

# TOWN OF BANFF

## BYLAW 16-9

### Road, Sidewalk, and Trail Use Bylaw

**A Bylaw of the Town of Banff in the Province of Alberta for the Purpose of Regulating and Controlling The Use of Roads, Sidewalks, and Trails.**

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**WHEREAS**, subject to the Traffic Safety Act and the Dangerous Goods Transportation and Handling Act, the Traffic Safety Act provides that Council may, with respect to a highway under its direction, control and management, make bylaws that are not inconsistent with the Traffic Safety Act;

**AND WHEREAS**, subject to the Traffic Safety Act and the Provincial Offences Procedures Act, the Traffic Safety Act provides that Council may make bylaws with respect to parking on private property;

**AND WHEREAS**, the use of non-motorized vehicles and active modes of transportation are commonly used as a means to move people throughout the townsite;

**NOW THEREFORE the Council of the Town of Banff, in the Province of Alberta, duly assembled, ENACTS AS FOLLOWS:**

#### 1.0 CITATION

1.1 This bylaw may be cited as the Road, Sidewalk and Trail Use Bylaw.

#### 2.0 DEFINITION

2.1 In this bylaw,

2.1.1 “Alley” means a narrow Highway intended chiefly to give access to the rear of buildings and parcels of land;

2.1.2 “Bylaw Services Officer” means an employee of the Town who has been appointed to the position of Bylaw Enforcement Officer or Bylaw Services Officer pursuant to the Bylaw Enforcement Officers Bylaw or Town of Banff Land Use Bylaw;

2.1.3 “Commercial Motor Vehicle” means a Motor Vehicle operated on a highway by or on behalf of a Person for the purpose of providing transportation, including but not limited to, transport trucks, delivery vehicles, Passenger Buses and taxis but does not include a private passenger Motor Vehicle;

2.1.4 “Controlled Pay Parking Zone” means that portion of any Roadway or parking lot where parking is subject to payment in accordance with this bylaw or Traffic Control Device;

- 2.1.5 “Controlled Resident Parking Zone” means that portion of a Roadway or parking lot where parking is subject to regulation in accordance with the applicable traffic control device or permitting in accordance with this bylaw;
- 2.1.6 “Guest Parking Permit” means a Parking Permit issued by the Town Engineer in accordance with this bylaw;
- 2.1.7 “Heavy Commercial Motor Vehicle” means:
- a) A Motor Vehicle with or without load weighing 7,000 kg or more, or exceeding 11 metres in length, or
  - b) A Motor Vehicle with a trailer with or without load which exceeds 7,000 kg in total weight or 11 metres in total length;
- 2.1.8 “Highway” means any thoroughfare, street, road, avenue, parkway, driveway, viaduct, lane, alley, square, bridge, causeway, trestleway 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 and includes:
- a) if a ditch lies adjacent to and parallel with the Roadway, the ditch, and;
  - b) if a highway right-of-way is contained between fences or between a fence and one side of the Roadway, all the land between the fences, or all the land between the fence and the edge of the Roadway, as the case may be, but does not include a place declared by provincial regulation not to be a highway;
- 2.1.9 “Idling” means a Motor Vehicle which is at a standstill with the engine or motor running;
- 2.1.10 “Motor Vehicle” means a Vehicle propelled by any power other than human muscular power, and does not include a Bicycle, a Pedal Electric Bicycle, an aircraft, or a Motor Vehicle that runs only on rails;
- 2.1.11 “Multi-use Pathway” means a Highway adjacent mixed-used pathway for use by Pedestrians, Non-motorized Vehicles and Pedal Electric Bicycles.”
- 2.1.12 “Non-motorized Vehicle Lane” means a portion of a Highway designated only for the use of persons riding a Non-motorized Vehicle or Pedal Electric Bicycle;
- 2.1.13 “Non-motorized Vehicle” means a device in, on or by which a person or thing may be transported or drawn and which is propelled by human muscular power, and includes, but is not limited to bicycles, roller skates, inline skates, skateboards, scooters, skis, roller skis, toy vehicles, and a child’s tricycle.

