

# A BY-LAW TO REGULATE TRAFFIC IN THE TOWN OF SUSSEX

## BY-LAW # 1051-12

The Council of Sussex, under authority vested in it by the Municipalities Act R.S.N.B. (1973), Chapter M-22 and amendments thereto and in accordance with the Motor Vehicle Act, R.S.N.B. (1973), Chapter M-17 and amendments thereto enacts as follows:

### I. TITLE

This By-Law may be cited as the "Town of Sussex Traffic By-Law".

### II. INTERPRETATION

In this By-Law:

- (a). "*By-Law Enforcement Officer*" means any person authorized by Council to enforce provisions of this By-Law of the Town;
- (b). "*Chief Administrative Officer*" means the Chief Administrative Officer of the Town of Sussex;
- (c). "*Clerk*" means the Clerk of the Town of Sussex;
- (d). "*Council*" means the Council of the Town of Sussex;
- (e). "*Hospital Zone*" means an area which is designated a hospital zone by signs or other devices or fifty meters in any direction from the boundaries of the site on which is situated a hospital, as defined in the Hospital Services Act;
- (f). "*Loading Zone*" means a highway or portion of a highway set aside for the exclusive parking of commercial vehicles for the purpose of loading or unloading merchandise;
- (g). "*Mayor*" means the Mayor of the Town of Sussex;

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- (h). *“Municipality”* means the Town of Sussex;
- (i). *“Police Officer”* means:
  - i. a member of the Royal Canadian Mounted Police;
  - ii. a Police Officer appointed under Section 10, 11, or 17.3 of the Police Act;
  - iii. an Auxiliary Police Officer or an Auxiliary Police Constable appointed under Section 13 of the Police Act, when accompanied by or under the supervision of a member of the Royal Canadian Mounted Police;
- (j). *“Public Place”* means any place either in a building or in the open to which the public can and do have access, whether or not the place is devoted exclusively to the uses of the public and whether or not such access is with or without invitation or permission including permission obtained by payment of an admission charge, and without limiting the generality of the foregoing, includes:
  - i. any square, common park, parking lot, picnic site, playground, playing field, campground, church ground, or yard, school ground or yard, the grounds of any public building, or other open space;
  - ii. the approaches to any yard or grounds, including parking lots, or a place ordinarily used as a place of business, and
  - iii. any place to which the public habitually has resort;
- (k). *“Roadway Shoulder”* means and includes any lateral of the portion of a highway used outside the travel lane whether marked or not;
- (l). *“Town”*, when hereinafter used, shall mean and include all the area within the boundary limits of the Town of Sussex;
- (m). *“Treasurer”* means the Treasurer of the Town of Sussex; and

- (n). *“Winter Season”* means the period between November 30<sup>th</sup> and the first day of April in the following year.

**III. MOTOR VEHICLE ACT**

Words used in this By-Law, which are defined in Section I of the Motor Vehicle Act, R.S.N.B. (1973), Chapter M-17 and amendments thereto shall have the meaning as so defined.

**IV. THROUGH HIGHWAYS**

All highways or streets identified in Schedule “A” herein are designated as through highways or streets.

**V. TRAFFIC CONTROL SIGNALS**

Traffic control signals shall be erected, placed and maintained to regulate, warn or guide traffic at the locations identified in Schedule “B” herein in accordance with the standards provided under the Motor Vehicle Act.

**VI. TRUCK ROUTES**

- (a). All highways or portions thereof identified in Schedule “C” herein are designated as truck routes.
- (b). All truck routes shall be marked with signs in accordance with the Motor Vehicle Act of New Brunswick.
- (c). The driver of any commercial vehicle having a gross mass of forty-five hundred (4,500) kilograms or more shall not use any highway within the Town except a truck route provided that such driver may, for the purpose of delivery or taking delivery of a load at a point of delivery within the Town not immediately accessible to a truck route and of returning therefrom, use the truck route to and from the entrance thereon nearest the point of delivery and use the highway not being a truck route which provides the shortest route between a truck route and the point of delivery.

