

## BYLAW 1278/12

### A MEANS TO REGULATE TRAFFIC WITHIN THE BOUNDARIES OF STURGEON COUNTY STURGEON COUNTY, MORINVILLE, ALBERTA

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#### A BYLAW OF STURGEON COUNTY IN THE PROVINCE OF ALBERTA TO ESTABLISH A MEANS TO REGULATE TRAFFIC WITHIN THE BOUNDARIES OF STURGEON COUNTY.

**WHEREAS**, pursuant to section 13 of the *Traffic Safety Act* and the *Dangerous Goods Transportation and Handling Act*, the Council of Sturgeon County may, with respect to a highway under its direction, control and management, make bylaws that are not inconsistent with the Acts;

**AND WHEREAS** the Council of Sturgeon County deems it proper to enact traffic regulations for public safety,

**NOW THEREFORE**, The Council of Sturgeon County duly assembled, enacts as follows:

#### 1. TITLE

- (1) This bylaw may be referred to as the "Traffic Bylaw".

#### 2. DEFINITIONS

- (1) This Bylaw adopts the definitions found in the *Traffic Safety Act* as amended from time to time. In addition the following definitions shall apply:
  - a. "Act" means the Traffic Safety Act, R.S.A. 2000, Chapter T-6 and amendments thereto;
  - b. "CAO" means Chief Administrative Officer or designate;
  - c. "Commercial Vehicle" means a vehicle operated on a highway by or on behalf of a person for the purpose of providing transportation but does not include a private passenger vehicle;
  - d. "Council" means the Council of Sturgeon County;
  - e. "Emergency Vehicle" means:
    - (i) a vehicle operated by a Peace Officer as defined in the *Traffic Safety Act*;
    - (ii) a fire-fighting or other type of vehicle operated by the fire protection service of a municipality;
    - (iii) an ambulance operated by a person or organization providing ambulance service;
    - (iv) a vehicle operated as a gas disconnection unit of a public utility;
    - (v) a vehicle designated by regulation as an emergency response unit;
  - f. "Fire or Emergency Lane" means a route or lane designated to provide Emergency Vehicles with unencumbered access to adjacent or nearby areas;
  - 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;
    - (i) a sidewalk, including a boulevard adjacent to the sidewalk,
    - (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. “Major Collector” means any Highway designed to accommodate large volumes of traffic at medium to high speeds and attempts to provide a route where there is minimal interference to the through movement of traffic;
  - i. “Municipality” means Sturgeon County;
  - j. “Obstruction” means any act or thing that blocks, impedes, interferes with, hinders or prevents, or causes a restriction of vision, passage, maintenance or use of public property or highways by vehicles or pedestrians;
  - k. “Operator” means a person responsible for the operation of a vehicle;
  - l. “Over-Dimensional Vehicle” means any Vehicle that exceeds the maximum dimensions set out in the Commercial Vehicle Dimension and Weight Regulation A.R. 315/2002 (as amended);
  - m. “Over-Weight Vehicle” means any Vehicle that exceeds the maximum weight set out in the Commercial Vehicle Dimension and Weight Regulation A.R. 315/2002 (as amended);
  - n. “Park”, “Parked” and “Parking” or any word or expression of similar connotation meaning the standing of a vehicle or remaining stationary in one place whether or not the vehicle is occupied, excluding vehicles stationary in one place:
    - i. When standing temporarily for the purpose of and while actually engaged in loading or unloading passengers; or
    - ii. In compliance with the Traffic Control Device or the directions of a Peace Officer;
  - o. “Peace Officer” means persons defined under the Traffic Safety Act and a Bylaw Officer appointed by the Municipality pursuant to the Municipal Government Act to enforce the Municipalities Bylaws;
  - p. “Public Property” means all land other than Highways, located within the Municipality and owned by or under the management and control of the Municipality;
  - q. “Recreational Vehicle” (RVs) include motorized RVs all motor homes (self-propelled motor vehicle chassis) trailers and towable RVs, travel trailers, tent trailers, Truck (slide in) campers, fifth wheel trailers and trailers carrying boats, all-terrain vehicles or snowmobiles;
  - r. “Residential Area” means all land within a residential district as defined in the Municipality’s Land Use Bylaw, specifically Country Residential multi-lot subdivision and hamlets;
  - s. “Traffic Control Device” means any sign, signal, marking or device placed, marked or erected under the authority of federal, provincial or municipal legislation for the purpose of regulating, warning or guiding traffic;
  - t. “trailer” means a vehicle so designed that it
    - i. may be attached to or drawn by a motor vehicle or tractor, and
    - ii. is intended to transport property or persons,and includes any vehicle defined by regulation as a trailer but does not include machinery or equipment solely used in the construction or maintenance of highways;
  - u. “Vehicle” means a device in, on or by which a person or thing may be transported or drawn on a Highway and includes a combination of vehicles;
  - v. “Violation Tag” means a tag or similar document issued by the Municipality pursuant to the Municipal Government Act;
  - w. “Violation Ticket” means a ticket issued pursuant to the Provincial Offences Procedure Act, as amended and regulations thereunder.