- 2.1.14 “Owner” means the person who owns a Vehicle and includes any person renting a Vehicle or having the exclusive use of a Vehicle under a lease that has a term of more than thirty (30) days or otherwise having the exclusive use of a Vehicle for a period of more than thirty (30) days. For the purpose of this bylaw “Owner” shall also include any person in apparent care and/or control of a Vehicle;
- 2.1.15 “Parking Permit” means a parking permit issued by the Town Engineer in accordance with this bylaw and includes a Resident Parking Permit and a Guest Parking Permit;
- 2.1.16 “Passenger Bus” means any Motor Vehicle capable of transporting 11 people or more;
- 2.1.17 “Peace Officer” means the following persons while that person is in the exercise or discharge of their power or duties: a Community Peace Officer appointed under the Peace Officer Act, a member of the Royal Canadian Mounted Police, or a park warden appointed under the National Parks Act of Canada;
- 2.1.18 “Pedal Electric Bicycle” means a Bicycle where the rider’s pedalling is assisted by a small electric motor which is activated by sensors only when the Bicycle is pedalled, and that:
- a) weighs not more than 35 kilograms; and,
  - b) does not have sufficient power to enable it to obtain a speed greater than 35 kilometres per hour on level ground within a distance of 2 kilometres from a standing start;
- 2.1.19 “Pedestrian” means a person on foot or a person in or on a mobility aid;
- 2.1.20 “Pedicab” means a 3-wheeled Vehicle no more than 130 cm wide and no more than 280 cm long propelled solely by the power of the operator and capable of carrying no more than three passengers in addition to the operator;
- 2.1.21 “Pedicab for Hire” means a Pedicab operated on a Highway by or on behalf of a person for the purpose of providing personal tours on a specified route in exchange for a fee, subject to this bylaw and any other applicable Town of Banff bylaws and Provincial Acts;
- 2.1.22 “Person” includes a corporation and the heirs, executors, administrators or other legal representative of a person;
- 2.1.23 “Physical Address” means a civic address that exists in Banff as per the Town of Banff tax roll;
- 2.1.24 “Private Property” means land held under a lease, sub-lease or license of occupation and is controlled by an individual or business;

2.1.25 “Public Place” means lands other than Highways leased to the Town or under the Town’s management and control, within the Town of Banff including:

- a) any land developed, used or managed by the Town as a public park, sports or athletic field, playground or recreational area;
- b) any land acquired by the town through subdivision as Municipal Reserve or Environmental Reserve;
- c) any land developed, used or managed by the Town as a parking lot;
- d) any land developed by the Town as a pathway or Trail;
- e) any land developed, used or managed by the Town for public utilities;

2.1.26 “Recreational Vehicle” means a Motor Vehicle designed or permanently modified for travel and temporary living accommodation or camping purposes;

2.1.27 “Resident Parking Permit” means a Parking Permit issued by the Town Engineer in accordance with this bylaw;

2.1.28 “Rickshaw for Hire” means a two wheeled Vehicle no more than 130 cm wide and no more than 280 cm long that is drawn solely by the power of the operator and capable of carrying no more than three passengers in addition to the operator for the purpose of providing personal tours on a specified route in exchange for a fee, subject to this bylaw and any other applicable Town of Banff Bylaw and Provincial Acts;

2.1.29 “Ride” means to travel on;

2.1.30 “Roadway” means any part of a Highway intended for use by vehicular traffic;

2.1.31 “School Bus” means a Motor Vehicle that is:

- a) owned or leased by a person other than a school board, and
- b) pursuant to an agreement between that person and a school board used primarily to transport pupils to or from or to and from a school.

2.1.32 “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 edge of the Roadway, where there is no curb line) and the adjacent property line, whether or not it is paved or improved;

2.1.33 “Taxi” means a Motor Vehicle capable of carrying 10 or fewer persons including the driver and used or intended to be used within the Town for carrying passengers for hire with a driver;

2.1.34 “Trail” means an non-Highway adjacent mixed-use pathway for use by Pedestrians or Non-motorized Vehicles, Pedal Electric Bicycles or all, and includes any bridge or structure with which it is contiguous;

2.1.35 “Town” means the Corporation of the Town of Banff and, where the context requires, the land included within the boundaries of the Town of Banff;

- 2.1.36 “Town Engineer” means the Director of Engineering for the Town of Banff or designate;
- 2.1.37 “Town of Banff Notice of Offence” means any ticket or tag, in a form approved by the Town or authorized under the Provincial Offences Procedures Act, issued for any offence in which a penalty may be paid out of court in lieu of appearing to answer a summons;
- 2.1.38 “Traffic Control Device” means any sign, signal, marking or device placed, marked or erected by the Town under the authority of the Traffic Safety Act for the purpose of regulating, warning or guiding traffic;
- 2.1.39 “Trailer” means any Vehicle so designed that it may be attached to or drawn by a Vehicle or tractor, and is intended to transport property or persons; and includes any Vehicle that is designed, constructed and equipped as a dwelling place, living abode, or sleeping place, either temporarily or permanently, and includes any type of machinery, tractor or such like;
- 2.1.40 “Vehicle” means a device in, on or by which a person or thing may be transported or drawn on a Highway and includes a combination of Vehicles but does not include a mobility aid.

### **3.0 INTERPRETATION**

- 3.1 In this bylaw,
- a) any reference to a named act is a reference to an Act of the Legislature of Alberta, as amended from time to time.
  - b) any reference to a Town of Banff staff position, department or committee, the reference is deemed to be to the current name that the staff position, department or committee is known by.
  - c) the definitions in Section 2 will apply to the corresponding words if the first letter of that word is capitalized in this bylaw.
  - d) the headings in the body of this bylaw form no part of the bylaw and are inserted for convenience and reference only.

