

COMMUNITY OF BORDEN-CARLETON

TRAFFIC BY-LAW

By-Law No. 2021-2

WHEREAS the Council for the Community of Borden-Carleton has determined, pursuant to sections 30(i) of the Municipalities Act R.S.P.E.I. 1988 Cap. M-13, that it will provide roads, streets, parking and the regulation of traffic.

NOW THEREFORE BE IT ENACTED by the Council for the Community of Borden-Carleton under the authority provided by section 57 and 64(p) of the Municipalities Act, R.S.P.E.I. 1988, Cap. M-13 and section 310 of the Highway Traffic Act, R.S.P.E.I. 1988 Cap. H-5, as follows:

PART I - APPLICATION

Title

1. This by-law may be cited as the Traffic By-Law.

Scope and Application

2. The Community may establish and maintain roads, streets and parking and may regulate traffic in accordance with this by-law.

PART II - INTERPRETATION

Definitions

3. In this by-law:
 - (a) "bicycle" means every device propelled by human power upon which a person may ride, having two tandem wheels;
 - (b) "Chief of Police" means the Chief of Police of the Community of Borden-Carleton and his designates;
 - (c) "Community" means that area incorporated and known as the Community of Borden-Carleton;
 - (d) "Council" means the Community Council of Borden-Carleton;

- (d) "crosswalk" means that portion of a roadway ordinarily included within the prolongation or connection of curb lines and of property lines at intersections or any other portion of a roadway clearly indicated for pedestrian crossing by lines or other markings on the surface;
- (e) "emergency vehicle" means:
 - (i) an ambulance responding to a call or transporting a patient where there is an urgent emergency justifying a rate of speed in excess of any maximum rate of speed provided for by law;
 - (ii) a motor vehicle carrying rescue or first-aid equipment where there is an urgent emergency justifying a rate of speed in excess of any maximum rate of speed provided for in this Act;
 - (iii) a motor vehicle carrying fire-fighting equipment in responding to an alarm of fire; or
 - (iv) a motor vehicle driven by a peace officer or constable or by a member of the police branch of any of Her Majesty's Armed Forces in the discharge of his duty where there is an urgent emergency justifying a rate of speed in excess of any maximum rate of speed provided for in this Act;
- (f) "motorcycle" means a motor vehicle, other than a tractor, having a saddle for the use of the rider and designed to travel with not more than three wheels in contact with the ground and includes a bicycle with a motor attached and a motor scooter;
- (g) "motor vehicle" means a vehicle that is powered, drawn, propelled or driven by any means other than muscular power, but does not include:
 - (i) a vehicle of a railway that operates on rails, or
 - (ii) a moped, except that for the purposes provided for in this by-law, a moped is deemed to be a motor vehicle;
- (h) "moped" or "motor assisted pedal bicycle" means a vehicle that:
 - (i) is provided with an electric motor or a motor having a piston displacement no greater than fifty cubic centimetres,
 - (ii) is not capable of obtaining speed of greater than 50km/h on the level when driven by a person weighting 60 kg, and
 - (iii) has no more than three wheels in contact with the ground;

- (i) "owner" includes
 - (i) the person who holds the legal title to a vehicle;
 - (ii) in the case of a vehicle that is registered, the person in whose name it is registered;
 - (iii) in the case of a vehicle that is the subject of a mortgage, the mortgagor if he is entitled to possession of the vehicle;
 - (iv) in the case of a vehicle that is the subject of a hire-purchase agreement, the person in possession of the vehicle under the agreement; or
 - (v) in the case of a vehicle that is the subject of a conditional sales contract, the buyer under the conditional sales contract, if he is entitled to possession of the vehicle;
- (j) "highway" means the entire width between the boundary lines of every road, street, alley, or right-of-way designed or intended for or used by the general public for the passage of vehicles, and includes any bridges over which every such road, street, lane, alley, or right-of-way is laid, and every private place or passage way to which the public, for the purpose of the parking or servicing of vehicles, has access or is invited;
- (k) "park" or "parking" means the standing of a vehicle, whether occupied or not, upon or partly upon a roadway, otherwise than temporarily for the purpose of and while actually engaged in loading or unloading, or in obedience to traffic regulations or traffic signs or signals;
- (l) "private road or driveway" means a road or driveway not open to the use of the public for purposes of vehicular traffic;
- (m) "sidewalk" means that portion of a highway between the curb lines or the lateral lines of a roadway and the adjacent property lines set apart for the use of pedestrians and includes any part of a highway set apart or marked as being for the exclusive use of pedestrians;
- (n) "stop" when required, means the complete cessation from movement;
- (o) "stop or stand" when prohibited means any stopping or standing of a vehicle, whether occupied or not, except when necessary to avoid conflict with other traffic or in compliance with the directions of a peace officer or traffic control sign or signal;

- (p) "taxicab" means a motor vehicle other than a bus used to transport passengers for compensation;
- (q) "traffic authority" means:
 - (i) the Minister charged with the administration of the Highway Traffic Act and any other provincial law applicable to the regulation of traffic;
 - (ii) the Community Council of the Community of Borden-Carleton with their respective jurisdictions;
 - (iii) the council of the Community but only in respect to matters approved by the Minister;
- (r) "vehicle" means every device in, upon or by which a person or property is or may be transported or drawn upon a highway, excepting devices upon exclusively upon stationary rails or tracks.

