16th to December 15th in each year, operate an ATV within the Urban Centre in the Rural Municipality of Gimli on the roadway or shoulder of the approved designated routes while the designated routes are not snow covered,:
 - a) Colville Drive (formerly Fourth Street South)
from the shores of Lake Winnipeg to the westerly right of way of Fifth Avenue (South Beach) and to the southerly right of way of Sigmund Road to Provincial Trunk Highway No. 9
 - b) Amisk Drive (formerly Fourth Street North)
from the shores of Lake Winnipeg to the westerly right of way of Provincial Trunk Highway No. 9 and
 - c) The ditch and/or shoulder on the west side of
Provincial Trunk Highway No. 9 between the south boundary of Road 109N- Minerva Road and the north boundary of Road 111N – Provincial Road 231.
 - d) All roadways outlined on the attached Maps of the
Municipality of Gimli

(The "designated routes")

2. A person who is qualified under the Act to operate an ATV and is either ordinarily a resident within the Urban Centre in the Rural Municipality or owns or is related by marriage or blood to the owner of a residence within the Urban Centre in the Rural Municipality of Gimli is entitled, when operating a ATV within the Urban Centre in the Rural Municipality of Gimli during the period provided in paragraph 4 of this By-law, to drive the ATV along the lane immediately adjacent to his or her residence or to the residence of his or her relative to the nearest designated route provided, however, at no time is any person entitled to operate a ATV along or across Centre Street in Gimli between the east boundary of 7th Avenue and the east boundary of First Avenue as located in the Urban Centre in the Rural Municipality of Gimli.

3. A person who is qualified under the Act to operate an ATV and is either ordinarily a resident outside of the Urban Centre in the Rural Municipality or owns or is related by marriage or blood to the owner of a residence outside of the Urban Centre in the Rural Municipality of Gimli is entitled, when operating a ATV within the Rural Municipality of Gimli during the period provided in paragraph 4 of this By-law, to drive the ATV along the roadway immediately adjacent to his or her residence or to the residence of his or her relative to the nearest designated route provided, however, at no time is any person entitled to operate a ATV along the said road way so as to be using it as a designated route.

