

VILLAGE OF ELNORA
THE TRAFFIC CONTROL BYLAW
BY-LAW NUMBER 498-0810

BY-LAW NUMBER 498-0810 OF THE VILLAGE OF ELNORA, IN THE PROVINCE OF ALBERTA, BEING A BYLAW TO RESCIND AND REPLACE THE ELNORA OFF HIGHWAY VEHICLE BYLAW NO. 451-9701 AND ANY AMENDMENTS HERETO.

WHEREAS, the Provincial Government of Alberta gives the Municipalities the power to enact Bylaws according to the Municipal Government Act, Revised statutes of Albert 2000, Chapter M-26, Section 7 “A Council may pass Bylaws that are considered expedient and are not contrary to this or any other Act”;

AND WHEREAS, Section 7(i) of the municipal Government Act gives Municipalities the power to impose fines and penalties for infractions of their Bylaw;

AND WHEREAS, the Traffic Safety Act, reads “the Council of a Municipality may, with respect to a highway under its direction, control and management, make bylaws that are not inconsistent with this act;”

AND WHEREAS, the Council of the Village of Elnora deems it necessary to rescind and replace the Off Highway Vehicle Bylaw Number 451-9701, with the following provisions;

NOW THEREFORE, the Municipal Council of the Village of Elnora duly assembled in open Council enacts as follows:

CITATION

This Bylaw may be cited as the “Traffic Control Bylaw”.

DEFINITIONS

The provisions and regulations of the Traffic Safety Act as amended are hereby expressly incorporated into this Bylaw, including the following definitions;

- (a) “BYLAW ENFORCEMENT OFFICER” means an employee or independent contractor appointed by the Village to enforce the provision of the Village Bylaws, and includes a member of the Royal Canadian Mounted Police, and when authorized a Community Peace Officer. A Bylaw Enforcement Officer is a Designated Officer for the purposes of s.542 of the Municipal Government Act;
- (b) “CHIEF ADMINISTRATIVE OFFICER” means the Chief Administrative Officer or his delegate appointed for the Village of Elnora, Alberta;

- (c) “COUNCIL” means the Council of the Village of Elnora, Alberta;
- (d) “RECREATION VEHICLE” means a vehicle used or intended for use as a shelter, and without restricting the generality of the foregoing, includes any motor home, holiday travel trailer, camper, tent trailer or any van, bus or truck converted for use as a recreation vehicle;
- (e) “VILLAGE” means the Village of Elnora, a municipal corporation of the Province of Alberta or the corporate limits of the Village of Elnora, as the context requires;
- (f) “VILLAGE EMPLOYEE” means a person hired by the Chief Administrative Officer or Council being part of a workforce for the Village, be it a permanent full time or part time employee.

SECTIONS

1. No person shall park a vehicle upon any highway within the Village;
 - (a) in any truck loading space properly marked by sign(s) indicating the restrictions which may apply hereto, the exception being trucks properly parked in a loading zone that are unloading or loading;
 - (b) where the vehicle will in any way interfere with the use of a doorway intended and marked as a fire emergency exit from any building abutting the highway;
 - (c) in front of the entrance or exit to any fire hall, ambulance office or garage or hospital;
 - (d) in any space where a sign, curb painting or pavement painting indicates that it is for exclusive use of persons with disabilities who display on their vehicles a handicap placard or license plate that is issued or recognized by the Province of Alberta;
 - (e) adjacent to a curb or sidewalk that has been marked by being painted a solid color;
 - (f) on any sidewalk or boulevard;
 - (g) on or within five (5) meters of a crosswalk;
 - (h) within five (5) meters of any Stop or Yield sign;
 - (i) within five (5) meters of any fire hydrant;
 - (j) in such a way that it obstructs access to any garage, private road, or driveway;
 - (k) with the left hand wheels alongside a curb unless the vehicle is parked upon a designated one-way highway;