PART III - PROHIBITIONS

Parking

4. From the 1st day of December to the 30th day of April, no motor vehicle shall be parked, stopped or left on any street within the Community of Borden-Carleton between the hours of 12:01 a.m. and 8:00 a.m.
5. Notwithstanding Section 4 and regardless of the time of day, no person wilfully shall park or leave standing a vehicle whether attended or unattended, upon a highway or any part thereof in such manner that it might interfere with or obstruct snow removal or winter maintenance operations on the street or highway
6. Where a vehicle is parked or left standing on a street or highway in such manner that it interferes with or obstructs snow removal or winter maintenance operations, the Town CAO or contracted street maintenance operator or a peace officer may cause the vehicle to be moved or towed .
7. Any cost incurred to move or remove said vehicle will be the owner's expense.
8. Council may designate certain areas within the Community as "NO PARKING", "RESTRICTED PARKING" and "DISABLED PARKING" area, which areas shall be identified by signs having the words "NO PARKING", "RESTRICTED PARKING" and "DISABLED PARKING" inscribed thereon.
9. No person shall stop, stand or park any vehicle in an area designated and identified as "NO PARKING".

- 10.. No person shall stop, stand or park any vehicle in front of any driveway so as to block or hinder entrance or exit from such driveway.
- 11 No person shall stop, stand or park in a restricted parking area designated and identified as "RESTRICTED PARKING".
- 12 No person shall stop, stand or park in a disabled parking area designated and identified as "DISABLED PARKING."
13. No person shall stop, stand or park facing opposing traffic.
14. No person shall stop, stand or park on a sidewalk.

Speed Limits

15. The speed limit on all streets in the Community of Borden-Carleton shall be fifty (50) kilometres per hour, unless otherwise designated and posted by the Community Council.
16. Any person exceeding these speed limits in the operation of a motor vehicle shall be subject to the penalties provided for such violation.

Obstructions

17. No person in the Community shall maintain on corner lots any obstruction including but not limited to a fence, hedge, shrubbery, exceeding thirty six (36) inches in height, so as to impair the view of traffic approaching such corner.

All-Terrain Vehicles

18. No person shall operate an all-terrain vehicle or off-highway vehicle as defined in the Highway Traffic Act, R.S.P.E.I. 1988, Cap. H-5, upon the streets, sidewalks or public property within the boundaries of the Community of Borden-Carleton unless specifically authorized by the Community Council.
19. No person shall use off-highway vehicles and all-terrain vehicles that have no baffled muffler system after 8 p.m. and before 7 a.m.

Bicycles

- 20.. Children under the age of twelve (12) are required to wear an approved safety helmet and Parents or Guardians are responsible to ensure proper use and are liable for any penalty under this by-law.

PART III - GENERAL

Governing Legislation

- 21.. The Highway Traffic Act, R.S.P.E.I., 1988, Cap. H-5 shall apply in all respects of the Community of Borden-Carleton.

Penalties

22. Every person who fails to comply with this by-law is guilty of an offence and on summary conviction is liable to a fine not more than \$500.00 and not less than \$25.00, and in default in payment thereof, is liable to imprisonment for a period of time not exceeding one (1) day for each one hundred dollars (\$100.00) of fine in default.

Liability

23. The owner of a motor vehicle shall be liable for the penalties provided for any violation of this by-law;
24. If at any time of the violation, the motor vehicle was in the possession of some person other than the owner without the owner's consent, the driver of the motor vehicle shall incur the penalties for such violations.

Effective Date

This Bylaw previously known as Traffic Bylaw #10 came into effect August 02 2004
This Traffic Bylaw Amendment 2021-2, was read a first time at the Council meeting held on the 7th day of December 2021
This Traffic Bylaw Amendment 2021-2, was approved by a majority of Council members present at the Council meeting held on the 7th day of December, 2021

Second Reading:

This Traffic Bylaw Amendment 2021-2, was read a second time at the Council meeting held on the 14th day of December 2021
This Traffic Bylaw Amendment 2021-2, was approved by a majority of Council members present at the Council meeting held on the 14th day of December 2021.

Approval and Adoption by Council:

Approval and Adoption by Council:

This Traffic Bylaw Amendment 2021-2, was adopted by a majority of Council members present at the Council meeting held on the 14th day of December 2021

Signatures

Charles Mackenzie
Chief Administrative Officer

Jim Wentzell

This Traffic **Bylaw** 2021-as amended was adopted by the Council of the Town of Borden-Carleton on December 14, 2021 is certified to be a true copy.

Jim Wentzell
Chief Administrative Officer Signature

Date

Elmer MacFadyen

Minister of Community and Cultural Affairs