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A By-law to Regulate Traffic and Parking in the Village of New Maryland

WHEREAS the *Local Governance Act* S.N.B. 2017, Chapter18 ("the Act") was proclaimed and came into force January 1, 2018;

AND WHEREAS under Section 195 of the Act a by-law made under the authority of the *Municipalities Act*, Chapter M-22 of the Revised Statutes, 1973, that was in force immediately before the commencement of this section, shall be deemed to have been made under this Act and is valid and continues in force until amended or repealed;

AND WHEREAS the Council for the Village of New Maryland proposes amendments to *By-law No. 63 - A By-law to Regulate Traffic and Parking in the Village of New Maryland*, and amendments thereto;

THEREFORE, BE IT ENACTED by the Council of the Village of New Maryland under the authority vested in it by the *Local Governance Act* S.N.B. 2017, Chapter 18, as follows;

The Council of the Village of New Maryland under the authority vested in it by the *Local Governance Act* S.N.B. 2017, Chapter 18, the *Motor Vehicle Act*, R.S.N.B. 1973, Chapter M-17, and respective amendments thereto, enacts as follows:

1.0 TITLE AND SCOPE

This by-law may be cited as the "Traffic and Parking By-law".

2.0 <u>DEFINITIONS</u>

- 2.01 Words defined in Section 1 of the *Motor Vehicle Act*, R.S.N.B. 1973, Chapter M-17 shall have the same meaning when used in this by-law unless otherwise defined in Section 2.02 of this by-law.
- 2.02 In this By-law:
 - "By-law Enforcement Officer" means a person appointed by Resolution of Council to enforce the by-laws of the Village of New Maryland;
 - "Fire Zone" means that portion of a highway designated as such by a traffic control device bearing the words "fire zone" or "fire lane," and established for free access of fire department emergency vehicles:
 - "Hazardous Material" means all goods listed in the North American Emergency Response Guidebook, published by Transport Dangerous Goods Directorate of Transport Canada;

"Municipal By-law Infractions Notice" means a document, in the form set out in Schedule "A", providing notification that the provisions of this by-law have been violated;

"Peace Officer" means any person as defined in the *Motor Vehicle Act*, RSNB 1973, Chapter M-17, and amendments thereto;

"Public Space" means land, other than streets owned by the Village, for recreational or other use or enjoyment of the general public, such as conservation areas, parks or playgrounds, trails, walkways, greenbelts, wooded areas and buffers as well as areas reserved for public utilities;

"Public Works Supervisor" means the Supervisor of the Village of New Maryland Public Works Department and/or their authorized representative;

"Street" means the entire width between the boundary lines of a street, road, or highway;

"Village" means the Village of New Maryland;

- "Winter Traction" Tires means:
- (a) tires with treads designed specifically to provide more effective traction on streets during snow and ice conditions which includes All Season Radial tires; and/or
- (b) tires equipped with tire chains made of iron or steel links or studs or other material designed to fit and fasten over motor vehicle tires providing effective traction on streets during snow and ice conditions; and

"Winter Period" means the period between the 1st day of November in any year up to and including the 31st day of March in the following year.

3.0 GENERAL STOPPING AND PARKING

- 3.01 Stop signs shall be erected at the locations set out in Schedule "B" to this by-law.
- 3.02 Yield Right-of-Way signs shall be erected at the locations set out in Schedule "C" to this by-law.
- 3.03 No person shall stop, stand or park a motor vehicle on any of the streets or portions of streets designated no parking zones as set out in Schedule "D" to this by-law.
- 3.04 No person shall stop, stand or park any vehicle on any street or public space:
 - (a) in an area designated as a Fire Zone or a Fire Lane by a traffic control device erected by the Village, or by the owner of the land, as set out in Schedule "E" to this by-law;
 - (b) in an area designated as a parking space for disabled persons by a traffic control device erected by the Village, or by the owner of the land, unless such vehicle displays a valid identification plate permit or placard issued by the Registrar of Motor Vehicles for the Province of New Brunswick or similar authority;

- (c) in the "Winter Period" between the hours of midnight and 7:00 a.m. of any day, or leave any vehicle unattended during periods of snowfall, on any street or highway so as to interfere with snow removal operations;
- (d) on a boulevard or any place reserved for pedestrians except where specifically designated as a parking zone;
- (e) in contravention of any traffic control device posted, or caused to be posted, by the Village, the Public Works Supervisor or a By-law Enforcement Officer pursuant to this by-law or other applicable regulation or legislation;
- (f) in front of a barricade used to block off a roadway or access to a roadway;
- (g) in a public park or public space, except in designated areas; or
- (h) in an area within 5 (five) metres of a fire hydrant.
- 3.05 No person shall park any vehicle containing Hazardous Material overnight in any residential or public area.

