

VILLAGE OF EDBERG

BYLAW NO. 421-08-09 _____

STREETS AND TRAFFIC BYLAW

A Bylaw to amend Bylaw # 414-01-09, of the Village of Edberg to regulate the streets, sidewalks, pedestrian traffic and vehicular traffic within the Village of Edberg.

WHEREAS pursuant to the terms of the *Municipal Government Act*, R.S.A. 2000, c. M-26, as amended, (the "MGA"), including ss. 7 and 8 thereof, and the provisions of the *Traffic Safety Act*, R.S.A. 2000, c. T-6, as amended (the "TSA"), including ss. 13, 14 and 152 thereof, the Village of Edberg may pass bylaws in regard to the subject matter hereof;

AND WHEREAS the Council of the Village of Edberg deems it appropriate and desirable to enact this bylaw;

NOW THEREFORE the Council of the Village of Edberg, duly assembled, enacts as follows:

1. Title

1.1 This Bylaw shall be referred to as the "Streets and Traffic Bylaw".

2. Definitions

2.1 In this bylaw, the following words and terms shall have the following meanings:

- a) **"Alley"** shall mean a Highway intended chiefly to give secondary access to the rear of buildings and parcels of land;
- b) **"Bicycle"** shall mean any device propelled by human power upon which any person may ride, regardless of the number of wheels it may have, but shall not include a wheelchair;
- c) **"Business Section"** shall mean that part of the Village designated in the Land Use Bylaw as Highway Commercial District;
- d) **"Council"** shall mean the Council of the Village of Edberg;
- e) **"Highway"** shall mean any thoroughfare, Street, road, avenue, trail, Lane, Alley, or other place designated by the Village which the public is ordinarily entitled or permitted to use for the passage or parking of Motor Vehicles, but shall not include privately owned

lands, including lands privately owned by the Village, unless expressly specified to the contrary, by Council;

- f) **“Lane”** shall mean the same as Alley as set out above;
- g) **“Motor Vehicle”** shall mean every Motor Vehicle propelled by any power, other than muscular power, except aircraft or tractors, implements of husbandry, and such Motor Vehicles as run only upon rails;
- h) **“Municipal Administrator”** shall mean the Chief Administrative Officer appointed by the Village;
- i) **“Peace Officer”** shall mean a Peace Officer within the meaning of the *Peace Officers Act*, R.S.A. 2000, c. P-3.5, as amended, or the *Criminal Code of Canada*, or a Bylaw Enforcement Officer appointed by the Village pursuant to the MGA;
- j) **“Road Ban”** shall mean a restriction or prohibition imposed upon the use of a Highway pursuant to paragraph 7.2 of this Bylaw.
- k) **“Sidewalk”** shall mean any hard surface path or route intended for the use of, or ordinarily used by, pedestrians;
- l) **“Street”** shall mean the same as “Highway” as set out above;
- m) **“Truck”** shall mean any Motor Vehicle whose gross weight exceeds 5,000 kilograms or whose length exceeds 10 meters. Notwithstanding this provision however, motorhomes or recreational vehicles shall be excluded from the definition of “Truck” in the event that it can be proven by the owner of such a vehicle that the recreational vehicle is both intended exclusively for, and utilized exclusively for, recreational purposes;
- n) **“Truck Route”** shall mean those Highways within the Village designated by Schedule “A” attached hereto, being those Highways within the Village upon which Trucks may operate;
- o) **“Village”** shall mean the Village of Edberg.

3. Interpretation

- 3.1 The headings in this Bylaw are for convenience of reference only, and shall not affect the interpretation of any provision or its scope or intent.
- 3.2 The Schedules attached hereto shall form an integral part of this Bylaw and to the extent that there are any inconsistencies between the provisions of this Bylaw and the Schedules, the provisions of this Bylaw shall prevail.

4. Fire Lines and Hoses

- 4.1 In the case of a fire within the Village, any Peace Officer, member of the Village Fire Department, or other person designated by Council, may prohibit or restrict access to an area in the vicinity of a fire, or other emergency or dangerous incident, in which case, no person shall enter such an area, or pass over any lines or markings demarcating such an area, whether on foot, or in a Motor Vehicle, unless authorized to do so by a Peace Officer, member of the Village Fire Department, or Council's designate, as referred to above.
- 4.2 No Motor Vehicle shall be driven over any fire hose while it is in use or being prepared for use.
- 4.3 The Chief of the Village Fire Department, or any person under his direction, shall have the right to move, or cause to be moved, any Motor Vehicle within an area designated pursuant to paragraph 4.1 of this Bylaw if the movement of that Motor Vehicle is deemed to be necessary or desirable in order for the Fire Department to carry out its duties.