### 3. SPEED RESTRICTIONS

- (1) Subject to a speed limit prescribed under Section 3.2 or 3.3, the maximum speed limit of a highway shall be eighty (80) kilometers per hour.
- (2) In accordance with the following, a highway may have a different maximum speed limit than established under Section 3.1:
  - a. in the case of any highway, a maximum speed limit that is lower than eighty (80) kilometers per hour may be prescribed by Council resolution followed by the erecting of signs setting out the prescribed speed limit;
  - b. in the case of a Major Collector, a maximum speed limit of up to one hundred (100) kilometers per hour may be prescribed by Council resolution followed by the erecting of signs setting out the prescribed speed limit;
  - c. in the case of a highway abutting a Residential Area, the maximum speed limit shall be fifty (50) kilometers per hour except when Council resolution prescribes;
    - i. a maximum speed limit higher than fifty (50) kilometers per hour for Major collector abutting a residential area;
  - d. in the case of a highway within a Residential Area, the maximum speed limit shall be forty (40) kilometers per hour;
  - e. in the case of a highway that is under construction or repair or in a state of disrepair a maximum speed limit, with respect to the portion of the highway that is under construction, repair or in disrepair, be prescribed by the CAO by erecting temporary signs along the highway setting out the maximum limit.
- (3) Notwithstanding any maximum rate of speed established by this bylaw, Council may by resolution prescribe a speed limit other than the maximum allowed speed limit followed by erecting signs along the roadway setting out the prescribed speed limit.

### 4. RESTRICTED VEHICLE OPERATION

- (1) No Person shall operate, or Park an Over-Dimensional Vehicle or Over-Weight Vehicle on a highway unless that person first obtains written approval from the Manager of Transportation to operate the Over-Dimensional Vehicle or Over-Weight Vehicle within the Municipality.
- (2) The CAO is hereby authorized to impose Road Bans from time to time to define:
  - a. Highway locations with percentage axle weights for those Highways; and
  - b. Bridge locations with the maximum gross Commercial Vehicle weights to be posted on those bridges.
- (3) Where the CAO imposes a Road Ban with respect to a Highway, he/she shall cause signs to be erected along the Highway as he/she considers necessary to notify Operators of the Road Ban.

### 5. PARKING

- (1) The Municipality may cause movable Traffic Control Devices to be placed on a Highway to indicate "No Parking" for certain periods of time as may be necessary for the purpose of street cleaning, snow removal, maintenance, construction or an event, and when so marked, such Traffic Control Devices shall take precedence over all other Traffic Control Devices. When the Municipality has placed moveable Traffic Control Devices on a Highway:

- a. No person shall Park a Vehicle or permit a Vehicle to be Parked on a Highway, from the time a Traffic Control Device or devices have been placed, and until such Traffic Control Device or devices have been removed;
  - b. If the Vehicle was Parked on the Highway prior to the placement of the Traffic Control Devices no person shall leave that Vehicle Parked or permit that Vehicle to remain Parked on the Highway after the expiration of twenty four (24) hours from the time the Traffic Control Device or devices have been placed.
- (2) No person shall Park or permit a Vehicle to be Parked on a Highway contrary to a Traffic Control Device.
- (3) Where Parking is generally permitted the following restrictions apply in residential areas. No person shall Park:
  - a. a Vehicle, trailer or Recreational Vehicle on a Highway for more than thirty-six (36) consecutive hours;
  - b. any trailer, whether designed for occupancy or load carrying on any Highway unless such trailer is attached to the Vehicle by which it may be properly drawn and when attached, the trailer shall be part of the Vehicle and subject to any regulations pertaining to the Vehicle;
  - c. any Vehicle so to obstruct the free movement of traffic;
  - d. any Vehicle over 4,800 kilograms GVW (Gross Vehicle Weight);
  - e. a Commercial Vehicle or Commercial Vehicle with trailer exceeding ten (10) meters in length or two point six (2.6) meters in width on a Highway or any part of the Highway right-of- way for a period in excess of eight (8) hours;
  - f. or leave any Vehicle, recreation vehicle or trailer on any Public Property .
- (4) a person shall not Park a Vehicle on any portion of a Highway marked as a Fire or Emergency Lane.

