

BEING A BY-LAW OF THE VILLAGE OF CLYDE IN THE PROVINCE OF ALBERTA TO CONTROL AND REGULATE THE USE OF HIGHWAYS WITHIN THE VILLAGE, THE TRAFFIC AND PEDESTRIANS MOVING THEREON, AND THE PARKING OF VEHICLES THEREON

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WHEREAS, pursuant to the Traffic Safety Act C. T-6, RSA 2000, as amended, a council may establish speed limits and regulate and control traffic devices and may make By-Laws for the regulation and control of vehicle, animal and pedestrian traffic;

AND WHEREAS, the Municipal Government Act C. M-26, RSA 2000 as amended, allows a municipality to pass bylaws and has the direction, control, and management of all roads within a municipality;

NOW THEREFORE the Municipal Council of the Village of Clyde in the Province of Alberta, duly assembled, ENACTS AS FOLLOWS:

SECTION 1 TITLE

This By-Law may be cited as the "Village of Clyde Traffic By-Law".

SECTION 2 DEFINITIONS

Any terms not defined in this By-Law shall have the meaning as defined in the Traffic Safety Act C.T-6, RSA. 2000, and amendments thereto.

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| 2.01 "Alley" | means a narrow roadway providing and offering access to the rear of buildings and parcels of land |
| 2.02 "Boulevard" | means that part of a roadway that <ol style="list-style-type: none"> 1) is not intended to be used by vehicular traffic; 2) is a sidewalk that is not especially adapted for the use of, or ordinarily used by, pedestrians |
| 2.03 "Commercial Vehicle" | means a truck, trailer, semi-trailer or combination thereof that is classified by the registrar as a commercial vehicle and has a registered maximum gross vehicle weight of 9600 kg, except buses; |
| 2.04 "Council" | means the Municipal Council of the Village of Clyde |
| 2.05 "Crosswalk" | means <ol style="list-style-type: none"> 1) that part of a roadway at an intersection included within the connection of the lateral line of the sidewalks on opposite sides of the roadway measured from the curbs or, in the absence of curbs, from the edges of the roadway; or 2) any part of a roadway at an intersection or elsewhere distinctly indicated for pedestrian crossing by signs or by lines or by other markings on the road surface |
| 2.06 "Curb" | means the actual curb if there is one, or the division point between the roadway and a boulevard or sidewalk |
| 2.07 "Director of Disaster Services" | means the person appointed by Village Council by way of resolution to act in the capacity of Director of Disaster Services |
| 2.08 "Director of Public Works" | means the Director of Public Works or any person appointed either by the Village Council or the Village CAO to manage the Public Works Department |
| 2.09 "Double Parking" | means the parking of a vehicle upon a roadway parallel to a vehicle parked beside the edge of a roadway |
| 2.10 "Emergency Vehicle" | means a motor vehicle used <ol style="list-style-type: none"> 1) for police duty; 2) by a fire department; 3) as an ambulance; or 4) for By-Law enforcement/disaster assistance |

- 2.11 "Fire Chief" means the person appointed by Village Council to act in the capacity as the Chief of the Village of Clyde Fire Department
- 2.12 "Flag Person" means a person or persons to whom authority has been delegated by the Village to direct vehicle and pedestrian traffic at designated locations on roadways within the Village of Clyde
- 2.13 "Highway" means any thoroughfare, street, road, trail, avenue, parkway, driveway, viaduct, lane, alley, square, bridge, causeway, trestle way 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
- 1) a sidewalk (including the boulevard portion of the sidewalk);
 - 2) if a ditch lies adjacent to and parallel with the roadway, the ditch;
 - 3) 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; and
 - 4) any further additional but not depletive definition of the term highway as defined in the Traffic Safety Act, as amended
- 2.14 "Intersection" means the area embraced within the prolongation or connection of:
- 1) the lateral curb lines; or, if none,
 - 2) the exterior edges of the roadways, of two (2) or more roadways which join one another at an angle whether or not one roadway crosses the other
- 2.15 "Lane" means the same as an alley
- 2.16 "Off-Highway Vehicle" means any motorized mode of transportation built for cross-country travel on land, water, snow, ice or marsh and swamp land or another natural terrain and includes but is not limited to the following when designed for such travel:
- a) Low pressure tire vehicles
 - b) Motor cycles and related 2 wheel vehicles
 - c) All terrain vehicles
 - d) snow vehicles
- 2.17 "Operator" means a person who drives or is in actual physical control of a vehicle
- 2.18 "Owner" means a person who owns a vehicle and includes any person renting a vehicle or having the exclusive use of a vehicle under a lease that has a term of more than thirty (30) days or otherwise having the exclusive use of a vehicle for a period of more than thirty (30) days
- 2.19 "Parades or Processions" means any group or train of persons or vehicles using a roadway within the Village for show or display but shall not include any military or funeral parade or procession
- 2.20 "Park" when prohibited, means to allow a vehicle (whether occupied or not) to remain standing in one place, except:
- 1) when standing temporarily for the purpose of and while actually engaged in loading or unloading passengers; or
 - 2) when standing in obedience to a peace officer or traffic control device
- 2.21 "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;
- 2.22 "Pedestrian" means a person afoot or a person in a wheel chair

