

## MUNICIPAL DISTRICT OF BIG LAKES

### BY-LAW NO. 41-2007

**Being a by-law of the Municipal District of Big Lakes, in the Province of Alberta, to control and regulate the use of highways, roadways and streets within the M.D., the traffic and pedestrians moving thereon and parking of vehicles on the said highways, roadways and streets.**

WHEREAS, Section 7(d) of the Municipal Government Act, being Chapter M-26, Revised Statutes of Alberta 2000 and amendment thereto, hereafter referred to as the Municipal Government Act, allows that Council of a municipality may pass bylaws respecting transport and transportation systems;

AND WHEREAS, as Section 13(1) of the said Traffic Safety Act reads as follows: "with respect to highways under its direction, control and management, the Council of a municipality may make by-laws, not inconsistent with this Act, and on matters for which no provision is made in this Act, for the regulation and control of vehicle, animal and pedestrian traffic".

NOW THEREFORE the Council for Municipal District of Big Lakes in the Province of Alberta, duly assembled, hereby enacts:

1. This Bylaw may be cited as: "Municipal District of Big Lakes General Traffic Bylaw".

#### **PART I – INTERPRETATION**

2. (1) In this Bylaw, including this Section, unless the contrary context otherwise requires:

"Certificate Weight" (C.W.) shall mean the gross weight of all axles for which a vehicle is, or could be registered as the maximum allowable weight for the various configurations defined in the Alberta Commercial Vehicle Dimension and Weight Regulation Act as amended from time to time.

"Council" means the Council of the Municipal District of Big Lakes.

"Cultivate" means to loosen or break up the soil.

"Curb" means the actual curb if there is one, and if there is no such curb in existence shall mean the division of a highway between the roadway and the sidewalk or boulevard, as the case may be.

"Fence" means a railing, wall, gate, or other means of enclosing a yard, garden, field, farm, etc., to show where it ends or to keep people or animals out or in.

"Hamlet" means an area within the Municipal District with defined boundaries and established by bylaw in accordance with the Municipal Government Act R.S.A., 2000 c. M-26.;

"Heavy Vehicle" means a vehicle, with or without a load, exceeding any one of the following:

- 1) Two axles;
- 2) A total vehicle weight of 4,500 kilograms;
- 3) Notwithstanding the foregoing, municipal service vehicles and emergency vehicles are excluded from this definition.

"M.D." means the Municipal District of Big Lakes.

"Maximum Allowable Weight" means the weight that may be borne by a single axle, an axle group, or all of the axles of a vehicle or combination of vehicles.

"Peace Officer" means a member of the Royal Canadian Mounted Police, a Community Peace Officer, or anyone appointed as a Bylaw Enforcement Officer by Council.

"Pedestrian" means a person afoot or a person in a wheel chair.

"Recreational Vehicle" means a vehicle or trailer that is designed, constructed, and equipped, either temporarily or permanently, as a dwelling place, living abode or sleeping place.

"Residential Area" means an area zoned as residential under the Land Use Bylaw within a Hamlet.

"Road Right-of-Way" means:

(a) a road allowance established by a survey, made under the Alberta Surveys Act, or

(b) a road widening road diversion, road, street, avenue, lane, alley, walkway, or other public Right-of-Way as shown on a plan of survey registered in the North Alberta Land Registration District or the South Alberta Land Registration District.

"Rural Area" means any area other than a city, town, or village.

"Safety Helmet" means a safety helmet as prescribed in the Regulations made pursuant to the Traffic Safety Act;

"Track" means to allow, cause or permit any substance or material of any nature or kind whatsoever, to become loose or detached or blow, drop, spill, or fall from any vehicle, appurtenances, or tire onto any highway.

"Water Truck" means a truck that is designed and adapted for the purpose of hauling water, except water trucks engaged in fire fighting activities.

(2) Words, which have been defined in any Provincial Statute or Regulation thereof, have the same meaning when they are used in the Bylaw, unless they have been otherwise defined in Subsection (1) or unless the context expressly requires otherwise.

## **PART II - RULES FOR OPERATION OF VEHICLES**

3. No person when driving a vehicle on a bridge, having not more than two lanes for traffic, shall drive or attempt to drive such vehicle past any other vehicle proceeding in the same direction.