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- (d). The driver of any commercial vehicle having a gross mass of forty-five hundred (4,500) kilograms or more shall not be permitted to park and leave this vehicle on any municipally owned street.
- (e). The provisions of this Section do not apply to:
  - i. vehicles owned by or under contract to the Town;
  - ii. vehicles owned by the Town of Sussex Fire Department;
  - iii. vehicles owned by the Province of New Brunswick; and
  - iv. vehicles owned by a public utility.

**VII. ONE-WAY HIGHWAYS**

- (a). All one-way highways or portion thereof identified in Schedule "D" herein are designated one-way highways.
- (b). All one-way highways shall be marked with signs in accordance with the Motor Vehicle Act of New Brunswick.

**VIII. RIGHT TURNS**

- (a). No person driving a vehicle traveling in a westerly direction on Winter Street shall make a right turn on to Peter Street.

**IX. LEFT TURNS**

- (a). No person driving a vehicle traveling in an easterly direction on St. George Street shall make a left turn on to Queen Street.
- (b). No person driving a vehicle traveling in a westerly direction on Maple Avenue shall make a left turn on to Main Street.
- (c). No person driving a vehicle traveling in a southerly direction on Queen Street shall make a left turn on to Main Street.

- (d). No person driving a vehicle in an easterly direction on Park Street shall make a left turn on to Main Street.

**X. STOPPING, STANDING AND PARKING**

- (a). No person shall obstruct any sidewalk by transferring merchandise to or from a vehicle across such sidewalk for a period exceeding five minutes except when authorized to do so by a Police Officer.
- (b). No person shall park any vehicle on either side of Summer Street.
- (c). No person shall stand or park a vehicle on that portion of a highway which bounds any school premises between the hours of 0800 and 1700 on any school day, except on the side of the highway opposite that on which the school premises lie.
- (d). No person shall stand or park a vehicle unattended on that portion of a highway on Main Street between the intersection of Summer Street and the CNR railway crossing between the hours of 0230 and 0700 hours of any day.
- (e). No person shall park a vehicle on a highway or a parking lot or parking area in a location which has been designated as Disabled Parking by a sign or markings which were erected or painted by the Town of Sussex or by the owner of the land, unless the motor vehicle is being used to transport a disabled person and a disabled person parking permit or sticker which was issued by the Province of New Brunswick is displayed on or in a prominent place in the vehicle.
- (f). No person shall stop, stand or park a vehicle, whether attended or unattended, in a designated fire lane of a mall, plaza, church, school, commercial or industrial building, structural building, or any place of public assembly.

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- (g). No person shall stand or park a vehicle:
  - i. on that portion of any highway between the sidewalk and the curb line of the highway;
  - ii. on any of the streets or portions of streets set out in Schedule "E" herein (to this By-Law);
  - iii. within seven (7) metres of an intersection where there is no crosswalk;
  - iv. in an area of a parking lot not designated for parking;
  - v. on any street or portions thereof having a measured width between curbs of less than 6.5 metres;
  - vi. so as to prevent or obstruct the passing of other vehicles;
  - vii. within three (3) meters of an entrance to a church, school, hotel, motel or post office;
  
- (h). No person shall place or park upon any highway a vehicle, or, part of a vehicle, abandoned merchandise parked and placed for sale, or, displayed for sale, or, soliciting for offers for sale and then receive offers for the same. Without restricting the generality of this section a vehicle, or, part of a vehicle, or any abandoned merchandise that is left standing unattended in one location on a highway for more than 24 consecutive hours is deemed to have been abandoned at that location.
  
- (i). No person shall place or park on any highway, at any time, a motor vehicle for the purpose of sale or display for offer of sale and, if a By-Law Enforcement Officer or Police Officer or other person designated by Council orders the vehicle removed, the owner of the vehicle shall be liable for the costs of removal, towing and storage of the vehicle.

