

BY-LAW 2002-08
VILLAGE OF BEISEKER
PROVINCE OF ALBERTA

BEING A BYLAW OF THE VILLAGE OF BEISEKER IN THE PROVINCE OF ALBERTA FOR THE ESTABLISHMENT OF RULES AND REGULATIONS PERTAINING TO THE MOVEMENT OF VEHICLE TRAFFIC IN THE VILLAGE OF BEISEKER.

WHEREAS pursuant to Section 7 of the Municipal Government Act, Chapter M-26.1 of the Revised Statutes of Alberta and amendments thereto, Council may pass bylaws for municipal purposes respecting transport and transportation systems; and

WHEREAS Section 16 of the Highway Traffic Act being Chapter H-8 of the Revised Statutes of Alberta provides that a Council may pass Bylaws for the Regulation and Control of vehicle traffic;

AND WHEREAS Section 18 (2)(b) of the Off-Highway Vehicles Act being Chapter 0-5 of the Revised Statutes of Alberta provides that a Council may pass Bylaws for the Regulation and Control of off-highway vehicles;

AND WHEREAS Council deems it proper and expedient to regulate and control vehicles;

NOW THEREFORE the Municipal Council of the Village of Beiseker duly assembled in Council enacts as follows:

1. SHORT TITLE AND DEFINITIONS

For the purposes of interpretation this by-law accepts and encompasses all definitions as set out in Section 16 of the Highway Traffic Act, Section 18 of the Off-Highway Vehicles Act and Section 1 of the Dangerous Goods Transportation and Handling Act. All of the definitions contained in those sections shall apply to those terms when used in this by-law.

- 1.1 This Bylaw may be cited as "The Village of Beiseker Traffic Bylaw".
- 1.2 In this Bylaw, unless the context otherwise requires:
 - (a) "Alley/Lane", means a narrow highway intended chiefly to give access to the rear of buildings and parcels of land;
 - (b) "Bylaw Enforcement Officer" means any authorized person as appointed by Council;
 - (c) "Commercial Vehicle" means a commercial vehicle as defined in Section 1(d) of the Highway Traffic Act;
 - (d) "Driver or Operator" means a person who drives or is in the actual physical control of a vehicle;
 - (e) "Gross Vehicle Weight" shall mean the aggregate weight of the vehicle and the load which that vehicle is permitted to carry;
 - (f) "Heavy Vehicle" means:
 - (i) a vehicle having a gross vehicle weight exceeding five (5) metric tonnes;
 - (ii) a vehicle with a trailer having a gross vehicle weight exceeding five (5) metric tonnes; or
 - (iii) a vehicle in excess of 5.60 metres in length and includes tractors, buses and school buses.

(g) "Highway" means any thoroughfare, street, road, trail, avenue, parkway, viaduct, lane, alley, square, driveway, bridge, causeway, trestleway or other place, whether publicly or privately owned, any part of which the public is ordinarily entitled or permitted to use for the passage or parking of vehicles and includes:

- (i) a sidewalk;
- (ii) where a ditch lies adjacent to and parallel with the roadway, the ditch;
- (iii) where a highway right-of-way is contained between fences or between a fence and one side of the roadway, all the land between the fence and the edge of the roadway as the case may be; and
- (iv) a boulevard

but does not include a place declared by the Lieutenant Governor in Council not to be a highway.

(h) "off-highway vehicle" means any motorized vehicle designated for cross-country travel on land, water, snow, ice, marsh or swamp land or on other natural terrain and, without limiting the generality of the foregoing, includes, when designed for such travel:

- (i) low tire pressure vehicles;
- (ii) unlicensed 2-wheel vehicles;
- (iii) amphibious machines;
- (iv) all terrain vehicles;
- (v) miniature motor vehicles;
- (vi) snow vehicles;
- (vii) minibikes, and
- (viii) any other means of transportation which is propelled by any power other than muscular power or wind, but does not include:
 - (a) motor boats; or
 - (b) any other vehicle exempted from all of the provisions of the Off-Highway Vehicle Act.