## **PART III – SPEED**

4. (1) The Superintendent of Public Works is hereby authorized to fix a maximum speed limit in respect of any part of a highway under construction or repair or in a state of disrepair which will be applicable to all vehicles while traveling upon that part of the highway.

(2) Where speed limits are fixed pursuant to Subsection (1), the Superintendent of Public Works shall cause to be erected along the highway signs indicating the speed limit so prescribed.

## **PART IV – PEDESTRIANS**

5. (1) No person shall cross any highway at a point where a sign prohibits such crossing.

(2) No person shall stand, sit, or lie on any highway in such a manner as to obstruct vehicular or pedestrian traffic or to annoy or incommode any other person lawfully upon the highway.

(3) Nothing in Subsection 2 shall be construed as prohibiting the assembling of persons for the purpose of watching a parade or procession duly authorized by Council.

## **PART V – PARKING**

6. (1) Notwithstanding any other provision in this Bylaw, the Council or their authorized representative may cause movable traffic control devices to be placed on or near a roadway or highway for any reasonable purpose.

(2) After such sign is placed on or near a roadway or highway, no unauthorized person shall park or leave a vehicle on that portion of the road so prohibited to parking for the period of time the traffic control device remains.

(a) Any non-authorized vehicle that is on such roadway or highway when such traffic control devices are placed shall be removed promptly by its owner or operator.

(b) When any emergency snow removal or highway clearing commences on the thusly-designated roadway or highway, then the owner shall be charged with unlawful parking and the vehicle may be removed.

(c) When it is practical, the vehicle so removed from the highway or roadway being cleared, will be left nearby to minimize inconvenience and expense to the owner or operator.

7. No person shall park any trailer (whether designated 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.

8. No person shall park a commercial vehicle in any residential area when the commercial vehicle's Certificate Weight is in excess of 16,000 Kilograms.

9. No person shall park any trailer (whether designated for occupancy by persons or for the carrying of goods or equipment), in any residential area, regardless if the said trailer is attached to a vehicle by which it may be propelled or drawn.

10. No owner or operator of a recreational vehicle shall park a recreational vehicle on a highway in a residential area, except in the area of the roadway immediately adjoining the owner's or operator's place of residence and for no more than one-hundred-and-twenty (120) consecutive hours, following which the owner or operator shall move the recreational vehicle to an off-highway location for a period of not less than forty-eight (48) consecutive hours before the recreational vehicle may be parked again in the area of the roadway immediately adjoining the owner's or operator's place of residence.

11. No person shall occupy a recreational vehicle as a temporary or permanent dwelling place, living abode, or sleeping place on a highway or public place that is not a Recreational Vehicle Park.

12. No person shall park a vehicle or combination of vehicles used for the conveyance of flammable liquid or an explosive material:

(1) for longer than two (2) hours upon a highway at any time unless the area is designated for flammable liquid and/or explosive material;

(2) nearer than one hundred and fifty (150) meters to a substantial building likely to contain persons or valuable goods and it shall have a warning placards clearly displayed.;

(3) this Section shall not apply where a vehicle or combination of vehicles is obliged to be parked while making deliveries in the course of its ordinary business and having warning placards clearly displayed on all sides of the vehicle.

13. No person shall park a water truck along or upon any MD highway for the purpose of loading or unloading water from ditches, dugouts, canals, or any other place where water may be available.

14. No person shall park or direct any other person to park a vehicle upon land or Right-of-Way owned by the MD without authorized written permission from the MD.

## **PART VI – OFF-HIGHWAY VEHICLES**

15. Anyone that is at least fourteen years old and the holder of a valid Class 7 Operator's Licence may operate an off-highway vehicle on a highway that is maintained by the MD, subject however to the following conditions:

(1) Without restricting the generality of the foregoing, the provisions of the Traffic Safety Act and its regulations shall apply to the operation of off-highway vehicles on MD highways.

(2) Operators of off-highway vehicles on MD highways shall travel on the extreme right-hand side of the road or in the ditch, in the same direction as the motoring public and shall travel single file at all times.

(3) The maximum speed at which off-highway vehicles are permitted to travel on MD highways is 50 kilometers per hour.

