

BYLAW 09/17

TRAFFIC BYLAW

A BYLAW OF FLAGSTAFF COUNTY, IN THE PROVINCE OF ALBERTA, FOR THE PURPOSE OF REGULATING THE USE OF HIGHWAYS UNDER THE DIRECTION, CONTROL AND MANAGEMENT OF THE COUNTY AND THE PARKING OF VEHICLES ON SUCH HIGHWAYS AND ON PRIVATELY OWNED PROPERTY LOCATED WITHIN FLAGSTAFF COUNTY

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WHEREAS pursuant to section 13 of the *Traffic Safety Act* the council of a municipality may, with respect to highways under its direction, control and management, pass bylaws not inconsistent with the *Traffic Safety Act* respecting matters enumerated therein;

AND WHEREAS pursuant to section 14 of the *Traffic Safety Act* the council of a municipality may pass bylaws governing the parking of vehicles on privately owned property;

AND WHEREAS pursuant to section 108 of the *Traffic Safety Act* the council of a municipality may pass bylaws prescribing speed limits that are different from the speed limits established in that Act;

AND WHEREAS pursuant to section 48 of the *Highways Development and Protection Act* the council of a municipality may pass bylaws regulating the placing of roadside improvements on privately owned property;

AND WHEREAS pursuant to section 7 of the *Municipal Government Act* the council of a municipality may pass bylaws for municipal purposes respecting the safety, health and welfare of people and the protection of people and property and the enforcement of bylaws;

NOW THEREFORE, the Council for Flagstaff County, in the Province of Alberta, duly assembled, enacts as follows:

**PART 1 - SHORT TITLE**

- 1 This Bylaw may be cited as the "Traffic Bylaw".

**PART 2 - INTERPRETATION AND APPLICATION**

**Definitions**

- 2(1) In this Bylaw, words shall have the same meanings as in the *Traffic Safety Act* and Regulations thereunder except as otherwise defined below.
- (2) In this Bylaw:
- (a) "**Boulevard**" means that part of a Highway that is not a roadway and includes a ditch that forms part of a Highway;
  - (b) "**Chief Administrative Officer**" means the Chief Administrative Officer for the County, or his or her delegate;
  - (c) "**Council**" means the municipal council of Flagstaff County;
  - (d) "**County**" means the municipal corporation of Flagstaff County, and includes the geographical area within the boundaries of Flagstaff County where the context so requires;
  - (e) "**Curb**" means the actual curb, if there is one, and if there is no curb in existence, it shall mean the edge of the roadway;
  - (f) "**Hamlet**" means an unincorporated community designated by Council from time to time as a hamlet of the County pursuant to section 59 of the *Municipal Government Act* and includes, but is not limited to, the hamlets of Galahad and Strome;
  - (g) "**Highway**" means any thoroughfare, street, road, trail, avenue, parkway, driveway, viaduct, lane, alley, square, bridge, causeway, trestleway or other place or any part of any of them, whether publicly or privately owned, that the public is ordinarily entitled or permitted to use for the passage or parking of vehicles and includes:
    - (i) a sidewalk, including a Boulevard adjacent to the sidewalk,

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- (ii) if a ditch lies adjacent to and parallel with the roadway, the ditch, and
- (iii) if a Highway right-of-way is contained between fences or between a fence and one side of the roadway, all the land between the fences, or all the land between the fence and the edge of the roadway, as the case may be,

but does not include a place declared by regulation not to be a Highway;

(h) **"Municipal Tag"** means a tag or similar document issued by the County pursuant to the *Municipal Government Act* for the purpose of notifying a Person that an offence has been committed for which a prosecution may follow;

(i) **"Off-Highway Vehicle" or "OHV"** means any motorized mode of transportation built for cross-country travel on land, water, snow, ice or marsh or swamp land or on other natural terrain and, without limiting the generality of the foregoing, includes, when specifically designed for such travel:

- (i) 4-wheel drive vehicles,
- (ii) low pressure tire vehicles,
- (iii) motor cycles and related 2-wheel vehicles,
- (iv) amphibious machines,
- (v) all-terrain vehicles,
- (vi) snow vehicles,
- (vii) any other means of transportation that is propelled by any power other than muscular power or wind,

but does not include:

- (viii) motor boats,
- (ix) miniature vehicles, including but not limited to go carts, golf carts and pocket bikes, that cannot be registered pursuant to the Operator Licensing and Vehicle Control Regulation, or
- (x) any other vehicle exempted from being an off-highway vehicle by regulation;

(j) **"OHV Special Event"** means any race, derby, rally or other organized social or sporting event involving 10 or more Off-Highway Vehicles being operated on a Highway;

(k) **"Park", "Parking", or "Parked"** means to allow a Vehicle, whether occupied or not, to remain stationary in one place, except:

- (i) when standing temporarily for the purpose of and while actually engaged in loading or unloading passengers, or
- (ii) when complying with a direction given by a Peace Officer or Traffic Control Device;

(l) **"Peace Officer"** means a member of the Royal Canadian Mounted Police, a Community Peace Officer whose appointment includes enforcement of the County's Bylaws, or a Bylaw Enforcement Officer appointed by the County;