5. Sidewalks

- 5.1 No person shall ride a Bicycle on any Sidewalk.
- 5.2 In addition to any fine or other penalty imposed upon any person riding a Bicycle on a Sidewalk, that person's Bicycle may also be impounded and held for a period not to exceed seven (7) days.
- 5.3 No person shall ride a horse, or any other animal, upon a Sidewalk.
- 5.4 No person shall place a Bicycle or any electrical cord, hose, rope, pipe, line or similar obstruction, across a Sidewalk or on or above a Sidewalk, in such a manner as to endanger or impede pedestrians.

6. Truck Routes and Restrictions

- 6.1 Council hereby designates those Highways outlined in Schedule "A" attached hereto, as "Truck Routes".

6.2 No person shall drive or operate a Truck on a Highway within the Village which has not been designated as a Truck Route in accordance with Schedule "A" attached hereto unless this Bylaw otherwise allows such operation.

6.3 No truck shall be parked on any Highway within the Village unless this Bylaw otherwise allows.

6.4 Notwithstanding paragraph 6.2 of this Bylaw, a Truck may drive off a Truck Route within the Village if:

- a) Required to do so for the purpose of a pickup or delivery within the Village; and
- b) The Truck utilizes the most direct route between the nearest Truck Route and the point of pickup or delivery within the Village.

6.5 Notwithstanding paragraph 6.3 of this Bylaw, a Truck may park in an area adjacent to a Truck Route, which has been designated by Council for Truck parking.

7. Road Bans and Restrictions

7.1 No person shall operate a Motor Vehicle or combination of Motor Vehicles over or on any Highway within the Village when the Motor Vehicle or combination of Motor Vehicles is in excess of the allowable weight or in contravention of any other restrictions or prohibitions imposed by a Road Ban, unless issued a permit to do so by the Village.

7.2 The Municipal Administrator is hereby authorized to impose Road Bans from time to time, or for specific periods of time, to prescribe, define or restrict:

- a) Load limits upon Highways;
- b) Highway locations, with percentage axle weights for those Highways; or
- c) Bridge locations with maximum gross Motor Vehicle weights to be posted on those bridges.

7.3 When the Municipal Administrator imposed a Road Ban, the Municipal Administrator shall cause signs to be erected along the Highway affected as he deems appropriate for the purpose of notifying persons using the Highway of the Road Ban.

7.4 The Municipal Administrator, on behalf of the Village, may issue permits upon such conditions, including conditions related to security, as the Municipal Administrator, in his discretion deems advisable, allowing Motor Vehicles to operate on a Highway or Highways within the Village, notwithstanding a Road Ban.

8. Lugged and Off-Highway Motor Vehicles

- 8.1 No person shall drive, operate, propel or move any Motor Vehicle having metal spikes, treads, lugs, cleats, or bands projecting from the surface of the Motor Vehicle's wheels, tires, or treads, within the Village, unless such a Motor Vehicle has been issued a special permit by the Village Administrator. Without restricting the generality of the foregoing, the Village Administrator is hereby authorized to implement such restrictions on such Motor Vehicles, or their transport, as the Village Administrator deems appropriate, having regard to the potential damage which such Motor Vehicles may cause, and can impose conditions on the movement of such Motor Vehicles, including the posting of security related to the potential for such damage.
- 8.2 No person shall drive an Off-Highway Vehicle as defined by the TSA, within the Village unless specifically authorized to do so by the TSA, or by the Village.
- 8.3 Notwithstanding paragraph 8.2 hereof, the Municipal Administrator may issue a permit allowing the use of an Off-Highway Vehicle within the Village, subject to such conditions and restrictions as the Municipal Administrator deems advisable.

9. Speed Limits

- 9.1 No person shall drive a Motor Vehicle on any Highway within the Village at a speed exceeding 30 kilometers per hour unless the Highway is posted with an authorized sign allowing for a greater rate of speed, or, the person is an authorized driver of an emergency vehicle responding to an emergency.
- 9.2 No person shall operate a Motor Vehicle in an Alley or a Lane within the Village at a speed which exceeds 25 kilometers per hour.

