

## **THE CORPORATION OF THE CITY OF IQALUIT, NU**

### **BY-LAW # 625**

#### **TRAFFIC, PARKING AND WALKWAYS BY-LAW**

WHEREAS, the Cities, Towns and Villages Act, R.S.N.W.T. 1988, c.-8, as amended by S.Nu.2003, c.2, s.69 provides for the regulation of traffic in the City and the parking of vehicles on municipal roads; and,

AND WHEREAS the Cities, Towns and Villages Act, R.S.N.W.T. 1988, c.-8, as amended by S.Nu.2003, c.2, s.70 provides for the passage of by-laws to designate parts of municipal roads as sidewalks, curbs, medians and other component parts;

NOW THEREFORE PURSUANT to the provisions of the Cities, Towns and Villages Act, R.S.N.W.T. 1988, c.-8, as amended by S.Nu.2003, c.2, s.69 and 70, the Council of the Municipality of Iqaluit, NU, in regular session duly assembled, enacts as follows:

#### **SEVERABILITY**

If any provision of this by-law is declared invalid because of any word, phrase, clause, sentence, paragraph or section of this by-law or any documents which form part of this by-law or an application thereof to any person or circumstance is declared invalid, the remaining provisions shall not be affected thereby, but shall remain in force.

#### **SECTION 1 - SHORT TITLE**

This By-Law may be cited as the "Traffic, Parking and Walkways By-Law".

#### **SECTION 2 - DEFINITIONS**

In this By-law the following terms (unless the context specifically requires otherwise) shall have the following meanings:

- 2.1 "All-terrain Vehicle" means an all-terrain vehicle as defined by the All-terrain Vehicles Act and the All-terrain Vehicles By-law.
- 2.2 "Bicycle" means a cycle having any number of wheels that is propelled by human power and on which a person may ride.

- 2.3 “Chief Administrative Officer” or “CAO” means the Chief Administrative Officer of the City appointed pursuant to section 43 of the Cities, Towns and Villages Act R.S.Nu., 2003, c.02, or designate.
- 2.4 “City” means the City of Iqaluit, NU.
- 2.5 “Crosswalk” means that part of a roadway at an intersection marked as a pedestrian crossing by a traffic control device; that lies between imaginary lines connecting the lateral lines of the sidewalks on opposite sides of the highway where there are no marked pedestrian crossings and the intersecting highways have sidewalks.
- 2.6 “Council” means the Council of the City.
- 2.7 “Curb” means in respect of a roadway, the edge of the roadway, if the roadway does not have a curb.
- 2.8 “Driver” means a person who operates a vehicle or, where the vehicle is not in motion, the person who is in actual physical control of the vehicle.
- 2.9 “Emergency Vehicle” means
- a motor vehicle that is used for emergency purposes, carries rescue or first aid equipment and has markings on the outside of the vehicle indicating that it is used for emergency purposes, or
  - a motor vehicle that is operated by a member of a fire department in the performance of his or her duties and has markings on the outside of the vehicle indicating that it is used by a fire department.
- 2.10 “Enforcement Vehicle” means a motor vehicle operated in the performance of his or her duties by a person authorized to enforce an Act of the territories or an Act of Canada or the by-laws of a municipal corporation.
- 2.11 “Motorcycle” means a motor vehicle that has two or more wheels; is designed for use on a highway; and does not have a cab for the driver.
- 2.12 “Officer” means a by-law officer appointed under section 171 of the Cities, Towns and Villages Act and an officer of the RCMP.
- 2.13 “Parking Stall” means a portion of a highway or an area indicated by signs and/or markings as a parking space for one vehicle only.
- 2.14 “Pedestrian” means a person on foot or in a wheelchair and includes a child in a carriage or carried by a person on foot.

- 2.15 “Roadway” means part of a highway that is improved, designed or ordinarily used for the passage of vehicles, but does not include the shoulder of a highway.
- 2.16 “Trail” means a path, usually raised, that may include boardwalks, that is improved for the use of pedestrians.
- 2.17 “Vehicle” includes any All-terrain Vehicle, and any vehicle designated to travel on land that is drawn, propelled or driven by any kind of power including muscular power.
- 2.18 “Visitor” means a person who is visiting Iqaluit.
- 2.19 “Walkway” means the part of a highway beside or near a curb or edge of a roadway that is improved for the use of pedestrians.

### **SECTION 3 – PARKING**

- 3.1 No driver shall park his or her vehicle on a roadway where it is practicable to park the vehicle off the roadway, unless there is a traffic signage authorizing the parking of the vehicle on that roadway.
- 3.2 No driver shall park his or her vehicle on a roadway so as to obstruct the passage of vehicles on the roadway.
- 3.3 No person shall park a vehicle :
- a) In front of a public or private driveway;
  - b) Within an intersection;
  - c) On a walkway;
  - d) Within 3 meters of a fire hydrant;
  - e) Within a crosswalk;
  - f) Within 5 meters in front of a stop or yield sign located at the side of the roadway;
  - g) Within 6 meters of a driveway to a fire station on the side of a street on which the fire station is located;
  - h) Adjacent to or opposite a street excavation or obstruction, where parking obstructs the flow of traffic;
  - i) On a bridge or other elevated structure;
  - j) On private property without authority from the owner, tenant, occupant or person in charge or control of the private property;
  - k) On any portion of the highway designated as disabled parking area by a universal handicap signage located above or to the side of the highway, except those vehicles displaying a disabled placard.