(i) "owner" means:

- (i) in the case of land, any person who is registered under the Land Titles Act as the owner of land; or
- (ii) in the case of property other than land, any person who is in lawful possession thereof, or
- (iii) in the case of vehicles, "owner" includes any person renting a motor vehicle or having the exclusive use thereof under lease or otherwise for a period of more than thirty (30) days.

(j) "park" means to park when prohibited as defined in Section 1(n) of the Highway Traffic Act;

- (k) "Peace Officer" means:
 - (i) a member of the Royal Canadian Mounted Police; or
 - (ii) a special constable.
- (l) "traffic control device" means any sign, signal, marking or device placed, marked or erected under the authority of the Highway Traffic Act for the purpose of regulating, warning or guiding traffic;
- (m) "trailer" means a vehicle so designed that it may be attached to or drawn by a motor vehicle and intended to transport property or persons and includes any trailer that is designed, constructed and equipped as a dwelling place, living abode or sleeping place, either permanently or temporarily, but does not include machinery or equipment used in the construction or maintenance of highways;
- (n) "vehicle" means a device in, upon, or by which a person or thing may be transported or drawn upon a highway;
- (o) "vehicle storage location" means any site which is at least (150 metres) away from the nearest residential, institutional or assembly occupancy.

2. **RULES FOR OPERATION OF VEHICLES & USE OF HIGHWAYS**

- 2.1 The Council is hereby authorized to cause the installation of any traffic control device to govern and direct traffic within the Village of Beiseker.
- 2.2 Unless otherwise posted by a traffic control device, no person:
 - (a) Shall drive a vehicle at a speed in excess of fifty (50) kilometers per hour on any highway within the Village of Beiseker;
 - (b) Shall drive a vehicle in any alley or lane in the Village of Beiseker at a speed in excess of twenty (20) kilometers per hour;
 - (c) Shall drive a vehicle in a parking lot at a speed in excess of fifteen (15) kilometers per hour.
- 2.3 No vehicle driver or operator shall drive a vehicle upon any highway in such a manner as to impede or hinder traffic.
- 2.4 When repairs or alterations are in progress on or adjoining any highway within the Village of Beiseker and such work is being indicated by barricades or signs or by a flag person, no person shall disregard the warning signal or a flag person on duty at the site or the work.
 - 2.4.1 When a vehicle is engaged in such highway repairs or alterations within an area controlled by a flag person, the provisions of this by-law relating to backing, turning, stopping and making other movements shall not apply to such vehicles.
 - 2.4.2 The Council or the Village of Beiseker Foreman may, for repairs, maintenance or emergency, or any special circumstances take such measures for the temporary closing of highways or the suspension of parking privileges and place barricades or post appropriate notices on or near the highway concerned as they may consider to be necessary to the circumstances.
 - 2.4.3 No person shall:
 - (a) tear down, remove or interfere with any barricades or notice of closing or suspension, erected or posted under the authority of this section;

- (b) do anything in contravention of any notice posted under authority of this section.
- 2.5 When an unprotected hose of the Fire Department has been laid down on any street or driveway for use at a fire or fire practice, no person shall drive any vehicle over such a hose except with the consent of the Fire Department official in command.
 - 2.6 Where a newly painted line on any roadway is indicated by signs, flags or other warning device, no person shall drive or walk over such lines.
 - 2.7 No person shall drive on, haul on or over, any hard surfaced or graveled highway in the Village of Beiseker, any tractor or motor vehicle or any type of equipment or building or thing which may in any way damage the said highway, including but not limited to vehicles with steel lugs or cleats.
 - 2.8 No person shall drive a vehicle over or upon any curb, or gutter or sidewalk within the Village of Beiseker, unless and until such curb & gutter or sidewalk has been suitably re-inforced by timbers and or planks to ensure that no damage will occur to said curb and gutter and sidewalk, except at a temporary or permanent driveway.
 - 2.9 Any person who contravenes Section 2.8 of this by-law, shall in addition to any penalty imposed under Section 7.1 be deemed liable for any damages caused to the sidewalks, gutters or boulevards and re-compensate the Village of Beiseker.
 - 2.10 The Council or an authorized representative of Council may cause the removal of any unauthorized structure or other thing which projects into or obstructs the use of any highway, sidewalk, boulevard or public place.
 - 2.11 No occupier of any premises shall permit the unrestricted flow of any water from such premises over any street, sidewalk or boulevard.
 - 2.12 No person shall, without authorization from the Village of Beiseker, deposit any earth, rocks, trees or other substances or objects on any street, sidewalk or boulevard within the Village of Beiseker, and if such deposits have been made without authorization and the Village of Beiseker removes the same, the expense therefore shall be chargeable to the person responsible, which shall be in addition to any fine or penalty imposed by this by-law.
 - 2.13 Any electrical cord over a sidewalk shall be erected at least 2.5 metres above the sidewalk and in no event shall an electrical cord be laid on the sidewalk.