## 6. OBSTRUCTIONS

- (1) No Vehicle shall be parked upon any Highway in such a manner as to block, obstruct, impede or hinder traffic thereon.
- (2) Where the Obstruction of the Highway is unavoidable due to mechanical failure, the person will not be in violation provided the person:
  - a. Promptly takes measures to remove such Vehicle from the Highway; and
  - b. Does not leave the Vehicle unattended if the Vehicle has been placed on a jack or jacks and one or more of the wheels have been removed from it or part of the Vehicle has been raised.
- (3) No Obstruction of any kind including snow or ice, construction materials, earth, debris, dirt, gate, gravel, fence, landscaping material, rock, sand, tree, or vegetation shall be made or placed in, upon or above any Highway or Public Property,.
- (4) Every person who fails to comply with the provisions of Section 6, shall be guilty of an offence and shall, in the addition to any other penalty, cause the removal of the Obstruction within twenty-four (24) hours of being notified to do so by the Municipality. After the expiration of the twenty-four (24) hour period, the Municipality may cause the removal of the Obstruction and such removal shall be at the expense of the person causing, placing or permitting the Obstruction on the Highway or Public Property.

- (5) Where an Obstruction of any kind in, upon or above any Highway or Public Property creates an unsafe condition, the Municipality shall be entitled to take such measures as are required for the protection of life or property.

## **7. EXCEPTIONS FOR PARKING AND OBSTRUCTIONS**

- (1) The provisions of this Bylaw do not apply to the following Vehicles:
  - a. Emergency Vehicles;
  - b. A Vehicle operated by a Federal, Provincial or Municipal government, or with the approval of a Federal, Provincial or Municipal government for the purpose of constructing or maintaining a Highway; and
  - c. School Buses while loading or unloading passengers during the ordinary course of business and on school days between the hours of 9:00 a.m and 3:00 p.m.

## **8. REMOVAL OF VEHICLES**

- (1) Any Peace Officer is authorized to remove or cause to be removed, any Vehicle:
  - a. Parked in contravention of the provision of this Bylaw; or
  - b. Parked in contravention of the Act; or
  - c. Where emergency conditions exist.
- (2) Any Vehicle removed pursuant to this Bylaw may be removed to a place designated by the Municipality, where it will remain until claimed by the owner.
- (3) When a Vehicle has been removed by a towing company on the instructions of a Peace Officer, the owner shall, in order to redeem the Vehicle, make the necessary payment to the towing company.
- (4) All charges for removal and storage of a Vehicle shall be in addition to any fine or penalty imposed in respect of any violation to this Bylaw.

## **9. PENALTIES**

- (1) Any person who contravenes any provision of this Bylaw is guilty of an offence and is liable upon conviction to a fine as set out in the *Traffic Safety Act* unless otherwise provided in Schedule A attached hereto and updated annually as part of the Municipality's annual fees and charges schedule.
- (2) Nothing in this Bylaw shall be construed as curtailing or abridging the right of the Municipality to obtain compensation or to maintain an action for loss of or damage to property from or against the person or persons responsible.
- (3) A Peace Officer is hereby authorized and empowered to issue a Violation Tag to any person whom, the Peace Officer has reasonable and probable grounds to believe, has contravened any provision of this Bylaw.
- (4) A Violation Tag may be issued to such person:
  - a. Either personally; or
  - b. By mailing a copy to such person at his/her last known post office address.
- (5) The Violation Tag shall be in a form approved by the Municipality and shall state:
  - a. The name of the person;
  - b. The offence;
  - c. The appropriate penalty for the offence as specified in Schedule "A" of this Bylaw;
  - d. The penalty shall be paid within thirty (30) days of the issuance of the Violation Tag;
  - e. Any other information that may be required by the Municipality.

- (6) Where a contravention of this Bylaw is of a continuing nature, further Violation Tags may be issued by a Peace Officer, provided that no more than one Violation Tag shall be issued for each day that the contravention continues.
- (7) Where a Violation Tag is issued pursuant to this Bylaw, the person to whom the Violation Tag is issued may, in lieu of being prosecuted for the offence, pay to the Municipality, the penalty specified in the Violation Tag.
- (8) If the penalty specified in a Violation Tag is not paid within the prescribed time period, then a Peace Officer is hereby authorized and empowered to issue a Violation Ticket pursuant to the Provincial Offences Procedure Act.
- (9) Nothing in this Bylaw shall prevent a Peace Officer from immediately issuing a Violation Ticket.

## **10. AUTHORITY**

- (1) Notwithstanding any provisions of the bylaw, Council hereby delegates the CAO the authority to regulate the placement of all Traffic Control Devices, any sign, signal, marking or device placed, marked or erected under the authority of this Bylaw for the purpose of regulating, warning or guiding traffic.
- (2) Any Peace Officer, when enforcing the provisions of the Act or this bylaw, may place an erasable chalk mark on the tread of the tire of a Parked Vehicle without the individual or the Municipality incurring any liability for doing so.