4.0 EXCEPTIONS TO PARKING REGULATIONS

- 4.01 Police, Ambulance, and Fire Department emergency vehicles are exempt from all parking and stopping regulations contained in this by-law.
- 4.02 Municipal, provincial or public utility service vehicles are exempt from all parking and stopping regulations contained in this by-law while such vehicles are actually engaged in work of necessity requiring them to be stopped or parked in contravention of any such provision.

5.0 WINTER TIRES

- 5.01 No person shall, while snow or ice is on the surface of a street during a winter period, drive a motor vehicle on any street in the Village of New Maryland without Winter Traction Tires in such a manner as to interfere with the passage of other motor vehicles or persons.
- 5.02 When any peace officer finds a motor vehicle impeding traffic in violation of the provisions of subsection 5.01 above, such officer may:
 - (a) move such vehicle; or
 - (b) require the driver to move the vehicle to a position off the main travelled portion of such street.
- 5.03 Any person who drives a motor vehicle in violation of subsection 5.01 above or fails to move a motor vehicle when required to do so pursuant to subsection 5.02 above is guilty of an offence.

6.0 **SPEED LIMITS**

No person shall drive a vehicle at a speed in excess of 40 kilometres per hour on any street or public space within the Village of New Maryland, except where otherwise posted and except along Provincial Highway 101.

7.0 TRUCK ROUTES

The Council, by resolution, may from time-to-time designate streets, other than provincially designated highways, as temporary truck routes.

8.0 ENFORCEMENT

- 8.01 Any Peace Officer or By-law Enforcement Officer is hereby authorized to take such action or issue such Municipal By-Law Infractions Notice as they may deem to be necessary to enforce any provisions of this by-law.
- 8.02 Whenever any vehicle is parked in contravention of any provision of this by-law, a Municipal By-Law Infractions Notice, in the form set out in Schedule "A" to this by-law, may be issued either by placing it on the vehicle or by delivering it to the registered owner of the vehicle.
- 8.03 A Municipal By-Law Infractions Notice shall specify the reason for which the vehicle is deemed to be in contravention of the provisions of this by-law.
- 8.04 Notwithstanding subsections 8.01 and 8.02, any Peace Officer or Village By-law Enforcement Officer may move or cause to be moved any vehicle found stopped or parked in violation of the provisions of this by-law on any street in the Village of New Maryland. The registered owner of such vehicle will be liable for all costs and charges for the moving and storage thereof.

9.0 PENALTIES

- 9.01 Any person who violates any provision of this by-law is guilty of an offence.
- 9.02 Subject to section 9.01, any person who violates a provision of this by-law is guilty of an offence and is liable on summary conviction to a fine of not less than \$25.00 (*twenty-five dollars*).
- 9.03 Any person who violates section 3.04 (b) of this by-law is guilty of an offence and is liable on summary conviction to a fine not less than \$125.00 (*one hundred twenty-five dollars*).

10.0 **VOLUNTARY PAYMENT OF FINES**

- 10.01 Notwithstanding sections 9.01 through 9.03, any person who violates a provision of this by-law may, on or before the date a charge pertaining to the violation has been laid in provincial court, pay an amount equal to the minimum penalty imposed under section 9.0 of this by-law to the Village of New Maryland at the Village Office, 584 New Maryland Highway, New Maryland, New Brunswick.
- 10.02 A payment under section 10.01 hereof shall constitute a full satisfaction, release and discharge of all penalties incurred by such person for such violation.

11.0 PARTIAL INVALIDITY OF THE BY-LAW

If any section, subsection, sentence, clause or phrase of this by-law is for any reason held to be invalid by the decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this by-law.

12.0 REPEAL AND TRANSITION

- 12.01 *By-law No. 63, A By-law to Regulate Traffic and Parking in the Village of New Maryland* enacted on October 18, 2006 and all amendments thereto is hereby repealed.
- 12.02 The repeal of *By-Law No. 63*, *A By-law to Regulate Traffic and Parking in the Village of New Maryland*, shall not affect any penalty, forfeiture or liability, incurred before such repeal or any proceeding for enforcing the same completed or pending at the time of repeal; nor shall it repeal, defeat, disturb, invalidate or prejudicially affect any matter or thing whatsoever completed, existing or pending at the time of repeal.