Designated Rules and Regulations

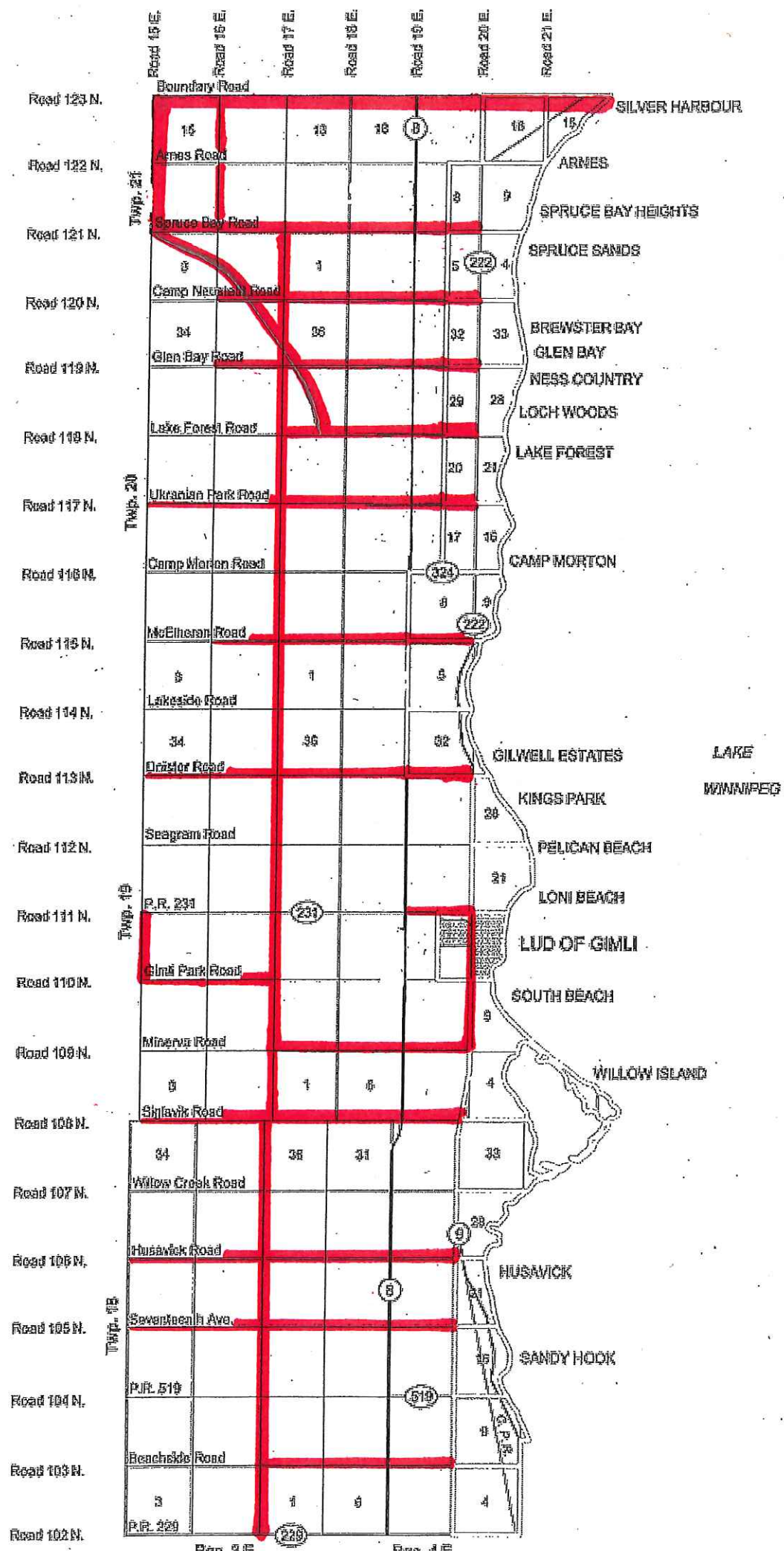
4. No person shall operate an ATV within the Rural Municipality of Gimli at a speed that is greater than 40 kilometers an hour on designated routes or 20 kilometers an hour on lanes which are the speeds established by "The Highways Traffic Act" for vehicular traffic within the Urban Centre in the Rural Municipality of Gimli or such other speeds may be designated under "The Highway Traffic Act" from time to time.
5. No person shall operate an ATV within the Urban Centre in the Rural Municipality of Gimli between the hours of 11:00 P.M. of one day and 7:00 A.M. of the next day.
6. No person shall operate an ATV outside of the Urban Centre in the Rural Municipality of Gimli sooner then 1 hour before sunrise and later then 1 hour after sunset without proper lighting.
7. Where an ATV is being operated on a roadway or shoulder as permitted in this By-law the operator shall:
 - (a) drive the ATV as close to the right hand edge of the roadway and shoulder as possible; and,
 - (b) drive in a single line with other ATV's.
 - (c) observe and comply with all traffic control devices and signage.
 - (d) Comply with all Provincial legislation and regulations for the operation of ATVs including but not limited to
 - a. All ATVs must be registered and
 - b. all drivers must have a valid class 5 drivers licence
 - c. All Drivers and passengers must have and be wearing an approved helmet for ATV activities
8. ATV riders must use the approved routes or trailer their vehicles to the designated permit areas identified in clause # 9.

Designated Permit Areas

9. The Municipality of Gimli and the Interlake ATV Association Off-road Club has, subject to the provision of proof of the required Insurance absolving the Municipality of Gimli of any liability in respect to the use of the permit areas, entered into permit agreements for the use of

- a) part Parcel A & B Plan 23108 Ex PL 23733,30465,31970,44693,and 44850 and Water Control Works Plan 27555 CT # 2145706 located at the Gimli Motor Sport Park.
- b) NW 15-19-03E – W ½ Ex RD 9614 CT # J73681as located on PR 231 and 15E

The Permits are for a 3 year term to be reviewed and renewed annually by the CAO & Council. The permits are subject to one year probation to be reviewed by the CAO & Council on or before May 12th, 2012.