- (4) No person shall operate an off-highway vehicle within the territorial limits of any Hamlet within the MD at a speed in excess of 30 kilometers per hour.
- (5) The hours of operating an off-highway vehicle on a MD highway within a Hamlet shall be restricted to the period of time between 8:00 a.m. and 11:00 p.m. in any one day.
- (6) No person shall operate an off-highway vehicle on any schoolyard, any posted recreation area or playgrounds within the MD.
- (7) No person shall operate an off-highway vehicle unless the said operator is wearing a safety helmet securely attached on his or her head.
- (8) No person shall ride as a passenger on an off-highway vehicle unless the said person is wearing a safety helmet securely attached on his or her head.
- (9) No person shall operate an off-highway vehicle on any MD highway where signs prohibit.
- (10) No person shall allow an off-highway vehicle to be left running and unattended.
- (11) No person shall operate or be a passenger on an off-highway vehicle where the number of persons on the off-highway vehicle exceeds the number of persons that the off-highway vehicle is designed to carry.
- (12) An Operator of an off-highway vehicle shall immediately, on being signalled or requested to stop by a Peace Officer, bring his or her off-highway vehicle to a stop, and furnish any information respecting the driver or the off-highway vehicle that the Peace Officer requires and shall not start his or her off-highway vehicle until he or she is permitted to do so by that Peace Officer.
- (13) Persons operating properly registered and insured off-highway vehicles are exempt from Subsections (2) and (3) while engaged in controlling the movement of livestock along a road which is subject to the direction, control, and management of the MD.

## **PART VII – SPECIAL CLASSES OF VEHICLES**

16. The Superintendent of Public Works or his designates are hereby appointed to issue permits on behalf of the M.D. under this part.
17. (1) No person shall operate a vehicle or combination of vehicles in excess of the load limits, or the size limits, or in contravention of any prohibitions as stated in this or any other MD Bylaw or order without first obtaining from the MD a permit to do so, subject to such conditions as specified in the permit.
- (2) No person shall operate a vehicle or combination of vehicles over or on any highway within the MD in excess of their allowable axle weight or certificate weight without obtaining a permit from the Alberta Transportation Safety Board prior to the operation of the overloaded vehicles.
- (3) No person shall operate a vehicle or combination of vehicles over or on any highway within the MD when that person has obtained a permit issued by the Alberta Transportation Safety Board without first obtaining a permit from the MD.

18. (1) No person shall operate a heavy vehicle over or on any highway within the MD where signs have been erected indicating that heavy vehicle traffic is prohibited by weight restriction signs.

(2) The following shall be exempt from Subsection (1):

(a) Vehicles loading and unloading at destinations within the MD where signs indicate Trucks Prohibited, using the shortest distance from and to a truck route;

(b) Vehicles used for the express purpose of moving household effects;

(c) Emergency vehicles (fire fighting equipment, road repairs, and construction);

(d) Notwithstanding Section 18(1), the Chief Administrative Officer or his delegate may grant other exemptions with any conditions that may be deemed necessary.

19. (1) No person, except with the permission of the MD shall operate or move upon or over any paved or graveled highway any vehicle or traction engine having metal cleats, metal tracks, tire chains or other metal devices attached to its wheels or made a part thereof.

(2) No person, except with the permission of the MD shall operate or move upon or over any MD highway any vehicle, load, building, machine, or property which may obstruct traffic, or which exceeds the maximum weight limitations, or any other object or property which in the opinion of the MD may have adverse effect on the highway, or persons using the highway.

(3) Any person in contravention of Subsection 1 or 2 above shall exit the road upon demand of a Peace Officer.

(4) Before granting permission to move the load, object, or thing over any highway as prescribed in Subsection 2, the MD may, if in their opinion deem necessary, direct the applicant as to conditions under which such load, object or thing may be moved.

20. (1) The MD may issue a permit in special cases for the operation of a particular type of vehicle and for a load, or the movement of any other class of traffic otherwise prohibited by this Bylaw.

