

Austin Local Urban District – Truck Use

RURAL MUNICIPALITY OF NORTH NORFOLK

BY-LAW NO: 746/2007

A BY-LAW OF THE RURAL MUNICIPALITY OF NORTH NORFOLK TO REGULATE THE USE OF TRUCKS IN THE AUSTIN LOCAL URBAN DISTRICT.

WHEREAS the Rural Municipality of North Norfolk is empowered under Part 7 of *The Municipal Act* S.M. 1996 c. 58 and Parts III, IV and VI of *The Highway Traffic Act* RSM 1985/86 penalties for the violation of such by-law;

AND WHEREAS it is deemed expedient and in the public interest to regulate the use and operation of trucks within the Local Urban District of Austin in the Rural Municipality of North Norfolk;

NOW THEREFORE THE COUNCIL OF THE RURAL MUNICIPALITY OF NORTH NORFOLK DULY ASSEMBLED HEREBY ENACTS AS FOLLOWS:

1) DEFINITIONS

- a) "LUD" – means the Austin Local Urban District within the Rural Municipality of North Norfolk;
- b) "Person" – means any individual, firm, partnership, association, corporation, company or organization of any kind;
- c) "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;
- d) "Semi-Trailer Truck" – means truck tractor and a semi-trailer combined;
- e) "Truck" – means a motor vehicle or semi-trailer truck, that is not a delivery van and that is constructed or adapted to carry goods, wares, and merchandise, freight or commodities, but not passengers or luggage;
- f) "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;
- g) "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
 - (i) a device designed to be moved solely by human muscular power or used exclusively upon stationary rails or tracks, or
 - (ii) a motorized mobility aid;

PROOF OF SCHEDULES

- 2) The schedules to this by-law are part of the by-law and shall be identified by the signature of the Chief Administrative Officer of the Rural Municipality of North Norfolk.

ROUTE OF TRUCK TRAVEL

- 3) All trucks, truck tractors or semi-trailer trucks within the LUD of Austin shall be operated only over and along the streets or sections of streets set forth as Truck Route in Schedule 1 and 2 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.
- 4) Notwithstanding Section 3, to minimize truck travel on non-truck routes when a truck, truck tractor or semi-trailer truck 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.

- 5) 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.
- 6) 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.
- 7) 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.

PARKING OF TRUCKS AND TRAILERS

- 8) Subject to the exemptions provided herein, no person shall park or leave a truck, a truck trailer, a semi-trailer or a semi-trailer detached from a truck tractor on any street or public parking lot within the Local Urban District of Austin.

EXEMPTIONS TO PARKING PROVISIONS

- 9) The provisions of this by-law relating to parking shall not apply to:
 - a) vehicles of the Police Service and/or the Fire Department while used in the course of duty;
 - b) vehicles of or employed by the Rural Municipality of North Norfolk while in use in connection with work of necessity being done on or near a street;
 - c) 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;
 - d) 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.
 - e) the parking of a truck or a truck tractor without a trailer at a person's residence, provided the truck or a truck tractor is parked entirely on private property.
 - f) parking on Second Avenue between Denbeigh Avenue and Beaver Street, for periods not exceeding 2 consecutive hours.

ENGINE RETARDER BRAKES

- 10) No person shall engage, operate, apply or otherwise use an engine retarder brake on any vehicle driven within the Austin Local Urban District, except in an emergency where it is necessary in the circumstances to do so.

LIABILITY OF OWNERS TO CONVICTION

- 11) Where an offence, consisting of a violation of any provision of this by-law
 - a) is committed by means of, or with respect to any vehicle; or
 - b) occurs by reason of, or with respect to, the ownership, use, or operation of any vehicle;the owner of the vehicle may be charged with commission of the offence and, if the judge or justice before whom the charge is tried, is satisfied that the offence was committed, the owner is guilty of the offence and is liable, on summary conviction, to the penalty herein provided for that offence unless the owner satisfies the judge or justice that, at the time of the violation, the vehicle was in the possession of a person other than the owner or the driver without the consent of the owner.

LIABILITY OF DRIVER

- 12) Nothing in Section 10 relieves the driver of the vehicle from any liability to conviction of the offence to which he may be subject.

PENALTY

- 13) A person who contravenes a provision of this By-law is guilty of an offence and is liable on summary conviction to the following penalties, which shall not exceed \$5,000.00:
 - a) for the first offence, to a fine of not less than \$50;
 - b) for a second offence, to a fine of not less than \$150;
 - c) for a third and subsequent offence, to a fine of not less than \$250.
- 14) Notwithstanding the penalties prescribed in Section 6.1; an individual may also be liable on summary conviction to imprisonment for a term not exceeding six months or to both a fine as specified herein and imprisonment.

SERVICE OF DOCUMENTS

- 15) Where an address for sending a notice, order, decision or other document is required, one of the following shall be used:
 - a) if the person to be served is the owner of real property, the address maintained by the Rural Municipality of North Norfolk for the purpose of issuing the tax notice for that property; and
 - b) if the person to be served is the occupant of real property, the street address for that property; and
 - c) if the document to be served relates to a permit, licence or other document for which the person to be served has applied, the address provided by the person in the application.

DONE AND PASSED by the Council of the Rural Municipality of North Norfolk in regular session assembled, this 13th, day of June, A.D. 2007.

Reeve

Chief Administrative Officer

Read a first time this	<u>13th</u>	day of	<u>June</u>	A.D.	<u>2007.</u>
Read a second time this	<u>13th</u>	day of	<u>June</u>	A.D.	<u>2007.</u>
Read a third time this	<u>13th</u>	day of	<u>June</u>	A.D.	<u>2007.</u>