Read First Time: (By Title Only)	15 December 2021		
Read Second Time:	15 December 2021		
(By Title Only)			
Advertised as to content on the Village of New Maryland website in accordance with <i>Local Governance Act</i> ,			
S.N.B. 2017, Chapter 18:	02 February 2022		
Read Third Time: (By Summary)	16 February 2022		
Read Final Time: (By Title Only) and ENACTED:	16 February 2022		
(Signed) Judy Wilson-Shee Judy Wilson-Shee	(Signed) Cynthia Geldart Cynthia Geldart		
MAYOR	CAO/CLERK		

SEAL:

SCHEDULE "A"

MUNICIPAL BY-LAW INFRACTIONS NOTICE

VILLAGE OF NEW MARYLAND	MUNICIPAL BY-LAW INF INFRACTIONS AUX ARI		мм 3	351		
VIOLATOR/ CONTRE- VENANT						
ADDRESS/ADRESSE	•					
CITY/TOWN/VILLE/VILLAGE		PROV/STATE/ÉT/	AT POSTAL/O	CODE POSTAL		
DATE OF BIRTH / DATE DE NAIS Y/A M	SANCE IF YOUNG OFFENI D/J POUR UN MINEUR	DER - NAME OF PAREN NOM DE PARENT OU	IT OR GUARDIAN TUTEUR			
VEHICLE PROV/ST INFORMATION INFORMATION SUR LE VÉHICULE	ATE/ÉTAT PL	ATE/PLAQUE	MAKE / MARQU	JE		
OFFENCE / INFRACTION						
		BY LAW/ ARRÉTÉ	SECTION	FINE AMENDE		
PLACE OF OFFENCE/LIEU DE	L'INFRACTION		PROSECUTION POURSUITE	WARNING AVERTISSEMENT		
PAYMENT INSTRUCTI	ONS	MODALITÉS DI	E PAIEMENT	-		
PAYMENTS CAN BE MADE IN PERS 584 NEW MARYLAND HIGHWAY. I NORMAL BUSINESS HOURS	SON AT THE VILLAGE OFFICE, MONDAY TO FRIDAY DURING	EN PERSONNE, À NOT NEW MARYLAND, DU HEURES D'OUVERTU	TRE BUREAU EN I	/ILLE, 584 CHEMIN EDI PENDANT LES		
OR MAIL BY USING THIS CONVENIENCE ENVELOPE OU OU EN LE DÉPOSANT DANS LES BOÎTES DE DÉPOT SITUÉES À BUREAU DU VILLAGE OU OU OU OU OU OU OU OU OU OU						
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Y/A M D/J TI	ME/HEURE AM PM	OFFICER SIGNATUR	RE/DE L'AGEN	T(E)		
OFFICER'S COMMENTS/	COMMENTAIRES DE L'A	AGENT(E)				
APPEALS MUST BE MADI LES APPELS DOIT ÊTRE I CORRESPONDANTS				RVICE		
☐ RCMP ☐ FIRE/INCENDIE	(506) 357-4300 (506) 450-8711	BY LAW ENFO	DRCEMENT/ DES ARRETES	(506) 451-8508		

SCHEDULE "B"

