

Proposed Rewrite of The Traffic Bylaw

ISSUE

The Traffic Bylaw ("Bylaw") is outdated and requires comprehensive amendments. This report proposes repealing and replacing the Bylaw.

RECOMMENDATION

That the Standing Policy Committee on Transportation recommend to City Council that:

1. City Council instruct the City Solicitor to draft a new traffic bylaw to replace Bylaw No. 7200, *The Traffic Bylaw*;
2. City Council instruct the City Solicitor to prepare any necessary consequential amendments to any other City bylaw, including but not limited to *The Recreation Facilities and Parks Usage Bylaw, 1998*;
3. City Council instruct the City Clerk to make any necessary consequential amendments to Council policies.

BACKGROUND

The Bylaw was enacted in June of 1991. Since its enactment, the Bylaw has been amended over 100 times, with many of these amendments being major in nature.

At the time the Bylaw was enacted, *The Urban Municipalities Act, 1984* and *The Highway Traffic Act* set out the City's authority in respect to traffic regulation. Both of these Acts have long since been repealed, with the former replaced by *The Cities Act* and the latter replaced by *The Traffic Safety Act*.

The City Solicitor, with the approval of the General Manager of the Transportation and Construction Division and the General Manager of the Community Services Division, proposes repealing and replacing the Bylaw with a new traffic bylaw.

DISCUSSION/ANALYSIS

A. Proposed Amendments to the Bylaw

A repeal and replace would enable the City Solicitor to effect various housekeeping changes, including:

- **Reordering provisions to create a bylaw with a logical organization.** Dozens of new sections, and some new Parts as well, have been added to the Bylaw since its enactment, which has negatively affected the organization of the Bylaw. The various additions have also resulted in a complex numbering system, with provisions such as s. 10(6.2.1) and s. 55.1(1)(b.1). The type of restructuring the

Bylaw requires would be very difficult to achieve through a typical amendment bylaw.

- **Modernizing and simplifying language.** The current Bylaw includes overly complicated or unclear language as well as certain language that is now archaic, such as “thereto”. A full rewrite would enable the creation of a bylaw with clear, modern language throughout.
- **Deleting unnecessary provisions.** Certain provisions or references are no longer necessary to include in the Bylaw. For example, as parking meters are no longer used in the City, references to “parking meters” and “metered parking areas” should be deleted. Similarly, references to pre-paid parking permits should be deleted as Parking Services no longer issues this type of permit. Similarly, certain provisions should be deleted as they are unnecessary and their inclusion may cause confusion. For example, certain sections simply reproduce provisions of *The Summary Offences Procedure Act, 1990*; their inclusion in the Bylaw unnecessarily lengthens the Bylaw and also opens up the possibility of conflict between the Bylaw and provincial legislation.
- **Ensuring usage of consistent language.** The current Bylaw includes various instances of inconsistent language. For example, the City is inconsistently referred to as “the City” and “the City of Saskatoon”; City Council is inconsistently referred to as “City Council” and “Council”; and the Bylaw often uses “driver of a vehicle” and “operator of a vehicle” interchangeably. Certain inconsistencies are more concerning than others given their potential to create confusion as to intended meaning.
- **Deleting references to repealed provisions.** There are over 20 provisions that have been repealed, with a line left in place to identify that a provision was repealed and the date of repeal. These provisions would not need to be carried over into a new bylaw.
- **Modernizing formatting and ensuring consistent formatting throughout.** Section headings are currently inconsistently used, with subsections sometimes having their own section heading. Part headings do not align with current formatting standards. Many sections are not drafted in line with current drafting formatting standards. There are other minor inconsistencies in formatting throughout the Bylaw, with one example being the inconsistent capitalization of the words “sections” and “subsections”.
- **Deleting redundant language.** There are instances where redundant language is used in the Bylaw; this is in many cases a result of definitions changing over time. For example, “traffic sign” is defined as including markings, yet both traffic signs and markings are referenced in section 6.

Additional examples of specific housekeeping amendments are as follows:

- Define the term “pedestrian corridor” as used in Schedule No. 2 to clarify intended meaning;
- Replace the map in Schedule No. 7, which is currently blurry, with a higher resolution image;
- Amend the map in Schedule No. 15 to clarify parking distance from fire hydrants in situations where there is a bicycle lane between the parking lane and the fire hydrant;
- Divide the purpose section into a purpose section and an application section, with the application section identifying that the bylaw applies within Saskatoon as well as to streets outside of Saskatoon that are under the control of the City;
- Add a definition of “bicycle” that mirrors the definition in *The Bicycle Bylaw, 2020*.

The Bylaw would additionally be reviewed to ensure consistency with provincial legislation as well as consistency with other City bylaws.

B. Consequential Amendments to Other City Bylaws and Council Policies

During the drafting process, it may be identified that consequential amendments to other City bylaws are needed as a result of changes reflected in the new traffic bylaw.

For example, section 25 of the Bylaw currently prohibits driving or parking in a park; an almost identical prohibition already exists in *The Recreation Facilities and Parks Usage Bylaw, 1998*. Both prohibitions should be compared to one another to ensure consistency, with one potentially being repealed altogether.

Amendments to Council policies may similarly be necessary due to the drafting of the new traffic bylaw.

C. Proposed Process

The City Solicitor will work with relevant departments during the drafting process.

The City Solicitor recommends that during the drafting process of the new traffic bylaw, departments continue to submit reports proposing substantive amendments to the Bylaw in the usual course. Similarly, any substantive amendments identified as necessary during the drafting process will be discussed with the relevant department and addressed in a report to City Council. This process ensures City Council will have an opportunity to review and approve all amendments that are substantive in nature in advance of the new traffic bylaw being presented. Depending on timing and whether the proposed amendments are time-sensitive, the amendments may be accomplished either through an amendment to the existing Bylaw or incorporated directly into the new traffic bylaw.

Therefore, even if City Council approves the repeal and replacement of the Bylaw, the Bylaw may be amended several more times prior to the enactment of a new traffic bylaw. This “business-as-usual” approach is proposed to avoid delaying necessary amendments pending the drafting of the new bylaw.

FINANCIAL IMPLICATIONS

Signage referring to Bylaw No. 7200, *The Traffic Bylaw* would need to be updated. The cost to update signage would be approximately \$3,000.00.

OTHER IMPLICATIONS

The new bylaw would need to be approved pursuant to *The Traffic Safety Act*.

NEXT STEPS

Upon approval by City Council, the City Solicitor will prepare a new traffic bylaw as well as any necessary consequential amendments to other City bylaws, and the City Clerk will prepare any necessary consequential amendments to Council policies.

Report Approval

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