

MUNICIPAL DISTRICT OF BIGHORN NO. 8

BYLAW NO. 11/20

HIGHWAY AND TRAFFIC BYLAW

A BYLAW OF THE MUNICIPAL DISTRICT OF BIGHORN NO. 8, IN THE PROVINCE OF ALBERTA, FOR THE PURPOSE OF REGULATING THE USE OF HIGHWAYS UNDER THE DIRECTION, CONTROL AND MANAGEMENT OF THE MUNICIPALITY AND THE PARKING OF VEHICLES ON SUCH HIGHWAYS AND ON PRIVATELY OWNED PROPERTY LOCATED WITHIN THE MUNICIPALITY

WHEREAS pursuant to Section 13 of the *Traffic Safety Act* the council of a municipality may, with respect to highways under its direction, control and management, pass bylaws not inconsistent with the *Traffic Safety Act* respecting matters enumerated therein;

AND WHEREAS pursuant to Section 14 of the *Traffic Safety Act* the council of a municipality may pass bylaws governing the parking of vehicles on privately owned property;

AND WHEREAS pursuant to Section 108 of the *Traffic Safety Act* the council of a municipality may pass bylaws prescribing speed limits that are different from the speed limits established in that *Act*;

AND WHEREAS pursuant to Section 48 of the *Highways Development and Protection Act* the council of a municipality may pass bylaws regulating the placing of roadside improvements on privately owned property;

AND WHEREAS pursuant to Section 7 of the *Municipal Government Act* the council of a municipality may pass bylaws for municipal purposes respecting the safety, health and welfare of people and the protection of people and property and the enforcement of bylaws;

NOW THEREFORE, the Council of the Municipal District of Bighorn No. 8, in the Province of Alberta, duly assembled, enacts as follows:

PART 1 - SHORT TITLE

- 1 This Bylaw may be cited as the “Highway and Traffic Bylaw”.

PART 2 - INTERPRETATION AND APPLICATION

Definitions

- 2(1) In this Bylaw, words shall have the same meanings as in the *Traffic Safety Act*, and the regulations thereunder, except as otherwise defined below.
- (2) In this Bylaw:
- (a) **“Boulevard”** means that part of a highway that is not a roadway and includes a ditch that forms part of a highway;
 - (b) **“Chief Administrative Officer”** means the chief administrative officer of the Municipality, or his or her delegate;
 - (c) **“Council”** means the municipal council of the Municipality;

- (d) **"Curb"** means the actual curb, if there is one, and if there is no curb in existence, it shall mean the edge of the roadway;
- (e) **"Driveway Approach"** means the connection located within a highway between the roadway and the adjacent land where access is provided to the land directly from the highway;
- (f) **"Hamlet"** means:
 - (i) an unincorporated community designated by Council from time to time as a hamlet of the Municipality pursuant to section 59 of the *Municipal Government Act* and includes, but is not limited to, the hamlets of Benchlands, Dead Man's Flats, Exshaw, Harvie Heights and Lac Des Arcs; and
 - (ii) includes, for the purposes of this Bylaw, the Ghost Country Residential Subdivision, which, for greater certainty, encompasses the lands shown within plan of survey number 9111557, 9810158, 0612837, 0413737 and 0512460 registered at the Alberta Land Titles Office;
- (g) **"Heavy Vehicle"** means a Vehicle, or a Vehicle with a Trailer attached, that has a gross weight of 6,000 kilograms or more, with or without load, or exceeds eleven (11) metres in overall length, excluding Recreational Vehicles;
- (h) **"Idle"** or **"Idling"** means to permit a Vehicle to remain at a standstill, with the engine running, for a period of five (5) minutes or longer;
- (i) **"Municipality"** means the municipal corporation of the Municipal District of Bighorn No. 8, and includes the geographical area within the Municipal District of Bighorn No. 8 where the context so requires;
- (j) **"Municipal Tag"** means a tag or similar document issued by the Municipality pursuant to the *Municipal Government Act* that alleges a bylaw offence and provides a Person with the opportunity to pay an amount to the Municipality in lieu of prosecution for the offence;
- (k) **"Off-Highway Vehicle" or "OHV"** means any motorized mode of transportation built for cross-country travel on land, water, snow, ice or marsh or swamp land or on other natural terrain and, without limiting the generality of the foregoing, includes, when specifically designed for such travel:
 - (i) 4-wheel drive vehicles,
 - (ii) low pressure tire vehicles,
 - (iii) motor cycles and related 2-wheel vehicles,
 - (iv) amphibious machines,
 - (v) all-terrain vehicles,
 - (vi) snow vehicles,

- (vii) any other means of transportation that is propelled by any power other than muscular power or wind,

but does not include:

- (viii) motor boats,
 - (ix) miniature vehicles, including but not limited to go carts, golf carts and pocket bikes, that cannot be registered pursuant to the Operator Licensing and Vehicle Control Regulation, or
 - (x) any other vehicle exempted from being an off-highway vehicle by regulation;
- (l) **"OHV Special Event"** means any race, derby, rally or other organized social or sporting event involving 10 or more Off-Highway Vehicles being operated on a highway;
 - (m) **"Parade or Procession"** means a group of Vehicles, animals, pedestrians or combination thereof on a highway which is likely to block, obstruct, impede, hinder or otherwise interfere with pedestrian or vehicular traffic, excluding a funeral procession;
 - (n) **"Park", "Parking", or "Parked"** means to allow a Vehicle, whether occupied or not, to remain stationary in one place, except:
 - (i) when standing temporarily for the purpose of and while actually engaged in loading or unloading passengers, or
 - (ii) when complying with a direction given by a Peace Officer or Traffic Control Device;
 - (o) **"Peace Officer"** means a member of the Royal Canadian Mounted Police, a Community Peace Officer whose appointment includes enforcement of the Municipality's Bylaws, or a Bylaw Enforcement Officer appointed by the Municipality;
 - (p) **"Person"** means any individual, firm, partnership, association, corporation, trustee, executor, administrator or other legal representative;
 - (q) **"Recreational Vehicle"** means a Vehicle designed to provide temporary living accommodation for travel, vacation, or recreational use, and to be driven, towed or transported, some examples of which include, without restricting the generality of the foregoing, a motor home, holiday trailer, camper, tent trailer and any bus or truck converted to provide temporary living accommodation;
 - (r) **"Street Furniture"** includes lamp posts, benches, waste bins, planters, bicycle racks, newspaper boxes or any other similar property placed on or adjacent to a highway;

- (s) **“Traffic Control Device”** means any temporary or permanent sign, signal, marking or device placed, marked or erected under the authority of this Bylaw for the purpose of regulating, warning or guiding traffic or governing Parking;
- (t) **“Trailer”** means a Vehicle so designed that it may be attached to or drawn by a Vehicle or implement of husbandry, and intended to transport property or persons, but does not include machinery or equipment used in the construction or maintenance of highways;
- (u) **“Vehicle”** means a device in, upon or by which a Person or thing may be transported or drawn upon a highway and includes a combination of Vehicles, but does not include a mobility aid;
- (v) **“Violation Ticket”** has the same meaning as in the *Provincial Offences Procedure Act*.

PART 3 - OPERATIONAL RESTRICTIONS

Maximum Speeds

- 3 A maximum speed in excess of or less than 80 kilometers per hour is hereby provided on the described portions of highway set out in Schedule “A”.

Compliance with Traffic Control Devices

- 4 No Person shall operate a Vehicle in contravention of a Traffic Control Device.

Funeral Processions

- 5 Any Person operating a Vehicle participating in a funeral procession, other than the lead Vehicle in the funeral procession, may, during daytime hours, drive the Vehicle into an intersection without stopping the Vehicle if:
- (a) the Vehicle’s headlamps and warning lamps are alight,
 - (b) the Vehicle is travelling immediately behind the Vehicle in front of it in the funeral procession so as to form a continuous line of traffic,
 - (c) the lead Vehicle in the funeral procession is showing a purple flashing light, and
 - (d) the passage through the intersection can be made in safety.

Engine Retarder Brakes

- 6 No Person shall use engine retarder brakes within a Hamlet, or where otherwise prohibited by a Traffic Control Device.

Vehicles with Loads

- 7 No Person shall operate a Vehicle containing any load on a highway unless the load has been secured to prevent any part of it from falling onto the highway.

Tracking Material

- 8(1) No Person shall operate a Vehicle on a highway so as to track any earth, sand, gravel or other material on the highway.
- (2) A Person tracking material contrary to subsection (1) shall, in addition to any penalty that may be imposed under this Bylaw, be liable to clean up or remove the material tracked upon the highway and if that Person fails to comply with this subsection the Municipality may clean up or remove the material at the expense of the Person tracking the material.

Spikes/Lugs Prohibited

- 9(1) No Person shall operate a Vehicle on a highway with spikes, lugs, cleats, bands or other items projecting from the surface of the wheel or tire, unless the Person has been authorized to do so, in writing, by the Chief Administrative Officer.
- (2) A Person operating a Vehicle contrary to subsection (1) shall, in addition to any penalty that may be imposed under this Bylaw, be liable for all costs incurred by the Municipality to repair any damage.

PART 4 - PARKING

Compliance with Traffic Control Devices

- 10 No Person shall Park a Vehicle in contravention of a Traffic Control Device.

Parking within Spaces

- 11 A Vehicle Parked on a highway in a location marked by lines or otherwise shall be Parked wholly within the marked parking space.

Parallel Parking

- 12(1) A Vehicle Parked on a highway shall be Parked with:
- (a) the sides of the Vehicle parallel to the Curb; and
 - (b) the right hand wheels of the Vehicle not more than 50 centimetres from the right hand Curb.
- (2) Notwithstanding subsection (1), a motorcycle may be Parked with:
- (a) a wheel of the motorcycle not more than 50 centimetres from the Curb; and
 - (b) the motorcycle angled in the direction of travel authorized for the traffic lane that is adjacent to the lane on which the motorcycle is parked.
- (3) The parallel Parking provisions in this section do not apply where angle Parking is permitted or required.