(2) The MD may require the owner, operator, driver, or mover of such vehicle and/or load, or any of them as a condition precedent to obtaining such a permit to agree to be responsible for all damages which may be caused to the highway by reason of driving, operation or moving of any such vehicles and/or load upon the highway, and the MD may, as a condition precedent to the granting of such permit, require a bond sufficient to cover the cost of repairing such possible injury or damage to the highway. Failure on the part of the holder of the permit, the owner, or the operator, driver or mover of the vehicle and/or load, to comply with the condition set out in such permit shall constitute a breach of this Bylaw.

(3) Nothing in this Bylaw shall be construed as to require the entering into of an agreement by the MD.

## **PART VIII – MISCELLANEOUS**

21. No person shall drive or pull onto or upon a highway a vehicle containing a load unless such load has been secured in such a manner as to prevent the load from falling onto the highway or land adjacent thereto or shifting within the vehicle.

22. In the event that any part of a vehicle, load or other materials becomes loose or detached or blows, spills or falls from any vehicle onto a highway, it shall be the duty of the driver of the vehicle to forthwith take all reasonable precautions to safeguard traffic and also to remove such materials from the highway.

23. (1) No person shall deposit rocks, gravel, sand, soil, trees, branches, shrubs, straw, hay, or manure on a MD Road Right-of-Way.

(2) No person shall deposit sewage, dead animals or parts, dead birds, or litter on a MD Road Right-of-Way

(3) No person shall cultivate or cause to be cultivated a road Right-of-Way or any portion thereof.

(4) No person shall grade, ditch, or otherwise change the contour of a road Right-of-Way.

(5) No person shall remove, cut, or otherwise destroy trees or shrubs located on a road Right-of-Way without prior approval from the MD.

(6) No person shall leave bales on a Road Allowance after August 1 of the year the hay was cut. Any bales remaining on the MD Road Allowance after August 1 of the year the hay was cut may be removed and disposed of by the MD.

24. (1) No person shall cause, or allow to be deposited or disposed of on a highway any substance or object which may be, or is hazardous to a person or vehicle.

(2) No person shall cause, or allow oil, any chemical, or any liquid to be deposited on a highway without obtaining permission to do so from the MD.

25. No person shall erect a fence on any part of a MD Road Right-of-Way without obtaining permission to do so from the MD.

26. No person shall drive, operate, or permit to be driven or operated, any vehicle or equipment of any nature or kind in such a manner as to track upon a highway.

27. No person owning or occupying property within the MD, to which entry or exit for vehicles is made onto a MD highway, shall allow water, mud, slush, ice, frozen snow or snow to be pushed onto the MD highway or to let such materials remain on the MD highway as a result of clearing or cleaning the exit or entry to the said property.

28. (1) No person shall place any sign, notice or structure upon a MD highway or road Right-of-Way, unless authorized by the Chief Administrative Officer or his designate.

(2) Any sign, notice or other object placed on a MD highway or road Right-of-Way, shall be liable to removal and immediate disposal by the MD without notice or warning to the owner thereof.

29. No person shall construct an access onto or within a highway Right-of-Way or road allowance without approval from the MD.

30. No person shall install a pipeline on, across, over, under, within, or adjacent to any MD highway without the approval of the MD.

31. Every person who contravenes the provisions of this part, shall, in addition to any other penalty, remove any material(s) forthwith after being directed by the Chief Administrative Officer or his representative. If the person fails to comply with the directive, the Chief Administrative Officer may remove, or cause to be removed, any materials. The costs of the removal may be recovered directly from the owner or person who placed or failed to remove the item or material; or the items or material may be sold to recover the costs of removal.

#### **PART IX – AUTHORITY OF CHIEF ADMINISTRATIVE OFFICER**

32. (1) The Council hereby delegates to the Chief Administrative Officer the power to prescribe where traffic control devices and traffic control signals are to be located. Without restricting the foregoing, traffic control devices and traffic control signals shall be deemed to mean and include all stop signs, yield signs, speed limit signs, weight signs and other signs regulating the use of any roadway or highway located within the jurisdiction of the MD.

(2) The Council hereby directs that a record shall be kept which shall be open to public inspection during normal business hours.

33. Without restricting the generality of the foregoing Section, the Chief Administrative Officer is hereby authorized to designate any highway for through traffic purposes. Such highways shall be properly marked if stop signs or yield signs are erected at all intersections of such highway.

