



STE. ANNE MUNICIPALITY

BY-LAW #2024-07

BEING a by-law of the Rural Municipality of Ste. Anne (the Municipality) to establish weight restrictions and designate No Truck Routes.

WHEREAS the Rural Municipality of Ste. Anne is empowered under Part 7 of *The Municipal Act S.M. 1996*, and Parts III, IV, VI and VII of *The Highway Traffic Act* to regulate traffic and the use of streets and sidewalks by by-law and to impose penalties for the violation of such by-law;

AND WHEREAS it is deemed expedient and in the public interest to regulate traffic and the use of Streets and Sidewalks in the Rural Municipality of Ste. Anne;

NOW THEREFORE BE IT RESOLVED THAT the Council of the Rural Municipality of Ste. Anne, duly assembled in Council Chambers, enacts as a By-Law as follows:

1) TITLE

This By-Law may be referred to as “**The 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 Highway Traffic Act* or *Dangerous Goods Handling and Transportation Act* of the Province of Manitoba.

“**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. The expressions “drive” and “driving” have a corresponding meaning.

“**Emergency Vehicle**” means:

- (a) As defined the *The Highway Traffic Act*; and
- (b) a vehicle used by bylaw enforcement officers under *The Planning Act* and *The Municipal Act* for the purpose of enforcing all applicable bylaws and any applicable provincial statues that have been authorized to be enforced,

“**Enforcement Officer**” means anyone appointed by the Municipality as a Designated Officer under section 130 of *The Municipal Act*, or a Peace Officer duly appointed in the Province of Manitoba.

“**Highway**” means any place or way, including any structure forming part thereof, which or any part of which the public is ordinarily entitled or permitted to use for the passage of vehicles, with or without fee or charge therefor, and includes all the space between the boundary lines thereof; but does not include any area designed or intended, and primarily used, for the parking of vehicles and the necessary passageways thereon; 'Highways' as defined are commonly referred to as a Street, Road, Lane, Alley, among others.

“No Truck Route” means the portion of highway which is subject to weight restrictions.

“Owner” means the person who legally possesses the vehicle / to whom the vehicle is registered.

“Person” means any individual and includes a partnership, association, firm, company, or corporation.

“Stop”, as applied to a vehicle whether occupied or not, means when required, to cause the vehicle to cease to move, and when prohibited, to cause the vehicle to cease to move, except when necessary to avoid conflict with other traffic or in compliance with the directions of an Enforcement Officer or a Traffic Control Device.

“Traffic” includes any of the following, singly or in combination, while on a highway:

- a) vehicles and other conveyances,
- b) bicycles,
- c) pedestrians,
- d) ridden or herded animals

“Traffic Control Device” means a sign, signal, light, marking or device approved under the regulations or authorized under subsection 81(3) of *The Highway Traffic Act* to be used

- a) as a traffic control device, and
- b) for a specified purpose;

“Vehicle” means an object capable of travelling and carrying or transporting people or things. This includes, but is not limited to, cars, trucks, semi-trucks, tractors, trailers, heavy equipment, motorcycles.

“Truck” means a vehicle, or combination of vehicles, that weighs more than 5,500 kgs and that is constructed or adapted to carry goods, wares, merchandise, freight, commodities, or passengers. Also known as an overweight vehicle.

3) CAUSING OR PERMITTING OFFENCE

Any person who contravenes, fails to comply with, or permits a contravention or failure to comply with any provision of this By-Law is guilty of an offence.

4) CONTROL OF TRAFFIC BY ENFORCEMENT OFFICER AND OTHERS

- a) When an Enforcement Officer, or Firefighter considers it reasonably necessary
 - i. To ensure the orderly movement of vehicles and other Traffic;
 - ii. To prevent injury or damage to persons or property;
 - iii. To permit proper action in an emergency;

They may direct vehicles and other Traffic and erect temporary control devices to direct vehicles and other Traffic.

The Enforcement Officer, or Firefighter in command, may direct traffic onto No Truck Routes if no other alternative is available during an emergency.

- b) An Enforcement Officer may require the driver of a vehicle to Stop, and the driver of the vehicle, when signaled or requested to Stop by an Enforcement Officer who is readily identifiable as such, shall immediately come to a safe Stop and remain stopped until permitted by the Enforcement Officer to depart.

