

TOWN OF BON ACCORD
BYLAW #2018-08

A BYLAW OF THE TOWN OF BON ACCORD IN THE PROVINCE OF ALBERTA TO REGULATE HIGHWAY TRAFFIC WITHIN THE BOUNDARIES OF THE TOWN OF BON ACCORD

WHEREAS, The *Traffic Safety Act*, R.S.A. 2000 Chapter T-6 as amended, provides that a municipality may regulate activities on highways under its direction, control and management, and may make by-laws that are not inconsistent with the *Highway Traffic Act*.

NOW THEREFORE the Council for the Town of Bon Accord, duly assembled, enacts as follows:

PART 1 - TITLE

This bylaw may be cited as “The Bon Accord Traffic Bylaw”.

PART 2 – DEFINITIONS

1. In this Bylaw, all words shall have the same meaning as in the Highway Traffic Act, except as otherwise defined.
2. In addition to such definitions, as are accepted by Sub-section 1, the following definitions shall apply to this Bylaw:
 - a) “*Construction site*” means any portion of a highway, alley, or lane that fronts or is immediately adjacent to a parcel of land which contains a building that is in the course of erection, demolition, or alteration.
 - b) “*Council*” means the Municipal council of the Town of Bon Accord.
 - c) “*Dangerous Goods*” means dangerous goods as defined in any or all of the current provincial or federal Transportation of Dangerous Goods Control Acts or Regulations
 - d) “*Highway*” means any thoroughfare, street, road, trail, avenue, parkway, driveway, viaduct, lane, alley, square, bridge, trestle way, or other place or any part of any of them whether publicly or privately owned, that the public is ordinarily entitled or permitted to use for the passage or parking of vehicles:
 - (i) A sidewalk, including a boulevard adjacent to the sidewalk
 - (ii) If a ditch lies adjacent to and parallel with the roadway, the ditch and
 - (iii) If a highway right of way is contained between fences or between a fence and one side of the roadway, all the land between fences, or all the land between the fence and the edge of the roadway as the case may be.
 - e) “*Holder*” means a handicapped person who is lawfully in possession of a handicapped parking identification, being an identification symbol recognized by the Canadian Paraplegic Association, and displayed on the vehicle.
 - f) “*Motor Vehicle*” means
 - (i) A vehicle propelled by any power other than muscular power or,
 - (ii) A moped, but does not include a bicycle, a power bicycle, an aircraft, an implement of husbandry or a motor vehicle that runs only on trails.
 - g) “*Municipality*” means the Town of Bon accord.
 - h) “*Parade or Procession*” shall mean a group of pedestrians, except a military or funeral procession, numbering more than twenty (20) and marching or walking in the street or on the sidewalk or any group of vehicles except a military or funeral procession numbering ten (10) or more.

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- i) *"Passenger Loading Zone"* shall mean a space adjacent to a curb reserved for the exclusive use of vehicles during the loading and unloading of passengers and designated by a sign saying Passenger loading zone that may or may not have restrictions on it.
- j) *Peace Officer* means:
 - i. all persons defined as such under the *Highway Traffic Act*, and
 - ii. a Bylaw Enforcement Officer appointed by the Municipality pursuant to the *Municipal Government Act* to enforce the Municipality's Bylaws.
- k) *"Permit"* means a form that temporarily grants permission, within the town's legal boundaries, for specific and/or certain actions that would normally be a violation to the Town of Bon Accord Traffic Bylaw and in certain cases the Alberta traffic Act. The form must be signed by the Chief Administrative Officer or their appointed representative and can be revoked at any time.
- l) *"Privately Owned Property"* means all land located within the Municipality that is not under the ownership, management or control of the Municipality.
- l) *"Town"* means The Town of Bon Accord
- m) *"Trailer"* means a vehicle so designed that it;
 - (i) may be attached to or drawn by a motor vehicle or tractor, and
 - (ii) is intended to transport property, or persons,And includes any vehicle defined by regulation as a trailer but does not include machinery or equipment solely used in the construction or maintenance of highways.
- n) *"Vehicle"* other than in Part 2, (i) means a device in, on or by which a person or thing may be transported of drawn on a highway and includes a combination of vehicles but does not include a mobility aid.
- o) *"Violation Tag"* means a tag or similar document issued by the Municipality pursuant to the *Municipal Government Act*.
- p) *"Violation Ticket"* means a ticket issued pursuant to Part III of the *Provincial Offences Procedure Act*, S.A. 1988, c.P-21.5, as amended and Regulations thereunder.
- q) *"Written means of communication"* means a communication and/ or data that is:
 - (i) written or printed.
 - (ii) an electronic form of communication and usually printable such as E-mail or faxes but not to include commercial electronic forms known as social media such as "Facebook or Twitter"

