

**BY-LAW NO. 777**

**A BY-LAW OF THE TOWN OF MILK RIVER, IN THE PROVINCE OF ALBERTA, TO REGULATE VEHICLE TRAFFIC IN THE TOWN OF MILK RIVER**

**WHEREAS**, the Highway Traffic Act being Chapter H-7 of the Revised Statutes of Alberta 1980, as amended, provides that a council may make by-laws for the regulation and control of vehicle, animal and pedestrian traffic; and

**WHEREAS**, the Council of the Town of Milk River deems it necessary to regulate vehicle traffic within the Town of Milk River.

**NOW THEREFORE**, the Council of the Town of Milk River duly assembled enacts as follows:

**SECTION 1: NAME**

1. This By-Law shall be cited as the Traffic Control By-Law of the Town of Milk River.

**SECTION 2: DEFINITIONS**

Wherever in this by-law the following terms are used, they shall have the meanings respectively ascribed to them in this section. Any terms not defined in the by-law shall have the meaning as defined in the Highway Traffic Act, R.S.A. 1980 and amendments thereto.

**"ADMINISTRATOR"** means a person duly appointed by the Council of the Town of Milk River as the Administrator of the Town of Milk River.

**"ALLEY or LANE"** means a narrow highway providing and offering access to the rear of buildings and parcels of land and notwithstanding the restriction stated herein shall also include a side or flankage alley or lane.

**"CURB"** means the actual curb, if there be one, and if there be no curb in existence shall mean the division of a highway between that part thereof intended for the use of vehicles and that part thereof intended for the use of pedestrians.

**"COUNCIL"** means the Municipal Council of the Town of Milk River.

**"EMERGENCY VEHICLE"** means any vehicle of the Town, fire department, or of the Royal Canadian Mounted Police, any ambulance, any military or public utility vehicle designated as an emergency vehicle by the respective officer in charge.

**"PEACE OFFICER"** means a member of the Royal Canadian Mounted Police, a member of a Municipal Police Force, a Special Constable, or By-Law Enforcement Officer, or a member of the Patrol Division of the Department of the Solicitor General.

**"PUBLIC PLACE"** means any publicly owned park, parkway or square to which the public is permitted access, or a parking area designed for the public, by a business, government, or by an institution.

**"TOWN"** means the Town of Milk River.

**"TOWN FOREMAN"** means any person approved by the Town Council to take charge of the Public Works Department, and responsible for the maintenance, repair and upkeep of Town property, roads and sidewalks, or the person in charge under his direction.

**"TRAFFIC"** means pedestrians, animals or vehicles while using a street for the purpose of travel.

**"TRUCK ROUTE"** means the streets or avenues within the Town that have been posted with signs indicating truck ingress or egress.

**SECTION 3: SPEED LIMITS**

1. The Town Foreman is duly authorized to place, erect or mark maximum speed signs at such locations as determined by Council indicating the maximum speed within the Town for that highway.



2. The maximum rate of speed within the Town shall not exceed the speed limit as posted.
3. No person shall drive a motor vehicle in or on any highway intended chiefly to give access to the rear of buildings and a parcel of land at a greater speed than 15 kilometers per hour.
4. The Town Foreman, may by signs posted along a highway, fix a maximum speed limit in respect of any part of the highway under construction or repair or in a state of disrepair applicable to all vehicles or to any class or classes of vehicles while traveling over that part of the highway.

#### **SECTION 4: TRAFFIC CONTROL DEVICES**

1. The Town Foreman is duly authorized to place, erect or mark traffic control devices or traffic control signals at such locations as are considered necessary for controlling highways subject to the Council's control and management.
2. The Town Foreman shall cause a record to be kept of the locations or all traffic control devices and traffic control signals. Such record shall be open to the public at the Town Hall during normal business hours.

#### **SECTION 5: PARKING**

1. No person shall park or stand any motor vehicle:
  - (a) on any highway for a period of more than 72 hours;
  - (b) where a curb has been lowered to allow a vehicle to cross a sidewalk in order to reach private property so as to obstruct the use of such crossing or driveway;
  - (c) within five meters of any intersection except where otherwise marked;
  - (d) within five meters of a line drawn at right angles to the curb from a fire hydrant;
  - (e) in such a manner as to interfere with the proper operation of any vehicle used by the fire department or other department of the Town;
  - (f) at any place where signs or marks prohibit parking.
2. No person shall double park a vehicle.
3. No person shall park any commercial vehicle, truck, or trailer with a design capacity of more than one tonne, or length of more than six meters, upon any highway except where such parking is expressly permitted or except for the purpose of loading or unloading such vehicle.
4. No person shall park a vehicle in an alley or lane except when actively loading or unloading goods or passengers from the vehicle provided also that the vehicle concerned does not so obstruct the alley or lane as to prevent other vehicles from passing along such lane or alley.
5. No commercial, farm, school bus, holiday unit, or public vehicle shall be parked on any of the streets of the Town in the residential areas except in the conducting of its normal business.

