

BYLAW 35/2012

BEING A BYLAW OF THE MUNICIPAL DISTRICT OF FOOTHILLS NO.31
IN THE PROVINCE OF ALBERTA
TO CONTROL AND REGULATE TRAFFIC AND OTHER ACTIVITIES
UPON HIGHWAYS WITHIN THE MUNICIPALITY

1. ENACTMENT

This Bylaw may be cited as the "MD of Foothills No. 31 Traffic Safety Bylaw."

WHEREAS The Traffic Safety Act, being Chapter T-6 of the Revised Statutes of Alberta, 2000 and amendments thereto makes provision for passage of bylaws relating to the regulation and control of vehicle, animal and pedestrian traffic;

WHEREAS Sections 7(d) and 7(i) of the Municipal Government Act, being Chapter M-26.1 of the Revised Statutes of Alberta, 2000, and amendments thereto, authorizes a municipality to pass bylaws respecting transport and transportation systems and to enforce such bylaws;

NOW THEREFORE, the Council of the Municipal District of Foothills No. 31 in the Province of Alberta duly assembled enacts as follows:

2. INTERPRETATION

In this Bylaw, including this Section, unless the context otherwise requires, all definitions shall be defined in Section 1 of the Traffic Safety Act, being Chapter T-6 of the Revised Statutes of Alberta, 2000, and all regulations and amendments thereto.

- (a) "alley" has the same meaning as highway;
- (b) "fire department" means any fire department authorized to operate within the Municipality;
- (c) "hamlet" means the communities of Aldersyde, Blackie, Cayley, DeWinton, Heritage Pointe, Millarville, Naphtha, Priddis and Priddis Greens;
- (d) "heavy vehicle" means a vehicle, or combination of vehicles, with a gross vehicle weight in excess of 4500 kg;
- (e) "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,
 - (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 a 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.
- (f) "Municipal Council" means the Council of the Municipal District of Foothills No. 31;
- (g) "Municipality" means the Municipal District of Foothills No. 31, a municipal corporation in the Province of Alberta and where the context so requires, means the area contained within the corporate boundaries of the said municipality;
- (h) "Noise" means any loud, unnecessary or unusual sound or any sound whatsoever which, in the opinion of the an Officer in his sole discretion, having regard for all

circumstances, including the time of the day, and the nature of the activity generating the sound, is likely to unreasonably annoy, disturb, injure or detract from the comfort, repose, health, peace or safety of any Person within the limits of the Municipal District of Foothills No.31;

- (i) "Peace Officer" means a Bylaw Enforcement Officer, a Community Peace Officer or a member of the Royal Canadian Mounted Police who is authorized to enforce bylaws or for the purpose of inspection and enforcement under the Bylaw, the Officer is a designated Officer of the Municipality;
- (j) "parades or processions" means any group or train of persons or vehicles using the highway within the Municipality for show or display but shall not include any military or funeral parade or procession;
- (k) "recreation vehicle" means a portable structure intended to be carried on a vehicle or to be transported on its own wheels to provide temporary, self-contained living accommodations for travel and recreational purposes and includes a motor home, a camper, a travel trailer, a tent trailer, and a boat, but does not include a designated manufactured home;
- (l) "school bus" means a publicly or privately owned vehicle that is used for taking schoolchildren to and from school or school-related activities;
- (m) "light truck" means a vehicle, or a combination of vehicles, with a GVW of 4500 kg. or less.

3. TRAFFIC CONTROL DEVICE:

- (1) The Municipal Council shall have the power to prescribe where traffic control devices are to be located, including traffic control devices restricting the speed of vehicles, providing that traffic control devices located by such persons under this clause shall be deemed to have been made by Bylaw of the Municipal District of Foothills.
- (2) A person shall not post or exhibit or cause to be posted or exhibited any notice, placard, bill, or printed or other type of notice whatsoever upon any traffic control device.

4. PARKING:

- (1) Within a hamlet, no person shall park or stand any vehicle on any highway for a period of more than seventy-two (72) hours unless signage indicates otherwise.
- (2) A person shall not park or stand a vehicle or permit such vehicle to remain parked in such a manner as to interfere with the proper operation of any vehicle used by the Fire Department or the Municipality or of any other emergency vehicle.
- (3) No person shall park a vehicle in an alley except when actively loading or unloading goods or passengers from the vehicle.
- (4) No person shall park or stand any vehicle in any highway in such a manner as to obstruct the passage of other vehicles.
- (5) Except in the case of an emergency, a person shall not park or stand any vehicles on the highway for the purposes of servicing, washing or repairing the vehicle.
- (6) A person being in charge or control of a garage, service station or other premises where repairs or installations are made to vehicles for compensation, shall not leave or cause or suffer or permit to be left on any highway, a vehicle which has been left in his possession for carrying out repairs or making installation or for any other purpose for a period in excess of twenty-four hours.
- (7) No person shall park any commercial vehicle, truck, or trailer with a design capacity of more than one tonne, or length of more than 6.7 meters, upon any highway except

where such parking is expressly permitted or except for the purpose of loading or unloading the vehicle.