ATV MAP

ATV TOWN MAP

Third Ave.

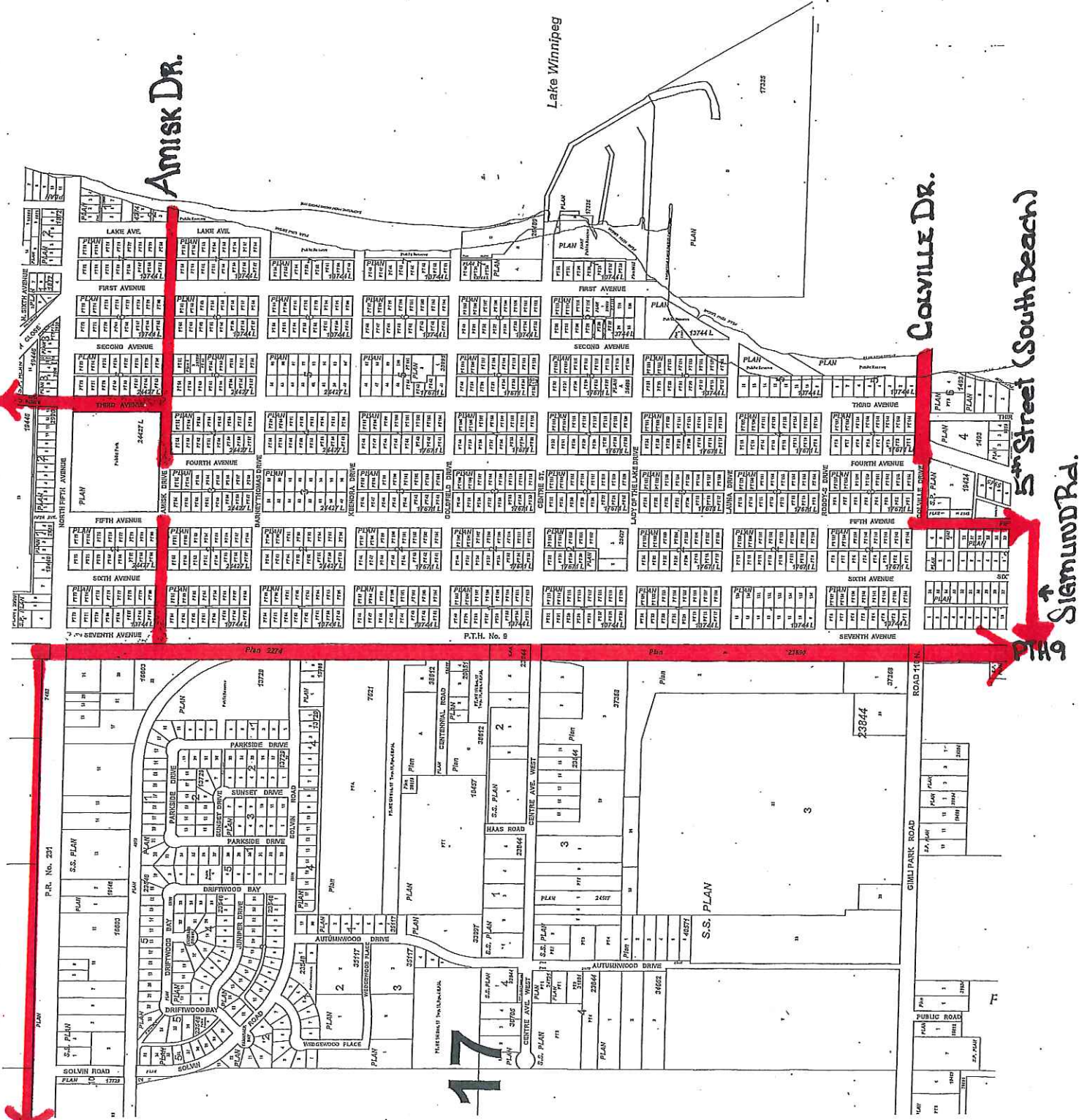
Amisk Dr.

