



THE MUNICIPAL CORPORATION OF THE TOWN OF FORT SMITH
BY-LAW 872

A BY-LAW FOR THE REGULATION, CONTROL AND MANAGEMENT OF VEHICLE, BICYCLE AND PEDESTRIAN TRAFFIC, PURSUANT TO SECTIONS 344, 345, 346, 347 AND 348 OF THE MOTOR VEHICLES ACT, R.S.N.W.T., 1988, BEING CHAPTER M-16.

WHEREAS the Council of the Corporation of the Town of Fort Smith in the Northwest Territories, deems it necessary to regulate, control and manage vehicle, bicycle and pedestrian traffic within the Municipal boundaries of the Town of Fort Smith in the Northwest Territories.

AS Council wishes to regulate the use and operation of vehicles, bicycle and pedestrian traffic in an orderly manner within the Municipality; and

AS the Motor Vehicles Act empowers Council to make Bylaws for this purpose;

NOW THEREFORE, the Council of the Corporation of the Town of Fort Smith in the Northwest Territories, in a duly assembled meeting enacts as follows:

SHORT TITLE

1. This Bylaw SHALL be cited as the Fort Smith "TRAFFIC REGULATION BYLAW".

INTERPRETATION

2. In this bylaw:

- (a) "BICYCLE" means a cycle having any number of wheels that is propelled by human power and on which a person may ride;
- (b) "BUS" means a motor vehicle with a maximum seating capacity set by the manufacturer of more than ten (10) persons including the driver's seat;
- (c) "BYLAW ENFORCEMENT OFFICER" (herein called Officer) means the Bylaw Enforcement Officer of the Town of Fort Smith appointed by the Council to enforce Municipal Bylaws;
- (d) "CENTER LINE" means the real or imaginary line that divides the lanes for traffic travelling in opposite directions on a two-way roadway;
- (e) "COMMERCIAL VEHICLE" means a motor vehicle used for business purposes, but does not include a public service vehicle;
- (f) "CONSTRUCTION VEHICLE" means a grader, loader, shovel, tractor, mobile crane, backhoe, forklift or any other similar equipment not normally used for travel on a highway;
- (g) "COUNCIL" means the Council of the Municipal Corporation of the Town of Fort Smith in the Northwest Territories;
- (h) "CROSSWALK" means:
 - (i) that part of a roadway at an intersection
 - (a) marked as a pedestrian crossing by a traffic control device,



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2. (h) (b) that lies between imaginary lines of the sidewalks on opposite sides of the highway where there are no marked pedestrian crossings and the intersecting highways have sidewalks, and
- (c) that lies between an imaginary line connecting the curb or edge of the roadway on opposite sides of the highway and an imaginary line parallel to and 1.5m back from the first line where there are no marked pedestrian crossings and the intersecting highways do not have sidewalks, and
- (ii) that part of a roadway other than at an intersection, marked as a pedestrian crossing by a traffic control device;
- (i) "CURB or EDGE" means, in respect of a roadway, the edge of the roadway, if the roadway does not have a curb;
- (j) "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;
- (k) "EMERGENCY VEHICLE" means:
- (i) 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
- (ii) 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 the fire department;
- (l) "ENFORCEMENT VEHICLE" means a vehicle operated by a person authorized to enforce an Act of the Territories or an Act of Canada, or the Bylaws of a Municipality;
- (m) "GROSS WEIGHT" means the combined weight of a vehicle and its load;
- (n) "HIGHWAY" means a road, place, bridge or structure, whether publicly or privately owned, that the public is ordinarily entitled or permitted to use for the passage of vehicles, and includes:
- (i) a privately or publicly owned area that is designed and primarily used for the parking of vehicles, other than a driveway of a private dwelling,
- (ii) where a plan of survey or other instrument establishes a highway, the area between the boundary lines of the highway as shown on the plan of survey or instrument,
- (iii) a sidewalk, pathway, ditch or shoulder adjacent to and on either side of the travelled portion of the road or place and the area between the sidewalk, pathway, ditch or shoulder and the travelled portion of the road or place, and
- (iv) a road on a frozen body of water or water course or a road that can be used for only a portion of a year;
- (o) "INTERSECTION" means the area closed by the imaginary extension and connection of the curbs or edges of roadways that intersect or join at an angle;
- (p) "JUDGE" means a judge of the Supreme Court, a justice, territorial judge, youth court judge, and a judge of a Court of Appeal;