PART 3 – PARKING

- 3. No person shall park a vehicle on any highway for more than seventy-two (72) consecutive hours. A trailer attached to a vehicle or recreational vehicle must be removed to an off highway location for at least forty-eight (48) consecutive hours before being placed back on a highway.
- 4. No person shall park in an area that is designated no parking by signage.
- 5. No person shall park in an area longer than is designated.
- 6. No person shall park any vehicle, other than utility and maintenance vehicles and equipment in the course of their duties, upon any Town owned land which is used as a playground, recreation area, or public park, except upon such part thereof as has been designated for parking by a sign or signs.

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7. No person shall park any trailer, whether designated for occupancy or load carrying on any highway unless such trailer is attached to the vehicle by which it may be properly drawn and when so attached, the trailer shall be part of the vehicle and subject to any regulations pertaining to the vehicle.
8. No vehicle over 4800 kilograms gross vehicle weight shall be parked on any highway except 47th Avenue between 50th Street and 51st Street.
9. No vehicle, except a taxi or a bus, shall park in any area designated as a *"Passenger Loading Zone"*.
10. No person shall stop any vehicle for a longer period than five (5) minutes in any area designated a *"Passenger Loading Zone"*.
11. Where a vehicle parking place is marked out or designated upon a highway, every driver of any vehicle using same, shall park his vehicle wholly within the limits of such space.
12. No person shall park any vehicle in any parking space upon Town owned property where such space has been reserved for a vehicle operated by an employee or official of the Town.
13. No person shall park or drive any vehicle on or over any Town owned land used as a buffer strip, boulevard, reserve, or on land held for resale, except utility and maintenance vehicles and equipment in the course of their duties. All other vehicles require prior approval from the municipality.
14. No person shall park on a construction site, except when operating a vehicle involved in the construction.
15.
 - a) The Municipality may cause movable signs to be placed on a highway to indicate amongst other things; reduced speeds, detours, or no parking for certain periods of time as may be necessary for the purpose of street cleaning, snow removal, maintenance, construction, general safety concerns or other special reasons, and when so marked, such signs shall take precedents over all other traffic control devices.
 - b) no person shall park a vehicle, or permit a vehicle to be parked on a highway, from the time a "no parking" sign or signs referred to in Part 3, section13 a) have been;
 - (i)placed, and until such sign or signs have been removed; or
 - (ii) if in the case the signs have times, days or dates on them become valid or expire.
 - c) if the vehicle was parked on the highway prior to the placement of the "no parking" signs pursuant to subsection 13 a) above, no person shall leave that vehicle parked or permit that vehicle to remain parked on the highway after the expiration of twenty (20) hours from the time of sign or signs have been placed (not withstanding Part 3, Section13, subsection b, (ii)).

PART 4 – OBSTRUCTIONS

16. No person shall drive, park, or stop a vehicle upon any highway in such a manner as to block, obstruct, impede, or hinder traffic thereon. Where the obstruction is unavoidable due to mechanical failure, the

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operator will not be in breach of this section providing he promptly takes measures to clear the faulty vehicle from the highway.

17. As per the current **Town of Bon Accord Community Standards Bylaw**,
No person shall remove snow, ice, dirt, debris of other materials from any Sidewalk or Property and place such items:
- 8.2.1.** onto any portion of a Highway
 - 8.2.2.** onto any other Public Place adjacent to such Property; or
 - 8.2.3.** onto any Property other than their own unless permission is obtained
18. In addition to any other penalty which may be imposed, the Town Council may recover such expenses for the removal of the obstruction from the person by whom, or at whose direction, the obstruction was so placed, or by or at the expense of the occupant of the premises connected therewith by suit against the person so designated.
19. No person shall permit the loading or unloading of goods, wares, or merchandise from any vehicle across sidewalk boulevards in any case where proper loading and unloading facilities have been provided for the premises owned or occupied by such person or where there is access to a property from an alley.

PART 5 – PARADES PROCESSIONS

20. No person shall hold or take part in any parade or procession until a permit has been obtained from the office of the Chief Administrative Officer.