Lake Winnipeg

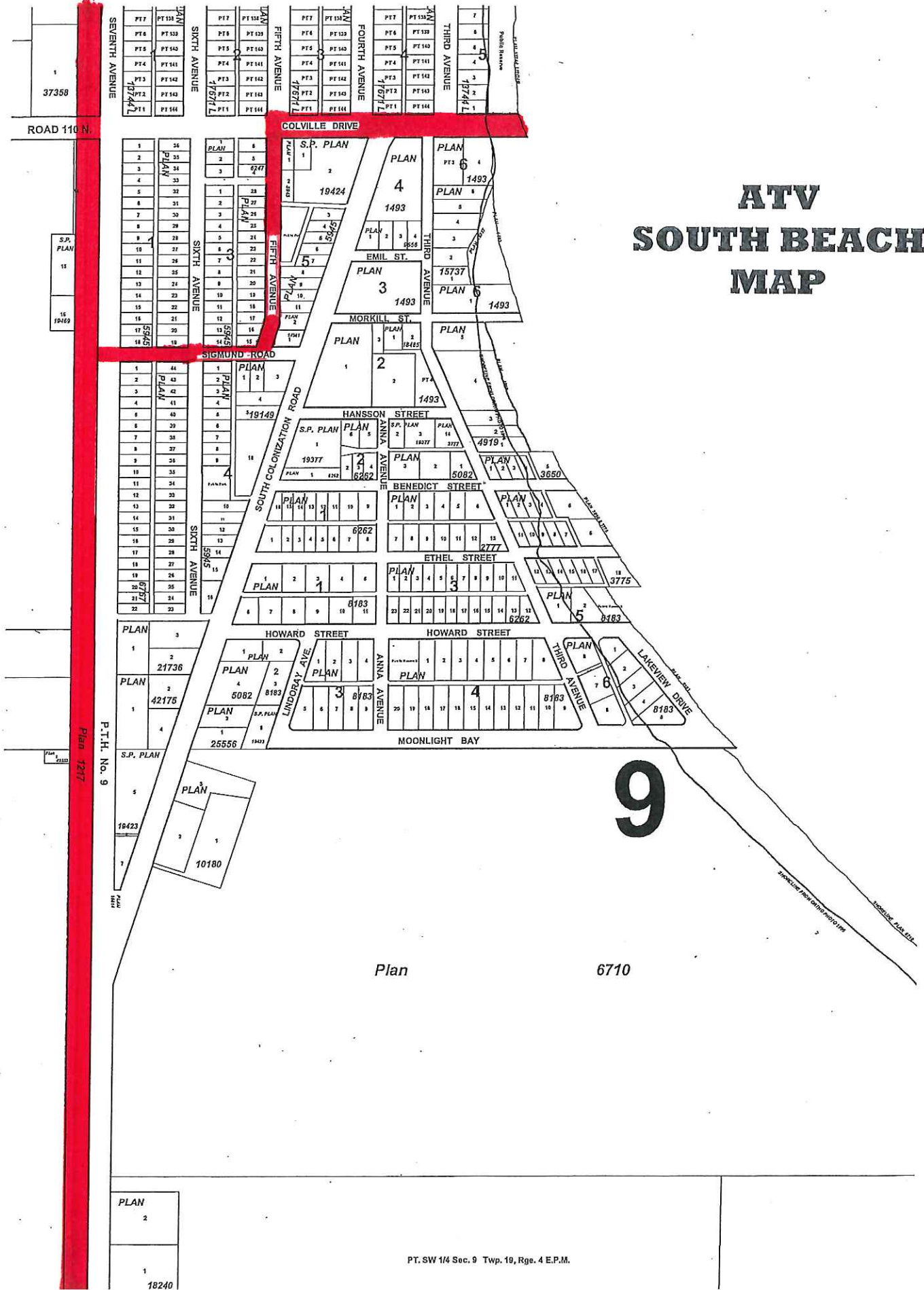
Corville Dr.