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- (g) "LOAD, LOADING or UNLOADING" means parking and stopping any vehicle so as to allow freight to be taken on or off or passengers to enter or descend from the vehicle;
- (f) "MOTOR VEHICLE" means a vehicle propelled or driven by other than muscular power and includes a trailer, but does not include:
 - (i) an aircraft, a marine vehicle or an all-terrain vehicle,
 - (ii) a device that runs or is designed to run exclusively on rails, or
 - (iii) a mechanically propelled wheelchair;
- (s) "MUNICIPAL CORPORATION" means the Municipal Corporation of the Town of Fort Smith in the Northwest Territories established or continued as a city, town or village under the Cities, Towns and Villages Act;
- (t) "MUNICIPALITY" means the geographic area of jurisdiction of the Municipality of the Town of Fort Smith;
- (u) "OFFICER" means a motor vehicle officer appointed by the Minister, or a Bylaw officer appointed by Council. Members of the Royal Canadian Mounted Police are ex- officio officers under this bylaw;
- (v) "PARK" in respect of a vehicle, means the stopping of a vehicle, whether occupied or not, except where:
 - (i) the vehicle is stopped in accordance with the direction of an officer or a traffic control device,
 - (ii) the flow of traffic requires the vehicle to be stopped, or
 - (iii) the vehicle is temporarily stopped for the purpose of and while engaged in loading or unloading;
- (w) "PEDESTRIAN" means a person on foot or in a wheelchair and includes a child in a carriage or carried by a person on foot;
- (x) "PUBLIC SERVICE VEHICLE" means a motor vehicle used for business purposes to transport:
 - (i) freight not owned by the owner of the vehicle, or
 - (ii) passengers for compensation;
- (y) "ROADWAY" means the 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. (z) "SCHOOL BUS" means a motor vehicle used to convey students to or from school or any other place approved by the authority in charge of the school that the students attend where:
 - (i) the vehicle is owned or operated by the authority in charge of the school, or
 - (ii) the vehicle is operated pursuant to a contract with the authority in charge of the school;



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- (aa) "SENIOR ADMINISTRATIVE OFFICER" means the Senior Administrative Officer of the Town of Fort Smith in the Northwest Territories;
 - (bb) "SIDEWALK" means the part of the highway beside or near a curb or edge of a roadway that is improved for the use of pedestrians;
 - (cc) "STOP, FULL STOP or STOPPING" means bringing a vehicle to, or leaving at, a standstill;
 - (dd) "TRAFFIC" includes vehicles, ridden or herded animals, bicycles and all-terrain vehicles;
 - (ee) "TRAFFIC CONTROL DEVICE" means a sign, signal, light, line, marking or device placed or erected under a bylaw for the purpose of regulating, warning, guiding pedestrians or traffic;
 - (ff) "TRAFFIC LIGHT" means a traffic control device that uses shapes, symbols or words that are periodically illuminated to direct traffic or pedestrians to stop and to proceed;
 - (gg) "TRAILER" means a vehicle that is designed to be drawn on a highway by a motor vehicle, whether or not part of its weight or load rests on or is carried by that motor vehicle, but does not include a sidecar attached to a motorcycle;
3. Except as otherwise provided herein, the terms and expressions used in this Bylaw have the same meaning as in the Interpretation Act, the Motor Vehicles Act and the Cities, Towns and Villages Act respectively.

APPLICATION

4. (a) The provisions of the Motor Vehicles Act apply within the Municipality except where this Bylaw departs from such provisions in which case the bylaw provisions shall be enforced;
- (b) Where any departure from the Motor Vehicles Act is indicated by means of a sign or traffic control device, every driver or pedestrian shall conform to the bylaw.
5. This bylaw does not apply to persons or to vehicles and other equipment actually engaged in highway construction or maintenance work on, under, or over the surface of a highway while at the site of the work if it is reasonably necessary for the purposes of the construction or work that this bylaw be not complied with or contravened and the work has been authorized by a the Senior Administrative Officer.

ENFORCEMENT AND EMERGENCY VEHICLE

6. (a) Subject to subsections (b) and (c), the driver
- (i) of an emergency or enforcement vehicle, when responding to an emergency call or alarm, or
 - (ii) of an enforcement vehicle, when in pursuit of a person who is suspected of contravening a law or bylaw or when going to investigate a suspected contravention of law or bylaw,
- may drive the emergency or enforcement vehicle, as the case may be, in contravention of this bylaw where it is necessary to do so;



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- (b) Subsection (a) does not apply to a driver of an enforcement or emergency vehicle, unless
 - (i) when the vehicle is moving, it is emitting an audible signal by bell or siren and the flashing lights on the vehicle are activated, or
 - (ii) when the vehicle arrives at its destination and parks, the flashing lights on the vehicle are activated;
- (c) Where the driver of an enforcement or emergency vehicle contravenes this bylaw under subsection (a), the driver shall drive the vehicle with regard for the safety of the traffic using the highway taking into account all circumstances of the case including:
 - (i) the condition of the highway,
 - (ii) the amount of traffic on the highway,
 - (iii) the nature of the use being made of the enforcement or emergency vehicle at that time, and
 - (iv) the time of the day.
- (d) Upon the immediate approach of an enforcement or emergency vehicle that is emitting an audible signal by bell or siren or that has its flashing lights activated, a driver shall:
 - (i) yield the right of way to the enforcement or emergency vehicle;
 - (ii) immediately drive to a position clear of an intersection and parallel to and as close as is practicable to the right-hand curb or edge of the roadway;
 - (iii) stop and remain in that position until the enforcement or emergency vehicle has passed.