Angle Parking

13(1) When:

(a) a Traffic Control Device indicates that angle Parking is permitted or required; and

(b) Parking lines are visible on the roadway;

a Vehicle shall be Parked with the Vehicle's sides between and parallel to any two of the lines; and

(c) in the case of a Vehicle other than a motorcycle, with one front wheel not more than 50 centimetres from the Curb; or

(d) in the case of a motorcycle; with

(i) a wheel of the motorcycle not more than 50 centimetres from the Curb, and

(ii) the motorcycle angled in the direction of travel authorized for the traffic lane that is adjacent to the lane on which the motorcycle is parked.

(2) When:

(a) a Traffic Control Device indicates that angle Parking is permitted or required; and

(b) no Parking lines are visible on the roadway;

a Vehicle shall be Parked with the Vehicle's sides at an angle of between 30 and 60 degrees to the Curb; and

(c) in the case of a Vehicle other than a motorcycle, with one front wheel not more than 50 centimetres from the Curb; or

(d) in the case of a motorcycle with:

(i) a wheel of the motorcycle not more than 50 centimetres from the Curb; and

(ii) the motorcycle angled in the direction of travel authorized for the traffic lane that is adjacent to the lane on which the motorcycle is parked.

Prohibited Parking

14 Unless permitted or required by a Traffic Control Device, no Person shall stop or Park a Vehicle:

(a) on a highway adjacent to a Curb or sidewalk that has been marked by being painted in a solid colour;

(b) on a sidewalk or Boulevard;

- (c) on a crosswalk or any part of a crosswalk, or within 5 metres of the near side of a crosswalk;
- (d) in any driveway, lane or other location designated as a fire lane, an emergency access zone or otherwise being for the use of emergency vehicles;
- (e) to the left of the centre line of a highway facing oncoming traffic;
- (f) on a highway in a manner that blocks or obstructs:
 - (i) a doorway to a building; or
 - (ii) the approach to any fire station, police station, hospital or other place where emergency vehicles require regular access;
- (g) at an intersection within 5 metres to the projection of the Curb or edge of the roadway;
- (h) within an intersection other than immediately next to a curb in a "T" intersection;
- (i) within 5 metres of any approach to any stop or yield sign;
- (j) within 5 metres of any fire hydrant or, when the hydrant is not located at the Curb, within 5 metres of the point on the Curb nearest to the fire hydrant;
- (k) alongside or opposite any street excavation or obstruction when stopping or Parking would obstruct traffic;
- (l) at any other place where a Traffic Control Device prohibits stopping or Parking, during such times as stopping or parking is so prohibited;
- (m) on the roadway side of a Vehicle parked or stopped at the Curb or edge of a highway;
- (n) within 1.5 metres of an access to a garage, private road or driveway or a Vehicle crossway over a sidewalk;
- (o) at any angle to the Curb in a cul-de-sac unless that Vehicle is parked in such a manner so as not to interfere with the free flow of traffic in the cul-de-sac;
- (p) in an alley, unless the Vehicle is a commercial vehicle with hazard warning lights alight and in the process of loading or unloading of goods or passengers;
 - (i) Notwithstanding subsection (p), a commercial vehicle shall not be parked in an alley for more than 30 minutes; and
 - (ii) Nothing in subsection (p) permits a Person to park a Vehicle in an alley in a manner that blocks or obstructs the movement of traffic;
- (q) on any bridge or on any approach to a bridge;
- (r) at or near the site of any fire, accident or other emergency, if stopping or parking would obstruct traffic or hinder emergency vehicles or Peace Officers, firefighters, ambulance drivers or assistants or rescue officers or volunteers; or

- (s) in such a manner that may obstruct the safe movement of traffic and pedestrians using the roadway.

Parking Reserved for Disabled Persons

- 15** A Vehicle shall not be Parked on a highway in any location identified as being reserved for the use of Persons with disabilities unless the Vehicle:
- (a) displays a valid disabled placard or license plate issued or recognized by the Registrar of Motor Vehicles; and
 - (b) is being used for the transportation of a Person with a disability.

Heavy Vehicle Parking

- 16** No Person may Park a Heavy Vehicle in a location adjoining residential property, except:
- (a) commercial vehicles with the hazard warning lamps alight and in the process of loading or unloading goods; or
 - (b) construction equipment being used during construction or improvement of property, provided that the equipment is Parked adjacent to the property where the work is being done.

Recreational Vehicle Parking

- 17(1)** No Person shall Park a Recreational Vehicle on a highway for more than 72 consecutive hours.
- (2)** A Recreational Vehicle Parked pursuant to subsection (1) shall be removed to an off-highway location for at least 48 consecutive hours before it may be Parked again on a highway.
- (3)** No Person shall occupy a Recreational Vehicle Parked on a highway.