PART 6 — PERMITS

21. The C.A.O. or their representative may grant a “permit” to allow exemptions that would, without the permit be in violation of part or parts of the Town of Bon Accords Traffic bylaw and/or the Province of Alberta’s Traffic Safety Act within the Town’s legal boundaries.
- a) The intent of granting a permit is discretionary and is designed to benefit the Town, its residents or a group of residents and is not designed to allow an individual to bypass laws or bylaws without good reason.
 - b) The permit will not be used to contravene any scheduled or emergency work by the Town’s Public Works department without the permission of the Town’s Public Works Supervisor or their representative.
 - c) The permit will not be used to contravene that of parking in the restricted areas of fire hydrants as per the Water Bylaw.
 - d) The permit may be revoked, suspended or amended at any time;
 - i) If it is found that the situation created by the use of the permit is determined to be unsafe.
 - ii) If it is found that the applicant is not within the intent or use of the permit.
 - iii) If it is determined that use of the permit is/or will conflict with any emergency or potential emergency.
 - iv) By verbal or any means of communication available in the case of emergency and/ or safety concern. All others will be by written means of communication.

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- e) The permit is only valid for the dates, times and within the use of any special conditions or restrictions listed and is not transferable to another person, party, application, vehicle or piece of equipment.
- f) No one shall make up or use a permit that has not been authorized by the C.A.O or their representative.

22. The types of permitting available are as follows:

- a) Parade permit
 - i) The permit will take the form of and have at minimum the information listed and requested in schedule A
- b) Parking permit
 - i) The purpose of which may be that of allowing a vehicle to park where it would not be normally allowed to.
 - ii) Which must be displayed and wholly visible from the outside to be valid.
- c) Placing of Obstruction permit
 - i) The purpose of which may be that of allowing temporary placement of an item or items where it would not be normally allowed to be put.
 - ii) The applicant of the permit will ensure that appropriate signage, markings, barriers or warning devices are in place so that drivers in any direction traveled to or by the obstruction are able to be aware of any possible hazard.
- d) Operating of an off road vehicle or equipment
 - i) The purpose of which may be that of allowing an off road vehicle or piece of equipment that would under normal conditions not be allowed to operate in the town.

PART 7 — REMOVAL OR IMPOUNDMENT OF VEHICLES

23. Powers of peace officers;

- a) Any Peace Officer is authorized to remove, or cause to be removed, or impounded any vehicle:
 - (i) parked in contravention of a provision of this Bylaw; or,
 - (ii) parked in contravention to the Traffic Act; or
 - (iii) where emergency conditions exist.

24. Any vehicle removed pursuant to Subsection 14 may be removed to a place designated by the Municipality, where it will remain impounded until claimed by the owner.

25. Unless the Municipality agrees, no impounded vehicle shall be released to its owner until all impounding charges have been paid. When such vehicle has been removed by a towing company on the instructions of a Peace Officer, the owner shall, in order to redeem the vehicle, make the necessary payment to the towing company.

- a) All charges for removal and Storage of a vehicle shall be in addition to any fine or penalty imposed in respect of any violation pursuant to this Bylaw.

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PART 8 – USE OF SIDEWALKS

26. No person shall ride any bicycle whereby the wheel diameter exceeds 50 cm, roller blades, skate board or drive or park any vehicle on or cause to block by having any part of or attachment to the vehicle to overhang any sidewalk.

PART 9 – GENERAL

27. No vehicle over 4800 kg gross vehicle weight shall be operated on any highway except 47th Avenue between 50th Street and 51st Street, except when going to or returning from a residence or place of business when making a delivery or a pick-up.
28. Any person or business using the Town's highways shall be responsible for any damage to the Town property.
29. No person shall operate any track vehicle equipped with metal lugs upon, over, or across any highway with the corporate limits of the Town of Bon Accord.
30. No person shall pass beyond a point designated by a Peace Officer, member of the Public Works Department, or a member of the Fire Department or Ambulance near the location of a fire or other emergency.
31. No person shall carry out an activity upon or so near a highway as to result in depositing mud, or other materials, or creating slush or ice upon a public highway.
32. As per the Province of Alberta Traffic Safety Act and the Off-Highway Vehicle Regulation, no off road vehicles will be allowed to operate on the highways or on Municipal owned property with the exception of those owned by, operated by or contracted by the Town of Bon Accord,
33. Crosswalks:
- a. The Director of Operations, or his designate, is hereby authorized to designate crosswalks upon any highway and to mark same
34. Routine maintenance of highways:
- Whereas in the normal course of maintenance done by or approved by the Town of Bon Accord, such as clearing or removal of snow in winter and grading of gravel surfaced roadways (including normal leveling of the surface by use of equipment such as a motor grader or adding to the surface of aggregate in sections requiring replacement aggregate) and as a result there is a difference of the level of the surface of a highway and the level of the surface of any driveway, approach, or entry way to the highway;
- a. It is the responsibility of the person or persons in care and control of such to maintain a smooth transition from one surface to the other.