### **4.0 OPERATION OF VEHICLES**

- 4.1 All Persons owning or operating Vehicles shall comply with all Traffic Control Devices authorized under this or any other bylaw of the Town.
- 4.2 The speed limit on all Roadways shall be 30 kilometres per hour unless otherwise posted.
- 4.3 No Owner or operator of a Vehicle shall stop a Vehicle or permit a Vehicle to be left upon any Highway in such a manner as to obstruct traffic, unless the obstruction is unavoidable due to mechanical failure of a Vehicle, provided the Owner or operator of the Vehicle promptly takes measures to remove the Vehicle from the Highway.

- 4.4 Unless otherwise authorized, no Person shall park or drive any Motor Vehicle upon any Public Place except in an area designated for Vehicular Parking by the Town Engineer in writing or by a sign or signs. Town employees or agents of the Town in the performance of their duties are exempt from this section.
- 4.5 Any Vehicle in a funeral procession, except the lead Vehicle, may during daylight hours enter an intersection without stopping if:
- a) the headlights are alight;
  - b) the Vehicle is travelling immediately behind the Vehicle in front of it so as to form a continuous line of traffic; and
  - c) the passage into the intersection can be made in safety.
- 4.6 No Person shall operate a Passenger Bus with a capacity to carry more than 24 people on a Highway within the Town other than on a Roadway specified in Schedule B, unless a permit has been issued by the Town Engineer allowing a Passenger Bus to divert from specified Roadways to make specified pick-ups and drop-offs.
- 4.7 No person shall apply or engage engine retarder brakes within the limits of the Town.

## **5.0 OPERATION OF HEAVY MOTOR VEHICLES**

- 5.1 Except as permitted by this bylaw no Person shall operate or park a Heavy Motor Vehicle on a Highway other than a Highway specified as a truck route in Schedule A of this bylaw.
- 5.2 No Person shall operate a Heavy Motor Vehicle on a Highway unless it is being operated on the most direct and practicable route between the premises or location concerned and the nearest truck route and is being used for one of the following purposes:
- a) Persons delivering or collecting goods or merchandise to or from or providing services at the premises of bona fide customers.
- 5.3 Persons that have more than one delivery, collection or service in an area not located upon a truck route may make all deliveries, collections or services within that area before proceeding by the most direct and practical route to the nearest truck route.
- 5.4 In the case of any dispute arising as to the weight of any Motor Vehicle, a certificate of weight in accordance with the Traffic Safety Act shall be deemed conclusive proof of such weight. A Peace Officer may direct the vehicle operator to go to the Town of Banff weigh scale to have the Motor Vehicle weighed.

## **6.0 PARKING, CONTROL ZONES, AND PARKING PERMITS**

- 6.1 Unless required or permitted by this bylaw, by a permit issued by the Town, by a Traffic Control Device, or in compliance with the directions of a Peace Officer, or to avoid conflict with other traffic, an operator or Owner shall not permit their Motor Vehicle to be stopped or parked:

- a) where a traffic control device prohibits stopping or parking;
- b) where a traffic control device prohibits stopping or parking, during the times stopping or parking are prohibited;
- c) at any place where the Town of Banff has authorized the placement of a temporary traffic control device prohibiting stopping or parking;
- d) on a Sidewalk or boulevard;
- e) on a crosswalk or on any part of a crosswalk;
- f) at an intersection nearer than 5 metres to the projection of the corner property line immediately ahead or immediately to the rear, except when their Motor Vehicle is parked in the space where a Traffic Control Device indicates parking is permitted;
- g) within 5 metres on the approach to a stop sign or a yield sign;
- h) 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 the hydrant;
- i) within 1.5 metres of an access to a garage, private road or driveway or a Motor Vehicle crossway over a Sidewalk;
- j) within 5 metres of the near side of a marked crosswalk;
- k) alongside or opposite any Highway excavation or obstruction when the stopping or parking would obstruct traffic;
- l) on any bridge or in any underpass or on the approaches to either of them;
- m) on the Roadway side of the Motor Vehicle parked or stopped at the curb or edge of the Roadway;
- n) at or near the site of any fire, explosion, accident or other incident, if stopping or parking would obstruct traffic or hinder Peace Officers, members of the fire department, ambulance drivers, rescue officers or any of their assistants;
- o) on a Highway where traffic is designated as two-way, in the opposite direction of Motor Vehicle traffic; and
- p) in excess of 72 consecutive hours on any Highway

6.2 Any Vehicle parked in a temporary no parking zone prior to the placement of temporary no parking sign(s) may be removed after 24 hours after the placement of the sign(s).