34. The Chief Administrative Officer is hereby authorized to designate crosswalks upon any highway and to mark the same.

35. The Chief Administrative Officer is hereby authorized to designate any intersection or place on a highway, including a place where a railway Right-of-Way crosses a highway, as a place where U-turns are prohibited and shall cause the same to be marked with an appropriate traffic control device.

36. The Chief Administrative Officer is hereby authorized to designate:

(1) Any highway as one that is closed temporarily in whole or in part to traffic.

(2) Any area as one in which parking privileges are temporarily suspended, and shall cause such highway or area to be marked with appropriate traffic control devices.

37. The Chief Administrative Officer is hereby authorized to designate:

“School Zones” and “Playground Zones” Such zones shall be marked by traffic control devices and traffic control signals posted along the highway, or by markings on the pavement or by lights posted or suspended over the highway. A record of the locations of such zones shall be kept by the Chief Administrative Officer and shall be open to inspection during normal business hours.

38. The Chief Administrative Officer is hereby authorized to designate:

(1) Any boulevard upon which parking is permitted and shall cause traffic control devices to be erected so designating.

(2) Passenger or truck loading spaces and shall cause the same to be marked by traffic control devices.

39. The Chief Administrative Officer is hereby authorized to designate:

(1) Distance from any intersection within which no parking is permitted,

(2) Portion of a highway where parking is limited,

(3) Parking areas for MD employees,

and shall cause the appropriate traffic control devices to be erected.

40. The Chief Administrative Officer is hereby authorized to designate:

(1) In case of unfavorable road conditions, issue a road ban order to reduced vehicle and/or load weights,

(2) Maximum vehicle weight restrictions on bridges,

and cause the same to be indicated by placing appropriate, traffic control devices.

## **PART X – ENFORCEMENT**

41. Any Peace Officer is hereby authorized to enforce this Bylaw.

42. Any Peace Officer, who may be in contravention of this Bylaw while in lawful execution of their duties, is exempt from the provisions thereof.

43. (1) Any Peace Officer is hereby authorized to remove or cause to be removed any vehicle or trailer:

(a) Parked in contravention of a provision of this Bylaw; or

(b) Where emergency conditions may require such removal from a highway.

(2) No impounded vehicle shall be released to its owner or his agent until all impounding charges have been paid to the towing firm; these charges shall be in addition to any fine or penalty imposed in respect of the said violation.

(3) A Peace Officer who on reasonable and probable grounds believes that this Bylaw has been contravened may seize and detain any off-highway vehicle in respect of which the offence was committed for a period not exceeding thirty days.

(4) Any vehicle, trailer or off-highway vehicle that is impounded or seized under this Section will remain impounded by the Towing Firm until claimed by the owner and upon payment of any and all expenses incurred from the impounding or seizure.

44. A Traffic Tag or Offence Notice shall be deemed to be sufficiently served:

(1) If served personally on the accused; or

(2) If mailed to the address of the registered owner of the vehicle concerned; or

(3) If attached to or left upon the vehicle in respect of which the offence is alleged to have been committed.

45. 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 in "Schedule A" unless he proves to the satisfaction of the Provincial 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.

46. Any person contravening any provision of this Bylaw shall, upon conviction, be subject to the penalties prescribed by, either of:

(1) Schedule "A" of this Bylaw as amended from time to time; or

(2) The Traffic Safety Act and its regulations and regulations there under as amended from time to time; or

(3) The Commercial Vehicle Dimension and Weight Regulation Act and regulations there under as amended from time to time; or

(4) Any other Provincial Statute or Regulation dealing with the use of highways, roadways and streets, the traffic and pedestrians moving thereon and the parking of vehicles on highways, roadways and streets.

47. This By-Law hereby rescinds By-Law No. 13-96.

This bylaw shall come into force and effect upon the final passing and proper signature thereof.

**READ a first time this 12th day of December A.D., 2007.**

**READ a second time this 12th day of December A.D., 2007.**

**READ a third time this 9th day of January A.D., 2008.**

**SIGNED this 14th day of January A.D., 2008.**

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Reeve

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Chief Administrative Officer