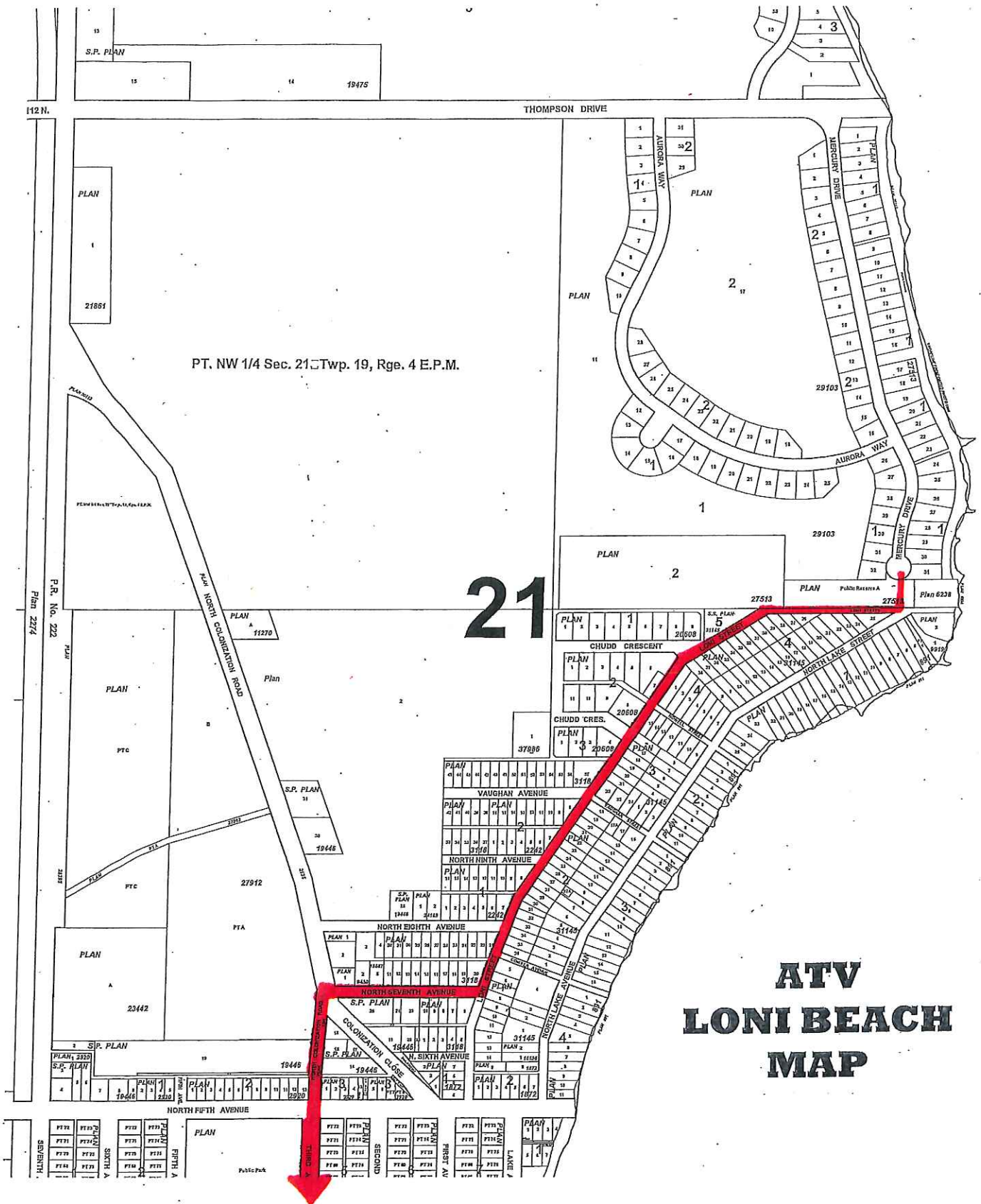
15th Street (South Beach)

Stamund Rd.



ATV SOUTH BEACH MAP





**ATV
LONI BEACH
MAP**