(m) **"Person"** means any individual, firm, partnership, association, corporation, trustee, executor, administrator or other legal representative;

(n) **"Recreational Vehicle"** means a Vehicle designed to provide temporary living accommodation for travel, vacation, or recreational use, and to be driven, towed or transported, some examples of which include, without restricting the generality of the foregoing, a motor home, holiday trailer, camper, tent trailer and any bus or truck converted to provide temporary living accommodation;

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- (o) **"Street Furniture"** includes lamp posts, benches, waste bins, planters, bicycle racks, newspaper boxes or any other similar property placed on or adjacent to a Highway;
- (p) **"Traffic Control Device"** means any temporary or permanent sign, signal, marking or device placed, marked or erected under the authority of this Bylaw for the purpose of regulating, warning or guiding traffic or governing Parking;
- (q) **"Trailer"** means a Vehicle so designed that it may be attached to or drawn by a vehicle or implement of husbandry, and intended to transport property or persons, but does not include machinery or equipment used in the construction or maintenance of Highways;
- (r) **"Undeveloped Road Allowance"** means any land dedicated as a road right-of-way that has not been developed, whether or not the right-of-way is shown on a road plan registered with the Land Titles Registry;
- (s) **"Vehicle"** means a device in, upon or by which a person or thing may be transported or drawn upon a Highway and includes a combination of Vehicles, but does not include a mobility aid;
- (t) **"Violation Ticket"** means a ticket issued pursuant to either Part 2 or Part 3 of the *Provincial Offences Procedure Act*.

### PART 3 - OPERATIONAL RESTRICTIONS

#### Maximum Speeds

- 3 A maximum speed in excess of or less than 80 kilometers per hour is hereby provided on the described portions of Highway set out in Schedule "A".

#### Engine Retarder Brakes

- 4 No Person shall use engine retarder brakes within a Hamlet of the County.

#### Compliance with Traffic Control Devices

- 5 No Person shall operate or Park a Vehicle in contravention of a Traffic Control Device.

#### Vehicles with Loads

- 6(1) No Person shall operate a Vehicle on a Highway with any loose material on the exterior of the Vehicle.
- (2) No Person shall operate a Vehicle containing any load on a Highway unless the load has been secured to prevent any part of it from falling onto the Highway.

#### Tracking Material

- 7(1) No Person shall operate a Vehicle on a Highway so as to track any earth, sand, gravel or other material on the Highway.
- (2) A Person tracking material contrary to subsection (1) shall, in addition to any penalty that may be imposed under this Bylaw, be liable to clean up or remove the material tracked upon the Highway and in default the County may clean up or remove the material at the expense of the Person tracking.

### PART 4 - PARKING

#### Parking within Spaces

- 8 A Vehicle Parked on a Highway in a location marked by lines or otherwise shall be Parked wholly within the marked parking space.

**Parallel Parking**

- 9(1)** A Vehicle Parked on a Highway shall be Parked with:
- (a) the sides of the Vehicle parallel to the Curb, and
  - (b) the right hand wheels of the Vehicle not more than 50 centimetres from the right hand Curb;
- (2)** Notwithstanding subsection (1), a motor cycle may be Parked with:
- (a) a wheel of the motor cycle not more than 50 centimetres from the Curb, and
  - (b) the motor cycle angled in the direction of travel authorized for the traffic lane that is adjacent to the lane on which the motor cycle is parked.
- (3)** The parallel Parking provisions in this Part do not apply where angle Parking is permitted or required.

**Prohibited Parking**

- 10** Unless permitted or required by a Traffic Control Device, no Person shall stop or Park a Vehicle:
- (a) On a Highway adjacent to a Curb or sidewalk that has been marked by being painted in a solid colour;
  - (b) On a sidewalk or Boulevard;
  - (c) On a crosswalk or any part of a crosswalk, or within 5 metres of the near side of a crosswalk;
  - (d) In any driveway, lane or other location designated as a fire lane, an emergency access zone or otherwise being for the use of emergency vehicles;
  - (e) to the left of the centre line of a Highway facing oncoming traffic;
  - (f) On a Highway in a manner that blocks or obstructs:
    - (i) a doorway to a building; or
    - (ii) the approach to any fire station, police station, hospital or other place where emergency vehicles require regular access;
  - (g) At an intersection within 5 metres to the projection of the Curb or edge of the roadway;
  - (h) Within an intersection other than immediately next to a curb in a "T" intersection;
  - (i) Within 5 metres of any approach to any stop or yield sign;
  - (j) Within 5 metres of any fire hydrant or, when the hydrant is not located at the Curb, within 5 metres of the point on the Curb nearest to the fire hydrant;
  - (k) Alongside or opposite any street excavation or obstruction when stopping or Parking would obstruct traffic;
  - (l) At any other place where a Traffic Control Device prohibits stopping or Parking, during such times as stopping or parking is so prohibited;
  - (m) On the roadway side of a Vehicle parked or stopped at the Curb or edge of a Highway;
  - (n) Within 1.5 metres of an access to a garage, private road or driveway or a Vehicle crossway over a sidewalk;
  - (o) At any angle to the Curb in a cul-de-sac unless that Vehicle is parked in such a manner so as not to interfere with the free flow of traffic in the cul-de-sac;
  - (p) In an alley, unless the Vehicle is a commercial vehicle with hazard warning lights alight and in the process of loading or unloading of goods or passengers;

