

The Summer Village of Parkland Beach

Bylaw 2011-03

BEING a bylaw of the Summer Village of Parkland Beach in the Province of Alberta to provide for the regulation and control of vehicle traffic within the Summer Village of Parkland Beach.

WHEREAS the Municipal Government Act, R.S.A. 2000, M-26 and amendments thereto allows a municipality to pass bylaws and delegate authority with respect to streets, green spaces or Summer Village owned land under its direction, control and management and transportation thereon; and

WHEREAS under the authority of the Traffic Safety Act, R.S.A. 2000, T-6 and amendments thereto, the Council of a municipality may pass bylaws to regulate, manage and control vehicle, animal and pedestrian traffic; and

WHEREAS Council of the Summer Village of Parkland Beach deems it expedient and in the public's interest to pass a bylaw to regulate and enforce traffic within the Summer Village.

NOW THEREFORE the Council of the Summer Village of Parkland Beach duly assembled enacts as follows:

Section 1

Title

- 1.1 This bylaw may be cited as the "Traffic Bylaw" of the Summer Village of Parkland Beach.

Section 2

Definitions

- 2.1 Definitions in the Traffic Safety Act and the Provincial Procedures Act are hereby incorporated as part of this Bylaw.
- 2.2 In this Bylaw, including this section, unless the context otherwise requires:
 - a) "Act" means the Municipal Government Act, R.S.A. 2000, c M-26 as amended, and any amendment or substitutions thereof.
 - b) "C.A.O." means the Chief Administrative Officer for the Summer Village of Parkland Beach and whatever subsequent title may be conferred on that officer by Council or Statute, appointed under Bylaw 1995-5 of the Summer Village or their delegate.
 - c) "Curb" means the division of the highway between the roadway and the boulevard or ditch.
 - d) "Ditch" means the portion of land between the highway and the boundary lines of all residential properties of the Summer Village of Parkland Beach, the primary use of which is for culvert land drainage.

- e) "Emergency" means a present or imminent event that requires prompt coordination or action or special regulation or persons property to protect the health, safety or welfare of people or to limit damage to property.
- f) "Emergency Vehicle" means a motor vehicle used:
 - i) for police/peace officer duty;
 - ii) by a fire department;
 - iii) as an ambulance;
 - iv) for purposes relating to maintenance of a public utility and designated as an emergency vehicle by the R.C.M.P.
- g) "Gross Weight" includes both:
 - i) the total weight transmitted to the highway by a single axle group on a vehicle placed on public highways as determined in accordance with the Traffic Safety Act and the regulations made hereunder; and
 - ii) the total maximum weight transmitted to the highway by all the axles of a vehicle used on the public highways aforesaid determined in accordance with the Traffic Safety Act and the regulations hereunder.
- h) "Handicapped parking zone" means a space or portion of a highway or parking lot set apart and designated exclusively for the parking of vehicles bearing a valid disabled placard or license plate issued or recognized by the Registrar of Motor Vehicle Services, and so marked with a sign or other marking authorized by the Chief Administrative Officer or designate.
- i) "Heavy Vehicle" means a vehicle with or without load or trailer, exceeding any of the following:
 - i) 2 axels;
 - ii) 6 metres in length;
 - iii) a gross weight of 5500 kilograms.
- j) "Highway" means any thoroughfare, street, road, trail, avenue, parkway, driveway, viaduct, lane, alley, square, bridge, causeway, trestle way 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) if a ditch lies adjacent to and parallel with the roadway, the ditch;~~
~~and~~

ii) _____ 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.