TRAFFIC CONTROL

- 7. Where an officer reasonably considers it necessary to ensure orderly movement of traffic, to prevent injury or damage to persons or property, or to permit proper action in an emergency, the officer may direct traffic accordingly to his or her direction, notwithstanding anything in this bylaw, and every person shall obey the officers directions.
- 8. No person shall erect or maintain upon, or in view of a highway, a device that purports to be, or resembles or interferes with the effectiveness of a traffic control device unless he or she is authorized to do so in writing by the Senior Administrative Officer.
- 9. Council may by resolution, authorize the alteration, replacement, concealment or removal of any sign or device upon or near any highway within the Municipality which falsely purports to be or which might be mistaken for a traffic control device.
- 10. No person shall alter, damage, attempt to or remove a traffic control device or any part thereof without written authorization of the Senior Administrative Officer.

SPEED RESTRICTIONS

- 11. All drivers shall abide by the speed zones as identified in Appendix A.”
- 12. Where a traffic control device sets out a maximum speed limit, the speed limit applies to that part of the highway between the traffic control device and the point where another



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traffic control device indicates a greater or lesser speed or that the speed limit has ceased to apply.

13. No driver shall operate a vehicle at a rate of speed that is unreasonable having regard to all the circumstances including, without restricting the generality of the foregoing:
- (a) the condition of the highway;
 - (b) class of vehicle being driven;
 - (c) the weather or conditions that might affect the visibility of the driver, or
 - (d) the amount of traffic on the highway.
14. (a) No driver shall operate a vehicle at such a slow speed that the vehicle unreasonably impedes the movement of other vehicles travelling in the same direction.
- (b) Subsection (a) does not apply to a driver operating a vehicle at a slow speed if the slow speed is required for the safe operation of the vehicle and a prescribed slow moving vehicle sign is attached to the back of the vehicle.
15. Where a driver contravenes subsection 14(a), an officer may direct the driver:
- (a) to increase the speed of his or her vehicle so that the vehicle no longer impedes the movement of the other vehicles, or
 - (b) to remove the vehicle from the highway, and the driver shall comply with the direction.

TURNS

16. (a) A driver who intends to turn right at an intersection or onto a private road or driveway shall make the turn as closely as is practicable to the right hand curb or edge of the roadway.
- (b) A driver who turns right at an intersection shall make the turn by passing as closely as is practicable to the right hand curb or edge of the roadway entered.
17. A driver who intends to turn left at an intersection shall:
- (a) approach the intersection in the extreme left hand lane that is lawfully available to traffic proceeding in the same direction as the driver; and
 - (b) after entering the intersection, make the left turn so as to leave the intersection, as nearly as possible, in the extreme lefthand lane that is lawfully available to traffic proceeding in the same direction as the driver on the roadway being entered.
18. (a) A driver who intends to turn left from a two way roadway onto a private road or driveway shall make the turn from the right of, and as closely as practicable to, the center line of the roadway.
- (b) A driver who intends to turn left from a one way roadway onto a private road or driveway shall make the turn from the lane closest to the left hand curb or edge of the roadway.



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19. (a) Subject to subsection (b), a driver who intends to make a turn shall signal an intention to turn at least 30m before the place of the turn if the driver is on a highway within the Municipality;
- (b) Where there is an intersection between the distance referred to in subsection (a) and the intersection at which the driver intends to turn, the driver shall not signal the turn until the driver passes the intersection that lies between.
20. (a) Subject to subsection (b), a driver may turn a vehicle so as to proceed in the opposite direction if that movement can be made without interfering with traffic;
- (b) No driver shall turn his or her vehicle so as to proceed in the opposite direction if he or she is driving
- (i) on a curve;
- (ii) on an approach to or near the crest of a hill where the vehicle cannot be seen by a person operating a vehicle approaching from either direction within 150m.

SIGNALS

21. A driver who is required to give a left turn signal for a left turn or other movement of his or her vehicle to the left shall make the signal by:
- (a) activating the flashing turn signal lights on the lefthand side of the vehicle; or
- (b) extending his or her left hand and arm horizontally from the vehicle.
22. A driver who is required to give a right turn signal for a right turn or other movement of his or her vehicle to the right shall make the signal by:
- (a) activating the flashing turn signal lights on the righthand side of the vehicle; or
- (b) extending his or her left arm from the shoulder to the elbow horizontally and from the elbow to the hand vertically upwards from the vehicle.
23. A driver who is required to give a signal to indicate a stop or decrease in speed of his or her vehicle shall make the signal by:
- (a) activating the brake lights on the vehicle; or
- (b) extending his or her left arm diagonally downwards from the vehicle.
24. A driver who gives a signal by hand shall give the signal from the lefthand side of the vehicle.