Parking in Recreational Areas

- 18** No Person shall Park a Vehicle on any land owned or controlled by the Municipality and which the Municipality uses or permits to be used as a playground, recreation area, public park, or campground except in a developed parking lot or other area specifically designated for the Parking of Vehicles.

Private Property with Public Access

- 19(1)** No Person shall Park a Vehicle on privately owned property to which Vehicles driven by members of the public generally have access unless the permission or authorization of the owner of the property or Person having possession or control of the property has been given for such Parking.
- (2)** Subsection (1) applies only where the privately owned property has been clearly identified as having restrictions on Parking.

- (3) A Vehicle on privately owned property to which Vehicles driven by members of the public generally have access Parked in contravention of any specific restrictions on Parking identified for the location is presumed to be Parked without the permission or authorization in subsection (1).

Private Property without Public Access

- 20 No Person shall Park a Vehicle on privately owned property to which Vehicles driven by members of the public generally do not have access, but on which the owner of the property or a Person having possession or control of the property may Park or otherwise keep Vehicles, unless the permission or authorization of the owner of the property or Person having possession or control of the property has been given for such Parking.

Abandoned Vehicle

- 21(1) No Person shall abandon a Vehicle on a highway.
- (2) Without restricting the generality of subsection (1), a Vehicle that is left standing in one location on a highway for more than 72 consecutive hours is deemed to have been abandoned at that location.

Highway Maintenance

- 22(1) The Chief Administrative Officer may cause temporary "No Parking" signs to be placed on or near a highway for maintenance or construction purposes.
- (2) The owner of a Vehicle which remains Parked in an area where Parking has been prohibited pursuant to subsection (1) for a period of 24 hours subsequent to the placement of the appropriate signs shall be in contravention of this section.

Trailers

- 23 No Person shall Park any Trailer on a highway unless the Trailer is attached to a Vehicle by which it may be propelled or drawn. When so attached, the Trailer will be deemed to be part of the Vehicle it is attached to for the purposes of this Bylaw.

Vehicles on Jacks

- 24 No Person shall leave a Vehicle unattended on a highway for more than 72 consecutive hours if the Vehicle has been placed on a jack or similar device and:
- (a) one or more of the wheels have been removed from the Vehicle; or
 - (b) part of the Vehicle is raised off of the ground.

Garage and Service Stations

- 25 No Person in control of a garage, service station, Vehicle accessories store, stereo shop or other premises where repairs or installations are made on Vehicles for compensation shall Park, or permit to be Parked on any highway a Vehicle that is left in the Person's possession for the carrying out of repairs, installations or for any other purpose.

Idling

- 26(1)** Subject to subsection (2), no Person shall permit a commercial vehicle to Idle within a Hamlet at any time between May 15 and October 15.
- (2)** Subsection (1) shall not apply to emergency services vehicles, vehicles utilized by public utility companies, vehicles utilized by employees of the Municipality, towing service Vehicles or refrigerated Vehicles, while actively responding to an emergency or engaged in the commercial use for which the Vehicle is designed.

PART 5 - USE OF STREETS AND SIDEWALKS

Littering

- 27** No Person shall place, cause to be placed or permit to be placed any litter, refuse, substance or thing of any kind on any highway.

Unauthorized Signs

- 28(1)** No Person shall place, cause to be placed or permit to be placed a sign, notice or other object upon a highway or upon abutting public lands, without proper authority or a permit issued by the Chief Administrative Officer.
- (2)** For the purposes of subsection (1), any individual or corporation referred to on a sign, whether directly or indirectly, is presumed to have placed the sign or caused or permitted the sign to be placed.

Vehicle Fluids

- 29** No Person shall drain lubricating oils or any fluids associated with the operation of a Vehicle upon a highway.

Extension Cords

- 30** No Person shall place, cause to be placed or permit to be placed, an electrical extension cord across a sidewalk, Boulevard or driveway in a manner which, in the opinion of a Peace Officer, may pose a hazard to Persons or property.

Material on Sidewalks/Roadways

- 31** No Person shall place, cause to be placed or permit to be placed any earth, sand, gravel, grass, leaves, snow, ice, debris or other materials upon any sidewalk or roadway.

Fires and Emergency Site Management

- 32(1)** No Person shall pass beyond a point designated by a Peace Officer or a member of the Fire Department.

- (2) No Person shall drive a Vehicle over any fire hose unless directed to do so by a Peace Officer or a member of the Fire Department.

Sidewalk Obstructions

- 33 No Person shall place, cause to be placed or permit to be placed any goods, wares, merchandise, or any other articles upon a highway so as to obstruct pedestrian or vehicular traffic.

Pedestrians

- 34(1) No Person shall stand or be in any other position on a sidewalk so as to obstruct the entrance to a building.
- (2) No Person shall stand or be in any other position on a highway so as to obstruct pedestrians or Vehicles using the highway.
- (3) Where a Peace Officer has reasonable grounds to determine that a Person is in contravention of subsection (1) or (2), the Peace Officer may direct that Person to disperse immediately and any Person receiving such a direction from a Peace Officer that fails to immediately comply with that direction shall be guilty of an offence.
- (4) Subsections (1) and (2) do not apply to Persons participating in or assembled to watch a Parade or Procession for which a permit has been issued pursuant to this Bylaw.