- k) "Municipal Reserve" means all that area in the Summer Village of Parkland Beach that is designated "P" or "MR" in the Land Use Bylaw 2007-01, Land Use - Schedule C. It also includes all public pedestrian trails.
- l) "Obstruction" means an encroachment, excavation, structure or other obstacle which interferes with, or prevents the vision, passage, maintenance or use of any public property by vehicles or pedestrians.
- m) "Off-highway vehicle" means an off-highway vehicle as defined in the Traffic Safety Act R.S.A. 2000, c. T-6.
- n) "Operator" includes, but is not limited to, a person who drives or operates a vehicle as the owner thereof or as an agent, employee or servant of the owner.
- o) "Peace Officer" means:
 - i) a member of the Royal Canadian Mounted Police;
 - ii) a Bylaw Officer as appointed by the Summer Village of Parkland Beach, or
 - iii) a Community Peace Officer as appointed by the Solicitor General of Alberta.
- p) "Roadway" means that part of a highway intended for use by vehicular traffic.
- q) "Traffic Control Device" means any signage or lighting that directly impacts the operation of a motor vehicle.
- r) "Traffic Tag" means any summons, ticket, or notice to appear that shall be written or issued because of a violation of this Bylaw.
- s) "Trailer" means a vehicle so designated that it may be attached to or drawn by a motor vehicle and intended to transport property or persons and includes any trailer that is designed, constructed and equipped as a dwelling place, living abode or sleeping place.
- t) "Vehicle" means a "motor vehicle" as defined in the Highway Traffic Act R.S.A. 2000 c. T-6.
- u) "Village" means the Summer Village of Parkland Beach.

Section 3

Rules of the Road

- 3.1 The maximum speed limit within Village limits is 30km per hour unless authorized highway signs order a lesser speed. Every driver shall obey the speed limit.
- 3.2 No owner or operator of a vehicle shall stop a vehicle or permit a vehicle to be left upon any highway in such a manner as to block, obstruct, impede or hinder traffic therein.
- 3.3 No person shall park any vehicle on a highway within the Village for any purpose for longer than a maximum of ~~24 (twenty four)~~ 72 (seventy two) hours.
- 3.4 No person shall park a vehicle on any highway within the Village for the purpose of repairing such vehicle, except for emergency repairs.
- 3.5 No person shall leave a vehicle unattended on a highway while it is supported by a jack or similar device.
- 3.6 No person shall park any heavy vehicle on any highway or property within the Village unless a "special parking permit" has been obtained.
- 3.7 No person shall park or allow to be parked, any commercial vehicle which may be delivering goods or equipment to a lot, on any highway within the Village for a period exceeding ~~sixty (60) minutes~~ eight (8) hours.
 - i) The vehicle must not block or impede traffic while parked on the highway;
 - ii) Appropriate safety signs must be place around the vehicle parked on a highway.
- 3.8 No person shall park in the Municipal Reserve or Park areas including the beach, except where an area has been designated and clearly signed by authority of Council for this purpose.
- 3.9 No person shall park any vehicle on any private property including the entrance to that property within the Village, without the authority of the owner of that property.
- 3.10 No person shall park a vehicle, trailer, boat or off-highway vehicle, including snow vehicle in any of the ditches within the Village.
- 3.11 No person shall tear down, remove or interfere with any signs, barricades or other things placed in accordance with the provisions and regulations of this Bylaw.

- 3.12 Nothing in this Bylaw prohibits police vehicles, Bylaw enforcement vehicles, ambulances, fire trucks, municipal staff, or any other emergency vehicle as well as vehicles engaged in highway repair, maintenance or inspection from being parked on the roadways by their operators in the performance of their duties.
- 3.13 No person shall operate a vehicle on any highway, that vehicle having spikes, lugs, cleats skids or bands projecting from the wheel, tire or track for such vehicle. This provision does not apply to the use of studded tires or tires with chains.
- 3.14 No person shall place, or permit to be placed, any snow, dirt, debris or other material removed from private property onto the highways of the Village.

Section 4

Miscellaneous

Trailers and Recreational Vehicles

- 4.1 Recreational Vehicles or trailers shall not be parked on any highway in the Village.
- 4.2 No person shall park any trailer upon any highway unless the said trailer is attached to a vehicle by which it may be propelled, or drawn, and when so attached the trailer shall be deemed part of the vehicle and subject to the regulations pertaining to vehicles.