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- (i) Notwithstanding subsection 10(p), a commercial vehicle shall not be parked in an alley for more than 30 minutes; and
- (ii) Nothing in subsection 10(p) permits a Person to park a Vehicle in an alley in a manner that blocks or obstructs the movement of traffic.
- (q) On any bridge or on any approach to a bridge;
- (r) At or near the site of any fire, accident or other emergency, if stopping or parking would obstruct traffic or hinder emergency vehicles or peace officers, firemen, ambulance drivers or assistants or rescue officers or volunteers; or
- (s) In such a manner that may obstruct the safe movement of traffic and pedestrians using the roadway.

### Parking Reserved for Disabled Persons

- 11** A Vehicle shall not be Parked on a Highway in any location identified as being reserved for the use of Persons with disabilities unless the Vehicle:
- (a) displays a valid disabled placard or license plate issued or recognized by the Registrar of Motor Vehicles; and
  - (b) is being used for the transportation of a Person with a disability.

### Recreational Vehicle Parking

- 12(1)** No Person shall Park a Recreational Vehicle on a Highway within the boundaries of a Hamlet unless it is Parked in a location completely adjoining the Recreational Vehicle owner's residence as shown in the records of the Motor Vehicle Registry and then only between May 1 and October 15.
- (2)** A Recreational Vehicle Parked pursuant to subsection (1):
- (a) shall not be Parked for more than 72 consecutive hours; and
  - (b) shall be removed to an off-Highway location for at least 48 consecutive hours before it may be Parked again on a Highway.
- (3)** No Person shall occupy a Recreational Vehicle Parked on a Highway.

### Parking in Recreational Areas

- 13** No Person shall Park a Vehicle on any land owned or controlled by the County and which the County uses or permits to be used as a playground, recreation area, public park, or campground except in a developed parking lot or other area specifically designated for the Parking of Vehicles.

### Private Property with Public Access

- 14(1)** No Person shall Park a Vehicle on privately owned property to which Vehicles driven by members of the public generally have access unless the permission or authorization of the owner of the property or Person having possession or control of the property has been given for such Parking.
- (2)** Subsection (1) applies only where the privately owned property has been clearly identified as having restrictions on Parking.
- (3)** A Vehicle on privately owned property to which Vehicles driven by members of the public generally have access Parked in contravention of any specific restrictions on Parking identified for the location is presumed to be Parked without the permission or authorization in subsection (1).

### Private Property without Public Access

- 15(1)** No Person shall Park a Vehicle on privately owned property to which Vehicles driven by members of the public generally do not have access, but on which the owner of the property or a Person having possession or control of the property may Park or otherwise keep Vehicles, unless the permission or authorization of the owner of the property or Person having possession or control of the property has been given for such Parking.

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- (2) Subsection (1) applies only where the privately owned property has been clearly identified as having restrictions on Parking.

### Abandoned Vehicle

- 16(1) No Person shall abandon a Vehicle on a Highway.
- (2) Without restricting the generality of subsection (1), a Vehicle that is left standing in one location on a Highway for more than 72 consecutive hours is deemed to have been abandoned at that location.

### Highway Maintenance

- 17(1) The Chief Administrative Officer may cause temporary "No Parking" signs to be placed on or near a Highway for maintenance or construction purposes.
- (2) The owner of a Vehicle which remains Parked in an area where Parking has been prohibited pursuant to subsection (1) for a period of 12 hours subsequent to the placement of the appropriate signs shall be in contravention of this section.

### Trailers

- 18 No Person shall Park any Trailer on a Highway unless the Trailer is attached to a Vehicle by which it may be propelled or drawn. When so attached, the Trailer will be deemed to be part of the Vehicle it is attached to for the purposes of this Bylaw.

### Vehicles on Jacks

- 19 No Person shall leave a Vehicle unattended on a Highway if the Vehicle has been placed on a jack or similar device and;
- (a) one or more of the wheels have been removed from the Vehicle; or
- (b) part of the Vehicle is raised off of the ground.

### Garage and Service Stations

- 20 No Person in control of a garage, service station, Vehicle accessories store, stereo shop or other premises where repairs or installations are made on Vehicles for compensation shall Park, or permit to be Parked on any Highway a Vehicle that is left in the Person's possession for the carrying out of repairs, installations or for any other purpose.

## PART 5 - USE OF STREETS AND SIDEWALKS

### Littering

- 21 No Person shall place, cause to be placed or permit to be placed any litter, refuse, substance or thing of any kind on any Highway.

