

THE RURAL MUNICIPALITY OF STE ANNE

BY-LAW NO. 5-2009

BEING a by-law of the Rural Municipality of Ste Anne designating certain roads in the Municipality as "No Truck Routes."

WHEREAS Section 90(1) of the Highway Traffic Act provides:

90(1) A traffic authority may make rules or by-laws supplementary to, or in addition to, but not contrary to, any provision of this Act or regulations made thereunder 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:

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

AND WHEREAS the Council of The Rural Municipality of Ste. Anne deems it expedient to designate certain roads in the municipality as "No Truck Routes";

NOW THEREFORE BE IT AND IT IS HEREBY ENACTED as a by-law of The Rural Municipality of Ste. Anne as follows:

1. This by-law may be referred to as "The Rural Municipality of Ste. Anne no truck route by-law":
2. That 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 Highway Traffic Act of the Province of Manitoba;
3. In this by-law
 - a) "council" means the council of The Rural Municipality of Ste. Anne;
 - b) "driver" means a person who drives or is in actual physical control of a vehicle and includes anybody corporate in respect of vehicles driven by its officers, employees, or agents in the course of their employment, and the expressions "drive" and "driving" have a corresponding meaning
 - c) "person" means any person, firm or corporation;
 - d) "truck" means a motor vehicle or semi-trailer truck, that is constructed or adapted to carry goods, wares and merchandise, freight or commodities, but not passengers or baggage, and that has more than four tires and rated in excess of 5000 Kg according to the manufacturer's Gross Vehicle Weight classification;
4. That the following roads in The Rural Municipality of Ste. Anne are hereby designated as "No Truck Routes":
 - Municipal Road 36N, from 36E going East up to (Borland Rd) for apprx. 1¼mile;
 - Municipal Road 37E between Municipal Road 36N and Municipal Road 38N;
 - Municipal Road 38N from Municipal Road 37E going East to Municipal Road 39E;
 - Municipal Road 38E between Provincial Road 311 and Municipal Road 37N;
 - Municipal Road 39E from PR 210 south to Municipal Road 36N
 - Municipal Road 39E from Dawson Road to Trans Canada Highway;
 - Municipal Road 40E from the Trans Canada Highway to Municipal Road 48N;
 - Municipal Road 40E between Municipal Road 40N and Dawson Road;
 - Municipal Road 41E between Municipal Road 40N and the Trans Canada Highway;
 - Municipal Road 43E from Dawson Road to Trans Canada Highway;

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- Municipal Road 44N between Municipal Road 40E going West up to Proulx Road.;
 - From P.R. #207 going South on Proulx Road to St. Raymond Road;
 - Municipal Road 45E from Trans Canada Highway to Municipal Road 48N;
 - Seine Road from Traverse Road to Finnigan Road (inter-municipal with the Town of Ste. Anne);
 - Caledonia Road from Dawson Road to Trans Canada Highway;
 - 1st Avenue and 2nd Street in the Hamlet of Giroux;
 - The North West Drive in the LUD of Richer; and
 - Dawson Road from Forsythe Road to Municipal Road 45E, in the LUD of Richer.
 - Dawson Road from the Municipal Road 40E to the L.U.D. of Richer boundary;
5. No trucks, tractor trailers, or combinations or either one of them with a trailer or trailers, shall be operated over and along any of the roads designated in this by-law as "No Truck Routes", but any truck or truck tractor, or combination of either one of them with a trailer or trailers may operate upon any such road where necessary to the conduct of business at a destination point, provided that the same are operated over the shortest routing only on a road designated as a "No Truck Route" road, except in the case where the shortest route is a hard-surfaced municipal road in which case an alternate route must be used;
6. The provisions of this by-law shall not apply to:
- a) vehicles of or employed by The Rural Municipality of Ste. Anne;
 - b) vehicles of the Government of Manitoba, the Government of Canada, or a public utility, if such vehicles have the owner's name painted thereon and are actually engaged in work of necessity on or near any road designated "No Truck Route" road;
 - c) vehicles owned or operated by any person who permanently resides on property adjacent to any road designated a "No Truck Route" road and only while driving to and from such place of residence over the shortest route;
 - d) Local farm trucks are exempt.
7. All Roads hereby designated as "No Truck Route" roads shall be identified as such by appropriate signs.
8. Every person who contravenes or fails to comply with any provision of this section is guilty of an offence and liable on summary conviction
- a) for a first offence a fine of \$100.00;
 - b) for a second offence a fine of \$200.00;
 - c) for a third offence a fine of \$500.00.
- 9.1 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;

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- 9.2 Nothing in Section 9.1 relieves the driver of the vehicle from any liability to conviction of the offence to which he may be subject.
10. By-law No. 4-2008 of The Rural Municipality of Ste Anne is hereby repealed.

PASSED AND ENACTED by the Council of The Rural Municipality of Ste Anne assembled at the Town of Ste Anne, in the Province of Manitoba, this 16th day of December, A.D. 2009.

THE RURAL MUNICIPALITY OF STE ANNE



Art Bergmann, Reeve



Yvette Courcelles, Chief Administrative Officer

Read a first time this 18th day of November, 2009.
Read a second time this 18th day of November, 2009.
Read a third time this 16th day of December, 2009.