

EASTERN CHARLOTTE

BY-LAW NO. EC-07 A BY-LAW RESPECTING STREETS & TRAFFIC IN ST. GEORGE FOR EASTERN CHARLOTTE

PURPOSE: A By-Law of Eastern Charlotte, in the Province of New Brunswick, respecting the streets, roads and traffic in the community of St. George, within the boundaries of the former Town of St. George.

BE IT ENACTED by the Council of Eastern Charlotte under the authority vested in it by the Local Governance Act, R.S.N.B. 2017, c. 18, Part 13, Section 130 to 143, and under the authority of the Motor Vehicle Act, R.S.N.B. 2018, M-17 and the Highway Act, R.S.N.B. 2018, H-5, and amendments thereto, as follows:

TITLE

This by-law shall be cited as the “Streets & Traffic in St. George By-Law”.

DEFINITIONS

- 1** In this By-Law, unless context otherwise requires, in addition to the words defined in Section 1 of the Motor Vehicle Act, R.S.N.B. 2018, Chapter M-17, and amendments thereto, and the Highway Act, R.S.N.B. 2018, H-5, and amendments thereto, when used in this By-Law shall have the same meaning as in the said Act.

“bus stop” means a street or portion of a street set aside for the exclusive parking of buses for the purpose of allowing passengers to enter and alight therefrom;

“CAO” means Chief Administrative Officer. The senior-most staff member of the municipality;

“Council” means the elected Mayor and Council of Eastern Charlotte;

“curb” means and includes any lateral limit of the portion of a street used or intended to be used for vehicles whether marked by curbing or not;

“loading zone” means a street or portion of a street set aside for the parking of official vehicles for the purpose of loading and unloading merchandise;

“Municipality” means the municipality of Eastern Charlotte and shall include its officers, employees, servants, and agents;

“official parking” means and includes that portion of a street set aside for the parking of official vehicles, municipal and provincial, and marked as such by a sign or any other appropriate means;

“one-way street” means a street in which vehicular traffic is limited to movement in one direction;

“police force” means the officers engaged or appointed by Council for the purpose of keeping the peace;

“private road” means a road that is not owned by Eastern Charlotte or the Province of New Brunswick, and; any road servicing two or more parcels of land, that is not a driveway;

“school zone” means the area or space within a roadway which is so marked or indicated by signs as a “school zone”;

“sidewalk” means that portion of the highway or street between the curb lines or the lateral lines of roadway and the adjacent property lines set apart for the use of pedestrians, and includes any part of a highway set apart or marked for the exclusive use of pedestrians;

“street” means and includes any highway as defined in the Motor Vehicle Act which is as follows: “Highway” means the entire width between the boundary lines of every street, road lane, alley, park, parking lot, drive-in theatre, school yard, picnic site, beach, winter road across ice or place when any part thereof is used by the general public for the passage or parking of vehicles, and includes the bridges thereon;

“structure” means a building or other object constructed from several parts, usually a permanent fixed object;

“through street” means and includes a through highway as defined by the Motor Vehicle Act;

“traffic control device” includes “official traffic control device”, “traffic control signal”, “sign” and means a sign or device for the regulation, warning or guidance of traffic, or for indicating the provisions of this By-Law and the provisions of the Motor Vehicle Act and regulations thereunder;

“u-turn” means and includes a through highway as defined by the Motor Vehicle Act;

“vehicle” means every device in, upon or by which any person or property is or may be transported or drawn upon a highway excepting devices moved by human power or used exclusively upon stationary rails or tracks;

“no heavy vehicles” means any vehicle of more than one axle and licensed heavier than 4,500 kg are not allowed to travel such a posted street except for local deliveries and emergency vehicles;

“RCMP” Royal Canadian Mounted Police, St. George detachment assigned to Eastern Charlotte;

“right of way” is a type of Easement (right of) over a specified area outside of boundary of a street, and as defined in the Highway Act;

“NCOIC” means Non-Commissioned Officer In Charge of the Local RCMP Detachment.