- 2.23 "Roadways" means that part of a highway intended for use by vehicular traffic
- 2.24 "Sidewalk" means that part of a roadway especially adapted to the use of or ordinarily used by pedestrians, curb line (or the edge of the roadway, where there is no curb line) and the adjacent property line, whether or not paved or improved
- 2.25 "Stop" means:
- 1) when required, a complete cessation from vehicular movement; and
 - 2) when prohibited, any halting, even momentarily, of a vehicle, whether occupied or not, except when necessary to avoid conflict with other traffic or in compliance with the directions of a Peace Officer or traffic control device
- 2.26 "Traffic" means pedestrian, animals or vehicles while using a roadway for the purpose of travel
- 2.27 "Traffic Control Device" means any sign, signal, marking or device placed, marked or erected under the authority of this By-Law for the purpose of regulating, warning or guiding traffic
- 2.28 "Traffic Safety Act" means the Traffic Safety Act, C.T-6, RSA 2000, and amendments thereto
- 2.29 "Trailer" means a vehicle so designed that it may be attached to or drawn by a vehicle and intended to transport property or person.
- 2.30 "Truck Route" as set out in Schedule "A"
- 2.31 "Vehicle" means a device in, on or by which a person or thing may be transported or drawn on a roadway and includes Commercial Vehicles
- 2.32 "Village" means the Village of Clyde in the Province of Alberta
- 2.33 "Village CAO" means the Chief Administration Officer for the Village of Clyde

SECTION 3 TRAFFIC CONTROL DEVICES

- 3.01 The Council of the Village of Clyde may authorize or delegate authority for the placing, erecting or marking of traffic control devices at such locations as are considered necessary for controlling roadways subject to its control and management.

SECTION 4 PARKING AND GENERAL CONDITIONS

- 4.01 No person shall park or stand a vehicle where a sign indicates that parking is restricted there to a certain class of vehicles only, unless the vehicle is a member of the said restricted class.
- 4.02 No person shall park or stand any vehicle:
- 1) on any roadway or on a publicly provided lot for a period of more than Forty-eight (48) Hours
 - 2) within 1.5 meters from an access to a garage, private road or driveway or a vehicle crossway over a sidewalk
 - 3) within five (5) meters of an intersection except where otherwise marked;
 - 4) within 5 meters from the point of the curb nearest a Fire Hydrant
 - 5) within 5 meters from the near side of a marked crosswalk
 - 6) on or drive a vehicle over a fire hose without having been directed to do so by either a Peace Officer, the Fire Chief or their designates near the location of a fire;
 - 7) at any place where signs or marks prohibit parking;
 - 8) on any roadway where signs have been posted for the purposes of snow removal or street cleaning or maintenance;