### Unauthorized Signs

- 22(1) No Person shall place, cause to be placed or permit to be placed a sign, notice or other object upon a Highway or upon abutting public lands, without proper authority or a permit issued by the Chief Administrative Officer.
- (2) For the purposes of subsection (1), any individual or corporation referred to on a sign, whether directly or indirectly, is presumed to have placed the sign or caused or permitted the sign to be placed.

### Vehicle Fluids

- 23 No Person shall drain lubricating oils or any fluids associated with the operation of a Vehicle upon a Highway.

### Extension Cords

- 24 No Person shall place, cause to be placed or permit to be placed, an electrical extension cord across a sidewalk, Boulevard or driveway in a manner which, in the opinion of a Peace Officer, may pose a hazard to Persons or property.

**Material on Sidewalks/Roadways**

- 25 No Person shall place, cause to be placed or permit to be placed any earth, sand, gravel, grass, leaves, snow, ice, debris or other materials upon any sidewalk or roadway.

**Clearing Sidewalks**

- 26(1) A Person shall remove snow, ice and debris from any sidewalk adjacent to land that they own or occupy, within the boundaries of a Hamlet, within forty-eight (48) hours after the snow, ice or debris has been deposited.
- (2) If a Person fails to comply with subsection (1) the County may arrange to have the sidewalk cleared and the expenses and costs incurred by the County for removing the snow, ice or debris shall be paid upon demand and, if unpaid, may be added to the tax roll of the adjacent Property.

**Fires and Emergency Site Management**

- 27(1) No Person shall pass beyond a point designated by a Peace Officer or a member of the Fire Department.
- (2) No Person shall drive a Vehicle over any fire hose unless directed to do so by a Peace Officer or a member of the Fire Department.

**Sidewalk Obstructions**

- 28 No Person shall place, cause to be placed or permit to be placed any goods, wares, merchandise, or any other articles upon a Highway outside of a shop, warehouse, or building so as to obstruct pedestrian or vehicular traffic.

**Pedestrians**

- 29(1) No Person shall stand or be in any other position on a sidewalk so as to obstruct the entrance to a building.
- (2) No Person shall stand or be in any other position on a Highway so as to obstruct pedestrians or Vehicles using the Highway.
- (3) Where a Peace Officer has reasonable grounds to determine that a Person is in contravention of subsection (1) or (2), the Peace Officer may direct that Person to disperse immediately and any Person receiving such a direction from a Peace Officer that fails to immediately comply with that direction shall be guilty of an offence.

**Street Furniture**

- 30 No Person shall climb upon, interfere with, damage, deface, remove, alter or destroy any Street Furniture.

**Damage to Traffic Control Devices**

- 31 No Person shall climb upon, interfere with, damage, deface, remove, alter or destroy a Traffic Control Device.

**Highway Obstructions**

- 32 No Person shall cause or permit any building, structure, fixture, road, tree, shrub, hedge, fence, sign, notice, advertising device, light or other object on property they own or occupy to:
- (a) cause a drifting or accumulation of snow on a Highway;
  - (b) damage a Highway;
  - (c) obstruct the vision of pedestrians or drivers of Vehicles on a Highway; or
  - (d) create a hazard or obstruction to vehicular or pedestrian traffic on the Highway.

## PART 6 - UNDEVELOPED ROAD ALLOWANCES

### Restriction on Use

- 33(1)** No Person shall use or occupy an Undeveloped Road Allowance, except for the sole purpose of access or travel, where such access or travel does not physically alter or interfere with the Undeveloped Road Allowance, unless a licence authorizing the use or occupation has been issued to the Person pursuant to this Bylaw.
- (2)** For clarity, and without in any way limiting the generality of subsection (1), the prohibition established by subsection (1) applies to removal of vegetation from an Undeveloped Road Allowance, placement of structures, equipment or obstructions on Undeveloped Road Allowance and cultivation, cropping or grazing on Undeveloped Road Allowances.

### Licence for Use of Undeveloped Road Allowance

- 34(1)** The Chief Administrative Officer may, upon receipt of an application in an approved form, approve the issuance of a licence that authorizes a Person's non-exclusive use and occupation of an Undeveloped Road Allowance.
- (2)** Subject to subsection (3), in issuing licences under this Part, the Chief Administrative Officer may impose such terms and conditions as are determined to be necessary or beneficial in his or her sole discretion, including, but not limited to, insurance requirements, signage requirements, amounts payable under the licence, and limitations on the Person's use or occupation.
- (3)** Notwithstanding subsection (2), every licence issued to a Person under this Part shall:
- (a)** state the specific use and occupation for which the licence is being granted;
  - (b)** provide that the licence is for non-exclusive use and occupation and the licence holder may not prevent the public from accessing or travelling along the Undeveloped Road Allowance; and
  - (c)** provide that the County may terminate the licence with 30 days written notice to the licence holder, pursuant to the *Traffic Safety Act*.
- (4)** No Person who is the holder of a licence issued under this Part shall contravene any term or condition of that licence.

## PART 7 - OFF-HIGHWAY VEHICLES

### Application

- 35(1)** This Part applies to Highways under the direction, control and management of the County and nothing in this Bylaw authorizes, or in any way affects, the operation of an Off-Highway Vehicle on any Provincial Highway.
- (2)** This Part does not apply to Peace Officers, or agents or employees of the County while in the performance of their official duties.