Handicapped Parking

- 4.3 All parking for the handicapped shall be indicated by signs posted by the Village.
- 4.4 A person shall not park a vehicle in a parking space, or any part thereof, on private property or on public property that is marked or designated with a traffic control device for the use of persons with disabilities, unless:
 - i) the vehicle displays a valid handicap placard or license plate that is issued or recognized by the Solicitor General; and
 - ii) the vehicle is operated by, or is being used to transport a disabled person.
- 4.5 Where, pursuant to 4.4, the vehicle is identified by a disabled persons placard, the owner or operator shall have such placard visibly displayed while the vehicle is stopped or parked in a parking space designated for disabled parking.

Public Parking Lots

- 4.6 No person shall park a vehicle or trailer overnight in a public parking lot within the Village.
- 4.7 Where signage is present, that specifies hours of use, no person shall park a vehicle or trailer beyond the posted hours.

Engine Retarder Brakes

4.8 No vehicle shall operate engine retarder brakes in the Village.

Construction equipment or vehicles

4.9 No person shall park or allow to be parked any construction equipment or vehicles on a highway for longer than 60 (sixty) minutes.

4.10 No person shall off and on load heavy equipment on Village highways without a permit issued by the Municipal Office.

4.11 No person shall operate a heavy vehicle or construction equipment across ditches except over the normal entrance to the property concerned, without first planking or otherwise protecting both the ditch and culvert.

Animals

4.12 No person shall permit livestock, horse, horse drawn vehicle or sleigh to be driven, lead, ridden or stopped upon any Village highway whether attended or unattended, so as to obstruct traffic unless a permit has first been obtained , for such, from the C.A.O. or designate.

Section 5

Off-highway Vehicles

5.1 A Peace Officer, Village employee or agent of the Village may operate an off-highway vehicle on highways or lands owned by the Village where such operation is required in connection with the patrol or maintenance duties of such person or in case of emergency.

5.2 All persons utilizing maintenance equipment must have a valid Alberta Class 5 Drivers License and an acceptable level of training.

5.3 No person shall, for any reason, operate an off-highway vehicle on any Municipal Reserve, Park, trail system or ditch within the Village.

5.4 Quads and snowmobiles will be permitted to enter and leave the Village via highways between November 15th and March 15th of any given year only and must adhere to the following:

- a) road snow coverage is prominent to protect the surface;
- b) the off-highway vehicle is entering or leaving the Village;
- c) the off-highway vehicle is registered, a license plate is clearly visible, and proof of registration is provided to a Peace Officer on demand;
- d) the off-highway vehicle is being operated by a person 16 years old or older and can provide a valid Drivers License on demand;

- e) The off-highway vehicle must carry and produce to a Peace Officer, current insurance;
 - f) off-highway vehicles must use the shoulder of the road to enter and leave the Village;
 - g) off-highway vehicles must not exceed 20 kms an hour;
 - h) off-highway vehicles must stop to oncoming traffic and allow traffic to pass before proceeding;
 - i) the operator will not indemnify the Village for any loss, damage or incident while the off-highway vehicle is using Village highways;
 - j) the operator and any passengers must wear a helmet while using Village highways.
- 5.5 Notwithstanding Section 5.4, all regulations of the Traffic Safety Act R.S.A. 2000, c. T-6 will be enforced.

Section 6

Road Restrictions

- 6.1 Road restrictions reduce allowable axle weights. All roadways within the Village are restricted to ~~50~~ 75% at all times.
- 6.2 No person shall operated, or allow to operate in the Village, a vehicle over ~~50~~ 75% without first obtaining a road permit from the Municipal Office.
- 6.3 During spring thaw and occasionally during extreme weather events, roads will be reduced to 50%, no road permits will be issued during these periods.
- 6.4 The permit(s) required, or the permit number(s) must be in the possession of the operator of such vehicle and shall be produced to a Peace Officer on demand.
- 6.5 Any person applying for a permit under this section shall provide such information as may be required and shall comply with all conditions of the permit.
- 6.6 It is the responsibility of the operator to arrange external road permit permissions from the neighbouring municipality, where any highway may need to be accessed to gain entry into the Village.