6.3 No Person shall place or permit to be placed any sign upon private or public property indicating that no parking is permitted on a Highway adjacent to such property.

6.4 No Person shall park a Vehicle or permit a Vehicle to be parked on private property without the permission or authorization of the Owner of the private property or a person having lawful possession or control of the private property.

6.5 Where a Traffic Control Device restricts the parking of Motor Vehicles to a number of minutes or hours, no Person shall park or leave a Motor Vehicle in excess of the time so designated and marked on the Traffic Control Device.

6.6 After the issuance of a Town of Banff Notice of Offence to a Motor Vehicle for a violation of Section 6.5, if a Motor Vehicle remains parked in excess of the time permitted on the Traffic Control Device for a further period, a second offence shall be deemed to have occurred.

- 6.7 Parking in Alleys within the Town shall not be permitted unless otherwise posted, but Alleys may be used for:
- a) the loading or unloading of goods from a Commercial Motor Vehicle for a period not exceeding thirty (30) minutes with the engine turned off or;
  - b) the loading or unloading of goods or passengers from a private non-commercial Motor Vehicle for a period not exceeding five (5) minutes.
- 6.8 No Owner or operator shall park or permit to be parked a Motor Vehicle in any loading zone marked with a Traffic Control Device for a period of time greater than that indicated on the Traffic Control Device.
- 6.9 An Owner or operator of a Motor Vehicle using a designated parking space shall park such Motor Vehicle wholly within the limits of the parking space designated by lines painted upon the surface of the parking lot.
- 6.10 Where parallel parking is allowed, a Person shall park their Motor Vehicle with the sides of it parallel to the curb or edge of the Roadway:
- a) with the right hand wheels of the Motor Vehicle not more than 500 millimetres from the right-hand curb or edge of the Roadway or;
  - b) in the case of a one-way Highway where parking on either side is permitted, with the Motor Vehicle wheels closest to a curb or edge of the Roadway not more than 500 millimetres from that curb or edge and with the Motor Vehicle facing the direction that travel is authorized for that Highway.
- 6.11 Where a Traffic Control Device indicates that parking is restricted to a special class of vehicle, no Owner or operator shall park or permit to be parked, a vehicle, unless the vehicle falls within the indicated class. No Owner or operator shall:
- a) park a Vehicle in a zone restricted to: police Vehicles, School Buses, funeral cars and transit buses, when the Vehicle is not of the indicated class; or,
  - b) park a Vehicle in a zone restricted for another special class of Vehicle not indicated in 6.11.a, when the Vehicle is not of the indicated class.
- 6.12 No Owner or operator shall park or permit to be parked a Vehicle in a space where a Traffic Control Device prohibits the parking or stopping of that class of Vehicle.
- 6.13 No Owner or operator shall park or leave or permit to be parked or left a Vehicle on private land or a Highway, in a space reserved for disabled Persons parking which has been so designated by a Traffic Control Device erected by the Town or the lessee, tenant, or their agent, as the case may be, unless the Vehicle displays a valid government issued parking placard for persons with disabilities.
- 6.14 No operator or Owner shall leave parked or permit to be left parked on any Highway a Trailer, which has been detached from the Vehicle which is used to draw it.

- 6.15 A Vehicle or Vehicle with any type of Trailer attached with or without load, weighing over 7,000 Kg or more than 11m in length, shall only be parked on a Highway in the Town under the following conditions:
- a) on a Roadway where parking is permitted, for a period not exceeding 24 hours or;
  - b) if a permit has been issued pursuant to Town of Banff Street and Public Place Use Bylaw or;
  - c) at a location that has been designated by the Town Engineer by a sign.
- 6.16 A Motor Vehicle operating as or designated as a Taxi shall only be parked in the Town in such places and at such times as may be designated by the Town Engineer.
- 6.17 No operator of a Taxi shall park and leave their Taxi unattended in any area designated pursuant to Section 6.16 for a period exceeding 15 minutes.
- 6.18 No Person shall park a Passenger Bus with a capacity to carry more than 24 people on a Highway within the Town except at such locations as have been designated by the Town Engineer by a Traffic Control Device.
- 6.19 No Person shall park a Commercial Motor Vehicle overnight on a Highway within the Town unless a Parking Permit to do so has been issued by the Town Engineer and the Commercial Motor Vehicle is parked at the location specified in the permit.
- 6.20 No Owner or Operator of a Motor Vehicle shall leave the Motor Vehicle stopped in a Controlled Pay Parking Zone:
- a) without immediately making the required payment in accordance with the instructions on the payment terminal or any other payment service as may be designated by the Town
  - b) for longer than the period of time for which payment is made or
  - c) contrary to the terms and conditions of any Parking Permit issued by the Town Engineer for parking in a Controlled Pay Parking Zone.
- 6.21 Where parallel parking is permitted, a Motor Vehicle or combination of a Motor Vehicle and attached trailer may be parked in two adjoining spaces both parallel to the curb in a Controlled Pay Parking Zone, if the owner or operator of the Motor Vehicle has registered payment for both the Motor Vehicle and the trailer.
- 6.22 The owner or operator of a Motor Vehicle that has a valid Alberta vehicle registration showing a Physical Address in Banff, is eligible to apply to the Town for a Resident Parking Permit.
- 6.23 Notwithstanding Section 6.22, The Town Engineer may authorize other permit eligibility criteria to apply for a Resident Parking Permit.
- 6.24 No Owner or operator of a Motor Vehicle shall park in a Controlled Residential Parking Zone without a valid Parking Permit issued in accordance with this bylaw.

