

BYLAW NO. 2020-04

**A BYLAW OF THE SUMMER VILLAGE OF PARKLAND BEACH
IN THE PROVINCE OF ALBERTA
TO REGULATE TRAFFIC AND PROVIDE FOR SAFE USE OF HIGHWAYS AND MUNICIPAL LANDS**

WHEREAS the *Municipal Government Act*, R.S.A. 2000, M-26, as amended, allows a municipality to pass and enforce bylaws with respect to public health and safety, activities in public places, and transportation systems within its corporate limits; and

WHEREAS under the authority of the *Traffic Safety Act*, R.S.A. 2000, T-6, as amended, the Council of a municipality may pass bylaws to govern, restrict, and enforce the use of any highway that is under its direction, control and management;

NOW THEREFORE the Council of the Summer Village of Parkland Beach in regular meeting, duly assembled, hereby enacts as follows:

1. TITLE

1.1. This bylaw shall be cited as the "Traffic Bylaw".

2. DEFINITIONS

- 2.1. **Definitions and Interpretation** in the *Traffic Safety Act* and the *Provincial Offences Procedure Act*, as amended, are hereby incorporated as part of this bylaw.
- 2.2. **CAO** means the Chief Administrative Officer for the Summer Village of Parkland Beach as appointed by Council, or their delegate;
- 2.3. **Cargo Trailer** means a vehicle so designed that it may be attached to or drawn by a motor vehicle and is intended to transport property or goods;
- 2.4. **Council** means the elected Council of the Summer Village of Parkland Beach;
- 2.5. **Ditch** means the portion of land between the roadway and the boundary lines of residential properties in the Summer Village, the primary use of which is land and culvert drainage;
- 2.6. **Emergency** means a present or imminent event that requires prompt action or special regulation to protect the health, safety or welfare of people or to limit damage to property;
- 2.7. **Essential Services** means business or organizations that provide services that are critical for the continued operation of the Summer Village including food, utilities, fuel, construction, or public safety
- 2.8. **Gross Vehicle Weight** is the maximum operating weight/mass of a vehicle as specified by the manufacturer including the vehicle's chassis, body, engine, engine

fluids, fuel, accessories, driver, passengers and cargo but excluding that of any trailers;

2.9. **Heavy Vehicle** means a vehicle with or without load, exceeding any of the following:

- i. 2 axels;
- ii. 6 metres in length; or
- iii. a gross vehicle weight of 6804 kilograms (15,000 lbs);

but does not include a Recreation Vehicle;

2.10. **Highway** means any thoroughfare, street, road, trail, avenue, parkway, driveway, lane, bridge, 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 the adjacent or adjoining ditch, walking path and/or boulevard;

2.11. **Miniature Vehicle** is defined by the *Operator Licensing and Vehicle Control Regulation*, and means a go cart, a 3 or 4-wheeled vehicle of less than standard size, a golf cart, or a 3 or 4-wheeled vehicle that the registrar considers would present a hazard to other highway users because of its novel size or operating characteristics. A motorcycle or moped that has the following is also a miniature vehicle:

- i. a seat height of less than 70 centimetres when there is no load;
- ii. a wheel rim diameter less than 25 centimetres; or
- iii. a wheel base of less than 100 centimetres when measured from the centre of one axle to the centre of the other axle.

2.12. **Municipal Land** includes all the areas that are zoned Park (P) or Public & Institutional (I) under the Summer Village of Parkland Beach *Land Use Bylaw*, including, but not limited, to all municipal reserve and public utility parcels owned by the Summer Village;

2.13. **Off-Highway Vehicle** means an off-highway vehicle as defined in the *Traffic Safety Act* R.S.A. 2000, T-6 and amendments thereto;

2.14. **Peace Officer** means:

2.14.1. a member of the Royal Canadian Mounted Police; or

2.14.2. a Bylaw Officer appointed by the Summer Village; or

2.14.3. a Community Peace Officer as appointed by the Solicitor General of Alberta;

2.15. **Recreation Vehicle** means a motor home, camper, travel trailer, tent trailer or any form of vehicle used or intended to be used for recreational, holiday or temporary accommodation;

- 2.16. **Resident** means any person who is a registered owner of, who is residing on, or who is lawfully in possession or control of a residential property within the Summer Village;
- 2.17. **Roadway** means that part of a highway intended for use by vehicular traffic;
- 2.18. **Traffic Control Device** means any sign, signal, barricade, marking, or other device placed, marked, or erected under the authority of this bylaw for the purpose of regulating, warning, or guiding traffic;
- 2.19. **Vehicle** means a device in, on or by which a person or thing may be transported or drawn on a highway but does not include a mobility aid;
- 2.20. **Summer Village** means the Summer Village of Parkland Beach.