AUTHORITY OF POLICE

- 2** The direction of vehicular and pedestrian traffic in the Municipality is under the control of the NCOIC.
- 3** It shall be the duty of all members of the RCMP assigned to Eastern Charlotte to enforce all traffic By-Laws of the Municipality and the *Motor Vehicle Act* of the Province of New Brunswick.
- 4** The NCOIC, or any member of the RCMP, is hereby designated to lay, and shall lay, information for violations of the said Traffic By-Law and the Motor Vehicle Act.
- 5** The NCOIC, or anyone acting on his behalf and authorized by him, is authorized in connection with any emergency or parade to re-route traffic and to prohibit the movement of traffic on any street in Eastern Charlotte.
- 6** No parades shall be held in Eastern Charlotte without first obtaining the permission of the NCOIC.
- 7** For the purpose of Section (5), the NCOIC may from time-to-time cause to be erected and removed traffic control devices for the purpose of directing traffic.

- 8 Prior to the erection or removal of any traffic control devices by the NCOIC on any street which are designated as Provincial highways, permission must be obtained from the Minister of Transportation for the Province of New Brunswick.
- 9 Where such signs or devices are erected and clearly visible, every driver of a vehicle shall obey the direction showing thereon.
- 10 Notwithstanding any provisions of this By-Law, every person shall promptly obey all signals or directions given by a Peace Officer.
- 11 A member of the RCMP, or anyone designated by the NCOIC to act on behalf of the RCMP, may either before or after the institution of proceedings against a person who is alleged to have committed a violation of this By-Law, accept from such person the payment of a sum of money as prescribed by Section 46 (5) of this By-Law as a penalty for the violation of this By-Law.

AUTHORITY TO MOVE VEHICLES

- 12 It shall be lawful for any member of the RCMP, the CAO and/or the Public Works Foreman/Supervisor, to 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 Municipality.
- 13 A vehicle so moved under this By-Law shall be stored in such places as the NCOIC may direct, and the registered owner of such vehicle at the time shall be liable for costs and charges of the storage and moving thereof.
- 14 When any RCMP Officer finds a motor vehicle impeding traffic in violation of the provisions of Section 16 through Section 21 of this By-Law such officer,
 - (a) May move such vehicle, or
 - (b) Require the driver to move the vehicle to a position off the main-travelled part of such street.
- 15 There shall be no liability attached to an RCMP Officer for any damages to a vehicle taken into his custody under this Section.

STOPPING, STANDING AND PARKING

- 16 No person shall stop, stand or park a vehicle on any street within the Municipality, except in accordance with this By-Law.
- 17 Where angle parking is permitted on a street, whether it be at an angle of forty-five (45) degrees or ninety (90) degrees with the curb or boundary of the street, a vehicle shall be parked in accordance with and within the limits of the markings in effect.
- 18 No person shall stop, stand or park a vehicle:
 - (a) in such a position as to obstruct traffic on a street or pedestrian crosswalk, except in case of emergency or under the direction of a Peace Officer;
 - (b) at any place where a traffic control device prohibits stopping, standing or parking;
 - (c) on any street or portion thereof set aside for the exclusive parking of buses for the purpose of allowing passengers to enter or alight therefrom;
 - (d) on any street or portion thereof which is designated as a loading or unloading zone, except for a period not exceeding thirty (30) minutes for the purpose of and while actively engaged in loading or unloading merchandise;

- (e) on any street so as to prevent or obstruct the passing of other vehicles;
 - (f) on any street or portion or entrance thereof designated as an area for “official Parking”;
 - (g) on any street within six (6) meters of an intersection unless otherwise designated.
- 19** No person authorized to park in an official parking space shall park in a space other than the one assigned to him/her.
- 20** Except where parking is prohibited, a vehicle may be parked on a one-way street with the right-hand wheels adjacent to and within fifty (50) centimeters of the right curb of the street or highway.
- 21** In addition to the regulation of vehicular traffic by the schedule attached hereto, the Council may from time to time designate by resolution:
- (a) the time and mode of parking on any street,
 - (b) the direction of traffic on One-Way streets,
 - (c) the loading and unloading zones,
 - (d) the prohibition of parking on any street, or portion thereof, and
 - (e) order the placing and maintain of traffic control devices, as deemed necessary to regulate, warn or guide traffic, subject to obtaining the sanction of the Lieutenant-Governor in Council when the resolution relates to a portion of a provincial highway.
- 22** Before passing any resolution under Section 2 of this By-Law, the Council shall review all matters with the NCOIC.