Attaching to Vehicle

- 35 No Person shall hold onto, or attach him or herself to, the exterior of a Vehicle that is travelling upon a highway.

Street Furniture

- 36 No Person shall climb upon, interfere with, damage, deface, remove, alter or destroy any Street Furniture.

Damage to Traffic Control Devices

- 37 No Person shall climb upon, interfere with, damage, deface, remove, alter or destroy a Traffic Control Device.

Highway Obstructions

- 38 No Person shall cause or permit any building, structure, fixture, road, tree, shrub, hedge, fence, sign, notice, advertising device, light or other object on property they own or occupy to:
- (a) cause a drifting or accumulation of snow on a highway;
 - (b) damage a highway;
 - (c) obstruct the vision of pedestrians or drivers of Vehicles on a highway; or
 - (d) create a hazard or obstruction to vehicular or pedestrian traffic on a highway.

PART 6 - HIGHWAY USE AND PERMITS

Permit or Agreement re: Prohibited Use

39(1) No Person shall:

- (a) excavate, alter, damage or obstruct;
- (b) construct a Driveway Approach or other access adjoining;
- (c) undertake work upon or under;
- (d) place any structure or improvement upon or under;
- (e) clear brush or vegetation from;
- (f) encroach upon; or
- (g) use or occupy, other than for the sole purpose of travel;

any highway or portion of highway, unless the action in question, which would otherwise be contrary to this section, has been expressly authorized by a permit issued by, or an agreement entered into with, the Municipality in accordance with this Bylaw.

- (2) A Person wishing to undertake an activity prohibited by subsection (1) may apply to the Municipality, in the form required by the Municipality, for a permit or agreement that authorizes the activity in question.
- (3) A Person who makes an application pursuant to subsection (2), shall pay any fee that may be established by the Municipality and provide any information or documentation that the Municipality may require.
- (4) Upon receipt of an application submitted pursuant to subsection (2), and the fees, information and documentation required pursuant to subsection (3), the Chief Administrative Officer may, in his or her discretion, issue a permit or enter into an agreement that authorizes the activity in question.
- (5) Subject to subsection (7), and without limiting any other section of this Bylaw, the Chief Administrative Officer may, in issuing a permit or entering into an agreement pursuant to this Section, impose such terms and conditions as are determined to be necessary or beneficial, in his or her sole discretion.
- (6) Subject to subsection (7), and without limiting subsection (5), a permit issued or agreement entered into pursuant to this section may require a Person to pay such amounts, or post security in a form and amount, or both, as may be determined by the Chief Administrative Officer.

- (7) In exercising his or her discretion under subsections (5) and (6), the Chief Administrative Officer shall have regard to, and comply with, any applicable policy that has been established by Council.

Driveway Approaches

- 40(1) Driveway Approaches shall be constructed and maintained in accordance with applicable policies and standards that are adopted by the Municipality from time to time.
- (2) If the Municipality provides a Person with notice that a Driveway Approach is deficient and must be brought into compliance with applicable standards, the Person may, subject to any applicable rules and requirements set out in a policy adopted by the Municipality, appeal the notice to the Municipality's Council by sending a written letter of appeal to the Municipality within fourteen (14) days of the date of the notice.

PART 7 - OFF-HIGHWAY VEHICLES

Application

- 41 This Part applies to highways under the direction, control and management of the Municipality and nothing in this Bylaw authorizes, or in any way affects, the operation of an Off-Highway Vehicle on any Provincial Highway.

Operating Off-Highway Vehicles

- 42(1) A Person may only operate an Off-Highway Vehicle in the Municipality:
- (a) in the ditch adjacent to a roadway;
 - (b) where there is no ditch adjacent to a roadway, or where the ditch is obstructed, in the parking lane of the roadway; or
 - (c) where there is no ditch adjacent to a roadway and the roadway does not include a parking lane, or where both the ditch and the parking lane are obstructed, in the rightmost lane of the roadway.
- (2) No Person shall operate an Off-Highway Vehicle within the boundaries of a Hamlet except for the purposes of snow clearing of sidewalks and private driveways.
- (3) Nothing in this Part relieves any Person from complying with any provision of any federal or provincial legislation affecting Off-Highway Vehicles, including without restriction, the *Traffic Safety Act* and all applicable regulations thereunder.
- (4) For greater certainty, and without in any way restricting subsection (3), no Person shall operate an Off-Highway Vehicle on a highway unless the Off-Highway Vehicle is:
- (a) duly registered and insured pursuant to the *Traffic Safety Act*;
 - (b) equipped with headlamps, tail lamps, an exhaust muffler and such other equipment as required by the *Off-Highway Vehicle Regulation*;

- (c) traveling in single file with any other Off-Highway Vehicles; and
- (d) when traveling on a roadway, traveling in the same direction as other Vehicles.