3. USE OF ROADWAYS & HIGHWAYS

- 3.1. The maximum speed limit within Summer Village limits is 30 kilometers per hour unless otherwise posted.
- 3.2. No owner or operator of a vehicle shall stop a vehicle or permit a vehicle to be left upon any roadway in such a manner as to block, obstruct, impede or hinder traffic.
- 3.3. No person shall park a vehicle on any highway within the Summer Village for the purpose of repairing such vehicle, except for emergency repairs.
- 3.4. No person shall leave a vehicle unattended on a highway while it is supported by a jack or similar device.
- 3.5. No person shall operate a vehicle that has spikes, lugs, cleats, skids, chains, or bands projecting from the wheel, tire or track of such vehicle on any highway in the Summer Village. This provision does not apply to the use of studded tires.
- 3.6. No person shall operate a heavy vehicle or construction equipment across a ditch to access private property, except over the normal entrance to the property, without first planking or otherwise protecting both the ditch and any culverts present.
- 3.7. No vehicle shall operate engine retarder brakes in the Summer Village.
- 3.8. No person shall place, or permit to be placed, any dirt, debris, branches, dangerous or discarded material or substance onto any highway or municipal land in the Summer Village.
- 3.9. Nothing in this bylaw prohibits vehicles used by emergency responders, municipal staff, contractors hired by the municipality, road maintenance personnel, or public utility companies from being driven or parked on the highways, reserves, or other municipal land by their operators in the performance of their duties.
- 3.10. Section 3.9 also applies to volunteers or participants in public events that are approved by Council.

4. ROAD RESTRICTIONS

- 4.1. At all times, all roadways within the Summer Village are restricted to 75% gross vehicle weight.
- 4.2. During spring thaw, as determined by Summer Village road ban policy, and occasionally during extreme weather events, road weight restrictions will be increased to 50% gross vehicle weight. Road permits will generally not be issued during these periods.
- 4.3. No person shall operate or allow to operate in the Summer Village an overweight or over-dimension vehicle without first obtaining a road permit from the Summer Village office.
- 4.4. Road permit(s) must be in the possession of the operator of the permitted vehicle, in paper or digital format, and shall be produced to a Peace Officer on demand.
- 4.5. Any person applying for a road permit shall provide such information as may be required and shall comply with all conditions of the permit.
- 4.6. It is the responsibility of the operator to arrange road permits from the appropriate authorities governing external highways that are used to enter the Summer Village.
- 4.7. Notwithstanding a road permit issued, a carrier or operator of an overweight or over-dimensional vehicle shall be liable for damages caused to property of the Summer Village due to the carrier or operator's negligence or recklessness in undertaking the permitted activities.
- 4.8. No person shall park or allow to be parked, any heavy vehicle or commercial vehicle which may be delivering goods or equipment, or providing a service to residents, on any highway within the Summer Village for a period exceeding eight (8) hours.
- 4.9. No person shall off-load or on-load heavy equipment on Summer Village highways unless a permit has been issued by the Summer Village office.
- 4.10. No carrier or operator of a vehicle shall transport dangerous goods on a highway within the Summer Village, except for delivery of essential services to the community and under the appropriate provincial and/or federal authorization for transport and handling of such goods.

5. TRAFFIC CONTROL DEVICES

- 5.1. Council shall determine the type and location of standard and permanent traffic control devices to be placed and maintained on the highways and municipal lands within the Summer Village.
- 5.2. The CAO shall determine the type and placement of temporary traffic control devices as required for short-term projects or emergency conditions.
- 5.3. A schedule listing the type and location of static traffic control devices shall be maintained and updated regularly.

- 5.4. No person shall tear down, remove, deface, or interfere with any traffic control device placed in accordance with the provisions of this bylaw.