FUNERAL CORTEGE

- 23** No person shall intersect a funeral cortege or any properly authorized procession while it is in motion, except under the direction of the RCMP

RESTRICTED PARKING

- 24** No person shall park a vehicle for more than one (1) hour between the limits designated in Schedule A attached hereto.

NO PARKING ANYTIME

- 25** No person shall park a vehicle at the side of the streets or portions of streets between the limits designated in Schedule B to this By-Law.

ONE WAY STREETS

- 26** The streets set out in Schedule C of this By-Law are designated as one-way streets and the driver of a vehicle driving on any of the said street shall only proceed in the direction specified for the particular street by the said By-Law.

NO ACCESS

- 27** No driver of a vehicle shall proceed onto Main Street from the driveways or lanes designated in Schedule D.

THROUGH STREETS

- 28(1)** Subject to the existence of through highways with in the said Municipality, designated from time to time by the Minister of Transportation under authority vested in him by the *Motor Vehicle Act*, the Council may in addition thereto by resolution designate streets, in addition to those streets set out in Schedule E to be through streets and shall cause Stop signs or Yield signs to be erected at specified entrances thereto.
- 28(2)** Evidence that a Stop sign or a Yield sign is erected at an entrance to the highway or street is prima facie proof of the designation of such highway or street as a through highway or street at that location.
- 28(3)** The driver of a vehicle approaching a through highway on street within the Municipality shall abide by the rules of the road as enacted under Sections 186 (3) and (4) of the *Motor Vehicle Act* and amendments thereto, and upon failure to do so may be subject to prosecution for having committed an offence under the said Act.

PEDESTRIANS

- 29** Pedestrians are hereby prohibited from crossing any street in a business district except in marked crosswalks.

SNOW REMOVAL

- 30(1)** During the period from the 15th day of November in any year to the 31st day of March of the following year, no person shall park any vehicle on any street between the hours of midnight and seven o'clock in the forenoon.
- 30(2)** Subsection (1) is enacted for the purpose of snow removed and is made pursuant to 113 subsection (5) of the *Motor Vehicle Act*.
- 31** Eastern Charlotte will be responsible for winter maintenance on roads owned by the Municipality as listed in Schedule F, and not those listed in Schedule J.

SPEED LIMITS

- 32(1)** No person shall drive a vehicle at a speed in excess of:
- (a) 35 km per hour on the streets as designated in Schedule G.
 - (b) 30 km per hour on the streets as designated in Schedule H
- 32(2)** All other streets under the authority of the municipality shall be limited to 50 km per hour.

HEAVY VEHICLES RESTRICTED

- 33** No person shall drive a vehicle of more than one axle and licensed heavier than 13,500 kilos except for local deliveries or permission granted by Council, on streets designated in Schedule I.

SNOW OR ICE ON STREETS

- 34** No person shall place snow or ice on any street, sidewalk or square in such manner that impedes or is likely to impede movement of traffic or pedestrians thereon.

WINTER TIRES

35 In this section:

(a) “Winter Traction Tires” means:

- (i) tires with treads designed specifically to provide more effective traction on streets during snow and ice conditions; or
- (ii) 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.

(b) “Winter Period” means the period between the fifteenth day of November in any year up to and including the thirty-first day of March in the following year.

36 No person shall drive a motor vehicle on any street in the Municipality while snow and ice is on the surface thereof during a winter period without winter traction tires and in such manner as to interfere with the passage of other motor vehicles or persons thereon.

WASHING AND REPAIRING VEHICLES ON STREET

37 No person shall wash a motor vehicle or trailer on any street in the Municipality.

38 No person shall overhaul or repair a motor vehicle or trailer on any street, except in case of temporary repairs in case of emergency.

BUILDING ON STREETS AND RIGHT-OF-WAY

39 No person shall build, or erect, a structure on a designated street.

40(1) No person shall build, or erect, a structure within the right-of-way of a designated street, unless written permission is received from the CAO or Development Officer.

