



## THE RURAL MUNICIPALITY OF MACDONALD

### BY-LAW NO. 10/22

BEING A BY-LAW OF THE RURAL MUNICIPALITY OF MACDONALD to establish No Truck Routes within the Municipality.

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

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

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

AND WHEREAS Section 90(1) and 90(2) of The Highway Traffic Act in parts as follows:

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

- (d) prescribing routes of travel, including prohibiting certain traffic from travelling on certain routes of travel or requiring certain traffic to travel only on certain routes of travel;

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

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

AND WHEREAS the Council of the Rural Municipality of Macdonald deems it in the best interest and safety of the residents of the Municipality to regulate certain vehicles traveling on municipal right-of-ways in the Municipality;

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

#### 1. Title

This By-Law may be referred to as “No Truck Route By-Law”.

#### 2. Definitions

Unless otherwise expressly provided or unless the context otherwise requires, words and expressions in this By-Law have the same meaning

as the same words and expressions in *The Municipal Act and The Highway Traffic Act*.

Wherever the singular or masculine are used throughout this By-Law, the same shall be construed as meaning the plural or feminine or neutral, where the context so requires.

- (a) “Municipal Road” means a municipal road as defined in The Municipal Act, and includes a road and road allowance maintained by the Municipality.
- (b) “No Truck Route” means a municipal road shown on Schedule “A” attached.
- (c) “Truck” means a motor vehicle designed or adapted primarily for the transportation of cargo or property and has one of the following:
  - i) A GVWR exceeding 4,490 kilograms;
  - ii) More than four tires;
  - iii) Includes a trailer with a combined GVWR (truck and trailer) exceeding 6,500 kilograms.
- (d) “Person” means a natural person, a partnership, a firm, a business, an association, a credit union, a cooperative or a municipality.

### **3. Prohibition**

- (a) The Municipality designates the municipal roads listed in Schedule “A” as No Truck Routes during the period commencing on March 25<sup>th</sup> and ending May 25<sup>th</sup> in each year.
- (b) The period set out in section 3 during which the No Truck Route prohibition is in effect may be changed by a Resolution of Council if circumstances warrant it. After passing of a Resolution to change the period, the Municipality shall give notice of the change by placing it on the Municipality’s website and posting it at the municipal office.
- (c) No person shall drive, use, park or stand a truck or park a semi-trailer on a No Truck Route during the period set out in sections 3 a) or b).
- (d) No person shall drive, use, park or stand a truck or truck tractor at any time on a No Truck Route identified in red on Schedule “B” attached.

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

The No Truck Route restrictions set out in section 3 do not apply to the following:

- (a) Emergency vehicles;
- (b) a truck owned and operated by Canada Post Corporation, the Government of Canada, the Province of Manitoba or a public utility, provided such truck has the owner’s name visibly displayed on it and it is actively engaged in works requiring the truck to drive, stop or be parked on a No Truck Route;

- (c) a truck owned and operated, or a truck contracted and employed by the Municipality while in use in connection with work being done on or near a No Truck Route;
- (d) a truck operated by a person making a delivery to or carrying out works at a property located on a No Truck Route, provided the operator of the truck drives the shortest possible distance along a No Truck Route to attend at and to leave from the property.

**5. Contravention and Fines**

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

**6. Severability**

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

**7. Transitional**

By-Law No. 14/21 be and is hereby repealed.

DONE AND PASSED by the Council of the Rural Municipality of Macdonald, in Council duly assembled, at Sanford, Manitoba this 22<sup>nd</sup> day of March A.D., 2022.

**THE RURAL MUNICIPALITY OF MACDONALD**

*Original Signed by*

*“B. Erb”*

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Brad Erb  
Reeve

*“D. Hrehirchuk”*

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Daryl Hrehirchuk, CMMA  
Chief Administrative Officer

*Read a First time this 8<sup>th</sup> day of March A.D., 2022*

*Read a Second time this 22<sup>nd</sup> day of March A.D., 2022*

*Read a Third time this 22<sup>nd</sup> day of March A.D., 2022*

**SCHEDULE "A" TO BY-LAW NO. 10/22**

La Salle:

- Allison Avenue
- Augusta Cove
- Benjamin Boulevard
- Country Vista Drive
- Forest Drive
- Fourth Avenue east of Rue Principale (PR 330)
- Kendall Crescent
- Kingsway Crescent
- Medinah Drive
- Nathan Drive
- Pinehurst Way
- Prairieview Drive south of Fourth Avenue
- Second Avenue east of Robin Drive
- Tanglewood Drive
- Woodbridge Drive

Starbuck:

- Maskrey Drive

Sanford:

- Junkin Way
- Lone Oak Close

Oak Bluff:

- Benson Boulevard
- Big Sky Drive
- Blacksmith Road
- Bridlewood Way
- Bur Oak Boulevard
- Carlington Crescent
- Casselman Crescent
- Clerihew Crescent
- Dovetail Crescent
- Emmert Cove
- Erb Farm Road
- Goodridge Close
- Horizon Drive
- Longview Lane
- Orchard Gate
- Percheron Place
- Prairie Grass Lane
- Shoreline Drive
- Stone Hearth Lane
- Thompson Court
- Wheelwright Way

*Macdonald Road – 90% axle weight*