### Operating Off-Highway Vehicles

- 36(1)** A Person may only operate an Off-Highway Vehicle in the County:
- (a)** In the ditch adjacent to a roadway;
  - (b)** Where there is no ditch adjacent to a roadway, or where the ditch is obstructed, in the parking lane of the roadway; or
  - (c)** Where there is no ditch adjacent to a roadway and the roadway does not include a parking lane or where both the ditch and the parking lane are obstructed, in the rightmost lane of the roadway.

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- (2) No Person shall operate an Off-Highway Vehicle within the boundaries of a Hamlet, unless:
- (a) the Off-Highway Vehicle is being operated for the purpose of entering or leaving the Hamlet by the most direct route possible to and from the Person's residence; and
  - (b) the Off-Highway Vehicle is being operated, for the purpose described in subsection (a), between the hours of 7:00am and 11:00pm.
- (3) Nothing in this Part relieves any Person from complying with any provision of any federal or provincial legislation affecting Off-Highway Vehicles, including without restriction, the *Traffic Safety Act* and all applicable regulations thereunder.
- (4) For greater certainty, and without in any way restricting subsections (1) and (2), no Person shall operate an Off-Highway Vehicle on a Highway unless the Off-Highway Vehicle is:
- (a) duly registered and insured pursuant to the *Traffic Safety Act*;
  - (b) equipped with headlamps, tail lamps, an exhaust muffler and such other equipment as required by the *Off-Highway Vehicle Regulation*;
  - (c) traveling in single file with any other Off-Highway Vehicles; and
  - (d) when traveling on a roadway, traveling in the same direction as other Vehicles.

### Operating Restrictions

- 37(1) No Person shall operate an Off-Highway Vehicle in an area where a Traffic Control Device prohibits the operation of Off-Highway Vehicles.
- (2) No Person shall operate an Off-Highway Vehicle on a Highway at a speed in excess of 30 kilometers per hour or, where a lower speed limit has been prescribed, in excess of the prescribed limit.
- (3) No Person shall operate or ride as a passenger on an Off-Highway Vehicle where the number of Persons on the Off-Highway Vehicle exceeds the number of Persons that the Off-Highway Vehicle is designed to carry.
- (4) No Person shall operate an Off-Highway Vehicle on any lands used or permitted to be used as a school yard, playground, recreation area, public park or campground.

### Exemption

- 38 A Person who is operating an Off-Highway Vehicle and is actively engaged in controlling the movement of livestock along a Highway is exempt from section 36(1) and section 37(2) of this Bylaw.

### Authorized Special Events

- 39(1) No Person shall organize, conduct or take part in an OHV Special Event unless a permit authorizing the OHV Special Event has been issued by the Chief Administrative Officer.
- (2) No Person shall organize, conduct or take part in an OHV Special Event contrary to the terms and conditions imposed by a permit issued by the Chief Administrative Officer.
- (3) An application for a permit for an OHV Special Event may be made in writing to the County and shall include:
- (a) A description of the proposed event and its purpose;
  - (b) The name of the Person or organization responsible for sponsoring and organizing the proposed event;
  - (c) The date and times of the proposed event;
  - (d) The type of Off-Highway Vehicles to be used and the approximate number of Off-Highway Vehicles that will be participating at the event; and
  - (e) Details of the proposed route including a map with the proposed route indicated.

**PART 8 - VEHICLE WEIGHT**

**Weight Restrictions and Road Bans**

- 40(1)** The Chief Administrative Officer is hereby authorized to:
- (a) impose restrictions on the weight of Vehicles permitted on any Highway, or portion thereof, under the direction, control and management of the County;
  - (b) impose road bans on any Highway, or portion thereof, under the direction, control and management of the County; and
  - (c) establish exceptions to weight restrictions and road bans imposed in accordance with subsections (a) and (b).
- (2)** The Chief Administrative Officer shall cause Traffic Control Devices to be placed along the Highway, as the Chief Administrative Officer considers necessary, to notify Persons operating Vehicles on the Highway of applicable weight restrictions and road bans.
- (3)** Unless another weight restriction is established by a person having the authority to do so, the maximum allowable weight on a Highway is the same as the maximum allowable weight specified in the *Traffic Safety Act* or the regulations made thereunder.

**Operating Restrictions**

- 41(1)** No Person shall operate a Vehicle on a Highway that is subject to a weight restriction established pursuant to this Bylaw if the weight of the Vehicle exceeds the maximum weight imposed by the weight restriction, unless that Person has been issued an overweight permit in accordance with this Bylaw.
- (2)** No Person shall operate a Vehicle on a Highway that is subject to a road ban if the weight of the carrying axle or axle group of the Vehicle exceeds the specified percentage axle weight imposed by the road ban, unless that Person has been issued an overweight permit in accordance with this Bylaw.
- (3)** Subsection (2) is subject to any provincial legislation exempting certain Vehicles from road bans or permitting an increased specified percentage of axle weight.