## **11. GENERAL PROVISIONS**

- (1) All persons owning or operating Vehicles shall comply with all Traffic Control Devices authorized under this bylaw.
- (2) No person shall haul or transport any items in a Vehicle or trailer unless its completely enclosed or secure so as to prevent garbage or litter from falling or being blown off. Where a violation has occurred, the Municipality may cause the clean-up of garbage and litter and such clean up shall be at the expense of the person responsible.
- (3) No person shall dispose of any refuse or place any substance on public property or highway except in designated disposal or recycle receptacles.
- (4) No person shall apply or engage engine retarder breaks on any truck or truck tractor within the Municipality where signs prohibit the use.

## **12. ENACTMENT**

- (1) All Bylaws listed in Schedule B, except those Bylaws which prescribe speed limits are repealed upon this bylaw coming into force.
- (2) If any clause in this Bylaw is found to be invalid, it shall be severed from the remainder of the Bylaw and shall not invalidate the Bylaw in its entirety.
- (3) Except for Section 3 this bylaw shall come into force and takes effect upon third reading.
- (4) Section 3 of this bylaw shall come into force and takes effect September 1, 2013
- (5) The Bylaws listed in Schedule B which prescribe speed limits are repealed at 12:01 a.m. upon September 1.

## Penalties

Section	Offence	Specific Penalty
5 (1) a	Parking in non-compliance with a moveable Traffic Control Device or devices that have been placed and has not been removed.	\$300.00
5 (2)	Parking contrary to a Traffic Control Device.	\$100.00
5 (3) a	Parking on the Highway for more than thirty-six (36) consecutive hours.	\$300.00
5 (3) b	Parking a trailer not attached to a Vehicle.	\$300.00
5 (3) c	Parking a Vehicle which obstructs the free movement of traffic.	\$300.00
5 (3) d	Parking a Vehicle over 4,800 kilograms GVW (Gross Vehicle Weight) where not authorized.	\$300.00
5 (3) e	Park a Commercial Vehicle or Commercial Vehicle with a trailer exceeding ten (10) meters in length or two point six (2.6) meters in width on a Highway or any part of the Highway right-of- way for a period in excess of eight (8) hours.	\$300.00
5 (3) f	Park or leave Vehicle, trailer or Recreational Vehicle on any Public Property unless authorized by Section 7 of this bylaw.	\$300.00
5 (4)	Parking on any portion of a Highway marked as a Fire or Emergency Lane.	\$1,000.00
6 (1)	Parking upon any Highway in such a manner to block, obstruct, impede, or hinder traffic thereon.	\$300.00
6 (2) a	Not taking measures to promptly remove a Vehicle obstructing traffic due to mechanical failure.	\$300.00
6 (2) b	Leaving a Vehicle unattended while it is on a jack or jacks and one or more of the wheels have been removed from it or part of the Vehicle has been raised.	\$300.00
6 (3)	Make or place an Obstruction of any kind or permit an Obstruction to be made or placed in, upon or above any Highway or Public Property without authority granted by the Municipality and not in strict compliance with the authority granted by the Municipality.	\$500.00
11(2)	Un-tarped load	\$200.00
11(3)	Littering/illegal dumping	\$1,000.00
11 (4)	Engine retarder brakes	\$100.00

Note: This schedule of fees may be amended from time to time in the Municipality's annual fees and charges schedule as per section 9.1

## Schedule B

## Repealed Bylaws

<b>Content</b>	<b>Bylaw Numbers</b>
Speed Limits	1125/07, 1036/04, 1002/03, 1001/03, 723/92, 719/92, 701/91, 693/91, 692/91, 691/91, 619/88, 604/87, 591/86, 554/85, 550/85, 538/85, 526/84, 492/83, 489/83, 484/83, 479/83, 443/82, 440/82, 385/81, 245/76, 216/74, 202/74, 185/73, 174/72, 149/71, 79/68, 41/67, 45/62, 98/60, 36/56
Weight Restriction	212/74, 204/74, 198/74, 197/74, 138/70, 116/69, 89/69, 24/62
Placement of Traffic Control Devices	987/03
Parking	821/97, 690/91, 502/83
Road signs – stop & yield	168/72, 49/67 (A), 49/67, 132/65, 89/64, 44/62
Road Obstructions	112/69, 21/61
Misc.	844/98 – use of engine retarder brakes, 50/67 – horse riding, 30/66 – weed seeds, 36/56 – general provisions, 16/55 - littering, 71/30 - littering

Read a first time this 26<sup>th</sup> day of June, 2012.

Read a second time this 23<sup>rd</sup> day of April , 2013.

Read a third and final time this 28<sup>th</sup> day of May, 2013.

If any portion of this bylaw is declared invalid by a court of competent jurisdiction, then the invalid portion must be severed and the remainder of the bylaw is deemed valid.