6. PARKING

- 6.1. No person shall park any vehicle, including a heavy vehicle, recreation vehicle, off-highway vehicle, or cargo trailer on a highway or on municipal land within the Summer Village.
- 6.2. Notwithstanding section 6.1, visitor parking shall be permitted on highways, unless an area is otherwise posted, under the following conditions:
 - 6.2.1. The operator of the vehicle is visiting a resident and parking space is not available on that resident's private property;
 - 6.2.2. For a maximum of 72 (seventy-two) consecutive hours;
 - 6.2.3. For passenger vehicles only;
 - 6.2.4. There is no exception for heavy vehicles, recreation vehicles, cargo trailers or off-highway vehicles;
 - 6.2.5. Vehicles are parked so that no obstruction of the roadway or any pedestrian pathway occurs; and
 - 6.2.6. If any damage occurs to ditches or culverts as a result of such overflow parking, the resident allowing the visitor parking may be held responsible for repairs.
- 6.3. No person shall park any vehicle on private property, including the driveway or entrance to that property, without authorization of the resident or owner.
- 6.4. Areas for public parking on municipal land will be designated by Council and clearly signed for this purpose.
- 6.5. Where public parking is designated at the south public beach swimming area, the parking shall be restricted to day-use by passenger vehicles only. No person shall park a recreation vehicle or cargo trailer in the south beach parking zones.
- 6.6. Where public parking is designated at the north beach, which serves the marina areas, parking shall be restricted to daytime use only. Parking of recreation vehicles and cargo trailers is permitted.
- 6.7. No person shall erect or park, for use as overnight accommodation any vehicle, recreation vehicle, or tent on any municipal land or highway in the Summer Village.
- 6.8. Reserved parking space for persons with disabilities may be designated by Council and shall be clearly marked with a traffic control device.
- 6.9. A person shall not stop or park a vehicle in a parking space designated for the use of persons with disabilities unless:

- 6.9.1. their vehicle displays an official, valid parking placard or license plate for disabled persons that was issued by a provincial authority; and
- 6.9.2. the vehicle is operated by, or is being used to transport, or is actively loading or unloading a disabled person; and
- 6.9.3. where the vehicle is identified by a disabled persons placard, the owner or operator shall have the placard visibly displayed while the vehicle is parked in a designated parking space.

7. OFF-HIGHWAY VEHICLES

- 7.1. A Peace Officer, Summer Village employee, volunteer, or agent of the Summer Village may operate an off-highway vehicle on highways or municipal land in connection with patrol, maintenance duties, participation in Council-approved events, or in case of emergency.
- 7.2. All persons utilizing off-highway vehicles or equipment for maintenance on municipal land and highways must be authorized by the Summer Village, have a valid Alberta driver's license, and be trained in the use and care of such vehicles and/or equipment.
- 7.3. Off-highway vehicles are permitted on Summer Village highways under the following conditions:
 - 7.3.1. Operation is allowed from November 1 to March 31, of any given year;
 - 7.3.2. Operation is restricted to the hours between 8:00 am and 10:00 pm;
 - 7.3.3. Conditions are such that the highways may be traversed without causing damage to the roadway surface, ditch landscaping, or culverts;
 - 7.3.4. The purpose is to enter or leave the Summer Village for recreation outside of the municipal boundaries, or to travel within the Summer Village on personal business, not recreation usage.
 - 7.3.5. The off-highway vehicle is registered, a license plate is clearly visible, and proof of registration is provided to a Peace Officer on demand;
 - 7.3.6. The off-highway vehicle is operated by a person 16 years or older who can provide a valid driver's license on demand;
 - 7.3.7. The off-highway vehicle is insured in accordance with Alberta law;
 - 7.3.8. Maximum speed does not exceed 20 kms per hour;
 - 7.3.9. The off-highway vehicle yields to all other traffic and pedestrians; and
 - 7.3.10. The operator and any passengers wear a helmet during operation of the vehicle.

- 7.4. Miniature Vehicles shall not be operated off private property by persons under the age of 16. Operation of such vehicles on private property or otherwise is at the operator's own risk, and the operator shall obey all traffic regulations and bylaws.

8. OFFENCES AND PENALTIES

- 8.1. 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 in Schedule A, which is attached to and is part of this bylaw.
- 8.2. Where a Peace Officer has reasonable grounds to believe a person has contravened any of the sections of this bylaw, they may issue and serve upon such person an offense ticket.
- 8.3. Service of an offense ticket shall be sufficient if it is:
- 8.3.1. personally served; or
 - 8.3.2. attached to the vehicle in respect of which an offense is alleged to have been committed; or
 - 8.3.3. mailed to the address of the registered owner of the vehicle or to the person in possession of the vehicle; or
 - 8.3.4. mailed to the address of the registered owner of the property or to the person in possession of the property.
- 8.4. Should a person not pay the penalty provided for contravention of any section of this bylaw and a prosecution has been entered against them, they 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*.
- 8.5. A person guilty of contravening any of the provisions of this Bylaw shall be liable for a penalty as set out on the offence ticket and Schedule A herein. Summer Village may enter prosecution for summary offence against them upon default of payment. Penalties herein are notwithstanding additional penalty and/or costs imposed by the Court upon summary conviction and subject to Section 160(1) & (2) of the *Traffic Safety Act*
- 8.6. Nothing in this part shall:
- 8.6.1. prevent any person from exercising their right to defend any charge laid for contravention of any section of this bylaw; or
 - 8.6.2. prevent any Peace Officer in lieu of serving an offense ticket, or any other person, from laying an information or complaint against any person for contravention of any section of this bylaw; or

- 8.6.3. 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.