- (j). A Police Officer may move or cause to be moved any vehicle found stopped or parked in violation of the provisions of this By-Law on any highway within the Town. A vehicle so moved under this section of the By-Law shall be stored in such a place as the Police Officer may direct and the registered owner of such vehicle at the time shall be liable for the costs and charges for the moving and storage thereof.

**XI. LIMITED OR TIMED PARKING AREAS**

All Limited Parking areas, streets and portions of streets, or, any parking area described as reserved parking area or parking marked and designated as time limited parking by an appropriate sign or markings showing the time limits of permitted parking are set out in Schedule "F" herein.

**XII. WINTER SEASON**

No person shall park or leave a vehicle unattended on any highway within this municipality in the Winter season between the hours of 2400 and 0700 of any day.

**XIII. LOADING ZONES**

No person shall, on a municipal street, stand, or stop or park a vehicle in an authorized loading zone between Monday and Friday, inclusive, unless it meets all of the following conditions:

- (a). the vehicle bears a commercial license plate or has commercial signs prominently and permanently affixed to the vehicle establishing that the vehicle is a commercial vehicle other than a taxicab;
- (b). the owner or driver of the vehicle is actually engaged in loading or unloading of merchandise from the vehicle; and
- (c). the vehicle occupies the loading zone for a maximum continuous period of not more than ten (10) minutes.

**XIV. PARADES, PROCESSIONS AND FUNERAL CORTEGE**

- (a). No parade or procession, which would cause a disruption in the flow of traffic shall be held in the Town without obtaining the approval of the Council or Council designate.
- (b). For all events planned on a provincial highway within the municipality, the District Transportation Engineer must be advised in writing with adequate advance notice and must be given assurance that all relevant safety factors have been addressed.

**XV. PEDESTRIAN RIGHTS AND DUTIES**

- (a). Pedestrians shall, on meeting on any highway or sidewalk, pass to the right and, when overtaking other pedestrians, pass to the left.
- (b). Pedestrians using highways shall use due care so as not to obstruct or impede traffic.
- (c). Pedestrians walking abreast on any sidewalk must, on meeting other pedestrians, occupy no more than one-half of the width of the sidewalk.
- (d). Pedestrians crossing highways shall comply with the direction of any traffic control devices.

**XVI. MAXIMUM SPEED OF VEHICLES**

Pursuant to subsection 142 (1.1) of the Motor Vehicle Act.

- (a). No person shall drive a vehicle within a school zone on any municipal street at a speed in excess of thirty (30) kilometers per hour.
- (b). The locations of school zones on municipal streets are as follows:
  - i. Bryant Drive (Kennedy Drive southward to Turnmill Lane),



- ii. Kennedy Drive (Leonard Drive to Bryant Drive),
- (c). The locations of school zones on provincially designated highways under the jurisdiction and responsibility of the Minister of Transportation or their designate are as follows:
  - i. Leonard Drive (Eveleigh Street to Bryant Drive),
  - ii. Main Street (Essex Street to Morrison Avenue).
- (d). No person shall drive a vehicle on Church Avenue in excess of forty (40) kilometers per hour.

**XVII. IMPOUNDING OF VEHICLES**

- (a). A Police Officer may remove and impound any vehicle which is found illegally parked or causing obstruction to traffic on any highway and no person shall take possession of a vehicle removed or impounded until all costs and charges for removal, care and storage of such vehicle have been paid.
- (b). There shall be no liability attached to an Official of the Town of Sussex, or a Police Officer for any damages to a vehicle taken into his custody under this Section.

**XVIII. MISCELLANEOUS REGULATIONS**

- (a). No persons shall ride or lead an animal or animals hitched, harnessed or fastened to a sled or cart on any sidewalk within this municipality.
- (b). No person shall leave unattended any horse on any highway unless the horse or the vehicle to which it is harnessed is firmly fastened to a post or weight.
- (c). No person shall make unnecessary noise while driving through any hospital zone.

