

BYLAW 01-2012

A MEANS TO REGULATE VEHICLE TRAFFIC WITHIN THE BOUNDARIES OF THE TOWN OF LEGAL Legal, ALBERTA

A BYLAW of THE TOWN OF LEGAL IN THE PROVINCE OF ALBERTA TO ESTABLISH A MEANS TO REGULATE VEHICLE TRAFFIC WITHIN THE TOWN OF LEGAL.

WHEREAS, The Traffic Safety Act, RSA 2000, Chapter T-6, as amended provides that a municipality may regulate activities on highways under its direction, control and management and may make laws that are not inconsistent with the Traffic Safety Act;

NOW THEREFORE, The Council of The Town of Legal duly assembled, enacts as follows:

REPEAL

This bylaw repeals Bylaw No 08-2011 and amendments thereto.

PART 1 – TITLE

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

PART 2 – DEFINITIONS

1. In this Bylaw, all words shall have the same meaning as in the Traffic Safety Act, except as otherwise defined.
2. In addition to such definitions, as are accepted by Section 1, the following definitions shall apply to this Bylaw:
 - a) “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
 - b) “council” means the Council of The Town of Legal
 - c) “fire or emergency lane” means a route or lane so designated to provide Emergency Vehicles with unencumbered access to adjacent or nearby areas;
 - d) “emergency vehicle” means
 - (i) a vehicle operated by a Peace Officer as defined in the Police 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 utility vehicle for the purpose to connection or disconnection of essential services;

- (v) a vehicle designed by regulation as an emergency response unit;
- e) “heavy vehicle” means any vehicle that is in excess weight of 4800 kilograms GVW
- f) “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 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;
- g) “municipality” means The Town of Legal
- h) “Obstruction” means any act or thing that blocks, impedes, interferes with, hinders or prevents, or causes a restriction of vision or other safety hazard to, the passage of people or vehicles, or the maintenance of public places or operation of public works. Without restricting the generality of the foregoing, the placing or moving onto a highway or any public property, of any snow, earth, rock, sand, gravel, dirt, landscaping material, construction material, tree, vegetation, animal matter, debris, gate, fence or barrier shall be deemed to be an obstruction unless written authority is obtained to the contrary, from the municipality.
- i) “park”, “parked” and “parking” or any word or expression of similar connotation meaning the standing of a vehicle remaining stationary in one place whether or not the vehicle is occupied, excluding vehicles stationary in one place:
 - (i) while actually engaged in loading or unloading passengers; or
 - (ii) in compliance with the traffic control device or the directions of a peace officer;
- j) “peace officer” means:
 - (i) persons defined as such under the Traffic Safety Act; and
 - (ii) a Bylaw Officer appointed by the Municipality pursuant to the Municipal Government Act to enforce the Municipality’s Bylaws;
- k) “public property” means all land other than highways, located within the Municipality and owned by or under the management and control of the Municipality;

- l) “recreational vehicle” (RVs) includes 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.
- m) “residential area” means all land within a residential district as defined in the Municipality’s Land Use Bylaw and all Highways abutting residential areas, whether or not those highways abut other districts;
- n) “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.
- o) “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;
- p) “truck” means a vehicle designed primarily for the transportation of property or equipment but does not include a crawler-mounted vehicle, trailer, machinery or equipment used in the construction or maintenance of highways or an off-highway vehicle as defined in the Traffic Safety Act or other provincial legislation;
- q) “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.
- r) “violation tag” means a tag or similar document issued by the Municipality pursuant to the Municipal Government Act;
- s) “violation ticket” means a ticket issued pursuant to the Provincial Offences Procedure Act, as amended and regulations thereunder.

PART 3 – PARKING

1. No person shall park a vehicle on any highway for more than seventy-two (72) consecutive hours.
2. No person shall park 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 so attached, the trailer shall be part of the vehicle and subject to any regulations pertaining to the vehicle.
3. No vehicle over 4800 kilograms GVW shall be parked on any Highway unless authorized by Part 5 of this Bylaw. All vehicles over 4800 kilograms must park in designated Heavy Vehicle Parking as per schedule B attached to this bylaw.