Operating Restrictions

- 43(1)** No Person shall operate an Off-Highway Vehicle in an area where a Traffic Control Device prohibits the operation of Off-Highway Vehicles.
- (2)** No Person shall operate an Off-Highway Vehicle on a highway between the hours of 12:00 midnight and 8:00 am.
- (3)** No Person shall operate an Off-Highway Vehicle on a highway at a speed in excess of 30 kilometers per hour or, where a lower speed limit has been prescribed, in excess of the prescribed limit.
- (4)** No Person shall operate or ride as 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.
- (5)** No Person shall operate an Off-Highway Vehicle on any lands used or permitted to be used as a school yard, playground, recreation area, public park or campground.

Exemption

- 44** The restrictions set out in subsections 46(2) and 47(1), (2), (3) and (5) do not apply to Peace Officers, or agents or employees of the Municipality, while operating Off-Highway Vehicles in the performance of their official duties.

Authorized Special Events

- 45(1)** No Person shall organize, conduct or take part in an OHV Special Event unless a permit authorizing the OHV Special Event has been issued by the Chief Administrative Officer.
- (2)** No Person shall organize, conduct or take part in an OHV Special Event contrary to the terms and conditions imposed by a permit issued by the Chief Administrative Officer.
- (3)** An application for a permit for an OHV Special Event may be made in writing to the Municipality and shall include:
 - (a)** A description of the proposed event and its purpose;
 - (b)** The name of the Person or organization responsible for sponsoring and organizing the proposed event;
 - (c)** The date and times of the proposed event;
 - (d)** The type of Off-Highway Vehicles to be used and the approximate number of Off-Highway Vehicles that will be participating at the event; and
 - (e)** Details of the proposed route including a map with the proposed route indicated.

- (4) In issuing a permit under this section, the Chief Administrative Officer may impose such terms and conditions as are determined to be necessary or beneficial in his or her sole discretion.

PART 8 - VEHICLE WEIGHT AND DIMENSIONS

Weight and Dimensional Restrictions and Road Bans

46(1) The Chief Administrative Officer is hereby authorized to:

- (a) impose restrictions on the weight and dimensions of Vehicles permitted on any highway, or portion thereof, under the direction, control and management of the Municipality;
 - (b) impose road bans on any highway, or portion thereof, under the direction, control and management of the Municipality; and
 - (c) establish exceptions to weight and dimensional restrictions and road bans imposed in accordance with subsections (a) and (b).
- (2) The Chief Administrative Officer shall cause Traffic Control Devices to be placed along the highway, as the Chief Administrative Officer considers necessary, to notify Persons operating Vehicles on the highway of applicable weight and dimensional restrictions and road bans.
- (3) Unless another weight or dimensional restriction is established by a person having the authority to do so, the maximum allowable weight or dimensions on a highway is the same as the maximum allowable weight or dimensions specified in the *Traffic Safety Act* or the regulations made thereunder.

Operating Restrictions

- 47(1) No Person shall operate a Vehicle on a highway that is subject to a weight or dimensional restriction established pursuant to this Bylaw if the weight or dimensions of the Vehicle exceeds the maximum weight or dimensions imposed by the weight or dimensional restriction, unless that Person has been issued an overweight and/or overdimension permit in accordance with this Bylaw.
- (2) No Person shall operate a Vehicle on a highway that is subject to a road ban if the weight of the carrying axle or axle group of the Vehicle exceeds the specified percentage axle weight imposed by the road ban, unless that Person has been issued an overweight permit in accordance with this Bylaw.
- (3) Subsection (2) is subject to any provincial legislation exempting certain Vehicles from road bans or permitting an increased specified percentage of axle weight.

PART 9 - OVERWEIGHT AND OVERDIMENSION PERMITS AND ROAD USE AGREEMENTS

Overweight and Overdimension Permits

- 48(1)** The Chief Administrative Officer may, upon receipt of an application in a manner approved by the Chief Administrative Officer, issue to a Person an overweight or overdimension permit for the purpose of allowing a commercial vehicle to operate on a highway in a manner that would otherwise contravene a weight or dimension restriction or road ban under this Bylaw.
- (2)** In issuing a permit under this section, the Chief Administrative Officer may impose such terms and conditions as are determined to be necessary or beneficial in his or her sole discretion.
- (3)** Under no circumstances shall a permit be issued allowing a vehicle to exceed the maximum allowable weight or dimension restrictions imposed under the *Traffic Safety Act* and the regulations thereunder unless a corresponding provincial permit has been issued.
- (4)** An overweight or overdimension permit may require a Person to pay such amounts, or post security in a form and amount, or both, as may be determined by the Chief Administrative Officer in order to secure performance of the Person's obligations under the overweight permit.
- (5)** The holder of an overweight or overdimension permit must, at all times, ensure that any conditions attached to the overweight or overdimension permit are complied with and, in addition to a penalty imposed pursuant to the Bylaw, a failure to comply with a condition attached to an overweight permit shall render the permit invalid.