40(2) No person shall plant tree(s), or shrubbery, within a right-of-way of a designated street, unless written permission is received from the CAO or Development Officer.

FLOODED ROADS AND STREETS

41 No person shall swim, or operate a boat, on a street that has been flooded, for the purpose of pleasure or recreation.

PRIVATE ROADS

42 No private road shall receive maintenance by the Municipality, either directly from Public Works and its equipment or staff, or from hired contractors by the Municipality without the approval of Council by way of a passed motion.

43 Private roads shall be identified with the name of the street/road in white lettering on a blue sign, with the installation and maintenance of such a sign being under the authority of the Municipality.

44 Private roads are listed in Schedule J.

DISABILITY PARKING

- 45 No person shall park a vehicle on a street or in a location reserved for parking for disabled persons unless there is displayed on or in the vehicle a disabled persons identification plate, permit or placard issued by the Registrar of New Brunswick.

OFFENSES AND PENALTIES

- 46(1) Subject to subsections 2 and 3 of this section, any person who violates any of the provisions of this By-Law is guilty of an offence and is liable upon summary conviction to fine of not less than twenty-five dollars (\$25.00) and not more than eighty dollars (\$80.00).
- 46(2) Any person who violates Section 33 of this By-Law is guilty of an offence and liable upon summary conviction to a fine of not less than twenty-five dollars (\$25.00) for a first offence and a penalty of not more than eighty dollars (\$80.00) for each subsequent offence committed in the same winter period as defined by Section 34 (b).
- 46(3) Any person who violates Section 30 (1) is guilty of an offence and is liable upon summary conviction to a fine of not less than twenty-five dollars (\$25.00) and not more than eighty dollars (\$80.00), and will have their vehicle towed/removed from the area of occurrence to an approved impound lot at a cost to the vehicle owner.
- 46(4) Notwithstanding this section, a member of the RCMP or anyone designated by the NCOIC to act on behalf of the RCMP may, either before or after the institution of proceedings against the person for any violation of the By-Law, accept from such person the payment of a sum of money.
- (a) equal to the minimum fine prescribed for such violation for a first offence,
 - (b) equal to twice the minimum fine prescribed for such violation for a second offence, and
 - (c) equal to the maximum penalty prescribed for such violation for a third or subsequent offence.
- 46(5) Subject to being liable for the assessment of points pursuant to the provisions of the *Motor Vehicle Act* for a violation and conviction of any of the provisions of the By-Law, a payment made under subsection (4) shall constitute a full satisfaction, release and discharge of all penalties incurred by such person for such violation.
- 46(6) The payment of any sum mentioned in subsection (4) shall have, for all purposes, the same effect as if a judge had duly convicted the person of the violation for which the amount was paid.

REPEAL OF EXISTING BYLAWS

- 47(1) The enactment of this by-law repeals the following by-law(s):
- (a) By-Law # 23-D, A Bylaw Respecting the Streets and Traffic in the Town of St. George;
 - (b) By-Law # 23-D-1901, An Amendment (Private Roads).
- 47(2) The repeal of the above by-laws shall not affect any penalty, forfeiture or liability, incurred before such repeal, or any proceeding for enforcing the same completed or pending at that 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.

ENACTMENT

IN WITNESS WHEREOF the local government of Eastern Charlotte has caused its corporate seal to be affixed to this By-Law, the xx day of xx, 2023.

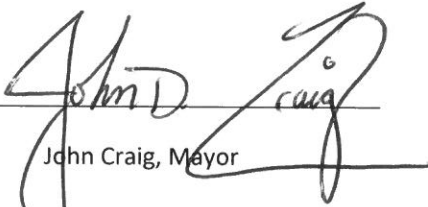
First Reading: 20 September 2023

Second Reading: 20 September 2023

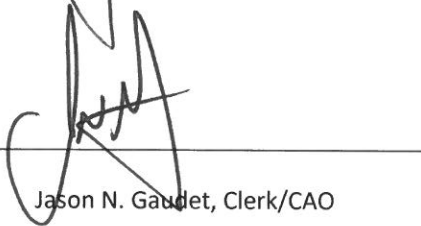
Third and Final Reading and Enacted: 18 October 2023