10. Signs

- 10.1 No person shall post, place, remove, deface or tamper with signs on or adjacent to a Highway within the Village unless authorized to do so by Council.
- 10.2 The Municipal Administrator is hereby authorized to take such action as is required to place and maintain signs on the Highways within the Village for the purpose of this, or any other bylaw enacted by the Village including, but not limited to, signs related to speed limits, or restricting Trucks to the use of Truck Routes.

11. Parking

- 11.1 No person shall park a trailer which is not attached to a Motor Vehicle by which it may be propelled, before May 1st, or after September 30th, on any Highway within the Village located within a residential district as designated by the Village Land Use Bylaw.

- 11.2 No person shall park a Motor Vehicle of any type with a trailer of any type attached thereto, within a residential district as designated by the Village Land Use Bylaw, if the combined length of the Motor Vehicle and trailer exceeds eighteen (18) meters.
- 11.3 A Peace Officer may cause any Motor Vehicle and/or trailer parked in contravention of this Bylaw, to be removed to a place designated by the Village, where it will remain impounded until such time as it is claimed by its owner, or an agent of the owner, or is disposed of.
- 11.4 The owner of any Motor Vehicle or trailer moved pursuant to paragraph 11.3 above, shall pay to the Village, on demand, the cost of moving the Motor Vehicle and any reasonable storage or other charges incurred, and no Motor Vehicle shall be released to its owner, or the owner's agent, until such charges are paid. Any such charges are in addition to any fine or penalty which may be imposed, or voluntary payment made, in respect of any violation of this or any other bylaw.
- 11.5 No person shall park in front of, or obstruct, a driveway to a private property.
- 11.6 No person shall park any Motor Vehicle upon a Sidewalk or boulevard.
- 11.7 No person shall park any Motor Vehicle within an area marked with a sign indicating that "No Parking" is allowed.
- 11.8 No person shall park any Motor Vehicle used primarily for the conveyance of fuel, oil, gasoline or any other explosive or inflammable material on any Highway or upon any property having a building or buildings thereon, unless the Motor Vehicle is parked at least 15.5 meters (50 feet) from the nearest building likely to contain persons or valuable goods, provided that this prohibition shall not apply to the time that any Motor Vehicle is necessarily motionless while delivering fuel, oil or gasoline.
- 11.9 No person shall angle park any Motor Vehicle exceeding 5.5 meters in length, inclusive of any trailer attached thereto, on any Highway within the Village, unless angle parking is clearly designated as being allowed.

12. Miscellaneous

- 12.1 No person shall operate or drive a Truck across any Sidewalk which does not contain a curb cut for that purpose, unless the Sidewalk has been adequately planked to prevent any damage which may result therefrom.
- 12.2 No person shall empty or drain a radiator, oil pan, or any other fluids from a Motor Vehicle upon a Highway or Sidewalk within the Village.

13. Offences

- 13.1 Any person who violates, contravenes or breaches any provision or requirement of this Bylaw is guilty of an offence.
- 13.2 Any Peace Officer is hereby authorized to issue a municipal violation tag, or a violation ticket pursuant to the provisions of Part 2 or Part 3 of the *Provincial Offences Procedures Act*, R.S.A. 2000, c. P-34 ("POPA"), or the regulations thereunder, in regard to this Bylaw.
- 13.3 A municipal violation tag may only be issued for those offences for which a specified penalty is prescribed by this Bylaw. The municipal violation tag shall state the specified penalty prescribed, and set out the voluntary payment option available therefor.
- 13.4 Where a municipal violation tag is issued pursuant to the terms of this Bylaw, the Person to whom the municipal violation tag is issued may plead guilty to the offence by signing the municipal violation tag in the space provided thereon, and in lieu of being prosecuted for the offence in Court, may deliver the signed municipal violation tag, and a voluntary payment in an amount equal to the specified penalty for the offence, to the Village, in the manner specified on the municipal violation tag.
- 13.5 In those cases where a municipal violation tag has been issued and the specified penalty provided for therein has not been paid within the prescribed time, any Peace Officer is hereby authorized and empowered to issue a violation ticket pursuant to either Part 2 or Part 3 of POPA, as amended.
- 13.6 A violation ticket issued pursuant to the provisions of POPA, shall be served in the manner described in POPA. A municipal violation tag shall be served in any manner described by either Part 2 or Part 3 of POPA.
- 13.7 Nothing contained in this Bylaw shall prevent or prohibit the immediate issuance of a violation ticket pursuant to either Part 2 or Part 3 of POPA. Without restricting the generality of the foregoing, it is not mandatory to issue a municipal violation tag, prior to issuing a violation ticket pursuant to the provisions of POPA.