- (1) except for loading or unloading park any vehicle upon any lane, alley or public driveway in such a manner so as to cause an obstruction in the flow of traffic.
2. No person shall angle park on a highway any vehicle having an overall length of six (6) meters or over.
3. No person shall park any vehicle having a gross vehicle weight greater than 4540kg in any residential area within the Village longer than is reasonably necessary to load or unload the vehicle.
4. No person shall park or leave on any highway, within the Village, any trailer, whether designed for occupancy by persons, animals, or carrying of goods or equipment, unless 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 shall be subject to the regulations pertaining to the vehicle, unless otherwise authorized by order of the Chief Administrative Officer.
5. No person shall leave or abandon any vehicle on a highway for more than seventy-two (72) consecutive hours.
6. No person shall park a Recreation Vehicle upon a highway within the Village unless they are in the process of loading or unloading said vehicle.
7. No person shall park a Recreation Vehicle in a manner that a portion thereof protrudes into a highway, lane, alley, or sidewalk or boulevard.
8. No person shall place or permit to be placed an electric extension cord across a sidewalk or driveway whereby any person, animal or vehicle may be in any way injured or damaged.
9. No person shall occupy, suffer, or permit any other person to occupy a Recreation Vehicle upon a highway or public property unless such property is designated for use as a campground or areas designated by order of Council.
10. No person shall drive or park a vehicle upon any land owned by the Village for which the Village permits to be used as a playground, recreation area or public park, except on such a part as Council may designate by sign or signs for vehicular travel or parking.
11.
 - (a) Notwithstanding any other provision of this Bylaw or any other Act the Chief Administrative Officer, Village Foreman, or other person representing the foregoing may cause temporary movable signs to be placed on or near any portion of any highway within the Village prohibiting parking of any vehicle for the purpose of snow removal, street cleaning, flushing or road repair;
 - (b) When any road maintenance is designated to commence, or has commenced in any area in which regulatory movable parking signs have been posted in accordance with Section 11 (a),

the owner of any vehicle in violation thereto may be charged and the vehicle may be towed at the owner's expense.

12. (a) Where in the opinion of the Fire Chief, members of the RCMP, Bylaw Enforcement Officer, Chief Administrative Officer, or any person acting in their stead deem it is necessary because of fire, storm, flood, disaster or any other emergency remove any parked vehicle the Council shall not be responsible or liable for any claim or demands whatsoever arising there from.

(b) No fine shall be imposed if the vehicle was parked at this location before the emergency, only the removal charges should apply. If the vehicle was parked after the emergency a fine plus removal costs may be imposed.
13. Except for delivery of goods or materials, all vehicles rated over 15,000 kg. G.V.W. shall proceed through the Village by way of truck routes designated by Council and posted by signs.
14. No person shall park a vehicle in contravention of any sign in accordance with any such provision made by the Council.
15. No person shall angle park a vehicle in a cul-de-sac in such a manner that it restricts the safe movement of vehicular traffic.
16. Three or more persons shall not stand in a group or near each other on any highway, lane or sidewalk in such a manner as to obstruct the entrance to buildings or the free passage by other pedestrians on the sidewalk or in such manner which either annoys, disturbs, injures, endangers or detracts from the comfort, repose, health, peace or safety of other persons within the limits of this Village and every person shall forthwith disperse and move away after a request to move has been made by a Bylaw Enforcement Officer or by any other person.
17. No person shall operate any off-highway vehicle in Village without written permission from the Chief Administrative Officer excepting where the off-highway vehicle is taking the most direct route possible out of the Village, to fuel up or to return to the owner's residence from outside of Village corporate limits.