SEAL



John Craig, Mayor



Jason N. Gaudet, Clerk/CAO

SCHEDULE "A"

RESTRICTED PARKING

STREET	LIMIT	SIDE
Main Street	L'Etete Road - civic # 40 Main Street	South Side
Main Street	civic # 51 - Portage Street	North Side
Main Street (Bank Lot)	Municipal Parking Lot	West Side
Wallace Street (Post Office Lot)	Municipal Parking Lot	As Marked
Portage Street	Roy Jackson Street – civic # 17 Portage Street	West Side
Portage Street	Main Street – civic # 10 Portage Street	East Side
Mount Pleasant Road	Main entrance Civic # 44 Mount Pleasant Road (high school) – 100 meters eastward	South Side

SCHEDULE "B"

NO PARKING ANYTIME

STREET	LIMIT	SIDE
Main Street	Between Portage Street and 40 Main & L'Etete Road intersection to Simpson Court, with exemption in front on Catholic Church (25 meters)	South Side
Main Street	Portion of 45 meters from corner of Riverview (westward) & portion of 40 meters from Riverview (eastward)	North Side
L'Etete Road	Entire Street	Both Sides
Roy Jackson	Entire Street	North Side
Fort Hill Road	Entire Street	Both Sides
Clinch Street	Entire Street	East Side & West Side portion from Main Street - 15 Clinch.
Gillmor Street	Entire Street	South Side & North Side portion, 12 meters from corner of Clinch Street
School Street	Entire Street	East Side
George Street	Entire Street	North Side
Brunswick Street	Entire Street	Both Sides
Carleton Street	Entire Street (West)	South Side
Carleton Street	Extension (East)	Both Sides
South Street	Entire Street	Both Sides
Pancake Hill	Entire Street	Both Sides
Campbell Hill Road	Entire Street	Both Sides
Marsh Lane	Entire Street	West Side
North Street	Entire Street	Both Sides
Wallace Street	Entire Street	Both Sides
Granite Street	Entire Street	Both Sides
Clark Street	Entire Street	Both Sides
William Street	Entire Street	Both Sides
Caithness/Mascarene Road	Corner of L'Etete Road - civic # 200 Mascarene Road	North Side
Magaguadavic Drive	Entire Street	North Side
Salar Court	Entire Street	North Side
Scammellville Road	Entire Street	North Side
Trynor Street	Entire Street	North Side
Simpson Court	Entire Street	North Side
South Street Extension	Entire Street	Both Sides
Kelly Road	Entire Street	Both Sides
Armstrong Crescent	Entire Street	East Side
Riverview Avenue	Entire Street	East Side
Prince William Street	Entire Street	Both Sides
Kennedy Court	Entire Street	Both Sides
Kent Street	Entire Street	Both Sides
Hillcrest Drive	Entire Street	Both Sides
Harvest Lane	Brunswick Street – civic # 11 Harvest Lane	Both Sides
Brookside Lane	Entire Street	East Side
Hillside Crescent	Entire Street	Both Sides

SCHEDULE "C"

ONE-WAY STREETS

STREET	LIMIT	DIRECTION
Brunswick Street	Roy Jackson Street – South Street	Southerly
William Street	Carleton Street - Granite Street	Southerly
Roy Jackson Street	Main Street to entrance – the Parking Lot at the rear of the Post Office	Westerly
Approach to Post Office Parking Lot	From Wallace Street – Parking Lot	Southerly
Mascarene Road / L'Etete Road	Intersection/North of traffic island (see Figure C.1)	Westerly



Figure C.1 – Intersection of
Mascarene Road/L'Etete Road and
Fundy Bay Drive

SCHEDULE "D"

NO ACCESS ONTO MAIN STREET

DESCRIPTION	
Roadway between 21 Main Street and west side 23 Main Street (Country Market)	<i>See Figure D.1</i>
Roadway between 25 Main Street (Baptist Church) and east side of 23 Main Street (Country Market)	<i>See Figure D.1</i>



Figure D.1 - 23 Main Street, aerial view.

