

THE VILLAGE OF BRETON

BYLAW NUMBER 07-01

BEING A BYLAW OF THE VILLAGE OF BRETON IN THE PROVINCE OF ALBERTA TO CONTROL AND REGULATE THE USE OF HIGHWAYS WITHIN THE VILLAGE, THE TRAFFIC, PEDESTRIANS AND ANIMALS MOVING THEREON, AND THE PARKING OF VEHICLES THEREON.

WHEREAS, the Council of the Village of Breton deems it necessary to regulate traffic within the Village;

AND WHEREAS, the Traffic Safety Act R.S.A. 2000 c. T-6 and the Municipal Government Act R.S.A. 2000 c. M-26 provide authority for the Village to regulate such matters;

NOW THEREFORE, the Council of the Village of Breton in the Province of Alberta hereby enacts as follows:

1. TITLE

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

2. DEFINITIONS

2.1 Except as otherwise defined in this Bylaw, all words in this Bylaw shall have the same meaning as the Traffic Safety Act, R.S.A. 2000, c.T-86.

2.2 “Act” means the Traffic Safety Act R.S.A. 2000 c.T-6.

2.3 “Bicycle” means any device propelled by human power upon which any person may ride, regardless of the number of wheels it may have but shall not include a wheel chair.

2.4 “Council” means the Council of the Village of Breton.

2.4 “Crosswalk” means:

(a) that part of a roadway at an intersection included within the connection of the lateral line of the sidewalks on opposite side of the Highway measured from the Curbs or, in the absence of Curbs, from the edges of the roadway, or

b) 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.

2.5 “Curb” means the actual Curb if there is one, and if there is no Curb in existence shall mean the division of a Highway between the roadway and a boulevard or sidewalk.

2.6 “Enforcement Officer” – means a Bylaw Enforcement Office authorized by the Village under the *Municipal Government Act*, S.A. 2000, M-26.1, as amended , to do any act or perform any duties under this Bylaw, and includes a member of the Royal Canadian Mounted Police and, when authorized, a Special Constable.

2.7 “Heavy Vehicle” means a vehicle or a vehicle with a trailer attached with or without load weighing 5,500 kilograms or exceeding 12.5 meters in total length but shall not include Recreation Vehicles or Buses.

2.8 “Intersection” means the area embraced within the prolongation or connection of:

(a) the lateral Curb lines or;

(b) if no lateral Curb lines exist, the exterior edges of the roadways, of 2 or more Highways which join one another at an angle whether or not one Highway crosses the other.

2.9 “Occupant” means the person actually occupying or legally responsible for any property, be that person the owner, lessee, tenant or agent of the owner.

- 2.10 “Park” means to allow a vehicle (whether occupied or not) to remain standing in one place, except:
- (a) when standing temporarily for the purpose of and while actually engaged in loading or unloading passengers, or
 - (b) when standing in obedience to a peace officer or traffic control device.
- 2.11 “Parades or Processions” means any group or train of persons or vehicles using the Highway within the Village for show or display but shall not include any military or funeral parade or procession.
- 2.12 “Person” shall include corporation firm or partnership.
- 2.13 “Public Place” means any highway, parkland, public bridge, road, lane, footway, square, court, alley or passage, whether a thoroughfare or not, including any open space owned by or under the direction control and management of the Village;
- 2.14 “Private Property” means any property within the Village not owned by or occupied by the Government of Canada, Government of Alberta, or by the Village.
- 2.15 “Sidewalk” means that part of a highway especially adapted to the use of or ordinarily used by pedestrians, and includes that part of a highway between the 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.
- 2.16 “Roadway” means that part of a highway intended for use by vehicular traffic.
- 2.17 “Road Ban” means the seasonal axle weight allowance prescribed in respect of a Highway.
- 2.18 “Stop” means:
- (a) when required a complete cessation from vehicular movement, and
 - (b) 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;
- 2.19 “Traffic” means pedestrians, animals or vehicles while using a Street for the purpose of travel
- 2.20 “Truck” means a vehicle designed primarily for the transportation of property or equipment but does not include a chassis-cab, crawler mounted vehicle, trailer, machinery or equipment used in construction or maintenance of Highways or an off-Highway vehicle as defined in the Off-Highway Vehicle Act;
- 2.21 “Truck Tractor” means a truck that is designed primarily for drawing another vehicle and that is not designed to carry any load other than part of the weight of the vehicle drawn, and includes a vehicle that is designed to accommodate a 5th wheel coupling, but does not include a crane equipment breakdown vehicle;
- 2.22 “Truck Route” means a Highway so designated in schedule B of this Bylaw. A truck route shall only be deemed to include the main thoroughfare and shall exclude all side street and service roads adjacent to them.
- 2.23 “Village” means the Village of Breton.
- 2.24 “Violation Tag” means a tag or similar document issued by the Municipality pursuant to the *Municipal Government Act*.
- 2.25 “Violation Ticket” means a ticket issued pursuant to Part II of the *Provincial Offences Procedure Act*, S.A. 1988, c.P21.5, as amended.