RIGHT OF WAY

25. (a) In this section, "Intersection" means an intersection that is controlled at every corner by a stop sign.
- (b) A driver approaching an intersection shall yield the right of way to traffic within the intersection.
- (c) A driver reaching an intersection before another driver has the right of way over the other driver.
- (d) Where two drivers arrive at an intersection on different roadways at the same time, the driver on the left shall yield the right of way to the driver on the right.



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26. (a) A driver who is about to proceed across or turn onto a through highway facing a traffic control device that requires the driver to stop shall yield the right of way to:
- (i) traffic within the intersection; and
 - (ii) traffic proceeding on the through highway that is close to the driver that it is not safe for the driver to proceed across or turn onto the through highway.
- (b) A driver who has yielded the right of way as required by subsection (a), may proceed across or turn onto the through highway with caution and vehicles approaching the intersection on the through highway shall yield the right of way to the driver.
27. A driver approaching a yield sign at an intersection shall:
- (a) slow his or her vehicle to a speed that would enable the driver to stop his or her vehicle before it enters the intersection;
 - (b) yield the right of way to traffic within the intersection or proceeding on the intersecting highway that it is so close to the driver that it is not safe for the driver to enter the intersection; and
 - (c) stop the vehicle before it enters the intersection if it is not safe to proceed into the intersection.
28. A driver who is about to enter or cross a highway from a private road, alley, building, driveway or lane shall yield the right of way to pedestrians and traffic proceeding on the highway that are so close to the driver that it is not safe for the driver to enter the highway.

STOPS

29. Where there is an opportunity to give a signal, no driver shall stop or suddenly decreases the speed of his or her vehicle without first giving the signal for a stop or a decrease in speed.
30. A driver that is required to stop his or her vehicle before it enters an intersection shall stop the vehicle before it enters an intersection
- (a) at a stop line marked at the intersection;
 - (b) if there is no stop line, then immediately before entering a marked crosswalk; or
 - (c) if there is no stop line or marked crosswalk, then at the point nearest the intersection from which the driver has a view of traffic approaching on the intersecting roadway.
31. A driver approaching a stop sign at an intersection shall stop his or her vehicle before it enters the intersection.
32. A driver, on meeting a school bus that:
- (a) is headed in the same or opposite direction as the driver, and
 - (b) has its flashing lights in use,



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- (c) stop his or her vehicle before it reaches the bus, and
- (d) not proceed until the flashing lights are no longer in use.

PARKING

- 33.
 - (a) No driver shall park his or her vehicle on a roadway where it is practicable to park the vehicle off a roadway, unless there is a traffic control device authorizing the parking of vehicles on that roadway.
 - (b) No driver shall park his or her vehicle on a roadway so as to obstruct the passage of vehicles on the roadway.
 - (c) Subsections (a) and (b) do not apply to a driver where his or her vehicle is disabled and cannot be driven to a place on the roadway that does not obstruct the passage of vehicles on the roadway.
- 34. No person shall, within the Municipality, park a vehicle on a highway:
 - (a) in front of a public or private driveway;
 - (b) within an intersection;
 - (c) on a sidewalk;
 - (d) within 3m of a fire hydrant;
 - (e) within a crosswalk;
 - (f) within 5m in front or behind a stop or yield sign located at the side of the roadway;
 - (g) adjacent to or opposite a street excavation or obstruction, where parking obstructs the flow of traffic;
 - (h) in front of a ramp or designated zone designed for use by a physically disabled person;
 - (i) in an area reserved for a class of persons or persons possessing a valid parking permit;
 - (j) unless it is headed in the direction of traffic for the side of the highway on which the vehicle is parked.
- 35. No person shall park a vehicle except an emergency or enforcement vehicle, on duty, upon a highway in a space indicated by a traffic control device to be a space in which parking is prohibited.
- 36.
 - (a) Any vehicle parked contrary to sections 33, 34, and 35, may be removed at the risk and expense of the owner by an officer or any person authorized to do so by an officer.
 - (b) Any vehicle removed under subsection (a) may be held at the risk and expense of the owner by an officer or any person authorized to do so by an officer until the expenses of removal and or storage of the vehicle have been paid to the officer or to such person who has incurred such expense.