- 6.25 A Person who is a resident at a Physical Address within the Controlled Residential Parking Zone in Banff is eligible to apply for a Guest Parking Permit.
- 6.26 A person applying for a Parking Permit, a Resident Parking Permit or a Guest Parking Permit or any other permit must submit an application to the Town Engineer in a format as authorized by the Town Engineer.
- 6.27 A Motor Vehicle for which a valid Resident Parking Permit or a Guest Parking Permit has been issued may be parked in a Controlled Residential Parking Zone provided the vehicle is parked in accordance with the conditions of the Parking Permit and any other applicable regulations.
- 6.28 The Town Engineer is authorized to create Parking Permit conditions including but not limited to:
  - a) maximum number of permits per dwelling unit;
  - b) eligibility for Parking Permits;
  - c) types and sizes of vehicles for which permit will be granted;
  - d) programs for overnight parking established by the Town;
  - e) locations that permit holders are permitted to park; and
  - f) duration and expiry of permits.
- 6.29 Any person who relies on a permit has the onus of proving that he or she was the holder of valid and subsisting permit.

## **7.0 IDLING**

- 7.1 No operator of a Commercial Motor Vehicle shall stop or park or leave their Commercial Motor Vehicle at a standstill with the engine running or Idling anywhere within the Town of Banff.
- 7.2 After the issuance of a Town of Banff Notice of Offence to a Commercial Motor Vehicle for the first violation of Section 7.1 and if a Commercial Motor Vehicle remains Idling for a further period, a second offence shall be deemed to have occurred.
- 7.3 The provisions of this bylaw relating to stopping or parking of Motor Vehicles and the restriction of Idling Motor Vehicles do not apply to any of the following Motor Vehicles while being used in work requiring that the Motor Vehicle be stopped or parked and Idling:
  - a) emergency Motor Vehicles;
  - b) Motor Vehicles used in conjunction with the servicing of public utilities including telephone systems, electric systems, natural gas systems and cable vision systems;
  - c) municipal and other government public works Motor Vehicles; or
  - d) towing service Motor Vehicles.
- 7.4 Where the operator of a Motor Vehicle stops, stands or parks pursuant to Section 7.3 contrary to other provisions of this bylaw, they shall take due precautions to indicate the presence of such Motor Vehicle on a Highway while so parked or stopped.

- 7.5 The provisions of this bylaw relating to the restriction of Idling Motor Vehicles do not apply to a refrigeration-equipped Motor Vehicle that, while in use, complies with the stopping and parking requirements of this bylaw.

## **8.0 USE OF NON-MOTORIZED VEHICLES & PEDAL ELECTRIC BICYCLES**

- 8.1 Unless the context otherwise requires, a Person operating a Non-motorized Vehicle or Pedal Electric Bicycle on a Highway, Multi-use Pathway or Trail has all of the rights and is subject to all of the duties that any Vehicle operator has under this bylaw.
- 8.2 A Peace Officer or a Bylaw Services Officer may seize and impound for a period of not exceeding 30 days a Non-motorized Vehicle:
- a) used or operated in contravention of this bylaw; or
  - b) deemed by a peace officer or bylaw services officer to be lost or abandoned.

## **9.0 USE OF EXCLUSIVE NON-MOTORIZED VEHICLE LANE**

- 9.1 Only persons 12 years of age and over operating Pedal Electric Bicycles and Non-motorized Vehicles are permitted in exclusive Non-motorized Vehicle Lanes with the exception of:
- a) a Pedestrian crossing the exclusive Non-motorized Vehicle Lane;
  - b) a Pedestrian using a mobility aid;
  - c) a person operating an emergency Vehicle;
  - d) a person operating a Vehicle operated by the Town for Town purposes;
  - e) a person operating a Vehicle which has received authorization from the Town Engineer to be operated, stopped or parked in an exclusive Non-motorized Vehicle Lane.
  - f) a person driving across an exclusive Bicycle Lane to enter or exit from adjacent driveways, intersecting Roadways, on-Roadway parking spaces or parking lots adjacent to an exclusive Non-motorized Vehicle Lane.
  - g) A person operating a Non-motorized Vehicle under 12 years of age accompanied by a person 12 years of age or older operating a Non-motorized Vehicle.
- 9.2 A person using an exclusive Non-motorized Vehicle Lane must yield the right-of-way Pedestrian crossing in a designated crosswalk.