STOP SIGNS

ALBAN STREET, AT DANIEL DRIVE CORTLAND STREET, AT BERKLEY DRIVE ALBAN STREET, AT PHILLIPS DRIVE CROWN AVENUE, AT HIGHWAY 101 ATHLETIC DRIVE, AT PHILLIPS DRIVE CROWN AVENUE, AT DANIEL DRIVE ATKINSON LANE, AT HIGHWAY 101 DANIEL DRIVE, AT HIGHWAY 101 ATKINSON LANE, AT AUTUMN LANE - TWO DEER LANE, AT SHAW LANE WAY STOP DANIEL DRIVE, AT SPRUCEWOOD DRIVE ATKINSON LANE, AT CAINS BROOK LANE DEER LANE, AT SPRINGWATER LANE AUTUMN LANE, AT ATKINSON LANE DOHERTY STREET, AT BERKLEY DRIVE AUTUMN LANE, AT WOODLAWN LANE DOHERTY STREET (NORTHBOUND), AT PINE RIDGE BAKER BROOK COURT, AT HIGHWAY 101 AVENUE BALDWIN STREET, AT BERKLEY DRIVE DOHERTY STREET (SOUTHBOUND), AT PINE RIDGE AVENUE BELLFLOWER STREET, AT BERKLEY DRIVE GLADSTONE STREET, AT BISMARK STREET BERKLEY DRIVE, AT GRAVENSTEIN STREET GRAVENSTEIN STREET, AT MACINTOSH DRIVE BERKLEY DRIVE, AT DOHERTY STREET-TWO HERITAGE AVENUE, AT PHILLIPS DRIVE WAY STOP BERKLEY DRIVE, AT CROWN AVENUE HORNCASTLE AVENUE, AT PHILLIPS DRIVE BIRCHWOOD CRESCENT. AT BERKLEY DRIVE HORNCASTLE AVENUE, AT TIMOTHY DRIVE BIRCHWOOD CRESCENT, AT CROWN AVENUE KERRY LANE, AT ATKINSON LANE BISMARK STREET, AT MELROSE AVENUE KIMBERLEY STREET, AT DANIEL DRIVE BOXWOOD LANE, AT ALBAN STREET KIRK LANE, AT SPRINGWATER LANE BOXWOOD LANE, AT KIMBERLEY STREET KIRK LANE, AT SHAW LANE BRADLEY AVENUE, AT DOHERTY STREET LANTERN LANE, AT ATKINSON LANE Bradley Avenue, at Berkley Drive LANTERN LANE, AT SPRINGWATER LANE Bradshaw Drive, at Highway 101 LARK STREET, AT SUNRISE ESTATES DRIVE CAINS BROOK LANE, AT WOODLAWN LANE LOBO STREET, AT CORTLAND STREET CARLOUGH STREET, AT CORTLAND STREET LODDINGTON STREET, AT BISMARK STREET CARLOUGH STREET, AT BISMARK STREET LODDINGTON STREET, AT NEWMAN STREET CEDAR ACRES COURT, AT HIGHWAY 101 LYNDA LANE, AT CROWN AVENUE CHARTERS AVENUE, AT ALBAN STREET MACINTOSH DRIVE, AT HIGHWAY 101 CHARTERS AVENUE, AT KIMBERLEY STREET MACINTOSH DRIVE, AT CORTLAND STREET CHARTERS SETTLEMENT ROAD, AT HIGHWAY McFarlane Street, at Atkinson Lane 101 (2 SIGNS) McFarlane Street, at Woodlawn Lane CLOVER STREET, AT SPRUCEWOOD DRIVE MCMURTRIE AVENUE, AT SUNRISE ESTATES DRIVE COACH HOUSE LANE, AT ATKINSON LANE MELBA STREET, AT BALDWIN STREET COACH HOUSE LANE, AT SPRINGWATER LANE MELROSE AVENUE, AT CORTLAND STREET CONFEDERATION AVENUE, AT PHILLIPS DRIVE

SCHEDULE "B"

STOP SIGNS

MELROSE AVENUE, AT BERKLEY DRIVE - TWO WAY STOP

MELROSE AVENUE, AT BELLFLOWER STREET
MILLERTON STREET, AT PINE RIDGE AVENUE
MILLERTON STREET, AT SPRUCEWOOD DRIVE

NEWMAN STREET, AT BISMARK STREET

NEWMAN STREET, AT BERKLEY DRIVE

NICHOLSON CRESCENT, WESTBOUND AT

BRADSHAW DRIVE

NICHOLSON CRESCENT, EASTBOUND AT

Bradshaw Drive

OLIVER CRESCENT (WEST), AT CROWN AVENUE

OLIVER CRESCENT (EAST), AT CROWN AVENUE

PHILLIPS DRIVE (NORTH), AT HIGHWAY 101

PHILLIPS DRIVE (SOUTH), AT HIGHWAY 101

PINE RIDGE AVENUE, AT DANIEL DRIVE

PINE RIDGE AVENUE, AT DOHERTY STREET

RUSSET STREET, AT MACINTOSH DRIVE

SANDCHERRY LANE, AT ALBAN STREET

SANDCHERRY LANE, AT KIMBERLEY STREET

SANDY LANE, AT ATKINSON LANE

SANDY LANE, AT SPRINGWATER LANE

SHAW LANE, AT SPRINGWATER LANE

SINCLAIR LANE, AT SHAW LANE

SINCLAIR LANE, AT SPRINGWATER LANE

SPRINGWATER LANE, AT HIGHWAY 101

SPRINGWATER LANE, EASTBOUND AT CAINS

BROOK LANE

SPRINGWATER LANE, WESTBOUND AT CAINS BROOK LANE

SPRUCEWOOD DRIVE, AT CLOVER STREET, TWO WAY STOP

SPRUCEWOOD DRIVE, AT DANIEL DRIVE

STAYMAN STREET, AT CORTLAND STREET

STAYMAN STREET, AT GRAVENSTEIN STREET

STONEHURST AVENUE, AT BRADSHAW DRIVE

SUNRISE ESTATES DRIVE, AT HIGHWAY 101

TIMOTHY DRIVE, AT HIGHWAY 101

TIMOTHY DRIVE, AT PHILLIPS DRIVE

WHITEBIRCH LANE, AT SPRINGWATER LANE

WHITEBIRCH LANE, AT SHAW LANE

SCHEDULE "C"