3. PARKING

- 3.1 Unless required or permitted by this by-law or by a traffic control device, or in compliance with the direction of a peace officer, or to avoid conflict with other traffic, a driver or operator shall not stop or park his vehicle:
 - (a) on a sidewalk or boulevard;
 - (b) on a crosswalk or any part of a crosswalk;
 - (c) within five (5) metres on the approach to a stop sign or yield sign;
 - (d) within 4.5 metres of a fire hydrant, or when the hydrant is not located at the curb, within 4.5 metres of the point on the curb nearest the hydrant;
 - (e) within 1.5 metres of an access to a garage, private road or driveway, or a vehicle crossways over a sidewalk;

- (f) within five (5) metres of the near side of a marked crosswalk;
 - (g) alongside or opposite any street excavation or obstruction when the stopping or parking would obstruct traffic;
 - (h) at any other place where a traffic control device prohibits stopping or parking, during the times stopping or parking is prohibited;
 - (i) on the roadway side of a vehicle parked or stopped at the curb or edge of the highway;
 - (j) at or near the site of any fire, explosion, accident or other incident, if stopping or parking would obstruct traffic or hinder peace officers, firemen, ambulance crews or rescue officer or volunteers.
- 3.2. no vehicle operator shall park upon any highway in such a manner as to block, obstruct, impede or hinder traffic. Where the obstruction is unavoidable due to mechanical failure, the driver or operator will not be in breach of this section provided he promptly takes measures to clear the faulty vehicle from the highway.
- 3.3. except as otherwise provided in this by-law, no person shall park any vehicle not in running condition on any highway.
- 3.4. no person shall park a vehicle for any period of time whatsoever at the following locations, namely:
- (a) where the vehicle will in any way interfere with the use of a doorway intended as a fire or emergency exit from any building abutting the street;
 - (b) in the entrance to any firehall;
 - (c) where the sign indicates that parking there is restricted to a certain class of vehicles only.
- 3.5. no person shall park in any lane when a sign so prohibits except for the purpose of loading and unloading goods from a commercial establishment.
- 3.6. no person shall stand or park any vehicle in any lane in such a manner as to obstruct the passage of other vehicles.
- 3.7. no person shall park a vehicle on private land unless permission of the owner, tenant or occupant or person in charge of the said private land has been received.
- 3.8. no person shall park any vehicle in any parking space upon Village of Beiseker owned or controlled property where such space has been reserved for a vehicle operated by an employee of the Village of Beiseker.
- 3.9. No person shall stand or park any vehicle on any highway for the purpose of greasing or repairing such vehicle, except for emergency repairs;
- 3.10. No person shall park in a residential area a commercial vehicle with a gross vehicle weight rating in excess of 5 metric tonnes for longer than is reasonably necessary to load or unload the vehicle.
- 3.11. No person shall park any trailer (whether designed for occupancy by persons or for the carrying of goods or 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.