**XIX. PENALTIES**

- (a). Any person who violates Sections VIII, IX, XI, XIII, XV, XVI and XVII of this By-Law is guilty of an offence under the Provincial Offences Procedures Act to a fine of not less than twenty-five dollars (\$25.00) and not more than one hundred dollars (\$100.00).
- (b). Any person who violates Section VI of this By-Law is guilty of an offence under the Provincial Offences Procedures Act to a fine of not less than twenty-five dollars (\$25.00) and not more than fifty dollars (\$50.00).
- (c). Any person who violates Sections X, XII, XIV and XVIII of this By-Law is guilty of an offence under the Provincial Offences Procedures Act to a fine of not less than twenty-five dollars (\$25.00) and not more than one hundred dollars (\$100.00).
- (d). The Council hereby designates the Town Treasurer or his / her designate to accept from the person alleged to have been guilty of such violation, the payment of a sum equal to the minimum prescribed for such violation as outlined in subsection (a), (b) and (c) of Section XIX of this By-Law.
  - i. In person at the Sussex Town Hall, 524 Main Street, Sussex, New Brunswick, E4E 3E4, in cash or by cheque or money order made payable to the Town of Sussex; or
  - ii. By mail to : The Town of Sussex, 524 Main Street, Sussex, New Brunswick, E4E 3E4, Attention Town Clerk, by cheque or money order, payable to the Town of Sussex.

**XX. PLURAL OR FEMININE TERMS**

Plural or feminine terms may apply whenever the singular, masculine or feminine is used in this By-Law. It shall be considered as if the plural, feminine or masculine has been used where the context of the party or parties hereto so requires.

**XXI.         VALIDITY**

The invalidity of any Section, clause, sentence or provision of this By-Law shall not affect the validity of any other part of this By-Law which can be given effect without such invalid part or parts.

**XXII.        BY-LAW REPEALED**

- (a).        The repeal of “A By-Law to Regulate Traffic in The Town of Sussex, A By-Law # 1051-07” shall not affect any penalty, forfeiture or liability incurred before such repeal or any proceeding for enforcing the same completed or pending at the time of repeal; nor shall it repeal, defeat, disturb, invalidate or prejudicially affect any manner or thing whatsoever completed, existing or pending at the time of repeal.
- (b).        The By-Law entitled “A By-Law To Amend a By-Law To Regulate Traffic In The Town of Sussex, By-Law # 1051-07” that came into force on the 23<sup>rd</sup> day of April, 2007 and amendments thereto are hereby repealed.

READ FIRST TIME BY TITLE	<u>          OCTOBER 22, 2012          </u>
READ SECOND TIME BY TITLE	<u>          OCTOBER 22, 2012          </u>
READ IN ENTIRETY	<u>          NOVEMBER 26, 2012          </u>
THIRD READING BY TITLE AND ENACTED	<u>          FEBRUARY 18, 2013          </u>

          PAUL I MAGUIRE            
TOWN CLERK

          MARC THORNE            
MAYOR

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**SCHEDULE "A"  
THROUGH HIGHWAYS**

- ◆ Albert Street (Main Street to St. George Street)
- ◆ Albert Street (St. George Street to Court Street)
- ◆ Arnold Avenue (Morrison Avenue to Queen Street)
- ◆ Arnold Avenue (Queen Street to Golding Street)
- ◆ Aspen Court
- ◆ Birch Street
- ◆ Broad Street
- ◆ Broadview Avenue
- ◆ Brookview Crescent
- ◆ Brunswick Street
- ◆ Bryant Drive
- ◆ Carriage Lane
- ◆ Castlewood Close
- ◆ Cedar Avenue
- ◆ Chessvale Close
- ◆ Church Avenue
- ◆ Clover Court
- ◆ Court Street (Floral Avenue to Union Street)
- ◆ Court Street (Union Street to St. George Street)
- ◆ Creek Lane
- ◆ Duke Street
- ◆ Elliott Drive
- ◆ Elm Street
- ◆ Elmview Avenue
- ◆ Essex Street (Main Street to St. George Street)
- ◆ Essex Street (St. George Street to Court Street)
- ◆ Floral Avenue (Main Street to St. George Street)
- ◆ Floral Avenue (St. George Street to CNR Tracks)
- ◆ Fowler Avenue
- ◆ Freeze Court
- ◆ Fundy Street
- ◆ Gateway Street
- ◆ Golding Street
- ◆ Gordon Street
- ◆ High Street