3. GENERAL

- 3.1 Every person shall obey the instructions of all Traffic Control Devices authorized under this or any other bylaw, unless otherwise directed by a Peace Officer.
- 3.2 No person shall operate an Off-Highway Vehicle on any Highway within the corporate limits of the Village.
- 3.3 The power to decide the necessity and location of Traffic Control Devices within the Village is hereby delegated to the Chief Administrative Officer or his or her designate.

4. PARKING

- 4.1 No Person shall Park or permit a Vehicle to be Parked on a Highway contrary to a Traffic Control Device or in a manner that impedes the flow of traffic.
- 4.2 No Person shall Park or permit to be parked, a Vehicle on the roadway side of a Vehicle already parked at the Curb or edge of a Highway.
- 4.3 All vehicles shall be parked parallel to the Curb with the right hand wheels not more than 500 millimetres from the right hand Curb or edge of the roadway, except where otherwise permitted.
- 4.4 No person shall park any motor vehicle:
 - (a) on any Highway for a period of more than 72 hours or such other amount of time as specified by traffic control device;
 - (b) so as to obstruct the use of a crossing or driveway to reach private property;
 - (c) within five meters of any intersection, except where otherwise permitted;
 - (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 Village of Breton;
 - (f) at any place where traffic control devices or marks prohibit parking;
 - (g) on a sidewalk or boulevard;
 - (h) on a Crosswalk or within 5 meters of either side of a marked Crosswalk;
 - (i) within 5 meters of a stop or yield sign;
 - (j) within a fire lane or emergency lane;
 - (k) in an area designated by a traffic control device or marking as a parking place for persons with disabilities unless that person displays a disabled placard or licence plate issued or recognized by the Registrar of Motor Vehicle Services.
 - (l) on the opposite side of a Highway contrary to traffic flow.
- 4.5 No Person shall Park or permit to be Parked a truck-tractor unit on any Highway within the Village whether or not a trailer is attached to the truck-tractor or not except where such parking is expressly permitted or except for the purpose of loading or unloading such vehicle
- 4.6 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.
- 4.7 No person shall park any trailer whether designed for occupancy or load carrying, unless such trailer is attached to a vehicle by which it may be propelled or drawn and when so attached, the trailer shall be a part of the vehicle and subject to any regulations pertaining to the vehicle, for

more than 48 hours.

- 4.8 No commercial, farm, school bus, holiday unit, or public vehicle shall be parked on any of the streets of the Village of Breton in the residential areas except in the conduct of its business.
- 4.9 No person shall leave a vehicle unattended on the Highway or private driveway if the vehicle has been placed on a jack or a similar device and:
 - (a) one or more wheels have been removed from the vehicle; and
 - (b) part of the vehicle is raised off the ground.
- 4.10 When a vehicle is parked on any Highway, parking lot or public place in violation of a provision of this Bylaw that vehicle may be removed and impounded and the cost thereof charged against the owner and/or operator of the vehicle.

5. PARKING ON PRIVATE LAND

- 5.1 No person shall park a vehicle on private land which has been clearly marked as such by a sign erected by the owner or occupant unless such person has obtained the permission of the owner or occupant.
- 5.2 An owner or occupant may report to a Peace Officer the license number and location of a vehicle parked on private land in contravention of this Bylaw. A person making such a report to a Peace Officer shall provide their name and address to the Peace Officer.

6. PROCESSIONS

- 6.1 The driver of the lead vehicle of a funeral procession shall obey all traffic control devices. Drivers of vehicles following the lead vehicle of a funeral procession may, during daylight hours, proceed through intersections without stopping if the vehicle is traveling immediately behind the vehicle in front of it, the headlamps are alight and passage into the intersection can be done safely.