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37. (a) No person shall park a tank truck or any other vehicle carrying gasoline, kerosene, diesel fuel, jet fuel, heating oil, explosives, or other hazardous goods in any area within the Municipality, unless such area has been designated by the Senior Administrative Officer for the parking of such vehicles or such parking is a permitted use in the Zoning bylaw.
- (b) No person shall park a tank truck or other vehicle uses specifically for transporting propane, methane, other volatile gases or dangerous goods or chemicals whether loaded or having been discharged or unloaded in any area of the Municipality unless such area has been designated by the Senior Administrative Officer for the parking of such vehicles or such parking is a permitted use in the Zoning bylaw.
- (c) The parking of tank trucks or any other vehicles carrying volatile liquids or gases or having discharged or unloaded their cargo of volatile liquids or gases, whether such vehicles are attended, at a distance of not less than 30m from any building used for assembly, institutional, multiple occupancy or public use, is an offence under this bylaw.
- (d) Notwithstanding subsections (a), (b), and (c) of this section, tank trucks or other such vehicles having a gross vehicle weight of up to but not exceeding 20 tonnes may make home deliveries of heating fuel or propane within the Municipality.
- (e) Notwithstanding subsections (a), (b), and (c) of this section, tank trucks or other such vehicles having a gross vehicle weight in excess of 20 tonnes may make bulk delivery of gasoline, diesel fuel, kerosene, heating oil, propane, dangerous chemicals or any other volatile liquids or gases to service stations within the Municipality or to required locations at the airport.
- (f) On completion of deliveries as specified in subsections (d) and (e), the person in charge of the tank truck or other vehicle shall observe and obey the parking restrictions as defined under subsections (a), (b) and (c).

LOADING AND UNLOADING

38. (a) No person shall load or unload a vehicle upon a highway or any part of a highway upon which parking or stopping is prohibited, unless a traffic control device sets out otherwise.
38. (b) Tractor trucks with semi-trailer units are prohibited from entering the downtown business area or residential sections of the Town to make deliveries, except as follows:
- (i) if the cargo load is destined for off-loading at one but not more than two locations;
- (ii) if the cargo consists of pieces which weigh at least one tonne each;
- (iii) if the cargo consists of pieces which have a length greater than 12m and or are considered cumbersome.

HEAVY BURDENS

39. (a) No person shall place, drag, skid, move or operate a vehicle or thing upon a highway if such a vehicle or thing is not equipped, and in a condition, to travel on rubber tired wheels, unless:
- (i) a permit for such operation, placement, dragging, skidding or movement is first obtained from the Senior Administrative Officer; and



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- (ii) the operation, placement, dragging, skidding or movement is supervised by the person designated in the permit.
- (b) The manner of supervision under the foregoing subsection is at the discretion of the person designated in the permit.
- (c) Every person having in his or her care or control or being the owner of a vehicle is liable for the cost of repairing damage to the highway resulting from the operation, placement, dragging, skidding or movement of such a vehicle upon the highway.
- (d) Every person having in his or her care or control or being the owner of a vehicle upon which a load of garbage or other material is being carried upon a highway shall so secure or cover such load as to prevent the littering of the highway or any part thereof.
- (e) Permission may be granted by the Senior Administrative Officer for heavy vehicles to cross sidewalks if such crossing point is bridged so as to prevent any damage to the sidewalk.

PRECAUTIONS DURING EMERGENCY

40. (a) No driver of a vehicle, other than an enforcement or emergency vehicle shall:
- (i) follow a vehicle used to fight fires, unless the driver remains at least 150 m behind the vehicle used to fight fires; or
 - (ii) park his or her vehicle within 150 m of a vehicle used to fight fires that has stopped to answer a fire alarm.
41. No driver shall drive over an unprotected fire hose of a fire department that has been laid down on a highway, private roadway or driveway near the location of a fire or a suspected fire, unless the driver has obtained the consent or direction of an officer or a member of the fire department.

TRUCK ROUTE

42. (a) In sections 42 to 48 inclusive:
- (i) "TRUCK" means a vehicle of more than 3 tonnes gross weight but does not include contractor's trucks;
 - (ii) "TRANSPORT TRUCK" means a truck ordinarily intended for use as a van, a tractor truck or a truck with high or low boy trailer;
 - (iii) "CONTRACTOR" includes a general contractor, or tradesmen, engaged in the delivery of building materials such as concrete, sand or gravel, oil or gas delivery, but does not include local delivery, freight, or wholesale deliveries.
- (b) Subject to subsections 47 and 48, no person shall drive either a truck or a transport truck on a portion of a highway without first obtaining a permit from the Senior Administrative Officer to do so, pursuant to section 45.
43. Notwithstanding subsection 44(b), it is permitted to drive a truck or transport truck on:
- (a) that portion of King Street lying between Highway #5 and McDougal Road;
 - (b) that portion of McDougal Road lying between King Street and Portage Avenue;