## **10.0 OTHER VEHICLES**

- 10.1 No Person may operate a Pedicab for Hire or Rickshaw for Hire on any Highway in Town

## **11. RIGHTS AND DUTIES OF PEDESTRIANS, NON-MOTORIZED VEHICLES & PEDAL ELECTRIC BICYCLES**

- 11.1 No Person shall stand upon or walk along a Roadway for the purpose of soliciting a ride from the driver of any Vehicle.
- 11.2 A Pedestrian shall cross a Roadway only in designated crosswalks. Where a crosswalk is not designated a Pedestrian shall cross a Roadway at an intersection, unless a sign prohibits such a crossing.
- 11.3 A person operating a Non-motorized Vehicle or Pedal Electric Bicycle shall yield the right-of-way to Pedestrians on Trails and Multi-use Pathways.
- 11.4 A person operating a Pedal Electric Bicycle or Non-motorized Vehicle shall yield the right-of-way to Vehicles on Trails and Multi-use Pathways.
- 11.5 A person operating a Pedal Electric Bicycle shall yield the right-of-way to Non-motorized Vehicles on Trails and Multi-use Pathways.
- 11.6 Pedestrians, operators of Non-motorized Vehicles and Pedal Electric Bicycles shall yield the right-of-way to hooped animals on Trails and Multi-use Pathways.

## **12.0 USE OF SIDEWALKS**

- 12.1 Except as otherwise provided in this bylaw, a Person shall not engage in the following activities on or along a Sidewalk, or boulevard:
  - a) drive, lead or allow a hooped animal to walk;
  - b) drive, draw or push any Motor Vehicle;
  - c) ride a horse;
  - d) propel or ride a wheeled Vehicle of any description; or
  - e) draw or push a wheeled Vehicle of any description other than a Non-motorized Vehicle or Pedal Electric Bicycle.
- 12.2 Section 12.1 does not apply to crossing a Sidewalk in a place where there is a lane or prepared crossing or where permission has been granted for such purpose.
- 12.3 Notwithstanding the provisions of Section 12.1, a Person may draw, push or propel the following on or along a Sidewalk in such a way as to not interfere with others using the Sidewalk:
  - a) a wheeled shopping cart or other grocery carrier;
  - b) a wheelchair;
  - c) a baby carriage or a wheeled device for carrying a child;
  - d) a child's Non-motorized Vehicle; or
  - e) a Non-motorized Vehicle operated by an individual eleven (11) years of age and under, or a Bicycle operated by an individual over 12 years of age who is accompanying a person 12 years of age and under operating a Non-motorized Vehicle.

### **13.0 USE OF TRAILS**

- 13.1 Pedal Electric Bicycles and Non-motorized Vehicles are permitted on Trails, unless indicated otherwise by a Traffic Control Device.
- 13.2 Except as otherwise provided in this bylaw, a Person shall not engage in the following activities on or along a Trail:
- a) drive, draw or push any Motor Vehicle;
  - b) ride a horse, except on those Trails illustrated in Schedule C
  - c) drive, lead or allow a hooped animal to walk, except on those Trails illustrated in Schedule C.
  - d) drive, lead or allow a hooped animal to pull a carriage or cart, except as otherwise authorized by the Town Engineer.

### **14.0 AUTHORITY**

- 14.1 Except as otherwise set out in this bylaw, Council hereby delegates to the Town Engineer the authority to regulate and control the use of all Highways, Sidewalks, Trails and Public Places in the Town as defined in this bylaw or the Traffic Safety Act. Examples of the authority to regulate and control include but are not limited to regulating and controlling access to and from Highways, Sidewalks and Trails, and imposing local limits on Highways, Sidewalks and Trails and the issuance of parking permits.
- 14.2 The Town Engineer is hereby delegated the authority to prescribe where Traffic Control Devices, either permanent or temporary, are to be located including Traffic Control Devices restricting the speed of Vehicles.
- 14.3 Upon request by an applicant or permit holder and when it is decided by the Town Engineer that extenuating circumstances exist, the Town Engineer is hereby authorized to waive or alter any term of an agreement or permit required by this bylaw.
- 14.4 The Town Engineer may revoke any permit, Parking Permit, or authorization given or made under the terms of this Bylaw if:
- a) the permit holder or Parking Permit holder fails to comply with the terms and conditions of the permit; or
  - b) the Town Engineer is of the opinion that the permit or authorization was given in error or on the basis of false or inaccurate information; or
  - c) occupied areas indicated on the permit are required by the Town for other purposes.