7. SIDEWALKS, PEDESTRIANS

- 7.1 No person shall run, ride a bicycle, roller skate, in-line skate, skateboard or ride a scooter upon a sidewalk at any rate of speed that is unreasonable having regard to the nature, condition, and use of the sidewalk and the amount and kind of pedestrian traffic that is or might reasonably be expected to be on the sidewalk.
- 7.2 No person shall ride a bicycle having a wheel diameter in excess of fifty (50) centimetres on any sidewalk except where permitted so by a traffic control device.
- 7.3 No person shall play any games on any Highway.
- 7.4 No person shall cast, project or throw any stones or balls of snow or ice or other missiles dangerous to the public including; or use any bow or arrow, catapult or other such contraptions on any of the Highways or public places of the Village.
- 7.5 No person shall climb any railing, fence or tree or any post, pole or structure lawfully erected on a street unless they have authority to do so.
- 7.6 No person shall pull down, deface or destroy any traffic control device, sign, board, or notice lawfully placed on any street.
- 7.7 No person shall deface any public or private property in or adjoining any street by cutting, breaking, painting or in any other way causing damage to that property.
- 7.8 No person shall attach any poster, handbill or sticker to any traffic control device, sign, tree, or to any building except with the consent of the owner or Village.
- 7.9 No person shall place temporary signs on boulevards unless these signs receive approval from both the owner of the property whose frontage abuts the boulevard and the Village.

- 7.10 No person shall break, injure, dig up or destroy the earth, and/or grass on any boulevard or other public place, nor shall any person plant any plants other than grass, without approval of the Village.
- 7.11 No person shall leave, store or deposit or permit to accumulate on any street or sidewalk any article or thing that may create a nuisance or danger or interfere with the proper use of the street or sidewalk.
- 7.12 No person shall physically attach themselves to a moving motor vehicle or toboggan, ski on any street or sidewalk.
- 7.13 No person shall drive any Vehicle upon a sidewalk or boulevard. The foregoing restrictions shall not apply so as to; any vehicle used for the purpose of snow removal, to employees or agents of the Village in the performance of their duties.
- 7.14 No person shall place any electric cord, hose, ropes, and 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.
- 7.15 No person shall dispose of waste, paper, debris or other material on a Highway.
- 7.16 No person shall drive a vehicle with tires equipped with metal spike, lugs or cleats on a Highway.
- 7.17 The owner or occupant of a parcel of land abutting a sidewalk shall be responsible for removing all snow, ice, dirt debris or other obstruction within 48 hours of the snow, ice, dirt, or other obstruction is deposited thereon.

PARKS, SQUARES, PUBLIC PLACES

- 7.18 No person shall drive a motor vehicle, horse-drawn vehicle or ride a horse or other animal upon any baseball diamond, football ground, or other sports arena. The foregoing restrictions shall not apply so as to; to employees or agents of the Village in the performance of their duties.

8. CONSTRUCTION, EXCAVATING, BUILDING

- 8.1 No person shall break, tear up or remove any planking, pavement, sidewalk, curbing, macadamizing or other road surface or make excavation in or under any sidewalk or street, for the purpose of building or otherwise, without first having obtained permission from the Village to do so and, such permission being granted, the work shall be carried out in accordance with the directions of the Village or its designate. Such work shall be carried out as expediently as possible and without unnecessary delay.
- 8.2 The Village is entitled to inspect all such work and upon termination of the work the person who created the damage shall replace all materials and repair any damages to the Highway.
- 8.3 Any person or party to whom permission has been granted to carry out any work by the Village, shall be liable for any injury or loss to persons or property by reason of their work, and shall keep and maintain such lights, barricades or watchman or other precautions to safeguard and protect persons or property from injury or loss and shall be responsible for all costs therein.

9. SPEED LIMITS

- 9.1 The maximum rate of speed within the Village of Breton shall not exceed 40 km/hr unless a Traffic Control Device indicates otherwise.
- 9.2 Regardless of any other section in this Bylaw, no driver shall travel at any rate of speed that is unreasonable having regard to all the circumstances including but not limited to:

- (a) the nature, condition and use of the Highway;

- (b) the weather or other conditions that might affect the visibility of the driver or the control of the vehicle;

(c) the amount of traffic on the Highway; and

(d) the mechanical condition of the vehicle or any equipment of the vehicle.

9.3 No person shall drive a motor vehicle in or on any Alley (intended chiefly to give access to the rear of buildings and/or parcels of land) at a greater speed than 15 km/hr.