#### **SECTION 6: TRUCK ROUTES**

1. No person shall operate a vehicle in excess of 12 tonne Gross Vehicle Weight, excluding Public Passenger Vehicles, on any highway of the Town, except solely upon those portions of the highways expressly designated as truck routes except that no offence shall be committed if:



- (a) He was, at the time, engaged in the delivery or collection of goods, wares or merchandise to or from bona fide customers of the owner of such over weight or over dimension vehicle, the premises of said customers abutting a highway prohibited to such vehicles.
- (b) He was going to or from the business premises of the owner of the over weight or over dimension vehicle concerned where the business premises of said owner abut on a highway prohibited to such vehicles;
- (c) He was going to or from the business premises abutting on a highway prohibited to over weight over dimension vehicles for the purpose of servicing or repair to such vehicles; and that the highway upon which he was traveling which is prohibited to over weight over dimension vehicles is the most direct and practicable routed between the premises referred to in subclauses (a), (b) and (c) and the portion of the highway designated as a truck route;
- (d) He was pulling a motor vehicle disabled by accident or otherwise from a highway prohibited to over weight over dimension vehicles.

**SECTION 7: VEHICLES WITH LUGS**

- 1. 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 and chains are excepted.

**SECTION 8: EMERGENCIES**

- 1. In the case of fire within the Town, any peace officer or member of the fire brigade of the Town may designate in any manner a line or lines near the location of the fire beyond which no member of the public shall pass, no unauthorized person, whether on foot, or on horse or in a vehicle shall cross such line or lines.
- 2. The Chief Officer of the fire department of the Town or any person acting under his instruction shall have the right to move or cause to be moved any vehicle which he may deem necessary to move or have moved for the purpose of carrying out any duty, work or undertaking of the fire department of the Town.
- 3. The provisions of this by-law regulating the operation, movement, stopping and parking of vehicles shall not apply to any emergency vehicle while it is responding to an emergency call and sounding its siren and flashing its warning lights, or while attending at any emergency call, this exemption shall not excuse the driver of any such vehicle from exercising due care for the safety or other traffic.
- 4. The provisions of this by-law prohibiting stopping or parking or weight limits shall not apply to:
  - (a) Municipal or Provincial utility vehicles;
  - (b) Vehicles of a public utility corporation;
  - (c) Wrecking vehicles;

While such vehicles are actually engaged in work requiring them to be operated in contravention of any such provisions provided they have a flashing amber light in operation thereon said vehicle. This exemption shall not relieve the driver of such vehicle on any street while still parked or stopped.

**SECTION 9: GENERAL PROVISIONS**

- 1. No occupier of any premises shall permit the unrestricted flow of any water from such premises over any street, avenue, sidewalk, boulevard, or alley.
- 2. No person shall leave parked on any highway, any trailer, semi-trailer,



mobile drilling equipment or any other vehicle which has been detached from any vehicle which is used to draw such trailer, semi-trailer, mobile drilling equipment or other vehicle.

#### **SECTION 10: AUTHORITY OF PEACE OFFICER**

1. In the case of fire or other emergency, or in order to expedite traffic or safeguard pedestrians, peace officers are hereby authorized to direct traffic in such manner as they deem necessary, whether or not in conformity with the provisions of this by-law.
2. In a case of fire or other emergency, if no peace officer is present, officers of the fire department are hereby authorized to direct traffic in such a manner as they deem necessary, whether or not in conformity with the provisions of this by-law.
3. Every person shall comply with any traffic signal or direction of a peace officer or of any officer of the fire department in the case of a fire or other emergency.
4. Every peace officer is, and is deemed to be, duly authorized and entitled to place an eraseable chalk mark on the tread face of the tire or a parked or stopped vehicle without that peace officer or the municipality incurring any liability for doing so, in order to enforce the parking provisions of this by-law.
5. Every peace officer is, and is deemed to be, duly authorized and required to enforce the provisions of Section 72, 73, 74, 75 and 76 of the Highway Traffic Act, RSA 1980, as amended thereto, and of this by-law.
6. Any peace officer is, and is deemed to be, duly authorized to impound and remove from the highway or parking lot or other public place, a vehicle in respect of which charges have not been paid or of a vehicle in violation of any provision of this by-law and all costs incurred may be recovered by the Town by action in any court of competent jurisdiction.