Road Use Agreements

- 49(1)** The Chief Administrative Officer may, as a condition of issuing a permit, require a Person to enter into a road use agreement if, in the Chief Administrative Officer's opinion, the use of a Vehicle on a highway may cause damage to the highway or constitute a nuisance to area residents due to:
- (a)** the weight of the Vehicle;
 - (b)** the dimensions of the Vehicle;
 - (c)** the frequency of use of the highway by the Vehicle;
 - (d)** the size, type or tread pattern of the tires on the Vehicle;
 - (e)** the physical condition of the proposed haul route, including the type of road surface;
 - (f)** the location of the proposed haul route and its proximity to residential dwellings;
or
 - (g)** any combination of the above factors.
- (2)** A road use agreement may require a Person to pay such amounts, or post security in a form and amount, or both, as may be determined by the Chief Administrative Officer in order to secure performance of the Person's obligations under the road use agreement.

- (3) If the Chief Administrative Officer has determined that a Person is required to enter into a road use agreement with the Municipality pursuant to subsection (1), that Person shall not operate a Vehicle for which a road use agreement is required on a highway unless that Person has entered into a road use agreement with the Municipality.
- (4) No Person shall contravene any term or condition of a road use agreement.

PART 10 - MISCELLANEOUS

Permits

- 50(1) The Chief Administrative Officer may issue permits in relation to activities governed by this Bylaw on such terms and conditions as the Chief Administrative Officer deems appropriate.
- (2) A Person to whom a permit has been issued pursuant to this Bylaw and any Person carrying out an activity otherwise regulated, restricted or prohibited by this Bylaw pursuant to such permit, shall comply with any terms or conditions forming part of the permit and shall produce the permit to a Peace Officer upon request.
- (3) A Person shall not make any false or misleading statement or provide any false or misleading information to obtain a permit pursuant to this Bylaw.
- (4) If any term or condition of a permit issued pursuant to this Bylaw is contravened or if a false or misleading statement or false or misleading information was provided to obtain the permit, in addition to any other remedy available to the Municipality, the Chief Administrative Officer may immediately cancel the permit.
- (5) The onus of proving a permit has been issued in relation to any activity otherwise regulated, restricted or prohibited by this Bylaw is on the Person alleging the existence of such a permit on a balance of probabilities.

PART 11 - AUTHORITY OF MUNICIPAL OFFICIALS

Authority of the Chief Administrative Officer

- 51 Without restricting any other power, duty or function granted by this Bylaw, the Chief Administrative Officer is authorized to:
 - (a) carry out any inspections to determine compliance with this Bylaw;
 - (b) take any steps or carry out any actions required to enforce this Bylaw;
 - (c) take any steps or carry out any actions required to remedy a contravention of this Bylaw;
 - (d) establish areas where activities restricted by this Bylaw are permitted;
 - (e) establish forms for the purpose of this Bylaw;
 - (f) establish the criteria to be met for a permit pursuant to this Bylaw;

- (g) issue permits and licences with such terms and conditions as are deemed appropriate;
- (h) prescribe the location and placement of any Traffic Control Device in the Municipality and keep or cause to be kept a record of such locations and placements;
- (i) impose road bans on any highway and designate the period of time that the road bans are in effect;
- (j) temporarily close any highway for the purpose of repairs, maintenance or other valid reason or in the case of an emergency;
- (k) cause moveable signs to be placed on or near a highway;
- (l) designate school zones and playground zones and cause such zones to be marked by the appropriate Traffic Control Device;
- (m) designate crosswalks upon any highway, and may cause them to be marked with signs or lines painted on the surface of the highway;
- (n) designate any area as one in which Parking privileges are temporarily suspended in whole or in part to traffic and cause the area to be marked with Traffic Control Devices;
- (o) designate any Boulevard upon which Parking is permitted and cause Traffic Control Devices permitting such Parking to be erected; and
- (p) delegate any powers, duties or functions under this Bylaw to an employee or third party contractor of the Municipality.

PART 12 - AUTHORITY OF PEACE OFFICERS

Chalking Tires

- 52** In order to determine the time period over which a Vehicle has been Parked in a location, a Peace Officer may place an erasable chalk mark on the tread face of the tire of a Parked Vehicle, or use any other reasonable method capable of determining the time period over which a Vehicle has been Parked, without the Peace Officer incurring any liability relating thereto.

Towing

- 53(1)** A Peace Officer may cause any Vehicle to be removed and impounded when the Vehicle is parked in contravention of this Bylaw or where emergency conditions require that the Vehicle be removed.
- (2)** Any Vehicle removed pursuant to subsection (1) may be moved to:
- (a)** a nearby highway; or

- (b) a place designated by the Municipality where it will remain impounded until claimed by its owner.
- (3) Any Vehicle impounded pursuant to subsection (2)(b) may be released to its owner upon payment of any costs imposed for towing and storage.
- (4) Where a Vehicle is impounded pursuant to subsection (2)(b) and is not claimed within thirty (30) days of its removal, the Vehicle may be disposed of in accordance with the provisions of the *Traffic Safety Act* and the regulations thereunder.