9.4 Temporary Traffic Control Devices may be posted along a Highway setting a temporary maximum speed limit in respect of any part of the Highway under construction or repair or in a state of disrepair.

10. TRUCK ROUTES

11.01 No person shall operate or park a Heavy Vehicle on a Highway other than that specified in schedule B of this Bylaw.

11.02 No person shall operate a vehicle in excess of 1 ton G.V.W. on any Highway, except solely upon those portions of the Highways expressly designated as Truck Routes except where:

- (a) engaged in the delivery or collection of goods, wares or merchandise to or from customers;
- (b) going to or from the business premises abutting a Highway for the purpose of servicing or repair to such vehicles and that they travel along the most direct and practicable route between the premises and the designated Truck Route;
- (c) pulling a motor vehicle disabled by accident or otherwise;
- (d) public utility vehicles are being operated for the purpose of installation, servicing or repair of public utilities.

12. ROAD BANS

12.01 The Chief Administrative Officer or his or her designate may impose a Road Ban restricting the maximum weight of classes of Vehicles traveling on the Village Highways.

13. CREATION OF HAZARDS

13.1 No person shall drive, upon a roadway or on any Highway any Vehicle so as to result in depositing mud, slush, ice or any other object or debris as to cause a hazard to other users of the Highway. Any violators are responsible for the clean up

13.2 No person shall wash a Vehicle upon a roadway or Highway so as to result in depositing mud, slush ice or any other object or debris as to cause a hazard to other users of the Highway. Any violators are responsible for the clean up

13.3 No person shall wash or drain any article in such a manner as to result in mud, grease, oil or any other contaminant to be placed on a Highway or into the storm sewage system. Any violators are responsible for the clean up and all other associated costs.

14. SIGHTLINES AT INTERSECTIONS

14.1 No person shall place, or allow to remain, a tree, hedge or shrub or a fence, wall or other structure that may obstruct the vision of pedestrians or drivers of vehicles on the Highway, or create a hazard to traffic on the Highway.

14.2 No person shall permit any tree, hedge or shrub on the property to grow or remain at a height greater than 1 metre within 5 metres of a corner or intersection of a Highway.

14.3 No person shall build, place, erect or allow to continue in existence a fence, wall, or other structure with a height greater than 1 metre within 5 metres of a corner or intersection of a Highway.

15. AUTHORITY OF PEACE OFFICER

- 15.1 A Peace Officer is hereby authorized to enforce the provisions of this Bylaw.
- 15.2 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 a manner as they deem necessary, whether or not in conformity with the provisions of this Bylaw.
- 15.3 In the 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, or authorize other individuals as they see fit whether or not in conformity with the provisions of this Bylaw.
- 15.4 Every Peace Officer is, and is deemed to be, duly authorized and entitled to place an erasable chalk mark on the tread face of the tire of a parked or stopped vehicle without that Peace Officer or the Village incurring any liability for doing so, in order to enforce the parking provisions of this Bylaw.
- 15.5 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 violation of provisions of this Bylaw and all costs incurred being the responsibility of the vehicle owner.

16. ENFORCEMENT AND PENALTIES

- 16.1 A person who violates any section of this Bylaw is guilty of an offence and liable to a fine as set out in the schedules to this Bylaw.
 - 16.2 Where any Peace Officer believes that any person has committed a breach of any of the sections of this Bylaw set out in Table "A" hereto, he may serve upon such person a notice or tag as provided herein.
 - 16.3 Notice or tag shall be in such form as provided for in the regulations pursuant to the Provincial Offences Procedure Act and service of any such notice tag shall be sufficient if it is:
 - (a) personally served;
 - (b) served by registered mail;
 - (c) attached to the vehicle in respect of which the offence is alleged to have been committed.
 - 16.4 If the person upon whom any such notice or tag is served fails to pay the said sum within the allotted time, the person may be prosecuted pursuant to the provisions of the Provincial Offences Procedure Act.
 - 16.5 No person other than the owner or driver of the vehicle shall remove any notice placed on or fixed to such vehicle by a Peace Officer in the course of his duties.
- 17. ENACTMENT**
- 17.1 Repeal Bylaw 97-05 and Bylaw 04-03 of the Village of Breton and all amendments thereto are hereby repealed in their entirety
 - 17.2 This Bylaw shall come into full force and effect upon third and final reading thereof.
 - 17.3 Should any provision of this Bylaw be determined to be invalid, then such provisions shall be severed and the remaining Bylaw shall remain valid and enforceable.