YIELD RIGHT-OF-WAY SIGNS

CAINS BROOK LANE, AT SHAW LANE

CONFEDERATION AVENUE, AT HORNCASTLE AVENUE

CROWN AVENUE, AT HIGHWAY 101

DOHERTY STREET, AT SPRUCEWOOD DRIVE

GLADSTONE STREET, AT LODDINGTON STREET

HERITAGE AVENUE, AT HORNCASTLE AVENUE

JASMINE COURT, AT SANDCHERRY LANE

KIRKLAND LANE, AT SPRUCEWOOD DRIVE

SPRUCEWOOD DRIVE (WESTBOUND), AT DOHERTY STREET AND KIRKLAND LANE

SPRUCEWOOD DRIVE (EASTBOUND), AT DOHERTY STREET AND KIRKLAND LANE

SUNRISE ESTATES DRIVE, AT MCMURTRIE AVENUE

WESTON STREET, AT SUNRISE ESTATES DRIVE

SCHEDULE "D"

NO PARKING ZONES

LARK STREET - WEST SIDE, COMMENCING AT THE NORTHWEST SIDELINE OF 82 KINGSTON AVENUE, EXTENDING 35 METRES NORTHERLY. - SEE ATTACHED MAP IN SCHEDULE "F".

Sprucewood Drive - southwest side, commencing at the southeast sideline of 95 Sprucewood Drive, extending to the southeast sideline at 79 Sprucewood Drive. - see attached map in Schedule "G".

Sprucewood Drive - Northeast side, commencing at the Northwest sideline of 92 Sprucewood Drive, extending to the southeast sideline at 80 Sprucewood Drive. - See attached map in Schedule "G".

CLOVER STREET - NORTHWEST SIDE, COMMENCING AT SPRUCEWOOOD DRIVE, EXTENDING 50 METRES SOUTH WESTERLY. - SEE ATTACHED MAP IN SCHEDULE "G".

CLOVER STREET – SOUTHEAST SIDE, COMMENCING AT SPRUCEWOOOD DRIVE, EXTENDING 50 METRES SOUTH WESTERLY. - SEE ATTACHED MAP IN SCHEDULE "G".

NEW MARYLAND CENTRE - NORTHEAST SIDE OF MAIN ENTRANCE, COMMENCING AT CHARTERS SETTLEMENT ROAD, EXTENDING NORTHWESTERLY 74 METRES, THEN NORTHEASTERLY 44 METRES. - SEE ATTACHED MAP IN SCHEDULE "H".

KERRY LANE – NORTHWEST SIDE, COMMENCING AT THE NORTHEAST SIDELINE OF 16 KERRY LANE, EXTENDING 15 METERS NORTHEASTERLY. - SEE ATTACHED MAP IN SCHEDULE "J"

KERRY LANE – SOUTHEAST SIDE, COMMENCING AT SOUTHWEST SIDELINE OF 27 WOODLAWN LANE, EXTENDING 15 METRES NORTHEASTERLY. - SEE ATTACHED MAP IN SCHEDULE "J"

MACINTOSH DRIVE – SOUTH SIDE, COMMENCING AT THE NORTH CORNER OF 45 MACINTOSH DRIVE, EXTENDING 95 METRES EASTERLY. - SEE ATTACHED MAP IN SCHEDULE "K"

MACINTOSH DRIVE – NORTH SIDE, COMMENCING AT THE NORTHWEST SIDELINE OF 42 MACINTOSH DRIVE, EXTENDING 95 METRES EASTERLY. - SEE ATTACHED MAP IN SCHEDULE "K"

MACINTOSH DRIVE – SOUTH SIDE, COMMENCING AT THE SOUTHWEST CORNER OF 62 CORTLAND STREET, EXTENDING 125 METRES NORTHEASTERLY. - SEE ATTACHED MAP IN SCHEDULE "L"

SCHEDULE "E"

FIRE ZONES

 $New\ Maryland\ Elementary\ School-Fire\ Lanes\ /\ No\ Parking\ Zones\ -\ see\ attached\ map\ in\ Schedule\ "I"$