- 3.4 No person shall park a vehicle upon streets or alleys which have been marked for angle parking, at an angle in relation to the curb or margin of the shoulder, other than consistent with such markings or signs.
- 3.5 An Officer may require the driver of a vehicle to move or may himself move a vehicle or have the vehicle towed:
- a) Where it is stopped or parked in contravention of this by-law;
  - b) Where an unattended vehicle is parked in contravention of this by-law, an officer may take the vehicle into his custody and cause it to be taken to and stored in a suitable place.

All costs and expenses incurred or arising out of any movement or storage of a vehicle under subsections (a) or (b) shall be chargeable to the owner and the driver of the vehicle, jointly and severally, who shall be deemed to have authorized such movement and storage at their respective risk and costs.

- 3.6 A person shall park a vehicle:
- a) Within the designated parking areas;
  - b) Within the designated parking stalls including those identified as Back-in angle parking, only after making the appropriate right hand turn signal.

#### **SECTION 4 – BY-LAW EXEMPTIONS**

- 4.1 Section 3 does not apply to:
- a) An Officer during the Officer's hours of duty in the performance of his or her duties;
  - b) An ambulance or fire-fighting vehicle in the performance of its duties;
  - c) A public utility vehicle making repairs or providing snow clearing.

#### **SECTION 5 – PEDESTRAIN WALKWAYS**

- 5.1 Notwithstanding the provisions of this or any other Act or by-law, a driver shall yield the right-of-way to a pedestrian crossing a roadway within a crosswalk.
- 5.2 The location of all crosswalks shall be established by resolution of Council.
- 5.3 Where a motor vehicle is stopped at a crosswalk to permit a pedestrian to

cross the roadway, a driver approaching from the rear shall not pass the stopped vehicle.

- 5.4 A pedestrian shall look in both directions before leaving a place of safety to cross a roadway.
- 5.5 Where a pedestrian is crossing a roadway at a point other than within a crosswalk, the pedestrian shall yield the right-of-way to all drivers.
- 5.6 A pedestrian shall not walk or run on a roadway if there is a walkway that is usable on either side of the roadway.
- 5.7 Where there is no walkway that is usable on either side of a roadway, a pedestrian shall, unless it is impracticable, walk or run on the left-hand side of the highway or the shoulder of the highway.
- 5.8 No person shall place, or shall cause or allow to be placed upon any highway or public place within the City any snow, ice, dirt, or other obstruction removed from any place in the City other than from a walkway pursuant to the provisions of this by-law.
- 5.9 No person shall operate a motor vehicle, snowmobile or special all-terrain vehicle on the Walkways or City Trails. The location of the Walkways and of the City Trails is provided on Schedule A and Schedule B of this by-law.
- 5.10 No person shall operate a bicycle on the Walkways. Any person operating a bicycle on City Trails shall yield the right-of-way to pedestrians using the trails.

## **SECTION 6 – OBSTRUCTION OF ROADWAY OR WALKWAY**

- 6.1 No person shall construct, or cause to be constructed, or erect any installation or device which shall open over, obstruct, or in any way encroach upon a walkway or roadway without the consent of the City Administrator.

## **SECTION 7 – PENALTY PROVISIONS**

- 7.1 Any person violating any provision of this by-law is guilty of an offence and is liable upon Summary Conviction to a fine not exceeding:
  - a) Two thousand (\$2,000.00) dollars for an individual;
  - b) Ten thousand (\$10,000.00) dollars for a corporation; or
  - c) Imprisonment for a period not exceeding six months, in default of payment of a fine.

- 7.2 Any person visiting the community may apply to the Chief Enforcement Officer for a one time forgiveness of fines for parking violations.

## **SECTION 8 – SCHEDULES**

- 8.1 The following schedules form part of this By-law:
- “A” Pedestrian Walkway Plan
  - “B” City Trails Plan
  - “C” Fine Schedule
- 8.2 The CAO is authorized to amend or revise Schedule “A” and “B” from time to time and to attach the amended or revised schedule of this by-law together with the date of revision noted thereon.
- 8.3 Notwithstanding Section 8.2 all attached schedules can be changed by resolution of Council without requiring an amendment to this by-law.

## **SECTION 9 – EFFECTIVE DATE**

This By-Law shall come into full effect upon Third and Final reading.

THIS BY-LAW READ a First Time this 22<sup>nd</sup> day of November, 2006 A.D.

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Elisapee Sheutiapik  
Mayor

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Ian Fremantle  
Chief Administrative Officer

THIS BY-LAW READ a Second Time this 14<sup>th</sup> day of March, 2006 A.D.

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Elisapee Sheutiapik  
Mayor

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Ian Fremantle  
Chief Administrative Officer

THIS BY-LAW READ a Third and Final Time this 14<sup>th</sup> day of March, 2006 A.D.

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Elisapee Sheutiapik  
Mayor

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Ian Fremantle  
Chief Administrative Officer

## SCHEDULE "C" BY-LAW #

### FINES

<b>Section</b>		<b>Fine</b>
3.3(A-J)	Unauthorized parking	\$50.00
3.8	Failure to park in designated parking area or designated parking stall	\$50.00
5.1	Failure to yield right of way to pedestrian within a crosswalk	\$75.00
5.6	Failure to walk on Walkways	\$25.00
5.9	Operating a vehicle on Walkway or City Trail	\$150.00
5.10	Operating a bicycle on Walkways	\$50.00