## **Schedule “A”**

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- ◆ Hillside Crescent
- ◆ Holman Avenue
- ◆ Imperial Drive
- ◆ Industrial Drive (Rosemount Avenue to Vail Court)
- ◆ James Lamb Court
- ◆ Jonah Court
- ◆ Jones Court
- ◆ Kennedy Drive
- ◆ King Street
- ◆ Lansdowne Avenue North
- ◆ Lansdowne Avenue South
- ◆ Leo Avenue
- ◆ Leonard Drive (Main Street to Town Boundary)
- ◆ Lowell Street
- ◆ Lower Cove Road (Route 121 to Town Boundary)
- ◆ Magnolia Avenue
- ◆ Main Street (Western End to Moffett Avenue)
- ◆ Main Street (Moffett Avenue to Queen Street)
- ◆ Main Street (CNR Tracks to Summer Street)
- ◆ Main Street (Summer Street to Leonard Drive)
- ◆ Main Street (Leonard Drive to Eastern Town Boundary)
- ◆ Malone Street
- ◆ Malone Way
- ◆ Manola Street
- ◆ Maple Avenue
- ◆ Maxwell Drive
- ◆ McKay Street
- ◆ McKenna Avenue
- ◆ McLean Street
- ◆ McLeod Drive
- ◆ Meadow Lane
- ◆ Mills Lane
- ◆ Moffett Avenue
- ◆ Morrison Avenue
- ◆ Murray Avenue
- ◆ Nelson Street
- ◆ North Street
- ◆ Oak Court
- ◆ O’Connell Avenue (Park Street to Nelson Street)

## **Schedule "A"**

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- ◆ O'Connell Avenue (Nelson Street to High Street)
- ◆ Oxford Street
- ◆ Paradise Row (Main Street to St. George Street)
- ◆ Paradise Row (St. George Street to Court Street)
- ◆ Park Street
- ◆ Perry Street
- ◆ Peter Street (Winter Street to Mall Entrance)
- ◆ Peter Street (Mall Entrance to Church Avenue)
- ◆ Pine Street (King Street to Queen Street)
- ◆ Pine Street (Queen Street to Wallace Court)
- ◆ Pitt Street
- ◆ Pleasant Avenue
- ◆ Prince William Street
- ◆ Queen Street (Main Street North End)
- ◆ Queen Street (Main Street to Broad Street)
- ◆ Reardon Street
- ◆ Riverview Avenue
- ◆ Riverview Drive East (Route 121 to Town Boundary)
- ◆ Rosedale Drive
- ◆ St. George Street (Queen Street to Town Boundary)
- ◆ St. James Street
- ◆ School Street
- ◆ Sprague Street
- ◆ Spruce Street
- ◆ Stewart Avenue
- ◆ Summer Street
- ◆ Summit Avenue
- ◆ Sunnyside Drive
- ◆ Sunshine Gardens
- ◆ Turner Court
- ◆ Turnmill Lane
- ◆ Union Street
- ◆ Vail Court
- ◆ Wallace Court
- ◆ Western Street
- ◆ Willow Court
- ◆ Winter Street (Peter Street to Summer Street)
- ◆ Winter Street (Summer Street to Magnolia Avenue)
- ◆ York Street

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**SCHEDULE "B"  
TRAFFIC CONTROL SIGNALS**

1. Traffic control signals shall be erected, placed and maintained to regulate, warn or guide traffic at the following locations in this municipality, namely at the intersections of:
  - (a) Main Street and Moffett Avenue / Route 121;
  - (b) Main Street and Summer Street;
  - (c) Main Street and Queen Street;
  - (d) Main Street and Leonard Drive;
  - (e) Main Street and Gateway Mall Entrance; and
  - (f) Lower Cove Road and Route 121.
  