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- (c) that portion of Breynat Street lying between McDougal Road and Mercredi Avenue;
 - (d) that portion of Mercredi Avenue lying between Breynat Street and Portage Avenue;
 - (e) Portage Avenue;
 - (f) Highway #5 (Bell Rock Road); and
 - (g) Breynat Street from Highway #5 to Calder Avenue.
44. (a) No person shall load or unload a truck or transport truck on a portion of a highway without first obtaining a permit to do so, pursuant to Section 36.
- (b) The Senior Administrative Officer may issue a permit to a person for the loading or unloading of a truck on a portion of a highway if;
- (i) the truck is a moving van to be engaged in loading or unloading;
 - (ii) the entire load of the truck is to be loaded or unloaded at one place;
 - (iii) the loading or unloading is taking place on property zoned as commercial or industrial zones under the Zoning bylaw.
- (c) No person shall park a truck or transport truck on a portion of a highway unless he or she has obtained a permit pursuant to subsection (b) of this section.
45. Permits required under Sections 42(b) and 44 are obtainable from the Senior Administrative Officer upon payment of a fee of one hundred dollars (\$100.00) per permit per vehicle.
46. Departures from the truck or transport truck routes specified in Section 43 are permitted only when travelling by the most direct route from the nearest point of the truck or transport truck route, as the case may be to:
- (a) travel to or from the premises for the servicing or repairing of the truck; and
 - (b) pull a disabled vehicle from a highway prohibited to trucks.
47. Section 44 shall not apply to vehicles owned or actually in service of the Town which are engaged in works on behalf of the Town.

GENERAL RULES

48. (a) No driver shall operate a vehicle on a highway without due care and attention.
- (b) No driver shall operate a vehicle without reasonable consideration for others using the highway.
- (c) No driver shall drive or operate a vehicle on a roadway while at the same time
- (i) holding, viewing or manipulating a cellular telephone, radio communication device or other communication device that is capable of receiving or transmitting telephone communications, electronic data, electronic mail or text messages, or
 - (ii) holding, viewing or manipulating a hand-held electronic device or a wireless electronic device.



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- (d) An individual may drive or operate a vehicle on a roadway while using a cellular telephone or radio communication device in hands-free mode.
- 49. No person shall cause a vehicle to move backwards on or onto a highway unless the movement can be made in safety.
- 50. No driver shall drive a vehicle on a sidewalk unless his or her vehicle is entering or leaving a driveway.
- 51. No person shall engage in a stunt or activity on a highway that is:
 - (a) likely to distract or startle a driver using the highway;
 - (b) likely to cause damage or unsightly damage to the roadway.
- 52. No driver shall drive his or her vehicle in a race or in a contest or performance on a highway.
- 53. No driver shall drive behind a vehicle more closely than is reasonable in the circumstances.

BICYCLES

- 54. (a) A person who is riding a bicycle:
 - (i) shall not ride it on a sidewalk;
 - (ii) shall ride it as near as practicable to the right-hand curb or edge of the roadway;
 - (iii) shall not ride beside another bicycle that is being ridden on a highway except when passing that bicycle;
 - (iv) shall keep at least one hand on the handle bars;
 - (v) shall ride on and astride the seat of the bicycle; and
 - (vi) shall not use the bicycle to carry more persons than the number for which it is designed or equipped.
- 55. No driver shall knowingly use a vehicle to tow on a highway a bicycle, coaster, sled, toboggan, skateboard, ice skates, roller skates, roller blades or skis.
- 56. That Mercredi Avenue be identified as a one way street for motor vehicle and a two-way street for bicycles.

PEDESTRIANS

- 57. (a) A driver shall yield the right of way to a pedestrian crossing a roadway within a crosswalk at an intersection marked by a pedestrian or school crossing traffic control device.
- (b) A driver shall yield the right of way to a pedestrian crossing a roadway within a crosswalk that is not an intersection.
- 58. 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.



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59. (a) A pedestrian shall look in both directions before leaving a curb or other place of safety to cross a roadway.
- (b) No pedestrian shall leave a curb or other place of safety and walk or run into the path of a motor vehicle that is so close that it is impracticable for the driver of the vehicle to yield.
60. 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.
61. Notwithstanding any provisions of this section, a driver shall:
- (a) exercise care to avoid colliding with a pedestrian;
- (b) give a warning to a pedestrian by sounding the horn or bell on his or her vehicle; and
- (c) exercise proper precaution and be prepared to stop where a child or an apparently confused or incapacitated person is on a highway.
63. (a) A pedestrian shall not walk or run onto a roadway if there is a sidewalk that is usable on either side of the roadway.
- (b) Where there is no sidewalk that is usable on either side of the roadway, a pedestrian shall, unless it is impracticable, walk or run on the left hand side of the roadway or shoulder of the highway.
64. (a) No person who is outside of a vehicle shall:
- (i) hold onto a vehicle that is in motion; or
- (ii) hold onto a vehicle that is stationary,
- for the purpose of being towed.
- (b) No driver shall knowingly tow a person that is holding onto the vehicle he or she is driving.