**PART 9 - OVERWEIGHT PERMITS AND ROAD USE AGREEMENTS**

**Overweight Permits**

- 42(1)** The Chief Administrative Officer may, upon receipt of an application in a manner approved by the Chief Administrative Officer, issue to a Person an overweight permit for the purpose of allowing a commercial vehicle to operate on a Highway in a manner that would otherwise contravene a weight restriction or road ban under this Bylaw.
- (2)** In issuing a permit under this Section, the Chief Administrative Officer may impose such terms and conditions as are determined to be necessary or beneficial in his or her sole discretion.
- (3)** Under no circumstances shall a permit be issued allowing a vehicle to exceed the maximum allowable weight restrictions imposed under the *Traffic Safety Act* and the regulations thereunder unless a corresponding provincial permit has been issued.
- (4)** An overweight permit may require a Person to pay such amounts, or post security in a form and amount, or both, as may be determined by the Chief Administrative Officer in order to secure performance of the Person's obligations under the overweight permit.
- (5)** The holder of an overweight permit must, at all times, ensure that any conditions attached to the overweight permit are complied with and, in addition to a penalty imposed pursuant to the Bylaw, a failure to comply with a condition attached to an overweight permit shall render the permit invalid.

**Road Use Agreements**

- 43(1)** The Chief Administrative Officer may, as a condition of issuing a permit, require a Person to enter into a road use agreement if, in the Chief Administrative Officer's opinion, the use of a Vehicle on a Highway may or will likely cause damage to the Highway or constitute a nuisance to area residents due to:
- (a) the weight of the Vehicle;
  - (b) the dimensions of the Vehicle;
  - (c) the frequency of use of the Highway by the Vehicle;
  - (d) the size, type or tread pattern of the tires on the Vehicle;
  - (e) the physical condition of the proposed haul route, including the type of road surface;
  - (f) the location of the proposed haul route and its proximity to residential dwellings; or
  - (g) any combination of the above factors.
- (2)** A road use agreement may require a Person to pay such amounts, or post security in a form and amount, or both, as may be determined by the Chief Administrative Officer in order to secure performance of the Person's obligations under the road use agreement.
- (3)** If the Chief Administrative Officer has determined that a Person is required to enter into a road use agreement with the County pursuant to subsection (1), that Person shall not operate a Vehicle for which a road use agreement is required on a Highway unless that Person has entered into a road use agreement with the County.
- (4)** No Person shall contravene any term or condition of a road use agreement.

**PART 10 - MISCELLANEOUS**

**Permits**

- 44(1)** The Chief Administrative Officer may issue permits in relation to activities governed by this Bylaw on such terms and conditions as the Chief Administrative Officer deems appropriate.
- (2)** A Person to whom a permit has been issued pursuant to this Bylaw and any Person carrying out an activity otherwise regulated, restricted or prohibited by this Bylaw pursuant to such permit, shall comply with any terms or conditions forming part of the permit and shall produce the permit to a Peace Officer upon request.
- (3)** A Person shall not make any false or misleading statement or provide any false or misleading information to obtain a permit pursuant to this Bylaw.
- (4)** If any term or condition of a permit issued pursuant to this Bylaw is contravened or if a false or misleading statement or false or misleading information was provided to obtain the permit, in addition to any other remedy available to the County, the Chief Administrative Officer may immediately cancel the permit.
- (5)** The onus of proving a permit has been issued in relation to any activity otherwise regulated, restricted or prohibited by this Bylaw is on the Person alleging the existence of such a permit on a balance of probabilities.

**PART 11 - AUTHORITY OF MUNICIPAL OFFICIALS**

**Authority of the Chief Administrative Officer**

- 45** Without restricting any other power, duty or function granted by this Bylaw, the Chief Administrative Officer is authorized to:
- (a) Carry out any inspections to determine compliance with this Bylaw
  - (b) Take any steps or carry out any actions required to enforce this Bylaw;

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- (c) Take any steps or carry out any actions required to remedy a contravention of this Bylaw;
- (d) Establish areas where activities restricted by this Bylaw are permitted;
- (e) Establish forms for the purpose of this Bylaw;
- (f) Establish the criteria to be met for a permit pursuant to this Bylaw;
- (g) Issue permits and licences with such terms and conditions as are deemed appropriate;
- (h) Require a Person to enter into a Road Use Agreement;
- (i) Enter into road use agreements on behalf of the County;
- (j) Prescribe the location and placement of any Traffic Control Device in the County and keep or cause to be kept a record of such locations and placements;
- (k) Impose weight restrictions and road bans on any Highway;
- (l) Temporarily close any Highway for the purpose of repairs, maintenance or other valid reason or in the case of an emergency;
- (m) Cause moveable signs to be placed on or near a Highway;
- (n) Designate crosswalks upon any Highway, and may cause them to be marked with signs or lines painted on the surface of the Highway;
- (o) Designate any area as one in which Parking privileges are temporarily suspended in whole or in part to traffic and cause the area to be marked with Traffic Control Devices;
- (p) Designate any Boulevard upon which Parking is permitted and cause Traffic Control Devices permitting such Parking to be erected; and
- (q) Delegate any powers, duties or functions under this Bylaw to an employee of the County.