- 9) in such a manner to block or impede pedestrians on a sidewalk;
 - 10) on a boulevard
 - 11) left of centre as to allow the vehicle to face opposite the direction of travel authorized for that roadway
 - 12) in a stall or zone designated for the exclusive use of persons with disabilities who display on their vehicles a disabled placard or license plate that is issued or recognized by the Registrar of Motor Vehicle Services.
 - 13) No person shall double park a vehicle.
- 4.03 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.
- 4.04 No vehicle shall obstruct an alley or a lane so as to prevent other vehicles or persons from passing along said alley or lane.
- 4.05 Except in the case of breakdown or other emergency not allowing the vehicle to be moved, the owner or operator of any vehicle shall not stand or park it on the street for the purpose of servicing or repairing the vehicle.
- 4.06 Where a vehicle parking space is marked out or designated upon a roadway, every operator of a vehicle using same shall park such vehicle wholly within the limits of the space.
- 4.07 The application of "Yellow Paint" to a curb or on the pavement is hereby declared to be official notification that parking is prohibited where either is so marked.
- 4.08 When by reason of accident, emergency, for purposes of snow removal, or other special circumstances, it appears to the Village C.A.O, Peace Officer, Director of Disaster services, the Fire Chief or the Director of Public of Works or their designates, to be necessary in the public interest to do so, that person may;
- 1) temporarily close off any area of the roadway, in whole or in part, to traffic, or
 - 2) temporarily suspend, in any area of the Village, parking privileges granted by this or any other By-Law,
- and the aforementioned may for such period of time as they deem necessary to meet such emergency or special circumstances, temporarily close all or a portion of a roadway and/or suspend parking privileges. Barricades and/or notices shall be posted on or near the roadway concerned, for the purpose of safeguarding or closing the roadway or portion thereof if time and circumstances permit.
- 4.09 No person shall traverse, drive, walk, or pass along any street or sidewalk in contravention of any notice, sign or barricade placed thereon by order of Village Council, the Village CAO, Director of Disaster Services, the Village Director of Public Works, the Fire Chief or their designates indicating that such street or sidewalk is dangerous to be used, under repair, under excavation or for any other purpose which notice may be deemed necessary to erect such sign, or barricade lawfully erected or placed under the provisions of this By-Law.
- 4.10 It is an offense for anyone to remove, damage or interfere in any way with any sign, notice or barricade lawfully erected or placed under the provisions of this By-Law.

SECTION 5 EXEMPTIONS FROM PARKING PROVISIONS

- 5.01 Notwithstanding anything elsewhere contained in this Bylaw the provisions relating to stopping or parking of vehicles do not apply to:
- 1) Emergency Vehicles;
 - 2) Service vehicles used in conjunction with the servicing of public utilities including telephone systems, electric systems, natural gas systems and cablevision and satellite systems;
 - 3) Municipal and other Government Public Works vehicles;
 - 4) Funeral Cars; or
 - 5) Towing Services Vehicles.

while any such vehicle is being used in work required that it be stopped or parked at that location.

- 5.02 Where the owner or operator of a vehicle stops, stands or parks pursuant to Subsection 5.01 contrary to other provisions of this Bylaw he shall take due precaution to indicate the presence of such vehicle on any street while so parked or stopped.

SECTION 6 COMMERCIAL VEHICLES

- 6.01 Village Council hereby designates those roadways contained on Schedule "A" attached to this Bylaw, as Truck Routes.
- 6.02 No person shall operate a commercial vehicle that exceeds a gross weight of 9600 kilograms on any road that is not designated as a truck route road
- 6.03 No person shall operate or park any vehicle with a maximum Registered Gross Vehicle Weight which exceeds 9600 kilograms on any road that is not designated as a truck route road
- 6.04 Notwithstanding any provision of Section 6 the following transportation is allowed as long as the commercial vehicle is being operated on the most direct and practical route between the premises or location concerned and the nearest truck route.
- 1) Persons delivering or collecting goods or merchandise to or from the premises of bona fide customers;
 - 2) Persons going to or from commercially zoned business premises of the owner of the heavy vehicle concerned;
 - 3) Persons going to or from premises for the service and repair of the heavy vehicle;
 - 4) Persons legally pulling a disabled vehicle from a highway;
 - 5) Persons driving a vehicle owned or actually in contracted service of the Village;
 - 6) Village of Clyde Public Works vehicles;
 - 7) Emergency vehicles;
 - 8) Canada Post Corporation Vehicles; or
 - 9) A house trailer, vacation trailer, Holiday Unit, or other similar mobile accommodation designed or used to provide accommodation or domicile for one or more persons.
 - 10) Vehicles used in conjunction with the servicing of public utilities including telephone systems, electric systems, natural gas systems and satellite and cable television systems provided that the vehicle is responding to an emergency situation from which property damage or personal injury might reasonably result.
- 6.05 Council may, under circumstances which they consider warrants a permit, issue a Special Permit authorizing the movement or parking of a Commercial Vehicle on certain roadways other than a Truck Route.
- 6.06 A person driving a Commercial vehicle on a route authorized by Special Permit shall produce the permit when required to do so by a Peace Officer.