PARADES AND PROCESSIONS

18. For the purpose of this part, "parade" or "procession" means any group of pedestrians numbering more than fifty (50) or any group of vehicles numbering more than ten (10), (except military and funeral processions), moving along or using any highway.
19. Any person desiring to conduct a parade or procession within the Village shall, at least two (2) weeks prior to the time it is desired to conduct same, apply in writing to the Chief Administrative Officer for permission to conduct same and such application shall be signed by the applicant and contain the following information:

- (a) the name and address of the application and, if it is an organization or corporation, the names and addresses of the executive thereof;
 - (b) the nature and purpose of such parade or procession,
 - (c) the day and time such will be held,
 - (d) the intended route thereof,
 - (e) the approximate number of persons and vehicles that will be taking part,
 - (f) the approximate size, number, nature and wording of any signs, banners, posters, placards, flags and similar things to be displayed during such parade or procession
 - (g) the names, addresses and signatures of the persons who will be in control of such parade or procession and who undertake to be responsible for the good order and conduct thereof.
20. The Chief Administrative Officer may refuse to issue a permit to conduct a parade or procession, but in such event, the applicant may apply to Council for such a permit and the Council may, by resolution, direct the issue of such permit subject to the provisions of this Bylaw, or any other conditions Council may wish to impose.
21. During a parade or procession all pedestrians not taking part therein shall remain on a sidewalk.
22. Where any funeral or military procession is in the process of forming or proceeding along a highway, a Bylaw Enforcement Officer may regulate all traffic in the vicinity and all persons, whether pedestrians, equestrians, or in a vehicle, shall obey the orders and directions of any Bylaw Enforcement Officers so directing traffic.
23. Any vehicle in a funeral procession, except the lead vehicle, may during daylight hours, enter an intersection without stopping if:
- (a) the headlamps of the vehicles are alight;
 - (b) the vehicle is traveling immediately behind the vehicle in front of it so as to form a continuous line of traffic; and
 - (c) the passage into the intersection can be made in safety.
24. No person, whether pedestrian, equestrian or driver of a vehicle, except the driver of an emergency vehicle, shall move or ride or drive through the ranks of any military or funeral procession or any other authorized parade or procession, or shall in any way obstruct, impede or interfere with same.
25. Full time or volunteer firefighters may carry on or in a vehicle, other than an emergency vehicle, a lamp that produces intermittent flashes of green light and may operate the lamp if the vehicle is proceeding to a fire or other emergency.

USE OF STREET AND PUBLIC PLACES

26. No person shall permit any livestock, vehicle, bicycle, sleigh or other object to stand or be upon any highway, sidewalk or crossing within the Village so as to obstruct traffic thereon.

27. No person shall dig up or carry away any earth, sand or gravel from any highway, or any property owned or allowed to be used by the Village, without first obtaining permission in writing from the Chief Administrative Officer to do so.
28. Any person placing or causing to be placed in or on any highway an obstruction shall remove or cause the removal of the obstruction as soon as reasonably possible after being notified by the Chief Administrative Officer. After failing to comply, the Chief Administrative Officer, with such assistance as is necessary, may remove or cause to be removed at the expense of the person causing or placing such obstruction on any such highway.
29. No person shall drive or haul on or over any highway, within the Village, any vehicle or other type of equipment or thing which does cause or is likely to cause damage to the highway.
30. No person shall tear down, remove or interfere with any signs, signals, barricades, flares or other things placed in accordance with the provisions and regulations as directed by Council.
31. No person shall sell by auction upon any highway or sidewalk within the Village, any article or thing whatsoever without the consent of the Chief Administrative Officer.
32. No person shall advertise any sale of any article or thing by blowing of horns, ringing of bells, crying, hollering or creating any other disturbances or noise upon any highway or sidewalk of the Village unless permission is first obtained from the Chief Administrative Officer or designate.
33. No person shall broadcast from a sound track or amplifying device outdoors without first obtaining a permit to do so from the Chief Administrative Officer.
34. No person shall post or exhibit any placard, playbill, poster, writing or picture, or write words or make or draw pictures that are indecent, tend to corrupt, demoralize or cause to be unsightly any wall or fence or elsewhere, on or adjacent to any highway.
 - (a) Any person or organization posting signs advertising garage sales, yard sales, sporting events, entertainment or political events, etc. shall remove such signs or posters within twenty-four (24) hours of the conclusion of such event;
 - (b) All objects as described in Section 37(a), are subject to removal and immediate disposal by a Bylaw Enforcement Officer or Village Employee without any notice or warning to the owner thereof.
35. No person or business shall display any goods for sale, offer any goods for sale, or sell any goods on a sidewalk unless it:
 - (a) permits or allows clear unobstructed pedestrian passage;
 - (b) is during operational business hours.