4. No person shall park any vehicle so to obstruct the free movement of traffic.
5. The Municipality may cause movable signs 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 signs shall take precedence over all other traffic control devices;

When the Municipality has placed moveable signs on a Highway:

- a) No person shall park a vehicle or permit a vehicle to be parked on a highway, from the time a sign or signs have been placed, and until such sign or signs have been removed.
 - b) If the vehicle was parked on the highway prior to the placement of the signs 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 sign or signs have been placed.
6. No person shall park or permit a vehicle to be parked on a highway contrary to a traffic control device or in excess of the maximum number of minutes or hours designated and marked on the traffic control device.
 7. An owner or operator of a Vehicle and Trailer or Recreational vehicle shall not park the vehicle and trailer or recreational vehicle on a Highway for more than thirty six (36) consecutive hours.
 8. An owner or operator of a Vehicle and Trailer or Recreational vehicle shall not be entitled to rely upon the provisions of Section 7 more than twice in any seven (7) day period commencing from the date that the vehicle and trailer or recreational vehicle is first parked.
 9. At no time shall a person park or stop a vehicle on any portion of a Roadway marked as an Emergency Access Route or Fire Lane

PART 4 – OBSTRUCTIONS

1. No person shall dump, move or place snow or ice on any portion of a highway within the Municipality that is under the control of the Municipality
2. No person shall drive, park, or stop a vehicle upon any highway in such a manner as to block, obstruct, impede or hinder traffic thereon.
3. 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.

4. No person shall park, 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, unless written authority has been granted by the Municipality, and then only in strict compliance with the authority granted by the Municipality.
5. Any person who fails to obtain authority or to comply with the provisions of Part 4 of this Bylaw, 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
6. Where an obstruction of any kind exists in, upon or above any highway or public property, and in the opinion of a Peace Officer, creates an unsafe condition, the Municipality shall be entitled to take such measures as are required for the protection of life or property

PART 5 – EXEPTIONS

1. The provisions of this Bylaw do not apply to the following vehicles:
 - a) emergency vehicles;
 - b) vehicles owned or within the lawful possession of The town of Legal
 - c) vehicles engaged in maintenance or repair of a public utility, as defined in the Municipal Government Act;
 - d) 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;
 - e) buses when authorized or buses for the handicapped, while transporting, loading or unloading passengers during the ordinary course of business.
 - f) if the vehicle, recreation vehicle or trailer is registered and the registered owner of the vehicle has written permission from the Municipality.

PART 6 - TRUCK ROUTES

1. No person shall operate or permit the operation of a vehicle in excess of 4800 kg on a highway as specified in Schedule “B” of this Bylaw, which is attached to and incorporated as part of this Bylaw.
2. The following shall not be deemed to be operating a vehicle in contravention to Section (1) if the vehicle is proceeding on the most direct and practicable route between the premises concerned and the nearest truck route:
 - a) persons delivering or collecting goods or merchandise to or from or providing services at the premises of bonafide customers;

- b) persons moving a building for which the necessary permits and licences have been issued by municipal, provincial and federal authorities;
- c) persons removing a disabled vehicle from a highway prohibited to heavy vehicles or
- d) persons going to or from or actually performing work on the highway.

PART 7 – 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 Traffic Safety Act, or
 - c) where emergency conditions exist.
2. Any vehicle removed pursuant to this Bylaw may be removed to a place designated by the Town of Legal 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.

PART 8 – AUTHORITY

1. Any Peace Officer, when enforcing the provisions of the Traffic Safety Act or this bylaw, may place an erasable chalk mark on the tread of the tire of a parked or stopped vehicle without the individual or the county incurring any liability for doing so.
2. No person shall remove an erasable chalk mark placed under Section 2 while the vehicle remains parked in the location where it was marked.

PART 9 – SPEED LIMITS

1. The speed limit in the Town of Legal shall be as listed in Schedule "C" attached hereto and forming part of this Bylaw.

PART 10 – SKATING

1. No person shall ice skate, roller skate or skateboard upon a roadway or sidewalk in such a manner as to obstruct pedestrian or vehicular traffic or as to inconvenience any other person on the highway.
2. No person shall coast on a sled, toboggan, skis, or other conveyance, except a bicycle, upon a highway.