- 14.5 Any Peace Officer or Bylaw Services Officer is hereby authorized to remove or cause to be removed any Vehicle or trailer:
- a) parked or left at a standstill in contravention of this bylaw; or
  - b) where emergency conditions may require such removal from a Highway.
- 14.6 Pursuant to Section 14.5, any Vehicle or trailer may be removed by a towing company contracted by the Town to perform such services to a place designated by the Town Engineer where it will remain impounded until claimed by the Owner thereof or their authorized agent.
- 14.7 Where a Vehicle, including any goods being carried by the Vehicle, is seized, immobilized, detained, removed, transported, or stored pursuant to the directions of a Peace Officer or Bylaw Services Officer, all associated costs are a lien on the Vehicle unless otherwise provided for by the Traffic Safety Act.
- 14.8 Any Peace Officer or Bylaw Services Officer, when enforcing the provisions of the Traffic Safety Act or this bylaw, may place an erasable chalk mark on tread of the tire of a parked or stopped Vehicle without that Peace Officer or Bylaw Services Officer or the Town incurring any liability for doing so.
- 14.9 No Person shall remove an erasable chalk mark placed under Section 14.8 while the Motor Vehicle remains parked in the location where it was marked.

## **15.0 VIOLATIONS AND ENFORCEMENT**

- 15.1 Any Person who contravenes this bylaw is guilty of an offence and is liable for a penalty as set out in the Town of Banff Fees and Charges Bylaw or, if no penalty is specified in the Fees and Charges Bylaw for the particular offence, for the penalty in accordance with section 15.9 of this Bylaw.
- 15.2 If a Motor Vehicle is involved in any contravention of this bylaw, the Owner of that Motor Vehicle is guilty of an offence.
- 15.3 When a person is alleged to have contravened any provision of this bylaw, a Peace Officer or Bylaw Services Officer may issue a Town of Banff Notice of Offence which shall state:
- a) The nature of the offence;
  - b) The penalty payable in connection with the offence; and
  - c) The time period within which the penalty must be paid.
- 15.4 A Town of Banff Notice of Offence shall be deemed to be sufficiently served for the purposes of this bylaw if:
- a) served personally on the accused; or
  - b) mailed by regular post to the address of the registered Owner of the Motor Vehicle concerned; or to the Person concerned; or
  - c) attached to or left securely and visibly upon the Vehicle in respect of the offence that is alleged to have been committed.

- 15.5 Nothing in this bylaw shall prevent any Peace Officer or Bylaw Services Officer from issuing a ticket requiring a court appearance of the defendant, pursuant to the provisions of the Provincial Offences Procedure Act or from laying an information in lieu of issuing a Town of Banff Notice of Offence.
- 15.6 In lieu of prosecution, the Person named in a Town of Banff Notice of Offence may elect to voluntarily make payment to the Town of the penalty amount specified in the Town of Banff Notice of Offence.
- 15.7 If the payment specified in the Town of Banff Notice of Offence is not paid in accordance with the terms of the Notice of Offence and in the time required by the Notice of Offence, a prosecution may be commenced for the alleged contravention of this bylaw.
- 15.8 Any Person violating any of the provisions of this bylaw shall become liable to the Town for any expense, loss or damage occasioned to the Town of reason of such violation.
- 15.9 Except as otherwise provided for in this bylaw, a Person who is guilty of an offence under this Bylaw for which a penalty is not otherwise provided, upon summary conviction before a court of competent jurisdiction, shall be liable to a fine of not more than Two Thousand Five Hundred Dollars (\$2,500.00) per offence, plus costs, or in the event of non-payment of the fine, imprisonment for a period not exceeding ninety (90) days unless such fine is sooner paid.
- 15.10 Except as otherwise provided in this bylaw, every Person who, upon summary conviction, is found guilty of a second or subsequent offence under this bylaw, is liable to a fine of not more than \$2,500.00 per offence, plus costs, or for imprisonment for any period not exceeding six (6) months in case of non-payment of the fine and costs imposed for such offence.
- 15.11 Notwithstanding any other provision of this bylaw, the imposition of a fine either by issuance of a Town Notice of Offence or by summary conviction in court shall not relieve any Person so fined from any liability to pay to the Town any expenses arising from any damage or loss caused by that Person to Town property.

## **16.0 PENALTIES AND FEES**

- 16.1 Specific penalty and fee amounts associated with this bylaw can be referenced in the Town of Banff Fees and Charges Bylaw.

## **17.0 SEVERABILITY**

- 17.1 If any clause in this bylaw is found to be invalid, it shall be severed from the remainder of the bylaw and shall not invalidate the whole bylaw.

## **18.0 SCHEDULES**

18.1 Schedules A, B, and C form part of this bylaw.

## **19.0 REPEAL**

19.1 Bylaw 16-8, Traffic Bylaw, as amended, is repealed.

## **20.0 ENACTMENT**

20.1 This bylaw comes into force when it receives third reading and is signed by the Mayor and the Town Manager or designates.