SECTION 7 PARADES AND PROCESSIONS

- 7.01 No person shall hold or take part in any parade or procession excepting a military or funeral procession until permission as described in Section 7.03 herein has been obtained in writing from the Village of Clyde .
- 7.02 Every member of a parade or procession and the organization and leaders thereof shall be guilty of an offense for each and every violation of this section.
- 7.03 Except as otherwise exempted by policy of Council, any person desiring to hold a parade or procession within the Village of Clyde shall, at a minimum of ten (10) business days prior to the time that they desire to hold same, make application in writing to the Village C.A.O., and in such application shall furnish information with respect to the following, namely:
- 1) the name and address of the applicant and, if such applicant is an organization, the names and the addresses of the members of the executive thereof;
 - 2) the nature and object of such parade or procession;
 - 3) the day, date, and hours during which same will be held;
 - 4) the intended route;
 - 5) the approximate number of persons who take part therein.

- 7.04 The operator of the vehicle in the lead of a funeral procession approaching an intersection where a stop sign is posted requiring the vehicle to stop shall stop the vehicle and shall not drive the vehicle into the intersection until it is safe to do so. All following vehicles may during daylight hours enter an intersection without stopping if headlamps are alit and Hazard lights are activated and passage into the intersection can be done safely.

SECTION 8 PEDESTRIANS, SIDEWALKS AND BOULEVARDS

- 8.01 No person shall pull down, deface or destroy any sign, board or notice lawfully placed on any roadway
- 8.02 No person shall deface any public or private property in or adjoining any roadway by cutting, breaking or daubing with paint or any other substance or in any other way damage same
- 8.03 No person shall break, damage, dig up or destroy the earth and/or grass or shall cause any tree or shrub to be trimmed or removed on any boulevard or along any highway, without first obtaining permission by the Village or its designate
- 8.04 No person shall leave, store or deposit or permit to accumulate on any roadway or sidewalk any article or thing that may be dangerous or in any way interfere with the proper use of the roadway or sidewalk or interrupt the free flow of vehicular or pedestrian traffic, nor shall any waste paper, debris, or things be thrown, dropped or left on any Highway or Village of Clyde.
- 8.05 No person shall place any electrical cord, hose, pipe, or like obstruction across a sidewalk or boulevard, either on or above the sidewalk or boulevard, in such a manner as to endanger or impede pedestrians.

SECTION 9 SIGNS

- 9.01 No person shall attach any poster, handbill or sign of any type to any traffic control device, tree or pole in along a highway.
- 9.02 No person shall place or erect any signage adjacent to any roadway, on any roadway right of way, or on any boulevard that may be confused with authorized traffic control devices placed by The Village of Clyde in accordance with this By-Law, without written authorization from the Village.
- 9.03 No person shall place or erect any signage adjacent to any roadway, on any roadway right of way including the service road right of way adjacent to primary highways, or on any boulevard within the Village of Clyde without prior written authorization from the Village, with the exception of portable signs under 0.75 sq. m. (8.1 sq. ft.) in surface area erected for the purpose of advertising community functions such as an upcoming election, sporting events, farmer's market, bingos, etc., provided that said signs shall not be erected more than seven (7) days before the event, and shall be removed within one (1) day following the event. In the case of the aforementioned, prior authorization will not be required.
- 9.04 No signage permitted or authorized under this By-Law may be illuminated.
- 9.05 No person shall erect any permanent signage adjacent to any roadway, on any roadway right of way, or on any boulevard without the prior written consent of the Village.
- 9.06 Notwithstanding anything contained herein, the Village of Clyde may remove any signage authorized in accordance with this By-Law if it is deemed to interfere with authorized traffic control devices or if it is deemed to restrict visibility at junctions or intersections of roadways, or in any other way creates a potential hazard for pedestrians or vehicles.
- 9.07 In addition to any penalty imposed by law, any sign found posted in contravention of this By-Law may be seized and held by the Village of Clyde Public Works for retrieval by the sign's owner. Signs shall be kept for a period not exceeding sixty (60) days.

SECTION 10 CONSTRUCTION, EXCAVATION AND BUILDING

- 10.01 No person shall create, break, tear up or remove any planking, pavement, sidewalk, curbing or other road surface or make excavation in or under any sidewalk or roadway, or create for the purpose of building or otherwise, without first having obtained permission from the Village Director of Public Works to do so and, such permission being granted, the work shall be carried out under the direction and inspection of the Village Director of Public Works who shall inspect all such work being done and, upon termination of the work, all

materials shall be replaced and the area left in a clean and tidy manner and any damages made good by the parties concerned. Such work shall be carried out as expediently as possible and without unnecessary delay.

Furthermore, any person or party to whom permission has been granted to carry out any work of the foregoing nature by the Village Director of Public Works shall keep and maintain such lights, barricades or watchman or other precautions to safeguard and protect the public from injury or loss and shall be responsible for all costs incidental to the same.