Municipal Tags

- 54(1) A Peace Officer is hereby authorized and empowered to issue a Municipal Tag to any Person who the Peace Officer has reasonable and probable grounds to believe has contravened any provision of this Bylaw.
- (2) A Municipal Tag may be served:
 - (a) personally to the accused;
 - (b) mailed to the address of the registered owner of the Vehicle concerned, or the Person concerned; or
 - (c) attached to or left upon the Vehicle with respect of which the offence is alleged to have been committed.
- (3) The Municipal Tag shall be in a form approved by the Chief Administrative Officer and shall state:
 - (a) the name of the Person to whom the Municipal Tag is issued, if known;
 - (b) a description of the offence and the applicable Bylaw section;
 - (c) the appropriate penalty for the offence as specified in Schedule "B" of this Bylaw;
 - (d) that the penalty shall be paid within fourteen (14) days of the issuance of the Municipal Tag in order to avoid prosecution; and
 - (e) any other information as may be required by the Chief Administrative Officer.
- (4) Where a contravention of this Bylaw is of a continuing nature, further Municipal Tags may be issued by a Peace Officer, provided that no more than one Municipal Tag shall be issued for each day that the contravention continues.
- (5) A Person to whom a Municipal Tag has been issued may pay the penalty specified on the Municipal Tag and if the amount is paid on or before the required date, the Person will not be prosecuted for the offence.
- (6) Nothing in this Bylaw shall prevent a Peace Officer from immediately issuing a Violation Ticket.

Violation Tickets

- 55(1)** Where a Municipal Tag has been issued and the penalty specified on the Municipal Tag is not paid within the prescribed time, a Peace Officer is hereby authorized and empowered to issue a Violation Ticket.
- (2)** Notwithstanding subsection (1), a Peace Officer may immediately issue a Violation Ticket to any Person whom the Peace Officer has reasonable and probable grounds to believe has contravened any provision of this Bylaw.
- (3)** A Violation Ticket issued with respect to a contravention of this Bylaw shall be served upon the Person responsible for the contravention in accordance with the *Provincial Offences Procedure Act*.
- (4)** Subject to the *Provincial Offences Procedure Act* and the regulations thereunder, if a Violation Ticket is issued in respect of an offence, the Violation Ticket may:
- (a)** specify the fine amount established by this Bylaw for the offence in Schedule “B”;
or
 - (b)** require a Person to appear in court without the alternative of making a voluntary payment.
- (5)** A Person who commits an offence may:
- (a)** if a Violation Ticket is issued in respect of the offence; and
 - (b)** if a Violation Ticket specifies the fine amount established by this Bylaw for the offence;
- make a voluntary payment equal to the specified fine.
- (6)** When a clerk records in the Court records the receipt of a voluntary payment pursuant to this Bylaw and the *Provincial Offences Procedure Act*, the act of recording receipt of that payment constitutes acceptance of the guilty plea and also constitutes a conviction and the imposition of a fine in the amount of the specified penalty.

PART 13 - PENALTIES

Offence

- 56** A Person who contravenes or fails to comply with any provision of this Bylaw is guilty of an offence and is liable to a fine in an amount not less than that established in this Part and not exceeding \$10,000.00.

Specified Penalties

- 57** Without restricting the generality of section 60, the fine amounts established for use on Municipal Tags and Violation Tickets if a voluntary payment option is offered are as set out in Schedule “B”.

Owner Liable

- 58(1)** In this Part “owner” includes any Person registered as an owner at the Motor Vehicle Registry.
- (2)** If a Vehicle is involved in an offence under this Bylaw, the owner of that Vehicle is guilty of an offence.
- (3)** Subsection (2) does not apply if the owner of the Vehicle satisfies the court that, at the time that the Vehicle was involved in an offence:
- (a)** in the case of a Vehicle that was in motion,
 - (i)** the owner of the Vehicle was not driving the Vehicle, and
 - (ii)** no other Person was driving the Vehicle with the owner’s expressed or implied consent,
 - and
 - (b)** in the case of a Vehicle or that was Parked,
 - (i)** the owner did not Park the Vehicle, and
 - (ii)** no other Person Parked the Vehicle with the owner’s expressed or implied consent.
- (4)** An owner who is guilty of an offence under subsection (2) is not liable to imprisonment in respect of that offence or in respect of a default of a fine imposed in respect of that offence.

PART 14 - GENERAL

Severability

- 59** Should any provision of this Bylaw be invalid, then such provision shall be severed and the remaining Bylaw shall be maintained.

Bylaw Schedules

- 60** Schedules “A” and “B” attached hereto shall form part of this Bylaw.

Repeal

- 61** Bylaw No. 03/08, the “Streets and Roads Bylaw”, as amended, is hereby repealed.

Effective Date

62 This Bylaw takes effect upon being passed.

READ a first time this 10th day of November, 2020.

READ a second time this 10th day of November, 2020.

READ a third time this 10th day of November, 2020.



Reeve



Chief Administrative Officer