MISCELLANEOUS

65. (a) No person who operates a motor vehicle on a highway shall sound the horn or bell attached to the vehicle so as to make an unreasonable noise.
- (b) No person shall operate a motor vehicle on a highway in any manner that causes a loud or unnecessary noise from the exhaust or braking system of the vehicle or from the contact of the tires of the vehicle with the highway.
- (c) Emergency and enforcement vehicles are exempt from subsections (a) and (b).
66. No person shall operate a motor vehicle on a highway that produces an unreasonable amount of exhaust or smoke.
67. No person shall operate on a highway, a motor vehicle with the windshield or a side or a rear window of the vehicle that is:
- (a) covered with snow, ice or condensation; or
- (b) cracked or, in any other condition, that unduly obstructs his or her view of the highway.



THE MUNICIPAL CORPORATION OF THE TOWN OF FORT SMITH
BY-LAW 872

DELEGATION OF AUTHORITY

68. (a) The Council of the Municipality of the Town of Fort Smith in the Northwest Territories hereby:
- (i) delegates to the Senior Administrative Officer, the power to prescribe the location and placement of traffic control devices; and
68. (a) (ii) directs that the Senior Administrative Officer shall keep a record of such locations, and such record shall be open to public inspection during normal office hours.
69. Notwithstanding Section 68, the Council may by resolution, authorize the design, construction, erection or placement, display, alteration, replacement, concealment or removal of traffic control devices.
70. Traffic control devices erected within the Town of Fort Smith in the Northwest Territories shall be deemed to have been erected by lawful authority.

PENALTIES

71. Every person who contravenes a provision of this bylaw for which no penalty is provided, is guilty of an offence and is liable upon summary conviction:
- (a) for the first offence, to a fine not exceeding one hundred (\$100.00) dollars;
- (b) for the second offence, to a fine not exceeding two hundred (\$200.00) dollars; and
- (c) for each subsequent offence, to a fine not exceeding five hundred (\$500.00) dollars;
- or, in default of payment, to imprisonment for a term not exceeding three (3) months.
72. (a) Notwithstanding Section 71, where a person has been notified by an officer of the alleged commission of an offence referred to in this bylaw, that person may pay the voluntary penalty provided hereunder to the Senior Administrative Officer at any time within twenty (20) days after receipt of such notice, or before an information thereof is laid, and he or she shall not thereafter be liable for prosecution for the same offence.
- (b) VOLUNTARY PENALTIES are attached as Schedule "1".
73. Bylaw #~~421~~^{616 + 640} and any amendments thereof are hereby repealed.

READ A FIRST TIME THIS 24th DAY OF January, 2012 A.D.

READ A SECOND TIME THIS 28th DAY OF February, 2012 A.D.

READ A THIRD TIME THIS 28th DAY OF February, 2012 A.D.

Jane E. Le Hobart
MAYOR

Brenda Black
SENIOR ADMINISTRATIVE OFFICER



THE MUNICIPAL CORPORATION OF THE TOWN OF FORT SMITH
BY-LAW 872

I hereby certify that this bylaw has been made in accordance with the requirements of the *Cities, Towns and Villages Act* and the bylaws of the Municipal Corporation of the Town of Fort Smith.

Brenda Black

Senior Administrative Officer



THE MUNICIPAL CORPORATION OF THE TOWN OF FORT SMITH
BY-LAW 872

SCHEDULE 1

VOLUNTARY PENALTIES

<u>CHARGE</u>	<u>SECTION</u>	<u>FINE</u>
FAIL TO YIELD RIGHT OF WAY TO EMERGENCY/ENFORCEMENT VEHICLE	6(d)(i)	\$50.00
FAIL TO STOP FOR AN EMERGENCY/ ENFORCEMENT VEHICLE	6(d)(ii)	\$50.00
FAIL TO OBEY OFFICER'S TRAFFIC DIRECTIONS	7	\$30.00
ERECT A DEVICE WHICH INTERFERES WITH A TRAFFIC CONTROL DEVICE WITHOUT AUTHORIZATION	8	\$30.00
ALTER/DAMAGE/ATTEMPT OR REMOVAL OF A TRAFFIC CONTROL DEVICE WITHOUT AUTHORIZATION	10	\$50.00
SPEED IN EXCESS OF POSTED SPEED LIMIT:		
(A) 15KM/H OR LESS	11	\$50.00
(B) 16KM/H to 30KM/H		\$75.00
(C) 31KM/H to 50KM/H		\$100.00
(D) 51KM/H and up		Court
DRIVING MOTOR VEHICLE AT AN UNREASONABLE SPEED	13	\$50.00
FAIL TO OBEY OFFICER'S DIRECTION (SLOW SPEED)	15	\$30.00
IMPROPER RIGHT TURN	16	\$50.00
IMPROPER LEFT TURN	17	\$50.00
SIGNALLING LEFT TURN IMPROPERLY	21	\$50.00
SIGNALLING RIGHT TURN IMPROPERLY	22	\$50.00
SIGNALLING STOP IMPROPERLY	23	\$50.00
FAILING TO YIELD RIGHT OF WAY	25(b)	\$50.00
FAIL TO OBEY YIELD SIGN	27(b)	\$50.00
FAIL TO OBEY A STOP SIGN	31	\$50.00
FAIL TO STOP FOR A SCHOOL BUS	32	\$100.00
UNAUTHORIZED PARKING ON A ROADWAY	33	\$40.00