- 3.12 No person shall park in a residential area an industrial or construction vehicle except when such a vehicle is required pursuant to a development or building permit for that site.
- 3.13 No person shall park a vehicle on a driveway or entrance way to any building so that any part of that vehicle extends across any portion of a sidewalk.
- 3.14 No person shall park a vehicle or a vehicle with any type of trailer attached thereto upon any highway if the overall length of the vehicle or the vehicle with trailer exceed six (6) metres.
- 3.15 The foregoing restriction shall not apply so as to prohibit such vehicles being parked on a highway for the purpose of unloading or loading goods to or from premises abutting such highway provided that if the loading or unloading is taking place during a period of restricted visibility, then the vehicle and its trailer shall have all front and rear parking lights illuminated.
- 3.16 No person shall park a holiday trailer in their front yard if it in anyway obstructs the view of the neighbours.
- 3.17 Sections 3.5, 3.6, and 3.7 do not apply to a recreational vehicle parked for a period of time not exceeding forty-eight (48) hours.
- 3.18 Sections 3.5, 3.6, and 3.7 do not apply to a recreational vehicle the owner of which is a bona fide tourist.
- 3.19 No person shall park a trailer from a truck-tractor unit on a highway in a residential area of the Village of Beiseker whether or not it is attached to a truck.
- 3.20.1 Notwithstanding any other provision in this by-law, the Village of Beiseker Foreman may cause movable signs to be placed on or near a highway prohibiting parking for emergency purposes or street cleaning work.
- 3.20.2 After such signs are placed on or near a highway, no person shall park or leave a vehicle on the signed portion of highway for any part of the duration of the sign posting.
- 3.20.3 Any vehicle that is on such highway when such signs are placed thereon shall be removed promptly by its owner or operator.
- 3.20.4 When an emergency, snow removal or street cleaning commences on the signed highway, the owner of any vehicle found thereon shall be charged with unlawful parking and the vehicle may be removed. When it is practicable, the vehicle, on removal from the highway, will be left nearby to minimize inconvenience and expense to its owner or operator.
- 3.20.5 Except when actually taking or discharging passengers, no person shall park a vehicle at the following locations:
- (a) in passenger loading or unloading space marked with a sign;
 - (b) on any portion of a highway marked by a sign as "No Parking";
 - (c) any parking space marked and designated "Handicapped Parking" unless the person displays a valid handicap marker on the front windshield area of the vehicle.
- 3.21 No person shall park any vehicle with the motor running, in such a manner and in such a location as to cause a nuisance.

- 3.22 No person transporting dangerous goods for which placards are required shall stop within the municipality except:
- (a) at a vehicle storage location;
 - (b) to load or unload;
 - (c) in compliance with a peace officer, an inspector or traffic control device;
or
 - (d) to refuel or repair a vehicle.
- 3.23 No person shall park a vehicle or a trailer for the conveyance of flammable liquids, explosive materials or other contents dangerous to human safety upon a highway and it shall have a warning notice clearly displayed.

4. **HEAVY VEHICLES AND TRUCK ROUTES**

- 4.1 No person shall drive, operate or park a heavy vehicle on any other highway other than 1st Avenue, 5th Avenue, Highway 72 or Highway 9 except:
- (a) when so directed by a Peace Officer;
 - (b) when following posted directional signs or directions of a flag person indicating that the truck route or portions thereof have been closed for purposes of maintenance, construction or repairs.
- 4.1 1st Avenue, 5th Avenue, Highway 72 and Highway 9 are designated as truck routes for the purposes of this Bylaw.
- 4.3 The following shall not be deemed to be operating a vehicle in contravention of section 4.1 if the vehicle was being operated on the most direct and practicable route between the premises or location concerned and the nearest truck route:
- (a) Persons delivering or collecting goods or merchandise to or from the premises of bona fide customers.
 - (b) Persons going to or from business premises of the owner of the heavy vehicle concerned.
 - (c) Persons moving a house for which the necessary proper permits have been issued by the Village.
 - (d) Persons going to or from premises for the servicing or repairing of the heavy vehicles.
 - (e) Persons driving a Public passenger vehicle.
 - (f) Persons operating a tow truck for the purpose of towing or pushing a disabled vehicle from a highway prohibited to heavy vehicles.
 - (g) Persons driving a vehicle owned by or actually in the service of the Village of Beiseker.
- 4.4 The Council may have appropriate signs placed and maintained wherever necessary on the highways of the Village of Beiseker to indicate to drivers of heavy vehicles the highways that are restricted to the use of heavy vehicles and designate those highways which are truck routes.