SCHEDULE "E"

THROUGH STREETS

STREETS	LIMITS
Main Street	Portage Street – intersection with Meadow Lane (tunnel).
Brunswick Street	Wallace Street – intersection with Manor Road Connector (highway exit).
Fundy Bay Drive	L'Etete Road – former southerly boundary of the former Town of St. George
L'Etete Road	Main Street - Fundy Bay Drive
Manor Road	intersection with Manor Road Connector (highway exit) – intersection with Kelly Road.
Portage Street	Main Street - Wallace Street
Wallace Street	Entire Street

CAUTION - OBEY TRAFFIC SIGNS

Schedule "E" has been prepared for the purposes of convenience in establishing a network of through streets within St. George and for accurate reference recourse should be had to Section 186, subsection (5) of the *Motor Vehicle Act* which states:

"Evidence that a stop sign or yield right-of-way sign is erected at an entrance to a highway is prima facie proof of the designation of such highway as a through highway at that location."

SCHEDULE "F"

STREETS RECEIVING WINTER MAINTENANCE

STREET	ADDITIONAL DESCRIPTION
Adventure Lane	
Armstrong Crescent	
Birch Lane	
Brookside Lane	
Brunswick Street	
Campbell Hill	
Carleton Street	
Clark Avenue	
Clinch Street	
Fort Hill	
Fundy Bay Drive	
George Street	
Gillmor Street	
Granite Street	
Hatt Crescent	Main Street - the walking trail/Coastal Link Trail crossing
Harbour View Heights	
Harvest Lane	
Hillcrest Drive	
Hillside Crescent	
J.O. Spinney Drive	
Kennedy Court	
Kent Street	
L'Etete Road	
Little Lane	
Magaguadavic Drive	
Main Street	
Manor Road	
Marsh Lane	
Meadow Lane	Main Street – civic # 34 Meadow Lane (last well/pump house)
Mill Street	
Mount Pleasant Road	
North Street	
Pancake Hill	
Portage Street	
Prince William Street	
Riverview Avenue	
Roy Jackson Street	
Salar Court	
Scammelville Road	
School Street	
Simpson Court	Main Street - entrance of Mini-Home Park only
South Street	
Trynor Street	
Wallace Street	
William Street	

SCHEDULE "G"

35 KM/H SPEED LIMITS

STREET	LIMIT	ADDITIONAL DESCRIPTION
Main Street	As Posted	Intersection of J.O. Spinney Drive – civic # 89 Brunswick Street
Armstrong Crescent	As Posted	
Brunswick Street	As Posted	civic # 118 Brunswick - South Street
Carleton Street	As Posted	Intersection of L'Etete Road - Portage Street
Clinch Street	As Posted	
Hillcrest Drive	As Posted	
Kent Street	As Posted	
Magaguadavic Drive	As Posted	
Mascarene Road	As Posted	Intersection of Fundy Bay Drive/Route 172 westerly, approx. 400 meters
Mount Pleasant Road	As Posted	
Portage Street	As Posted	
Prince William Street	As Posted	
Salar Court	As Posted	
School Street	As Posted	

SCHEDULE "H"

30 KM/H SPEED LIMITS

STREET	LIMIT	ADDITIONAL DESCRIPTION
Birch Lane	As Posted	
Campbell Hill Road	As Posted	
George Street	As Posted	
Harvest Lane	As Posted	
Kennedy Court	As Posted	
Pancake Hill	As Posted	
South Street	As Posted	Intersection of Campbell Hill Road - Portage Street

SCHEDULE "I"

HEAVY VEHICLE RESTRICTED

STREET	LIMITS
Armstrong Crescent	Entire Street
Carleton Street	Corner of Portage Street - L'Etete Road
Clinch Street	Corner of Gillmor Street - Carleton Street
Harbour View Heights	Entire Street
Hillcrest Drive	Entire Street
Kent Street	Entire Street
Prince William Street	Entire Street
South Street	Entire Street
South Street Extension	Intersection of Campbell Hill Road - civic # 181 South Street (old westerly town limits)
Wellington Court	Entire Street

SCHEDULE "J"

PRIVATE ROADS

Barry Lane

Bri-Dav Lane

Henry Lane

King Lane

Lee Lane

Memory Lane

Pawprint Lane