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- b. that the Town of Bon Accord or in the course of their duties the employees of the Town of Bon Accord will not be responsible for condition's, situations or damages resulting from a difference of surface levels

35. Playground Zones:

The Director of Operations or designate is hereby authorized to designate "School Zones" and "Playground Zones". The Director of Operations or his designate shall cause such zones to be marked by signs posted along the highway, by marking the pavement, by signs and lights, or both, posted or suspended over the highway.

PART 10 – SIGNS

36. The Director of Public Works, or their designate, is authorized to prescribe the location of traffic control devices including devices used to:
- i) restrict the speed of vehicles; and
 - ii) restriction in allowable gross vehicle weight.

PART 11 – SPEED LIMITS

37. The speed limit in the town of Bon Accord shall be as listed in Schedule "B".

PART 12 – PENALTIES

38. Any person who contravenes any section of this Bylaw is guilty of an offence.
39. Specified penalties as outlined in the *Provincial Offences Procedure Act* will apply to this Bylaw.
- a) any person who contravenes any provision of this Bylaw is guilty of an offence and is liable upon conviction to a fine as set out in Schedule "D" which is attached hereto and forms part of this Bylaw.
 - b) under no circumstances shall any person contravening any provisions of this Bylaw be subject to the penalty of imprisonment.
 - c) nothing in this Bylaw shall be construed as curtailing or abridging the right of the Municipality to obtain compensation or to maintain an action for loss of or damage to property from or against the person or person responsible.
40. A Peace Officer is hereby authorized and empowered to issue a Violation Tag to any person whom the Peace Officer has reasonable and probable grounds to believe has contravened any provision of this Bylaw.
41. A violation tag may be issued to such person:
- a) either personally; or
 - b) mailing a copy of such person at his or her last known post office address.
42. The violation tag shall be in a form approved by the Municipality and shall state:
- a. the name of the person;
 - b. the offence;

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- c. the appropriate penalty for the offence as specified in Schedule “C” of this Bylaw;
 - d. that the penalty shall be paid within thirty (30) days of the issuance of the violation tag;
 - e. any other information as may be required by the Municipality.
43. Where a contravention of this Bylaw is of a continuing nature, further violation tags may be issued by a Peace Officer, provided that no more than one violation tag per offence shall be issued for each day that the contravention continues.
44. Where a violation tag is issued pursuant to this Bylaw, the person to whom the violation tag is issued, may in lieu of being prosecuted for the offence, pay to the Town of Bon Accord, the penalty specified in the violation tag.
45. Nothing in this Bylaw shall prevent a Peace Officer from immediately issuing a violation ticket.
46. If the penalty specified in a violation tag is not paid within the prescribed time period, then a Peace Officer is hereby authorized and empowered to issue a violation ticket pursuant to the *Provincial Offences Procedure Act*.

PART 13 – HANDICAPPED PARKING

47. No person shall park or permit a vehicle to be parked at any location indicated by a traffic control device to be for handicapped parking, unless the person is a Holder, and the handicapped parking permit is clearly displayed on the front dash or windshield of a vehicle.

PART 14 – DANGEROUS GOODS

48. No person shall properly:
- a) park or permit a vehicle to be parked on a Highway, where that vehicle contains dangerous goods except as noted in Schedule “D”,
 - b) park or permit a vehicle to be parked within 15 meters of any building, where that vehicle contains dangerous goods.
49. Subsection 48 above does not apply where the vehicle is parked while loading or unloading the Dangerous Goods in the ordinary course of business.
50. No person shall operate or permit a vehicle to be operated in the Municipality where that vehicle contains Dangerous Goods, unless:
- a) that vehicle is being operated for the loading or unloading of Dangerous Goods within the Municipality; and
 - b) the vehicle is being operated on the most direct and practicable route through the Municipality.