- 13.8 In the case of an offence that is of a continuing nature, a contravention constitutes a separate offence in respect of each day, or part of a day, on which it continues, and a person found guilty of such an offence is liable to a fine in an amount not less than that established by this Bylaw for each day upon which the offence occurs.
- 13.9 For the purpose of this Bylaw, an act or omission by an employee, acting in the course of their employment, is deemed to be an act or omission of their employer.
- 13.10 For the purpose of this Bylaw, an act or omission by an agent, acting in the course of their agency, is deemed to be an act or omission of the agent's principal.
- 13.11 When a corporation commits an offence under this Bylaw, every director, officer, manager, employee, or agent of the corporation, who authorized, assented to, acquiesced in, or participated in the offence, act, or omission, that constitutes an offence under this Bylaw, is guilty of the offence whether or not the corporation has been prosecuted for the offence.
- 13.12 A person who is guilty of an offence pursuant to this Bylaw is liable to pay a fine in an amount which is not to be more than TEN THOUSAND (\$10,000.00) DOLLARS, or to imprisonment of not more than SIX (6) MONTHS, for non-payment of a fine.
- 13.13 In addition, specified penalties as set out in Schedule "B" attached hereto, are hereby established regarding the offences set out in Schedule "B", which forms part of this Bylaw.
- 13.14 Notwithstanding the specified penalties provided for in Schedule "B" attached hereto, a Judge of the Provincial Court of Alberta, or any other Court, may increase the penalties provided for in Schedule "B", where the Court deems it appropriate to do so, having regard, among other things, to the gravity or consequences of the offence, or whether the offence has been repeated.

14. Repeal and Coming Into Effect

- 14.1 This bylaw shall come into effect upon receiving third reading, and being signed in accordance with s. 213 of the MGA.

14.2 Upon this Bylaw coming into effect, Bylaw #414-01-09 is hereby repealed.

First Reading passed this 14th day of September, 2009

Second Reading passed this 14th day of September, 2009

Third and Final Reading passed this 14th day of September, 2009

Mayor Lorne Klevgaard

C.A.O. Patrick Risk

SCHEDULE "A"

DESIGNATED TRUCK ROUTES

1. Secondary Highway 609 is hereby designated as a Truck Route for the Village of Edberg.
2. The Ring road on the eastern border of the Village is hereby designated as a Truck Route for the Village of Edberg.
3. The portion of Railway Avenue which is south of Highway #609 is hereby designated as a Truck Route for the Village of Edberg.

Use of any other Village Highway, Street, Alley, Lane, Sidewalk, or property as a Truck Route is not permitted.

SCHEDULE "B"
SPECIFIED PENALTIES

SUMMARY OF OFFENCES	PURSUANT TO PARAGRAPH	FIRST PENALTY
Entering a Restricted Area	4.1	\$25.00
Driving over fire hose	4.2	\$25.00
Riding Bicycle on Sidewalk	5.1	\$15.00
Riding an animal on Sidewalk	5.3	\$250.00
Placing an object on a Sidewalk	5.4	\$15.00
Truck off truck route	6.2	\$250.00
Illegal parking of a Truck	6.3	\$250.00
Operating a Truck contrary to a Road Ban	7.1	\$250.00
Operating a lugged Motor Vehicle on Street	8.1	\$100.00
Illegal use of Off Highway Motor Vehicle	8.2	\$150.00
Driving in excess of posted speed limits	9.1, 9.2	Pursuant to the <i>Traffic Safety Act</i>
Unauthorized placement, tampering or removal of sign	10.1	\$1,000.00
Illegally parked Truck in residential district	11.1	\$150.00
Illegally parked Trailer	11.2	\$50.00
Illegally parking a Motor Vehicle exceeding 10 meters	11.3	\$50.00
Illegally parked Motor Vehicle	11.5, 11.6, 11.7, 11.8, 11.9	\$250.00
Illegal angle parking	11.10	\$150.00

Driving across un-planked curb	12.1	\$100.00
Illegal draining of Motor Vehicle fluids	12.2	\$250.00

All repeat offenses will be charged a rate of twice the first penalty amount.