5) REQUIREMENT TO STOP

- a) An Enforcement Officer, in the lawful execution of his or her duties and responsibilities, may require the driver of a vehicle to stop, and the driver of the vehicle, when signaled or requested to stop by an Enforcement Officer who is readily identifiable as such, shall immediately come to a safe stop and remain stopped until permitted by the Enforcement Officer to depart.
- b) without limiting the generality of subsection 7(a), an Enforcement Officer may, at any time when a driver is stopped,
 - i. require the driver and/or passenger to give their name, date of birth and address to the Enforcement Officer;
 - ii. require the driver to produce their licence, and the vehicle's insurance certificate and registration card and any other document respecting the vehicle that the Enforcement Officer considers necessary;
 - iii. inspect any item produced under clause (ii);

6) WEIGHT RESTRICTIONS – NO TRUCK ROUTES

- a) No Truck Route Highways, listed in “Schedule A”, bear permanent and/or temporary weight restrictions as outlined therein;
- b) Except under the authority of a permit issued by the Municipality, an agreement entered into with the Municipality, or otherwise duly exempted under this By-law, no person shall operate (drive, use, park, stand, or move) a truck or combination of vehicles on a road or portion of road in contravention of this By-Law or the provisions of *The Highway Traffic Act* and regulations thereto.
- c) The Municipality shall place and maintain, or cause to be placed and maintained, control devices to limit the weights of trucks operated upon highways during the periods of the year when damage to such highways would otherwise reasonably be expected to occur, such as, but not limited to, during the spring thaw.
- d) The By-law Enforcement Officer may at any time stop and weigh, or cause to be weighed, any vehicle or any vehicle and load, on a highway; and, for that purpose, he may require that the vehicle be driven to any scale capable of weighing the vehicle and its load and which is available for use at the time of the demand made by the enforcement officer.
- e) Every person shall:
 - i. Stop his vehicle when required so to do by a signal from an enforcement officer under subsection 8.e); and
 - ii. when so required by an enforcement officer under subsection 4.f), drive his vehicle to a scale capable of weighing the vehicle and its load and which is available for use at the time of the requirement made by the enforcement officer.
- f) The Municipality may issue a permit or enter into an agreement with any person for the purpose of establishing fees payable by that person, on a one-time or recurring basis, in respect of the operation of an overweight vehicle on a road. Said fees are to be calculated to reflect the incremental cost of the road deterioration caused by the overweight vehicle or the cost to upgrade the road to accommodate the overweight vehicle.
- g) Where a driver operating a truck, in contravention of this by-law, causes damage to the road or any part thereof, the owner and operator are jointly and severally liable to the Municipality for the damage.

h) The provisions of this by-law shall not apply to:

- i. Vehicles owned or contracted by the RM of Ste. Anne while on active duty;
- ii. Vehicles owned or contracted by 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 necessary on or near any road designated a "No Truck Road";
- iii. Vehicles making a one-time delivery to a local address on a No Truck Route, provided the shortest route on the restricted highway is used to and from the destination.
- iv. School busses, or other passenger trucks, when providing an immediate service to residents on No Truck Routes, or travelling to/from the driver's parking area when not in use.
- v. Septic Trucks (carrying no more than 3,000 gallons in a tank).
- vi. Local Farm Vehicles, transporting essential goods only (i.e.: milk, eggs, feed).