36. No person shall wash, or attempt to repair, upon any highway or near a highway, any vehicle, thereby depositing mud, oil or creating slush or ice upon any highway, sidewalk or public property.

POWERS OF BYLAW ENFORCEMENT OFFICERS, PROSECUTIONS AND PENALTIES

“The provisions and regulations of the Provincial Offenses Procedure Act, as amended, shall apply to the provisions and enforcement of this Bylaw.”

37. Any Bylaw Enforcement Officer is hereby authorized to remove or cause to be removed any vehicle or trailer:
- (a) parked in contravention of the provisions of this Bylaw
 - (b) where emergency conditions may require such removal from a highway any vehicle may be removed to a place designated by Council where it will remain impounded until claimed by the owner thereof or his authorized agent.
38. Every Bylaw Enforcement Officer or other person charged with the enforcement of any of the parking provisions of this Bylaw may place an erasable chalk mark on the tread face of a tire of any parked or stopped vehicle without incurring any liability for doing so.
39. No impounded vehicle shall be released to its owner or his agent until the impounding charge and removal charge of the vehicle has been paid. Such charges shall be in addition to any fine or penalty imposed in respect of any such violation, or to any payment made in lieu of prosecution as provided for in any provision of the Bylaw.
40. Where a vehicle is driven, used, parked or left in contravention of any provision of this Bylaw, the owner of the vehicle shall be deemed responsible for the contravention and liable to the penalty provided herein, unless he proves to the satisfaction of the Court trying the case that at the time of the contravention the vehicle was not being driven, used, parked or left by him or any other person with his express or implied consent.
41. A Traffic Violation Ticket or Tag shall be deemed to be sufficiently served:
- (a) if served personally on the accused; or
 - (b) if mailed to the last known address of the registered owner of the vehicle; or
 - (c) if attached to or left upon the vehicle in respect of which the offence is alleged to have been committed.
42. Nothing in this Bylaw shall:
- (a) prevent any person from defending a charge of committing a breach of this Bylaw;
 - (b) prevent a Bylaw Enforcement Officer or other person from laying an Information or Complaint against a person.

43. Where a person charged with an offence against the provisions of this Bylaw, being a person under the age of eighteen years, which person shall be in respect of such offence subject to the jurisdiction of the Alberta Provincial Youth Court as provided by the Youth Criminal Justice Act.
44. Every Bylaw Enforcement Officer is hereby charged with the duty of enforcing the provision of this Bylaw.
45. Any person who contravenes any provision of this Bylaw is guilty of an offence and subject to penalties as per Schedule 'A'.
46. Except where otherwise specifically provided in this Bylaw, a person who is guilty of an offence under this Bylaw, for which a penalty is not otherwise provided shall be liable upon summary conviction to a fine of not more than one thousand (\$1000.00) dollars and in default of payment shall be liable to imprisonment for a term not exceeding six (6) months.
47. Any person who contravenes any section of this Bylaw for a second or subsequent time within a twelve (12) month period is guilty of a second or subsequent offence and liable to fines as per Schedule 'A'.
48. It is the intention of Council that each separate provision of this Bylaw shall be deemed independent of all other provisions, and if any provision of this Bylaw be declared invalid, all other provisions shall remain valid and enforceable.
49. The Village of Elnora Off Highway Vehicle Bylaw # 451-9701 is hereby repealed.

THIS BYLAW SHALL COME INTO EFFECT ON THE THIRD AND FINAL READING.

READ A FIRST TIME IN OPEN COUNCIL THIS 12th DAY OF AUGUST 2008

READ A SECOND TIME IN OPEN COUNCIL THIS _____ DAY OF _____ 2008

READ A THIRD TIME IN OPEN COUNCIL AND FINALLY PASSED THIS _____ DAY OF _____ 2008.