PART 11 – OPERATION OF SCHOOL BUSES

1. No person shall activate the flashing lights or stop arms of a school bus in a school bus loading zone located on or adjacent to school grounds.

PART 12 – PENALTIES

1. Any person who contravenes any section of this Bylaw is guilty of an offence.
2. 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 Schedule “A” which is attached hereto and forms part of this Bylaw.
3. Under no circumstances shall any person contravening any provisions of this Bylaw be subject to the penalty of imprisonment.
4. 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.
5. 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.
6. A Violation Tag may be issued to such person:
 - a) either personally; or
 - b) by mailing a copy to such person at his or her last known post office address;
7. 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) that the penalty shall be paid within thirty (30) days of the issuance of the Violation Tag;
 - e) any other information as may be required by the Municipality.
8. 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.
9. 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.

- 10. Nothing in this Bylaw shall prevent a Peace Officer from immediately issuing a Violation Ticket to any person who contravenes any provision of this Bylaw.
- 11. 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.

That this Bylaw shall come into force and take effect upon the date of third reading and signing in accordance with Section 213 of the Municipal Government Act, R.S.A. 2000 C.M-26, and amendments thereto.

Read a first time this 7th day of February ,2012.

Read a second time this 7th day of February , 2012.

Read a third and final time this 7th day of Februrary , 2012.

Original Signed

Mayor

Original Signed

Chief Administrative Officer

**SCHEDULE A
SPECIFIC FINES FOR INFRACTIONS**

<u>Section</u>	<u>Infraction</u>	<u>Fine</u>
Part 3 (1)	parking a vehicle on a highway for more than 72 consecutive hours	\$100.00
Part 3 (2)	parking a trailer not attached to a vehicle	\$100.00
Part 3 (3)	parking a vehicle over 4800 kg where not authorized	\$200.00
Part 3 (4)	parking a vehicle which obstructs traffic movement	\$200.00
Part 3 (5) (a)	parking in non-compliance to temporary signs	\$100.00
Part 3 (5) (b)	parking longer than 24 hours after placement of temporary signs	\$100.00
Part 3 (6)	parking contrary to a traffic control device	\$100.00
Part 3 (7)	parking on highway for more than 36 hours	\$100.00
Part 3 (9)	parking/stopping within an emergency vehicle access route/lane	\$500.00
Part 4 (1)	dump/move/place snow, ice on highway	\$200.00
Part 4 (2)	parking or driving to block, obstruct, impede or hinder traffic	\$200.00
Part 4 (3) (a)	not taking measures to promptly remove a vehicle obstructing traffic due to mechanical failure	\$200.00
Part 4 (3) (b)	leaving a vehicle unattended while it is on jacks or a part of the vehicle has been raised	\$200.00
Part 4 (4)	placing or permitting of an obstruction upon or above any highway or public property permission from the Municipality	\$200.00
Part 6 (1)	operating vehicle in excess of 4800kg on non truck route	\$200.00
Part 9	Speeding	Offences Act
Part 10 (1)	Skating as to obstruct pedestrian or vehicular traffic	\$100.00
Part 10 (2)	Skating upon a highway	\$100.00

SCHEDULE B**TRUCK ROUTES**

1. EAST - WEST TRUCK ROUTE

50th Avenue on Secondary Road #651 and
48th Avenue from 50 Street west to 53rd Street

2. NORTH - SOUTH TRUCK ROUTE

50th Street from North Town Limits to South Town Limits

3. 52nd Street – from 48 Avenue North to 50th Avenue**DESIGNATED HEAVY VEHICLE PARKING**

1. Heavy vehicle parking allowed only on 52 street from 48 avenue to 50 avenue (M-1 District) and on 48 Avenue between 51 Street west to 53 Street.
2. Heavy vehicle parking limited to two hours during business hours shall be permitted on 50th Avenue from 51 Street east to 46 Street.

SCHEDULE "C"**SPEED LIMITS**

1. The speed limit in the Town of Legal shall be 40 kilometers per hour or as otherwise posted or listed on this schedule.
2. School zones shall be 30 kilometers per hour.
3. Playground zones shall be 30 kilometers per hour.
4. The speed limit in lane ways shall be 20 kilometers per hour.