7) PENALTIES AND COSTS

- a) This By-law shall be enforced pursuant to the Municipality's General Enforcement By-law, as amended from time to time.
 - a. Note that under Section 6.1.f) of the Municipal General Enforcement By-law, a warning must be included in this Notice of Contravention stating that failure to comply will result in an Order to Remedy being issued, among other details;
 - b. Note that under section 7.1.b)ix) of the Municipal General Enforcement By-law, a warning stating that fines may be imposed must be included in the Order to Remedy, should the person fail to comply.
 - c. Note that the Enforcement Officer is empowered to use their discretion, due to the nature of the contraventions under this by-law, and may intensify the enforcement actions required based on the level of risk of damages and/or damages incurred, by proceeding to an Order to Remedy or a Fine immediately upon first contact with a driver.
 - d. Note that anyone who is witness to a contravention under this by-law may request an Enforcement Officer enforce the contravention by filing a detailed report with the Officer. The Enforcement Officer is then authorized to use their discretion when determining if the report is sufficient to proceed with enforcement actions.
- b) Any person found to be in contravention of any of the provisions of this By-Law, and at the discretion of the Enforcement Officer, may be subject to one or both of following:
 - a. A penalty of not less than:
 1. \$500.00 for a first offence;
 2. \$750.00 for a second offence;
 3. \$1,000.00 for a third offence; and
 - b. The recovery of costs incurred for any response taken by the Rural Municipality of Ste. Anne, or any other Municipality responding on behalf of the same, which is a result of the contravention of this by-law and/or the costs of repairing damages.
- c) That any fine levied or costs incurred in relation to Section 7 of this By-Law shall be paid directly to the Municipality by the person who has committed the offence, or collected in the manner by which a tax may be collected or enforced under The Municipal Act of Manitoba and the Municipality's General Enforcement By-Law, as amended from time to time.

8) LIABILITY OF OWNERS AND DRIVERS

- (a) Where an offence, consisting of a violation of any provision of this By-Law
 - i) is committed by means of, or with respect to any vehicle; or
 - ii) occurs by reason of, or with respect to, the ownership, use, or operation of any vehicle;

The owner of the vehicle shall incur the penalties provided for a violation of this By-Law unless it can be proven that at the time of the violation the motor vehicle was in the unlawful possession of some person other than the owner without the owner's consent.

- (b) Nothing in 8(a) relieves the driver of the vehicle from any liability for breaching any provisions of this By-Law.

9) FORCE AND EFFECT

- (a) That By-Law#05-2009 (No Truck Route) is hereby repealed.
- (b) That this By-Law shall come into force and effect on the date of final reading thereof.
- (c) The Schedules attached to this By-Law shall form are part of the By-Law.

DONE AND PASSED by the Council of the Rural Municipality of Ste. Anne, in Council duly assembled in the Rural Municipality of Ste. Anne, in Manitoba, this 27th day of March, 2024.

Reeve
Richard Pelletier

Chief Administrative Officer
Mike McLennan

Read a first time this 13th day of March, 2024, by Resolution #2024-104.
Read a second time this 27th day of March, 2024, by Resolution #2024-118.
Read a third time this 27th day of March, 2024, by Resolution #2024-119.

No Truck Route By-Law #2024-07

Schedule "A"

1. No Trucks will be permitted on the Highways outlined below.
2. Temporary No Truck Routes will be automatically implemented seasonally, in concert with Provincial Road Restrictions in the same area.
3. In addition to the above, Temporary and Emergency No Truck Routes will be implemented at the discretion of the Enforcement Officer when environmental or other conditions render highways vulnerable to damages.

Emergency No Truck Routes:

Any Highway may be designated a No Truck Routes on a temporary basis as described above.

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No Truck Route By-Law #2024-07 - Schedule "A"

Permanent No Truck Routes:

HIGHWAY	LOCATION FROM	LOCATION TO	Area	Restriction
1st Avenue	PR 210	2nd Street	Giroux	Permanent
2nd Street			Giroux	Permanent
Arbey Lane				Permanent
Caledonia Road			Ste. Anne	Permanent
Carlton Drive			La Coulee	Permanent
Country Roots Lane				Permanent
Dallas Drive			Richer	Permanent
Dawson Road	Road 40E (Faucher Line)	Perimeter Road (LUD)		Permanent
Dawson Road E	Forsythe Road	Road 45E	Richer	Permanent
Deer Lane			La Coulee	Permanent
Deerfield Drive			La Coulee	Permanent
Elmdale Drive			Greenland	Permanent
Faucher Drive			La Coulee	Permanent
Forsythe Road			Richer	Permanent
Gagnon Drive			La Coulee	Permanent
Godard Street			Richer	Permanent
Kingsdale Place				Permanent
Kropp Road				Permanent
Lanctot Drive			Ste. Anne	Permanent
Marquee Lane			Richer	Permanent
Millar Drive				Permanent
Nault Street			Richer	Permanent
Parkland Drive			La Coulee	Permanent
Perimeter Road NW			Richer	Permanent
Piney Road			Ste. Anne	Permanent
Proteau Drive			Richer	Permanent
Proulx Boulevard			La Coulee	Permanent
Proulx Road			La Coulee	Permanent
Road 36N	Road 36E	Driveway #38001		Permanent
Road 37E	Road 36N (Loewen Blvd)	Road 38N		Permanent
Road 38E	Road 37N	PR 311		Permanent
Road 38N	Road 37E	Road 39E		Permanent
Road 39E	PR 311	North to Dead End	Giroux	Permanent
Road 39E	Road 36N	PR 311		Permanent
Road 39E (Paradise Rd)	Dawson Road	HWY #1E	La Coulee	Permanent
Road 40E	HWY #1E	Road 48N		Permanent
Road 40E	Road 40N	Dawson Road (PR 207)		Permanent
Road 41E	Road 40N	HWY #1E		Permanent
Road 43E	Dawson Road	HWY #1E		Permanent
Road 44N	Proulx Road	Road 40E	La Coulee	Permanent
Road 45E	HWY #1E	Road 48N		Permanent
Saindon Drive			Richer	Permanent
Seine Road	Traverse Road	Finnigan Road	Ste. Anne	Permanent
Snake Road			La Coulee	Permanent
Southeast Drive			Richer	Permanent
Southwest Drive			Richer	Permanent
Tall Grass Road				Permanent
Therrien Drive			Richer	Permanent
Thurston Drive			La Coulee	Permanent
Vernas Way			La Coulee	Permanent

No Truck Route By-Law #2024-07 - Schedule "A"

Temporary No Truck Routes:

HIGHWAY	LOCATION FROM	LOCATION TO	Area	Restriction
Dawson Road	Road 45E	Road 48E		Temporary
Langevin Road			Ste. Anne	Temporary
Lilac Lane	Nature Drive	45N	La Coulee	Temporary
Owens Road				Temporary
Road 30E				Temporary
Road 31E				Temporary
Road 32E				Temporary
Road 33E				Temporary
Road 34E				Temporary
Road 35E				Temporary
Road 36E				Temporary
Road 36N	Driveway #38001	Road 48E		Temporary
Road 37E	HWY #1E	Road 48N		Temporary
Road 37E	Road 38N	Road 41N		Temporary
Road 37N				Temporary
Road 38E	HWY #1E	Road 47N		Temporary
Road 38E	PR 311	Road 41N		Temporary
Road 38E	Road 36N	Road 37N		Temporary
Road 38N	Driveway #40147	Driveway #43089		Temporary
Road 38N	Road 36E	Road 37E		Temporary
Road 39E	HWY #1E	Road 47N		Temporary
Road 39E	PR 210	Driveway #40035		Temporary
Road 39N				Temporary
Road 40E	PR 311	Road 40N		Temporary
Road 40N				Temporary
Road 41E	Driveway #38135	Road 40N		Temporary
Road 41E	HWY #1E	Road 48N		Temporary
Road 41E	PR 210 (Road 36N)	Road 38N		Temporary
Road 41N				Temporary
Road 42E				Temporary
Road 42N				Temporary
Road 43E	Driveway #44044	Dawson Road		Temporary
Road 43E	HWY #1E	Road 47N		Temporary
Road 43E	Road 38N	PR 302		Temporary
Road 43N				Temporary
Road 44E				Temporary
Road 44N	Driveway #43098	Road 45E		Temporary
Road 44N	Road 30E	Road 33E/Two Mile Road		Temporary
Road 44N	Road 46E	Driveway #46067		Temporary
Road 45E	Driveway #43061	HWY #1E		Temporary
Road 45E	Road 36N	Driveway #37120		Temporary
Road 45E	Road 39N	Road 40N		Temporary
Road 45N				Temporary
Road 46E				Temporary
Road 46N				Temporary
Road 47N				Temporary
Road 48E				Temporary
Road 48N				Temporary
St. Raymond Road				Temporary
Tilstone Road				Temporary
Traverse Road				Temporary
Two Mile Road	Road 35E	End		Temporary