THE MUNICIPAL CORPORATION OF THE TOWN OF FORT SMITH
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PARK IN FRONT OF PUBLIC/ PRIVATE DRIVEWAY	34(a)	\$30.00
PARK WITHIN AN INTERSECTION	34(b)	\$30.00
PARK ON A SIDEWALK	34(c)	\$30.00
PARK WITHIN 3 METRES OF A FIRE HYDRANT	34(d)	\$30.00
PARK WITHIN A CROSSWALK	34(e)	\$30.00
PARK WITHIN 5METRES OF A STOP OR YIELD SIGN	34(f)	\$30.00
PARK IN A HANDICAPPED ZONE	34(h)	\$30.00
PARK IN AN AREA RESERVED FOR A CLASS OF PERSONS	34(i)	\$30.00
PARK VEHICLE OPPOSITE OF DIRECTION HEADED	34(j)	\$30.00
PARK VEHICLE IN A NO PARKING ZONE	35	\$30.00
FAIL TO OBTAIN PERMIT TO MOVE HEAVY BURDEN ON HIGHWAY	39(a)(i)	\$100.00
FAIL TO SECURE CARGO LOAD	39(d)	\$50.00
FOLLOWING/PARKING TOO CLOSE TO OPERATIONAL FIRE FIGHTING VEHICLES	40	\$50.00
DRIVE OVER UNPROTECTED FIREHOSE	41	\$100.00
FAIL TO OBTAIN A TRUCK ROUTE PERMIT	42(b)	\$30.00
OPERATE MOTOR VEHICLE WITHOUT DUE CARE AND ATTENTION	48(a)	\$100.00
BACKING UP A VEHICLE UNSAFELY	49	\$50.00
OPERATE MOTOR VEHICLE ON A SIDEWALK	50	\$100.00
STUNTING	51(a)	\$100.00
RACING	52	\$200.00
FOLLOWING VEHICLE TOO CLOSELY	53	\$50.00
IMPROPER USAGE OF A BICYCLE	54	\$25.00
UNLAWFULLY TOWING A BICYCLE, PLAY VEHICLE OR PERSON	55	\$150.00
FAIL TO YIELD RIGHT OF WAY TO PEDESTRIAN	58	\$75.00



THE MUNICIPAL CORPORATION OF THE TOWN OF FORT SMITH
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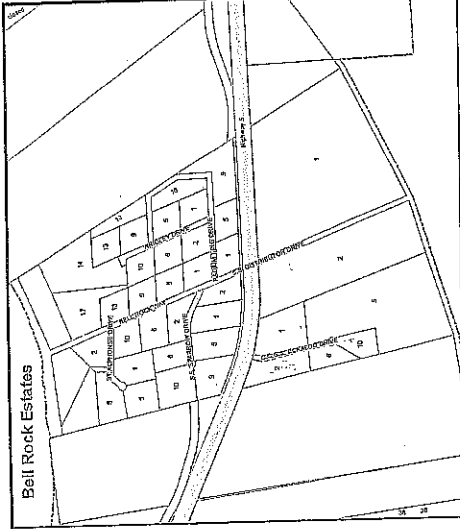
UNLAWFULLY PASS A VEHICLE STOPPED AT A CROSSWALK	59	\$75.00
PEDESTRIAN FAILING TO YIELD RIGHT OF WAY TO VEHICLES	61	\$75.00
FAILING TO WALK ON SIDEWALK OR LEFT HAND SIDE OF ROAD	63	\$25.00
UNLAWFULLY HOLD ONTO A MOVING VEHICLE	64(a)(i)	\$50.00
UNREASONABLE NOISE FROM VEHICLE HORN	65(a)	\$50.00
LOUD OR UNNECESSARY NOISE FROM MOTOR VEHICLE	65(b)	\$50.00
UNREASONABLE SMOKE OR EXHAUST FROM VEHICLE	66	\$50.00
OPERATE VEHICLE WITH AN OBSTRUCTION ON WINDSHIELD OR WINDOWS	67	\$50.00

Town of Fort Smith Speed Zones



1:11,000

0 125 250 500 750
Meters



Legend

speed copy

30 km/hr

50 km/hr

60 km/hr

* Town to be 40km/hr unless otherwise posted *