- 8.7. A person guilty of contravening any of the provisions of this Bylaw for which no specific penalty has been provided for in Schedule A or in *Traffic Safety Act* or *Regulations*, shall be liable for a penalty as set out on the offence ticket pursuant to the *Provincial Offences Procedures Act* and *Regulations* of not more than \$1000.00. Penalties herein are notwithstanding additional penalty and/or costs imposed by the Court upon summary conviction and subject, where applicable, to Section 160(1) & (2) of the *Traffic Safety Act*.

- 8.8. Any Peace 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 who they reasonably believe has contravened the provisions of this bylaw.

9. SEVERABILITY & REPEAL

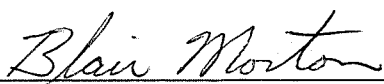
- 9.1. If any portion of this bylaw is found by a court of competent jurisdiction to be invalid, the invalid portion is to be severed and the remainder of the bylaw shall remain in force and effect.

- 9.2. The Summer Village of Parkland Beach Bylaw 2011-03 and all amendments thereto are hereby repealed.

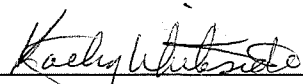
READ A FIRST TIME this 26th day of May 2020

READ A SECOND TIME this 15th day of June 2020

READ A THIRD TIME and passed this 15th day of June 2020



Mayor



Chief Administrative Officer

SCHEDULE A			
PENALTIES			
Section	Offense	1st Offense	2nd and Subsequent Offenses
<u>USE OF ROADWAYS & HIGHWAYS</u>			
3.1	Driving beyond posted speed limit	Traffic Safety Act	
3.2	Vehicle obstructing traffic	\$80.00	\$140.00
3.3	Repair vehicle on highway, non-emergency	\$80.00	\$140.00
3.4	Vehicle unattended while on a jack	\$80.00	\$140.00
3.5	Use of tire lugs, cleats, chains, etc.	\$100.00	\$175.00
3.6	Lack of ground protection when crossing ditch	\$200.00	\$350.00
3.7	Use of engine retarder brakes	\$80.00	\$140.00
3.8	Debris on highway or municipal land	\$80.00	\$140.00
<u>ROAD RESTRICTIONS</u>			
4.3	Overweight or over-dimension vehicle without permit	\$200.00	\$350.00
4.7	Parking heavy or commercial vehicle for over 8 hours	\$80.00	\$140.00
4.8	Heavy equipment on/off-load on highway without permit	\$100.00	\$175.00
<u>TRAFFIC CONTROL DEVICES</u>			
5	Failure to obey Traffic Control Device	\$80.00	\$140.00
5.4	Traffic control device interference	\$200.00	\$350.00
<u>PARKING</u>			
6.1	Prohibited parking on highway or municipal land	\$80.00	\$140.00
6.3	Unauthorized parking on private property	\$80.00	\$140.00
6.5	Parking RV or cargo trailer in south beach parking lots	\$80.00	\$140.00
6.5-6.6	Overnight parking in any public parking lot	\$80.00	\$140.00
6.7	Overnight parking and/or use of municipal land	\$80.00	\$140.00
6.9	Unauthorized use of disability-designated parking space	\$100.00	\$175.00
<u>OFF-HIGHWAY VEHICLES</u>			
7.3.1	Off season	\$80.00	\$140.00
7.3.2	Outside permitted hours	\$80.00	\$140.00
7.3.4	Recreational use in Summer Village limits	\$80.00	\$140.00
7.3.5	Operation with no license plate and registration	\$100.00	\$175.00
7.3.6	Under-age or unlicensed operator	\$80.00	\$140.00
7.3.7	Operation without insurance	\$100.00	\$175.00
7.3.8	Speed over 20 km/hour	\$100.00	\$175.00
7.3.9	Failure to yield to pedestrians or traffic	\$100.00	\$175.00
7.3.10	Failure to wear helmet	\$80.00	\$140.00
7.4	Miniature vehicle with under-age operator	\$80.00	\$140.00
	Any offense not listed above	\$80.00	\$140.00