- (8) No Person shall park any trailer (whether designated for occupancy by persons or for carrying of goods and equipment), 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.
- (9) No Person shall occupy a recreational vehicle as a temporary or permanent place, living abode, or sleeping place upon a highway or public place.
- (10) No person shall park or direct another person to park a vehicle upon land or Right-of-Way owned or controlled by the Municipality without authorized written permission from the Municipality.
- (11) No person shall park a vehicle in a parking space where a sign, curb painting or pavement painting indicates that it is for the exclusive use of persons with disabilities, unless they display on the vehicle a handicap placard or licence plate that is issued or recognized by the Province of Alberta.
- (12) No owner or operator of vehicle shall stop or park or permit the stopping or parking of a vehicle in any marked fire lane.
- (13) No owner or operator of a vehicle shall stop or park or permit the stopping or parking of a vehicle in a manner where the vehicle may interfere with the use of a doorway marked on the exterior as a fire or emergency exit from any building.
- (14) Notwithstanding anything elsewhere contained in this Bylaw, the provisions relating to parking of vehicles does not apply to:
 - (a) Emergency vehicles;
 - (b) Service vehicles used in conjunction with the servicing of public utilities, including, but not limited to, telecommunication, electric, power or natural gas systems; or
 - (c) Municipal and other public works vehicles.
- (15) When a vehicle is parked on a highway and is in violation of a provision of this Bylaw or regulation, it may be removed and impounded and the cost thereof charged against the owner and/or operator of the said vehicle.
 - (a) In order to determine the time which a vehicle has been parked in a location where parking is restricted to a specific time, an Officer authorized to enforce this Bylaw may place an erasable chalk mark on a tire on any vehicle found parked on any highway or property owned by the Municipality without such Officer incurring any liability for so doing.
 - (b) No person shall remove an erasable chalk mark placed under Subsection (1) while the vehicle remains parked in the location where it was marked.

5. SNOW, ICE, DIRT AND OTHER OBSTRUCTIONS

- (1) No person owning or occupying property within the Municipality, to which entry or exit for vehicles is made onto a Municipal highway, shall allow water, mud, slush, ice, frozen snow or snow to be pushed onto the Municipal highway or let such materials remain on the Municipal highway as a result of clearing or cleaning the exit or entry to the said property.
- (2) Wherever sidewalks exist, the Owner or occupier of any premise within the Municipality adjacent to a sidewalk shall remove and clear away all snow, ice, dirt or other obstruction from the sidewalk adjacent to such premises within twenty-four (24) hours of such snow, ice, dirt or other obstruction being deposited thereon.
- (3) No person shall place or allow to be placed any obstruction on any sidewalk or Highway including snow, ice, dirt or other obstruction without the written consent of

the Municipality. Snow, ice, dirt or any other obstruction placed or caused to be placed on any sidewalk or highway shall be removed by the Owner or occupant of such premises within a twenty-four (24) hour period.

- (4) The owner or occupier of any land adjoining any sidewalk or highway within the Municipality shall not allow any trees, shrubs or bushes to obstruct any sidewalk or highway.
- (5) No person shall wash a vehicle upon a highway or so near to a highway as to result in the depositing of mud or the creating of slush or ice upon a sidewalk or highway.
- (6) No person shall place a "construction garbage bin" upon a highway without authorized written permission from the Municipality.
- (7) No person shall cause to be placed along or across any sidewalk or boulevard any electrical cord wiring or other material so as to obstruct or endanger pedestrians.
- (8) The Municipality may, at the property owner's expense, remove any of the said snow, ice, dirt, mud, slush, tree, shrub, bush or other obstruction listed in this section and add the costs thereof to the tax roll of the property.

6. NOISE

- (1) A person must not make, continue, or allow to be made or continued any objectionable noise.
- (2) If objectionable noise is caused by or emanates from a motor vehicle parked on a highway, that motor vehicle is illegally parked.
- (3) An owner of a motor vehicle may be liable for any contravention of this Section.
- (4) Subsection (1) does not apply to persons participating in parades or operating emergency vehicles.

7. SUNDRY RESTRICTIONS

- (1) No person shall drive a vehicle in or along an alley in a hamlet at a speed greater than 25 kilometres per hour.
- (2) No person shall drive, propel or move on any highway any vehicle having metal spikes, lugs, cleats or bands projecting from the surface of the wheel or tire of such vehicles or any vehicle having a stud tractor tread. Studded snow tires are exempted.