2. Traffic control devices shall be erected, placed and maintained to regulate, warn or guide pedestrian traffic at the following locations in this municipality, namely at the intersections of:
  - (a) Main Street and Moffett Avenue / Route 121;
  - (b) Main Street and Summer Street;
  - (c) Main Street and Queen Street;
  - (d) Main Street and Leonard Drive;
  - (e) Main Street and Gateway Mall Entrance; and
  - (f) Lower Cove Road and Route 121.

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**SCHEDULE "C"  
TRUCK ROUTES**

The following highways, or portions thereof, are designated as truck routes as marked with signs in accordance with the Motor Vehicle Act of New Brunswick:

- ◆ Broad Street;
- ◆ Eveleigh Street;
- ◆ Industrial Drive;
- ◆ Jones Court;
- ◆ Leonard Drive;
- ◆ Lower Cove Road (St. George Street to Route 121)
- ◆ Magnolia Avenue;
- ◆ Main Street;
- ◆ McLeod Drive;
- ◆ Maple Avenue;
- ◆ Park Street;
- ◆ Portions of Route # 1.
- ◆ Queen Street (Main Street to Broad Street);
- ◆ Riverview Drive East (Highway # 121 to Town Boundary);
- ◆ Rosemount Avenue;
- ◆ Stewart Avenue (McLean Street East to Town Boundary);
- ◆ St. George Street;
- ◆ Turner Court
- ◆ Vail Court; and



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**SCHEDULE "D"  
ONE-WAY HIGHWAYS**

- (a) Peter Street, from Winter Street to Main Street, is designated as a one-way highway and all vehicles thereon shall move in a southerly direction.
- (b) Queen Street, from Main Street to Broad Street, is designated as a one-way highway and all vehicles thereon shall move in a southerly direction.
- (c) Broad Street, from Queen Street to Main Street, is designated as a one-way highway and all vehicles thereon shall move in an easterly direction, except on that section North of the boulevard where one-way traffic is permitted in a westerly direction only.
- (d) Main Street, from Broad Street to Queen Street, is designated as a one-way highway and all vehicles thereon shall move in a westerly direction.
- (e) Wallace Court is designated as a one-way highway and, on the western lane all vehicles thereon shall move in a southerly direction from Pine Street, and on the eastern lane all vehicles thereon shall move in a northerly direction to Pine Street.
- (f) Eveleigh Street, from Rosemount Avenue to Leonard Drive, is designated a one-way highway and all vehicles thereon shall move in a southerly direction.
- (g) Rosemount Avenue, from Leonard Drive to Canadian National Railway, is designated a one-way highway and all vehicles thereon shall be moved in a northerly direction.

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**SCHEDULE "E"  
NO PARKING AREAS**

- (a) Church Avenue, on the western side of Church Avenue, between the intersection of Main Street and the Town limit or on the eastern side of Church Avenue, between the intersection of Main Street and the northern boundary of Civic Number 106 and between the southern boundary of civic 114 and the intersection of Gordon Street.
  
- (b) St. George Street, on the northern side of St. George Street, between the intersection of Murray Avenue and the intersection of Essex Street or, on the southern side between the intersection of Paradise Row and the intersection of Court Street.

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**SCHEDULE "F"  
LIMITED OR TIMED PARKING AREAS**

- (a) Peter Street between Main Street and Winter Street: parking shall be limited to 120 minutes between the hours of 0730 and 2200 hours of Monday through Saturday.
- (b) Main Street between Summer Street and the CNR railway crossing parking shall be limited to 120 minutes between the hours of 0730 and 2200 hours of Monday through Saturday.
- (c) West side of Broad Street parallel to CNR railway tracks parking shall be limited to 120 minutes between the hours of 0730 and 2200 hours of Monday through Saturday.
- (d) Tourist Information Center, all parking areas servicing the building shall be limited to 120 minutes between the hours of 0730 and 2200 hours of Monday through Sunday between May 1<sup>st</sup> and October 15<sup>th</sup> in any calendar year.