### PART 12 - AUTHORITY OF PEACE OFFICERS

#### Chalking Tires

- 46** In order to determine the time period over which a Vehicle has been Parked in a location, a Peace Officer may place an erasable chalk mark on the tread face of the tire of a Parked Vehicle, or use any other reasonable method capable of determining the time period over which a Vehicle has been Parked, without the Peace Officer incurring any liability relating thereto.

#### Towing

- 47(1)** A Peace Officer may cause any Vehicle to be removed and impounded when the Vehicle is parked in contravention of this Bylaw or where emergency conditions require that the Vehicle be removed.
- (2)** Any Vehicle removed pursuant to subsection (1) may be moved to:
- (a) a nearby Highway; or
  - (b) a place designated by the County where it will remain impounded until claimed by its owner.
- (3)** Any Vehicle impounded pursuant to subsection (2)(b) may be released to its owner upon payment of any costs imposed for towing and storage.
- (4)** Where a Vehicle is impounded pursuant to subsection (2)(b) and is not claimed within thirty (30) days of its removal, the Vehicle may be disposed of in accordance with the provisions of the *Traffic Safety Act* and the regulations thereunder.

**Municipal Tags**

- 48(1)** A Peace Officer is hereby authorized and empowered to issue a Municipal Tag to any Person who the Peace Officer has reasonable and probable grounds to believe has contravened any provision of this Bylaw.
- (2)** A Municipal Tag may be served:
- (a) personally to the accused;
  - (b) mailed to the address of the registered owner of the Vehicle concerned, or the Person concerned; or
  - (c) attached to or left upon the Vehicle with respect of which the offence is alleged to have been committed.
- (3)** The Municipal Tag shall be in a form approved by the Chief Administrative Officer and shall state:
- (a) the name of the Person to whom the Municipal Tag is issued, if known;
  - (b) a description of the offence and the applicable Bylaw section;
  - (c) the appropriate penalty for the offence as specified in Schedule "B" of this Bylaw;
  - (d) that the penalty shall be paid within fourteen (14) days of the issuance of the Municipal Tag in order to avoid prosecution; and
  - (e) any other information as may be required by the Chief Administrative Officer.
- (4)** Where a contravention of this Bylaw is of a continuing nature, further Municipal Tags may be issued by a Peace Officer, provided that no more than one Municipal Tag shall be issued for each day that the contravention continues.
- (5)** A Person to whom a Municipal Tag has been issued may pay the penalty specified on the Municipal Tag and if the amount is paid on or before the required date, the Person will not be prosecuted for the offence.
- (6)** Nothing in this Bylaw shall prevent a Peace Officer from immediately issuing a Violation Ticket.

**Violation Tickets**

- 49(1)** Where a Municipal Tag has been issued and the penalty specified on the Municipal Tag is not paid within the prescribed time, a Peace Officer is hereby authorized and empowered to issue a Violation Ticket.
- (2)** Notwithstanding subsection (1), a Peace Officer may immediately issue a Violation Ticket to any Person whom the Peace Officer has reasonable and probable grounds to believe has contravened any provision of this Bylaw.
- (3)** A Violation Ticket issued with respect to a contravention of this Bylaw shall be served upon the Person responsible for the contravention in accordance with the *Provincial Offences Procedure Act*.
- (4)** If a Violation Ticket is issued in respect of an offence, the Violation Ticket may:
- (a) specify the fine amount established by this Bylaw for the offence in Schedule "B"; or
  - (b) require a Person to appear in court without the alternative of making a voluntary payment.
- (5)** A Person who commits an offence may:
- (a) if a Violation Ticket is issued in respect of the offence; and
  - (b) if a Violation Ticket specifies the fine amount established by this Bylaw for the offence;
- make a voluntary payment equal to the specified fine.

## Bylaw 09/17 - Traffic Bylaw

- (6) When a clerk records in the Court records the receipt of a voluntary payment pursuant to this Bylaw and the *Provincial Offences Procedure Act*, the act of recording receipt of that payment constitutes acceptance of the guilty plea and also constitutes a conviction and the imposition of a fine in the amount of the specified penalty.

### PART 13 - PENALTIES

#### Offence

- 50 A Person who contravenes or fails to comply with any provision of this Bylaw is guilty of an offence and is liable to a fine in an amount not less than that established in this Part and not exceeding \$10,000.00.

#### Specified Penalties

- 51 Without restricting the generality of section 50, the fine amounts established for use on Municipal Tags and Violation Tickets if a voluntary payment option is offered are as set out in Schedule "B".