PART 15 – AMENDMENT OF SCHEDULES

51. All schedules relating to this Bylaw, as attached, may be changed from time to time by resolution of Council.

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This Bylaw rescinds Bylaw 2015-04

Read a first time this 16th day of April 2019.

ORIGINAL SIGNED

Mayor Dave Hutton

ORIGINAL SIGNED

Chief Administrative Officer Joyce Pierce

Read a second time this 7th day of May 2019.

ORIGINAL SIGNED

Mayor Dave Hutton

ORIGINAL SIGNED

Chief Administrative Officer Joyce Pierce

Read a third, and final time this 7th day of May 2019.

ORIGINAL SIGNED

Mayor Dave Hutton

ORIGINAL SIGNED

Chief Administrative Officer Joyce Pierce

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Schedule "A"
Parade Permits
Section 4 (1)

A person applying for a parade permit is to advise of the proposed route, liability, and deal with temporary suspensions of parking and loading restrictions.

Parade permits must be obtained from the Town Office a minimum of two weeks in advance of the event date and shall include the following information:

1. Name of contact person and phone number.
2. Sponsoring group.
3. Purpose.
4. Date and the expected start time and finish time.
5. Expected number of participants.
6. Types of vehicles and expected number in total.
7. Staging area.
8. Route.
9. Dispersing area.
10. Areas where parking will need to be restricted.
11. Roads that will need to be closed.
12. Method(s) to be used for notifying persons who will be affected by the parade.
13. Proof of liability insurance in the amount of \$1,000,000.

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Schedule "B"

Speed Limits

The speed limit in the Town of Bon Accord shall be 40 kilometers per hour or as otherwise posted or listed on this schedule.

School zones shall be 30 km per hour in the school block only.

The speed limit near playgrounds shall be 30 km per hour between playground signs.

The speed limit in lane ways shall be 20 km per hour.

The speed limit in Bon Acres Crescent shall be 20 km per hour.

The speed limit on 48 avenue between 50th and 51st Streets shall be 20 km per hour.

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Schedule "C"

Fines for Infractions

Section No.	Offence In general terms. Wording of bylaw itself has precedence	Penalty 1 st offence	Penalty 2 nd offence	Penalty Subsequent offences
3	Parking in excess of 72 hours	75.00	150.00	300.00
4 and 5	Illegal Parking	100.00	175.00	350.00
6	Parking on undesignated town property	75.00	150.00	300.00
7	Parking of unattached trailer	100.00	150.00	300.00
8	Vehicle over 4800 Kg. parked in undesignated area	250.00	375.00	500.00
9	Parking other than allowed vehicles in loading zone	50.00	75.00	100.00
10	Parking longer than allowed in passenger loading zone	50.00	75.00	100.00
11	Parking outside or not totally within designated area	50.00	75.00	100.00
12	Parking in designated spot	50.00	75.00	100.00
13	Parking on or driving over town owned land not for parking	100.00	150.00	300.00
14	Parking other than permitted in construction zone	50.00	75.00	150.00
15 (b)(c)	Parking in violation of temporary no parking signs	100.00	150.00	300.00
3 (5)	Exceeding Posted Parking maximum time	50.00	75.00	150.00
16	Obstruction or Impeding traffic	250.00	375.00	500.00
19	Improper parking for loading or unloading	75.00	100.00	150.00
20	Parade without permit	100.00	150.00	200.00
22,b),ii	Failure to properly display permit	25.00	50.00	75.00
22,c),ii	Failure to put suitable warnings of obstruction	50.00	100.00	150.00
26	Improper use of sidewalk	100.00	100.00	100.00
27	Over weight vehicle	200.00	250.00	300.00
29	Tracked vehicle with metal lugs	300.00	400.00	500.00
30	Passing designated point under control of authorized person	300.00	450.00	650.00
31	Activity so as to allow mud, slush or ice on highway	200.00	350.00	500.00
32	Off road vehicle on roads or town property	As per Alberta traffic act		
47	Parking in a handicap zone	150.00	250.00	500.00
48 (a)(b)	Improper dangerous goods parking	500.00	750.00	1000.00
50(a)(b)	Driving of dangerous goods on unauthorized highway	500.00	750.00	1000.00
11 (37)	Speeding	Offences Act	Offences Act	Offences Act

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Schedule "D"

Designated Dangerous Goods Parking Area (s)

Dangerous Goods Parking areas are as follows:

1. On the south side only of the service road 47th Avenue between 50th and 51st Street – 4 hours maximum.