Overweight/Over Dimension Vehicles

- 6.7 No person shall operate, or allow to operate in the Village, a vehicle without first obtaining a road permit or permits from the Municipal Office.

- 6.8 The permit(s) required, or the permit number(s) must be in the possession of the operator of such vehicle and shall be produced to a Peace Officer on demand.
- 6.9 Any person applying for a permit under this section shall provide such information as may be required and shall comply with all conditions of the permit.
- 6.10 No "Heavy Vehicles" shall be permitted within Village limits except under extremely special circumstances and after obtaining written permission from the Village.

Transportation of Dangerous Goods

- 6.11 No carrier or operator of a carrier vehicle shall transport dangerous goods on a highway in the Village, without first having obtained a permit from the Municipal Office authorizing such transportation.
- 6.12 It shall be a condition of all such permits that the carrier shall keep the Village fully indemnified in respect of any losses, damages or expenses which the Village may suffer or for which the Village may become liable as a result of such transportation of dangerous goods.
- 6.13 As a condition of issuing such a permit, the Municipal Office or Peace Officer may impose any or all of the following requirements:
- i) that a copy of the permit or where a permit is issued by telephone, the permit number shall be carried in the vehicle or vehicles affected at all times;
 - ii) adhere to the route specified on the permit by the Municipal Office or the Peace Officer;
 - iii) the applicant shall take every precaution necessary to prevent damage to property or injury to persons as a result of the transportation of such dangerous goods;
 - iv) such other conditions as the Peace Officer may deem necessary restricting the gross weight and times and dates on which such routes may be used.
- 6.14 No owner or operator of a carrier vehicle shall display a safety mark on a container or vehicle if the safety mark is misleading as to the presence of danger, the nature of any danger or compliance with any prescribed safety standard.

Section 7

Use of Highways and Public Places

- 7.1 No person shall place, permit to be placed or throw any substance or thing of any kind, including debris from construction sites, on any highway, ditch, trail or public area.
- 7.2 No postering, advertising, notices or announcements may be posted within the Village except on private property and the Village billboard at the Village Facility; this includes Village signs, power poles and traffic control signs.
 - a) temporary garage sale; auction; real estate open house; and reunion signs are permitted on public property for a period of 3 (three) days;
 - b) Election signs must be removed within 48 (forty eight) hours after an election;
 - c) All signs to be inserted no deeper than 6 (six) inches into the ground and must not impede vision around intersections or impair visibility at traffic control signs.
- 7.3 If the Village is required to remove the material, a nuisance fine will be charged to the event holder.
- 7.4 No person shall remove or interfere with any traffic control device, barricade or notice of closing or suspension erected or posted under authority.
- 7.5 No person shall place or cause to be placed an electrical extension cord across a highway or ditch whereby any person, animal or vehicle may be in any way injured or damaged.

Section 8

Traffic Control Devices

- 8.1 The Council or the C.A.O. or designate shall have appropriate traffic control devices placed and maintained wherever necessary on the highways of the Village.
- 8.2 The location, type and placement of all traffic control devices shall be determined in accordance with the standards set by the Roads and Transportation Association of Canada. The maps and schedule pertaining to the location, type and placement of traffic control devices shall be updated accordingly.
- 8.3 No person shall contravene any traffic control device posted under the authority of this Bylaw.
- 8.4 The C.A.O. or designate will determine the format of the traffic tags, notices and other forms required to administer this Bylaw.

Section 9

Penalties and Authority of Peace Officers

Breach

- 9.1 Any person who contravenes any of the provisions or requirements of this Bylaw is guilty of an offense and is liable for and subject to the penalties herein provided.

Offense Ticket

- 9.2 Where a Peace Officer has reasonable grounds to believe a person has contravened any of the sections of this Bylaw he/she may issue and serve upon such person an offense ticket.

- 9.3 Service of an offense ticket shall be sufficient if it is:

- i) personally served;
- ii) attached to the vehicle in respect of which an offense is alleged to have been committed;
- iii) mailed to the address of the registered owner of the vehicle or to the person in possession of the vehicle;
- iv) mailed to the address of the registered owner of the property or to the person in possession of the property.