SECTION 11 SPEED LIMITS

- 11.01 Except where otherwise posted the maximum speed limit is thirty (30) kilometers per hour
- 11.02 The Village Director of Public Works shall post signs along a roadway, and is authorized to establish a maximum speed limit in respect of any part of the roadway under construction or repair or in a state of disrepair.

SECTION 12 VEHICLES WITH LUGS

- 12.01 No person shall drive, propel or move on any roadway 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 are excepted.

SECTION 13 OFF-HIGHWAY VEHICLES

- 13.01 No person shall operate, cause to operate or permit the operation of any Off-highway Vehicle on any highway within the Village except
- a) while traveling on the shortest most direct route out of the Village or to a permitted off-highway location;
 - b) during the permitted hours of 0800 hours and 2200 hours on any day
- 13.02 When lawful operation of an Off-Highway Vehicle is permitted an Off-Highway Vehicle shall not exceed a maximum speed of fifteen (15) kilometers per hour

SECTION 14 AUTHORITY OF PEACE OFFICER, BY-LAW OFFICER, FIRE DEPARTMENT

- 14.01 When a vehicle is deemed to be in violation of a provision described in this By-Law it may be removed and impounded and the cost thereof charged against the owner.
- 14.02 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.
- 14.03 In case of fire or other emergency, if no peace officer is present, the Fire Chief, or their designates 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.
- 14.04 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.
- 14.05 No impounded vehicle shall be released to its owner or his agent until the impound charges and removal charges on the vehicle have been paid to the Authorized Agent; 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 herein after provided. The Village of Clyde shall not be responsible for towing charges.

SECTION 15 PENALTIES

- 15.01 Where any Peace Officer or By-Law Enforcement Officer or other individual so authorized by this legislation believes that any person has committed a breach of any of the sections of this By-Law, they may serve upon such person a Violation Ticket in the form as prescribed by the provisions of the Provincial Offences Procedure Act, Chapter P-34, RSA 2000, and all amendments thereto.
- 15.02 Penalties pursuant to this By-Law shall be set by way of resolution of Village Council.

15.03 Nothing in this section shall:

- 1) Prevent any person from exercising his right to defend any charge of committing breach of any of the sections in this By-Law;
- 2) 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.

15.04 No person other than the owner or operator of a vehicle shall remove any notice placed on or fixed to such vehicle by a Peace Officer in the course of his duties.

15.05 No person other than a Peace Officer or another person authorized by the Village of Clyde or by this Bylaw shall place a Traffic Tag on any vehicle.

15.06 Notwithstanding anything contained herein, any person violating any provisions of this By-Law or any other person responsible for such violation shall be liable on summary conviction before a magistrate or justice of the peace having jurisdiction therein, to a penalty not exceeding that as set by way of resolution of Council in accordance with this By-Law, and in the case of nonpayment of penalty and costs, to imprisonment for any period not exceeding sixty (60) days, unless such penalty and costs including the costs of committal are sooner paid.

15.07 If any person is in default in doing any matter or thing directed by this By-Law to be done, the matter or thing may be done by the Village at the expense of the person in default, and the Village may recover expenses thereof with costs:

- 1) By presenting a bill for payment by the defaulter within thirty (30) days of the day that the matter or thing was done; or
- 2) Action in any court of competent jurisdiction either directly or after the defaulter has failed to make payment within thirty-five (35) days of the day that the matter or thing was done.

15.08 Where a contravention of this By-Law is of a continuing nature, further Violation Tags for the same offence may be issued, provided however, that no more than one (1) Violation Tag shall be issued for each day that the contravention continues.

15.09 Any person who commits a second, third or subsequent offence under this By-Law within one (1) year of committing the first offence may be liable to an increased penalty in accordance with section 15.02 of this By-Law.

SECTION 16 REPEAL

16.01 By-Law 2007-13 and all amendments thereto are hereby repealed.

SECTION 17 ENACTMENT

17.01 This By-Law shall come into full force and effect upon the date of the passing of the ~~third~~ and final reading.

READ A FIRST TIME THIS 21st DAY OF January, A.D. 2008

READ A SECOND TIME THIS 21st DAY OF January, A.D. 2008

UNANIMOUS CONSENT TO READ A THIRD TIME THIS 21st DAY OF January, A.D. 2008.


MAYOR, DOUG NYAL


VILLAGE C.A.O. CHRISTINE ROLAND