17.4 The Schedules to this Bylaw may be amended by resolution of Council of the Village of Breton.

READ A FIRST TIME THIS _____ DAY OF _____ 2007

READ A SECOND TIME THIS _____ DAY OF _____ 2007

READ A THIRD TIME AND FINALLY PASSED THIS _____ DAY OF _____ 2007

DEPUTY MAYOR

MUNICIPAL ADMINISTRATOR

SCHEDULE "A"**BYLAW 07-01**

Where no fine is suggested for a particular section of this bylaw the minimum amount of the fine shall be \$50.00.

<u>Offence</u> <u>Section No.</u>	<u>Penalty</u>
3.1 Fail to obey Traffic control device	172.00
3.2 Operate OHV in Village	200.00
4.1 Park vehicle contrary to Traf. Ctr. Dev.	57.00
4.2 Double park	57.00
4.3 Park within 500mm of Curb	57.00
4.4 Parking offences (a to l)	57.00
4.5 Truck-tractor Parking	500.00
4.6 Park in alley way	57.00
4.7 Park trailer on road way	57.00
4.8 Park farm veh, school bus holiday trailer	57.00
4.9 Leave veh. On Highway on jacks	57.00
5.1 Park on Private property	57.00
7.1 Ride on side walk unsafe manner	100.00
7.2 Ride bicycle with wheel diameter excess of 50 centimetres	57.00
7.3 Play games on Hwy	57.00
7.4 Throw missiles or objects on Hwy	100.00
7.5 Climb fence, tree, railing	100.00
7.6 Wilfully destroy sign	200.00
7.7 Deface public/private property	200.00
7.8 Attach poster to post, sign post	57.00
7.9 Place sign on Bvd W/O permission	57.00
7.10 Dig up destroys Bvd.	200.00
7.11 Deposit, store debris on Rd	57.00
7.12 Coast, Toboggan, ski on Rd.	57.00
7.13 Drive M/V on sidewalk	100.00

7.15	Obstacles across sidewalk	57.00
7.16	Litter on Hwy, rd way, sidewalk	200.00
7.17	Drive vehicle on Rd way with metal lugs	100.00
7.18	Fail to remove snow, dirt, debris on sidewalk	57.00
8.1	Drive M/V, Horse, horse drawn vehicle on sports field	200.00
9.1	Conduct construction on any Village property with out authorization	200.00
10.1	Speeding	As per Table A
10.2	Unreasonable speed as per road conditions	172.00
10.3	Speeding back alley	As Per Table A
11.01	Park Heavy vehicle off truck route	500.00
11.02	Drive Heavy vehicle off truck route	500.00
12	Drive vehicle contrary to road ban	500.00
13.1	Deposit, mud or debris on Rd way/Hwy	115.00
13.2	Wash vehicle deposit mud & debris	115.00
13.3	Wash or drain grease or contaminant	115.00
14.1	Tree, shrub, fence, wall obstruct view	100.00
14.2	Tree, shrub, hedge to above height	100.00
14.3	Build fence wall to obstruct view	100.00

Table A

<u>Amount of Specified Kilometres over Limit</u>	<u>Penalty</u>	<u>Amount of Specified Kilometres over Limit</u>	<u>Penalty</u>
1.	57.00	26.	156.00
2.	59.00	27.	161.00
3.	62.00	28.	166.00
4.	64.00	29.	172.00
5.	66.00	30.	177.00
6.	69.00	31.	187.00
7.	71.00	32.	194.00
8.	73.00	33.	203.00
9.	75.00	34.	211.00
10.	78.00	35.	219.00
11.	80.00	36.	228.00
12.	82.00	37.	236.00
13.	85.00	38.	247.00
14.	87.00	39.	255.00
15.	89.00	40.	264.00
16.	103.00	41.	273.00
17.	110.00	42.	281.00
18.	113.00	43.	290.00
19.	120.00	44.	299.00
20.	124.00	45.	307.00
21.	129.00	46.	316.00
22.	136.00	47.	325.00
23.	140.00	48.	333.00
24.	147.00	49.	342.00
25.	150.00	50.	351.00

Table B

Permitted Truck Routes (as attached)

Permitted Parking for Commercial Vehicles, Trucks or Trailers (as attached)