Provincial Offenses Procedure Act

- 9.4 Should a person not pay the penalty provided for contravention of any section of this Bylaw and a prosecution has been entered against him/her, he/she shall be liable on summary conviction to pay the minimum fine equal to the penalty stated in the said offense ticket, and in default of payment of the penalty imposed by the Court and subject to Section 160(1) & (2) of the Traffic Safety Act.

- 9.5 Nothing in this part shall:

- (i) prevent any person from exercising his/her right to defend any charge laid for contravention of any section of this Bylaw, or;
- (ii) prevent any Peace Officer in lieu of serving an offense ticket, or any other person, from paying and information or complaint against any person for contravention of any section of this Bylaw, or;
- (iii) prevent any person from laying an information against any other person, whether such person had made payment under the provision of this Bylaw or not, for contravention of any of the sections of this Bylaw.

General Penalty

- 9.6 Any person who contravenes any provisions of this Bylaw for which no penalty has herein been specified, shall be liable by the Provincial Offenses Procedures Act of a fine no exceeding \$500.00 exclusive of costs, and in case of non-payment of the penalty and costs imposed by the Court, and subject to Section 160(1) & (2) of the Traffic Safety Act.
- 9.7 Any Peace Officer or R.C.M.P. Officer is hereby authorized by the Summer Village of Parkland Beach to enforce the provisions of this Bylaw and to issue offense tickets to any person to whom they reasonably believe has contravened the provisions of this Bylaw.

Section 10

Severability & Repeal

- 10.1 The Summer Village of Parkland Beach Bylaw #29, and Bylaw 29-72-SV and any amendments thereto are hereby repealed.
- 10.2 If any part of this Bylaw is found to be invalid, then that part shall be severed and the remaining Bylaw shall be maintained.
- 10.3 Schedule A attached hereto shall form part of this Bylaw.
- 10.4 Schedule A attached hereto may be reviewed and amended separately from this Bylaw in order to keep penalties current.

Read for the first time this 13th day of May, 2011.

Read for the second time this 17th day of June, 2011.

Read for the third and final time this 17th day of June, 2011.

Larry Scheible, Mayor

Marilee Yakunin, C.A.O.

SCHEDULE A

PENALTIES

Section	Offense	1st Offense	2nd and Subsequent Offenses
<u>Speeding</u>			
3	Driving beyond posted speed limit	Traffic Safety Act	
<u>Parking</u>			
3	Vehicle obstructing traffic	\$57.00	\$115.00
3	Vehicle left on highway	\$57.00	\$115.00
3	Repairing vehicle, non emergency	\$57.00	\$115.00
3	Leaving unattended while on a jack	\$115.00	\$230.00
3	Special circumstances, no permit	\$115.00	\$230.00
3	Parking on Public lands	\$115.00	\$230.00
3	Parking in ditches	\$57.00	\$115.00
4	Parking RVs or trailers on highway	\$57.00	\$115.00
4	Parking in handicapped zone	\$100.00	\$200.00
4	Overnight parking	\$57.00	\$115.00
4	Construction equipment or vehicles	\$250.00	\$500.00
<u>Operating</u>			
3	Use of tire lugs, cleats, etc...	\$57.00	\$115.00
4	Use of engine retarder brakes	\$250.00	\$500.00
4	Off and on loading of equipment	\$250.00	\$500.00
5	Off-highway vehicles on public land	\$115.00	\$230.00
5	Snowmobiles/Quads vehicles on roadway(off season)	\$115.00	\$230.00
5	Off-highway vehicles on roadway	\$115.00	\$230.00
<u>General</u>			
3 & 7	Traffic devices and/or barricade interference	\$115.00	\$230.00
6	Failure to produce a road permit or permit #	\$250.00	\$500.00
7	Debris on highways or public lands	\$115.00	\$230.00
7	Posting or illegal signage	\$115.00	\$230.00
7	Visible obstructions near intersections	\$57.00	\$115.00

Any offenses not listed in schedule A

Provincial Offenses Procedures Act
to a maximum of \$500.00