#### Owner Liable

- 52(1) In this Part "owner" includes any Person registered as an owner at the Motor Vehicle Registry.
- (2) If a Vehicle is involved in an offence under this Bylaw, the owner of that Vehicle is guilty of an offence.
- (3) Subsection (2) does not apply if the owner of the Vehicle satisfies the court that, at the time that the Vehicle was involved in an offence:
- (a) In the case of a Vehicle that was in motion,
- (i) the owner of the Vehicle was not driving the Vehicle, and
- (ii) no other Person was driving the Vehicle with the owner's expressed or implied consent,
- and
- (b) In the case of a Vehicle or that was Parked,
- (i) the owner did not Park the Vehicle, and
- (ii) no other Person Parked the Vehicle with the owner's expressed or implied consent.
- (4) An owner who is guilty of an offence under subsection (2) is not liable to imprisonment in respect of that offence or in respect of a default of a fine imposed in respect of that offence.

### PART 14 - GENERAL

#### Severability

- 53 Should any provision of this Bylaw be invalid, then such provision shall be severed and the remaining Bylaw shall be maintained.

#### Bylaw Schedules

- 54 Schedules "A" and "B" attached hereto shall form part of this Bylaw.

#### Repeal

- 55 This Bylaw repeals Bylaw 05/17 dated the 24<sup>th</sup> day of May 2017.

Bylaw 09/17 - Traffic Bylaw

**Effective Date**

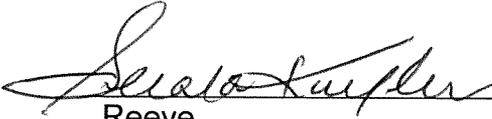
56 This Bylaw takes effect upon being passed.

READ a first time this 27 day of Sept, 2017.

READ a second time this 27 day of Sept, 2017.

READ a third time this 27 day of Sept, 2017.

SIGNED AND PASSED this 27 day of Sept, 2017.

  
\_\_\_\_\_  
Reeve

  
\_\_\_\_\_  
Chief Administrative Officer

**SCHEDULE "A"**

**SPEED LIMIT EXCEPTIONS**

- 1 The maximum speed limit on Highways within the Hamlet of Strome shall be 30 kilometers per hour (km/hr).
- 2 The maximum speed limit on Highways within the Hamlet of Galahad shall be 30 km/hr.
- 3 The maximum speed limit on that portion of Range Road 095 beginning North from Highway 13 and continuing North for an approximate distance of 1,400 meters, shall be 20 km/hr.
- 4 The maximum speed limit on Range Road 102 North of Highway 13 for 200 meters to Township Road 430A, shall be 50 km/hr. The maximum speed limit on Township Road 430A from Range Road 102 to the corporate limits of the Town of Hardisty, shall be 60 km/hr.
- 5 The maximum speed limit on that portion of road on Township Road 442, adjacent to the corporate limits of the Town of Sedgewick, commencing at Range Road 124 and proceeding East for 650 meters, shall be 50 km/hr, and proceeding west for 800 meters, shall be 50 km/hr.
- 6 The maximum speed limit on Township Road 404A that runs from the Battle River North for 1200 meters to Range Road 154, shall be 60 km/hr.
- 7 The maximum speed limit on Range Road 131 starting at Secondary Highway 608 proceeding North for 700 meters, shall be 60 km/hr.
- 8 The maximum speed limit on Range Road 151 adjacent to the Hamlet of Strome, starting at Highway 13 proceeding North for 700 meters, shall be 50 km/hr.
- 9 The maximum speed limit on Range Road 103 from Secondary Highway 608 for a distance of 300 meters North and 300 meters South shall be 40 km/hr, and on Secondary Highway 608, from Range Road 103, for a distance of 300 meters East, shall be 30 km/hr.
- 10 The maximum speed limit on Range Road 94A starting at Township Road 410 (the Coal Trail) which turns into Range Road 101 proceeding North to Highway 13, shall be 60 km/hr.
- 11 The maximum speed limit on Township Road 420A from the corporate limits of the Village of Forestburg, and proceeding 350 meters West, shall be 60 km/hr.
- 12 The maximum speed limit on that portion of Range Road 95A beginning Northwest from Secondary Highway 881 and continuing North and West for an approximate distance of 1165 metres to Range Road 100, shall be 50 km/hr.

**SCHEDULE "B"**

**PENALTIES**

Section	Infraction	Penalty			
		Municipal Tag		Violation Ticket	
		First Offence	Second or Subsequent Offence within 6 months of prior offence	First Offence	Second or Subsequent Offence within 6 months of prior offence
<b>Part 3 – Operational Restrictions</b>	All Sections	\$50	\$100	\$100	\$200
<b>Part 4 – Parking</b>	All Sections except 11, 12 and 18	\$50	\$100	\$100	\$200
Section 11	Parking reserved for disabled person violation	\$50	\$100	\$100	\$200
Section 12	Recreational Vehicle parking violation	\$50	\$100	\$100	\$200
Section 18	Trailer Parking Violation	\$50	\$100	\$100	\$200
<b>Part 5 - Use of Streets and Sidewalks</b>	All Sections except 27	\$50	\$100	\$100	\$200
Section 27	Violation concerning fires and emergency site management	\$50	\$100	\$100	\$200
<b>Part 6 – Undeveloped Road Allowances</b>	All Sections	N/A	N/A	\$10,000	\$10,000
<b>Part 7 - Off-Highway Vehicles</b>	All Sections	\$100	\$200	\$200	\$400