MAYOR

ADMINISTRATOR

Bylaw # 498-0810

Schedule 'A' – Penalties

	Offence	1st Offence	2nd Offence
1(a)	Parking in a loading zone	\$50.00	\$100.00
1(b)	Park in front of entrance or exit to emergency doorway	\$75.00	\$150.00
1(c)	Park in front of entrance or exit to fire hall, ambulance office or garage, or hospital	\$75.00	\$150.00
1(d)	Park in a posted handicap stall	\$75.00	\$150.00
1(e)	Park adjacent to a curb or sidewalk painted a solid color	\$50.00	\$100.00
1(f)	Park on a sidewalk or boulevard	\$50.00	\$100.00
1(g)	Park on or within five meters of a crosswalk	\$75.00	\$150.00
1(h)	Park within five meters of a stop or yield sign	\$50.00	\$100.00
1(i)	Park within five meters of a fire hydrant	\$75.00	\$150.00
1(j)	Obstructing access to a garage, private road, or driveway	\$50.00	\$100.00
1(k)	Parking a vehicle left hand wheels to curb	\$55.00	\$110.00
1(l)	Cause an obstruction in an alley, lane, or driveway	\$50.00	\$100.00
2	Angle park a vehicle over six meters long on a highway	\$50.00	\$125.00
3	Park a vehicle over 4540 kg in a residential area	\$50.00	\$125.00
4	Park a detached trailer on a highway	\$50.00	\$100.00
5	Abandon a vehicle on a highway for more than 72 hours	\$100.00	\$200.00
6	Parking a recreation vehicle on a highway	\$55.00	\$110.00
7	Portion of a recreation vehicle protruding onto highway, lane, alley, or sidewalk	\$55.00	\$110.00
8	Place or permit placing an extension cord on sidewalk or driveway	\$50.00	\$100.00
9	Occupy or permit person to occupy recreation vehicle while parked on highway or public property	\$75.00	\$150.00

10	Park on Village property	\$100.00	\$200.00
11(b)	Owner parked in temporary 'No Parking' area	\$50.00	\$100.00
13	Fail to use posted truck route for vehicle over 15 000 kg GVW	\$150.00	\$300.00
14	Park contrary to sign	\$50.00	\$100.00
15	Angle park in a cu-de-sac restricting safe movement of vehicular traffic	\$50.00	\$100.00
16	Three or more persons blocking sidewalk, access to building, or being a nuisance	\$45.00	\$110.00
17	Operating an off-highway vehicle in Village	\$75.00	\$150.00
21	Fail to remain on sidewalk during parade or procession	\$25.00	\$50.00
24	Drive through, obstruct, impede, or interfere with military, funeral, or authorized parade or procession	\$75.00	\$200.00
26	Obstructing traffic	\$150.00	\$300.00
27	Dig or remove sand or gravel from Village property without permission	\$75.00	\$150.00
28	Fail to remove obstruction from highway	\$100.00	\$200.00
29	Drive or haul equipment causing damage to highway	\$150.00	\$300.00
30	Remove or interfere with signs, signals, barricades, flares, or other things	\$150.00	\$300.00
31	Sell or auction on highway or sidewalk without permission	\$50.00	\$100.00
32	Advertise sale by blowing horn, ringing bell, crying, hollering, or creating any other disturbance or noise without permission	\$40.00	\$100.00
33	Broadcast from sound track or amplifying device without permission	\$40.00	\$100.00
34	Exhibit material on wall, fence, or elsewhere that is indecent, corrupt, demoralizing, or unsightly	\$150.00	\$400.00
34(a)	Fail to remove signs after 24 hours of event	\$75.00	\$150.00
35	Display, offer for sale, or sell goods on a sidewalk so that it impedes pedestrians or is after business hours	\$50.00	\$100.00
36	Wash or repair vehicle on highway	\$50.00	\$150.00