- 4.5 Except as otherwise provided in this by-law, no person shall park a school bus on any highway, except that an owner, driver or operator of a school bus may park a school bus in the immediate vicinity of their home provided it does not obstruct, impede or hinder traffic or unless otherwise directed by a By-Law Enforcement Officer as a consequence of a bona fide complaint by a directly affected person.

5. **OPERATION OF OFF-HIGHWAY VEHICLES**

- 5.1 The operator must proceed to and from his place of residence and the Village limits by the shortest possible route.
- 5.2 Only alleys or lanes shall be used for this purpose except when it is necessary to cross or proceed on a street or avenue for a short distance in order to connect with another alley.
- 5.3 The operator shall bring the off-highway vehicle to a complete stop before crossing any sidewalk, street or avenue, and shall yield the right-of-way at all times to the pedestrians or moving vehicles.
- 5.4 Passengers shall be required to walk across such side-walks, streets or avenues.
- 5.5 All off-highway vehicles shall operate with a maximum speed of twenty (20) kilometres per hour while travelling to and from recreation areas, and shall do so with the least possible noise.
- 5.6 No off-highway vehicle shall operate between the hours of 11:00 p.m. to 8:00 a.m. except in the case of an emergency and under authorization of Council or authorized representatives of Council.

6. **MISCELLANEOUS**

- 6.1 No persons shall drain any fluid associated with the operation of a motor vehicle upon a highway.
- 6.2 No person shall drive a motor vehicle or off-highway vehicle upon any grassed or cultivated lands, improved area, recreational areas, tennis courts, playgrounds or school grounds, except on existing highways, or except in the performance of a duly authorized duties.
- 6.3 No person shall ice skate, inline skate, roller blade or skateboard upon a highway in such a manner as to endanger public safety.
- 6.4 No person shall allow himself/herself to be drawn by a moving vehicle while he/she is riding upon a sled, toboggan, bicycle, skis or other conveyance, except a trailer during a scheduled event, upon a highway.
- 6.5 No person shall stand, sit or lie on any highway in such a manner as to obstruct vehicular or pedestrian traffic so as to obstruct or impede any other person lawfully upon a sidewalk, lane, street or highway.
- 6.6 No person shall wash or permit any vehicle to be washed on any highway or so near a highway so as to result in water, mud, slush or ice upon the highway or any sidewalk in a manner as to constitute a nuisance or hazard;
- 6.7 Where a vehicle is driven, used, parked or left in contravention of any provision of this Bylaw, the owner of the vehicle is responsible for the contravention and liable to the penalty provided herein unless he proves

to the satisfaction of the Provincial Court Judge trying the case that at the time of the contravention the vehicle was not driven, used, parked or left by him or by any other person with his consent, express or implied, The word "Owner" as used in this section means in the case of a vehicle Registered pursuant to the Highway Traffic Act the person named on the Certificate of registration.

7.0 **PENALTY**

7.1 Any person committing a breach of any of the provision of this Bylaw shall be liable upon conviction of a breach thereof to a penalty of a minimum of fifty dollars (\$50.00) and a maximum of five hundred dollars (\$500.00) exclusive of costs imposed for any such breach.

8.0 **RESCINDED BYLAW**

8.1 Bylaw No. 92-1 is hereby rescinded.

9.0 **EFFECTIVE DATE**

9.1 This Bylaw shall take effect upon the date of passage thereof.

READ A FIRST TIME THIS 11th DAY OF NOVEMBER, A.D. 2002.

READ A SECOND TIME THIS _____ DAY OF _____ ,A.D. 2002.

READ A THIRD AND FINALLY
PASSED THIS _____ DAY OF _____ ,.A.D. 2002.

MAYOR

MUNICIPAL ADMINISTRATOR