8. PARADES AND PROCESSIONS

- (1) No person shall hold or take part in any parade or procession unless prior written approval has been first obtained from the Municipality.

9. TRUCK ROUTES

- (1) No person shall operate a heavy vehicle on any highway in any hamlet, except on a highway designated as truck route as specified in Schedule "A".
- (2) Notwithstanding Subsection (1), the following heavy vehicles are authorized to operate on non-truck routes:
 - (a) public passenger buses being operated for the purpose of receiving or delivering passengers;
 - (b) school buses;

- (c) emergency vehicles;
- (d) utility vehicles being operated for the purpose of installing, serving or repairing public utilities;
- (e) Municipal vehicles being operated in the service of the hamlet; or
- (f) Commercial vehicles delivering or collecting goods, provided that the most direct route from a truck route is used and such deliveries and collections are made between the hours of 7 a.m. and 11 p.m. on any one day;
- (g) Light truck and trailer combination (i.e. truck and horse or stock trailer).

10. PENALTIES:

- (1) Where a Peace Officer believes that a person has contravened any provision of this Bylaw, he may
 - (a) serve upon such person a violation ticket as per Schedule "B" or as amended from time to time, and as defined by the Provincial Offences Procedures Act, Chapter P-21.5;
 - (b) tow a vehicle.
- (2) A violation ticket will be deemed to have been sufficiently served
 - (a) if served personally on the accused; or
 - (b) if sent by registered mail; or
 - (c) if left at the accused's usual place of abode with an inmate thereof who appeared to be at least 18 years of age or over; or
 - (d) if sent by regular mail.
- (3) All violation tickets issued must contain the section of the Bylaw which was contravened, provide for a voluntary payment amount pursuant to the provisions of this Bylaw; and/or provide for a date, time and location for an appearance in Court should the accused exercise his right to defend any charge(s) pursuant to the provisions of this Bylaw.
- (4) Any person who commits a contravention of any of the provisions of this Bylaw will be liable upon summary conviction by any court of competent jurisdiction, to a fine not exceeding \$2,500 (two thousand five-hundred dollars) plus costs and, in default of payment, to imprisonment for a period not exceeding 90 (ninety) days.

11. REPEAL:

Municipal District of Foothills No. 31 Bylaw 64/2005 is hereby rescinded.

12. This Bylaw shall have effect on the date of its third reading.

First Reading: May 31, 2012

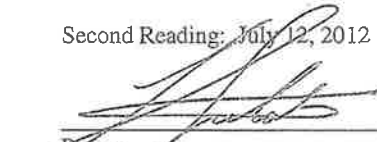


Reeve



Municipal Manager

Second Reading: July 12, 2012




Reeve



Municipal Manager

Third Reading: July 12, 2012



Reeve



Municipal Manager

PASSED IN OPEN COUNCIL assembled at the Town of High River
in the Province of Alberta, the 12th day of July, 2012.

BYLAW NO. 35/2012

SCHEDULE "A"

The following street within the limits of the hamlet of Aldersyde shall be designated as truck route:

Maple Leaf Road

The following streets within the limits of the hamlet of Blackie shall be designated as truck routes:

Railway Avenue
498 Ave

The following street within the limits of the hamlet of Cayley shall be designated as truck route:

Railway Avenue

The following streets within the limits of the hamlet of Dewinton shall be designated as truck route:

Macleod Trail from 8 Street West to 16 Street West

The following street within the limits of the hamlet of Millarville shall be designated as truck route:

Being the eastern entrance into the Hamlet to 224 Street West north from Highway 549 to the easterly boundary of Lot 7, Block 2, Plan 8210007

The following streets within the limits of the hamlet of Priddis shall be designated as truck route:

224 Street West (south from Hwy 22X to 186 Avenue)
186 Avenue from 224 Street West to the Post Office Entrance

BYLAW NO. 35/2012

SCHEDULE "B"

A 07156940 Y VIOLATION TICKET PART 1
 CANADA
 Province of Alberta

On or about _____, 20____, at or near _____
date place in Alberta

NAME _____
last first middle

ADDRESS _____
street

_____ city, town, village _____ province _____ postal code

DID UNLAWFULLY CONTRAVENE SECTION
Sec. 3, Sub-Sec. 3, Description

_____ OF THE

Traffic Safety Act Gaming & Liquor Act
 Use of Highways & Rules of Road Reg. Municipal Bylaw
 Vehicle Equipment Reg.
 Operator Licensing Vehicle Control Reg.
 Commercial Vehicle Certificate & Insurance Reg. Other Act or Regulation

Certificate of Offence and Service Complaint

I believe on reasonable and probable grounds and certify that the person named above committed the offence as indicated and certify that I served an Offence Notice personally upon the person charged on the offence date. **or** I believe on reasonable and probable grounds and certify that the person named above committed the offence as indicated and that I served a Summons personally upon the person charged on the offence date.