#### **SECTION 11: PENALTIES**

1. Where any peace officer believes that any person has committed a breach of any of the sections of this by-law set out in Schedule A hereto, he may serve upon such person a notice or tag as provided herein.
2. Notice or tag shall be in such form as provided for in the Regulations pursuant to the Summary Convictions Act and service of any such notice or tag shall be sufficient if it is:
  - (a) Personally served;
  - (b) Served by certified mail;
  - (c) Attached to the vehicle in respect of which the offense is alleged to have committed.
3. Upon production of any such notice or tag, within seven (7) days from the date of service of such notice, together with the payment of sums specified in the Schedule hereto, to the Administrator of the Town, an official receipt for said payment shall be issued, and subject to the provisions of this section, payment shall be accepted in lieu of prosecution.
  - (a) Upon production of any such notice or tag between the eighth and fifteenth day from the date of service of such notice, together with the sums specified in such notice, there shall be added an additional five (\$5.00) dollar penalty which upon payment to the Administrator of the Town an official receipt for said full payment shall be issued, and subject to the provisions of this section, payment shall be accepted in lieu of prosecution.
4. If the person upon whom any such notice or tag is served, fails to pay



the said sum within the time allotted, the provisions of this section shall no longer apply and the person shall be prosecuted pursuant to the provisions of the Summary Convictions Act.

Nothing in this section contained shall:

- (a) Prevent any person from exercising his right to defend any charge of committing a breach of any of the sections in this by-law;
  - (b) Prevent any person from informing or laying a complaint against any other person for committing a breach of any of the sections in this by-law;
  - (c) Prevent any person from exercising any legal right such person may have, to inform or lay a complaint against any other person for a breach of this by-law.
5. Where any person has made a payment pursuant to the provisions of this section and is prosecuted for the offense in respect of which such payment has been made, such payment shall be refunded.
6. No person other than the owner or driver of a vehicle shall remove any notice placed on or fixed to such vehicle by a peace officer in the course of his duties.
7. Where a vehicle is driven, used, parked or left in contravention of any of the provisions of this by-law, the registered owner of the vehicle is responsible for the contravention and liable to a penalty provided herein unless he proves to the satisfaction of the judge trying the case that at the time of the contravention, the vehicle was not driven, used or parked the time of the contravention, the vehicle was not driven, used or parked or left by him, or any other person with his consent, expressed or implied.
8. Notwithstanding anything contained herein, any person violating any other provisions of this by-law or any other person responsible for such violation shall be liable on summary conviction before a judge or justice of the peace having jurisdiction therein, to a penalty not exceeding one hundred dollars (\$100.00) exclusive of costs, and in the case of non-payment of fine and costs, to imprisonment for any period not exceeding sixty (60) days, unless such fine and costs including the costs of committal are sooner paid.
9. If any person is in default in doing any matter or thing directed to be done by this by-law, the matter or thing may be done by the Town at the expense of the person in default, and the Town may recover expenses thereof with costs by action in any court of competent jurisdiction.

#### SECTION 12: ENACTMENT

This By-Law shall come into full force and effect upon the final reading thereof.

READ a first and second time this 11 day of July A.D., 1994.

 _____ MAYOR - DONALD J. MCCOY	 _____ ADMINISTRATOR - LAVINIA HENDERSON
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READ a third and final time this 8 day of August A.D., 1994.

 _____ MAYOR - DONALD J. MCCOY	 _____ ADMINISTRATOR - LAVINIA HENDERSON
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## SCHEDULE "A"

SECTION NUMBER OF BY-LAW	<u>PENALTY</u>
3.2 speeding - exceeding posted limit	\$50.00
3.3 speeding - exceeding limit of 15 km in alley	50.00
5.1 parking - over 72 hours on any highway - obstructing driveway	50.00
- within 5 meters of any intersection not so marked	50.00
- within 5 meters of a fire hydrant	50.00
- interfere with proper operation of any vehicle used by fire department or other department of the Town	50.00
- at any place where signs or marks prohibit parking	50.00
5.2 double parking	50.00
5.3 parking: over length/weight vehicle	50.00
5.4 parking: alley parking	50.00
5.5 violation of residential area parking	50.00
6.1 violation of truck route	50.00
7.1 lugs on wheels/tires	50.00
9.1 unrestricted water flow	50.00
9.2 parking: detached unit on road	50.00