Complainant Signature _____ Print Name _____ Notary _____ Force
 Signed before me on _____, 20____, at _____
Alberta

Commissioner for Oaths Signature _____ Print Name _____ Expiry Date of Commission

IN THE NAME OF HER MAJESTY THE QUEEN YOU ARE THEREFORE COMMANDED TO APPEAR BEFORE A JUSTICE AT
Provincial Court, 98 McRae Street, Okotoks _____ Alberta
 on _____, 20____, at _____
a.m. p.m.
AND TO ATTEND THEREAFTER AS REQUIRED BY LAW.

THE FOLLOWING DOES NOT FORM PART OF THE CHARGE

Speed Limit _____ Recorded _____ in/h Speed in/h Clocked Ab- Est- Oth- Radar/ Laser
craft-mailed-wards

Court Appearance Required Voluntary Payment Option \$ _____
 Adult Youth National Safety Code No. _____

Particulars / Place of Offence _____ Offence _____ a.m. p.m.
 Operator Lic. No. _____ High. No. or name of city, town, village, M.D., county, I.D., S.A. _____ Time _____
 Sex _____ Sex F M

Birth Date _____ Year Month Day M.V.I.D. No. _____

Vehicle Licence No. _____ Prov. _____ Alto. Other _____
 Vehicle Make _____ Year _____ Color _____ Licence Year _____

ADJUDICATION

Charge Read & Plead: Guilty Not Guilty Guilty Quashed Withdrawn
 Guilty to Lesser or Amended Charge Dismissed Convicted in Absence and Plead Specified Penalty

Fine and Surcharge _____ Default _____ Time to Pay to _____

A 07156940 Y _____ Date _____ Adjudicating Provincial Judge or Justice

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BYLAW NO. 35/2012

SCHEDULE "C"

SCHEDULE "C" FORMING A PART OF BYLAW NO. 35/2012 OF THE MUNICIPAL DISTRICT OF FOOTHILLS NO. 31

FINES SCHEDULE

OFFENCES	SECTION	SPECIFIED PENALTY
3.0 TRAFFIC CONTROL DEVICE		
Post/exhibit notice upon traffic control device.	3.2	\$50.00
4.0 PARKING		
Park on highway in Hamlet > 72 hours	4.1	\$50.00
Park - Interfere with emergency vehicles	4.2	\$100.00
Park vehicle in an alley	4.3	\$50.00
Park vehicle - Obstruct passage of other vehicles	4.4	\$50.00
Service/wash/repair vehicle on highway	4.5	\$50.00
Repair/service providers leave vehicles > 24 hrs	4.6	\$50.00
Park commercial vehicles > 1 tonne or 6.7 meters	4.7	\$50.00
Park trailer unattached from vehicle	4.8	\$50.00
Occupy recreational vehicle upon highway	4.9	\$50.00
Park vehicle on land or right-of-way owned by M.D. without permission	4.10	\$50.00
Park vehicle in area marked for persons with disabilities	4.11	\$100.00
Park in marked fire lane	4.12	\$100.00
Park - Obstruct doorways marked as fire or emergency exit	4.13	\$100.00
Remove chalk mark from vehicle	4.15(b)	\$50.00
5.0 SNOW, ICE, DIRT AND OTHER OBSTRUCTIONS		
Push/allow snow, ice, mud onto MD highway	5.1	\$50.00
Fail to remove snow, ice, dirt from sidewalk within 24 hrs	5.2	\$50.00
Unauthorized obstruction on MD highway or sidewalk	5.3	\$50.00
Allow trees, bushes, shrubs to obstruct MD highway or sidewalk	5.4	\$50.00
Wash vehicle on highway - obstruct Sidewalk/Highway	5.5	\$50.00
Unauthorized construction garbage bin on highway	5.6	\$50.00
Electrical cord wiring/material obstruct sidewalk	5.7	\$50.00
6.0 NOISE		

Person make/allow objectionable noise on Highway	6.1	\$100.00
OFFENCES	SECTION	SPECIFIED PENALTY
7.0 SUNDRY RESTRICTIONS		
Speed in alley in hamlets > 25 km/hr.	7.1	\$50.00
Operate vehicle with spikes or lugs	7.2	\$250.00
8.0 PARADES AND PROCESSIONS		
Parade without permit	8.1	\$250.00
9.0 TRUCK ROUTES		
Operate heavy vehicle off truck route in hamlet	9.1	\$50.00