20.2 The Town Manager is authorized to consolidate future amendments made to Bylaw 16-9, Traffic Bylaw.

READ A FIRST TIME this 06<sup>th</sup> day of December, 2021.

READ A SECOND TIME, AS AMENDED, this 06<sup>th</sup> day of December, 2021.

READ A THIRD TIME, AS AMENDED, this 10<sup>th</sup> day of January, 2022.

SIGNED AND PASSED, AS AMENDED, this 26<sup>th</sup> day of January, 2022.

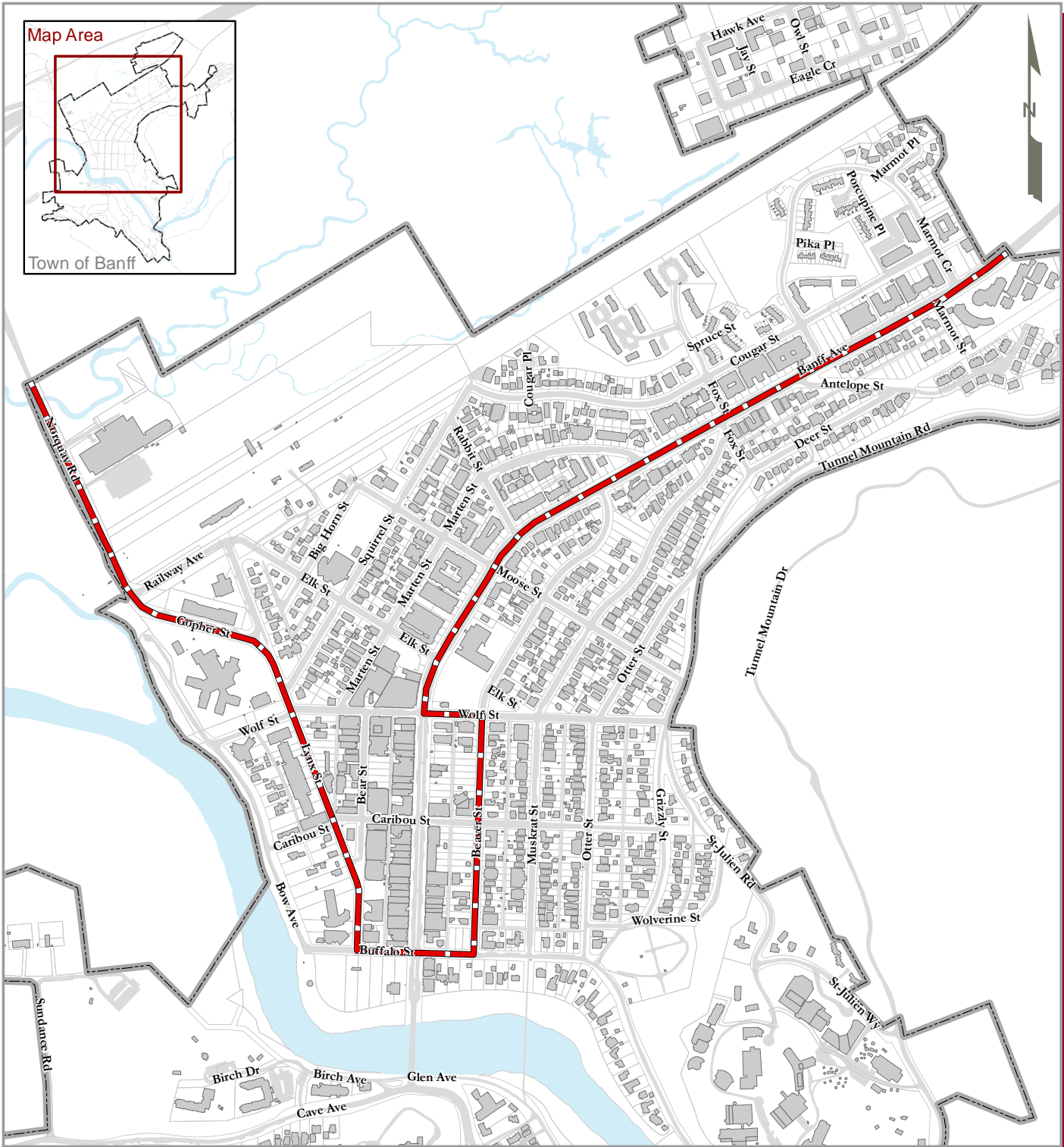
On Original

\_\_\_\_\_  
Corrie DiManno  
Mayor

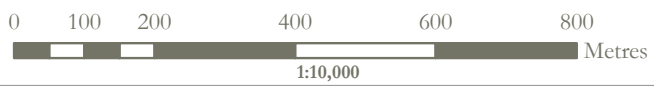
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Kelly Gibson  
Town Manager



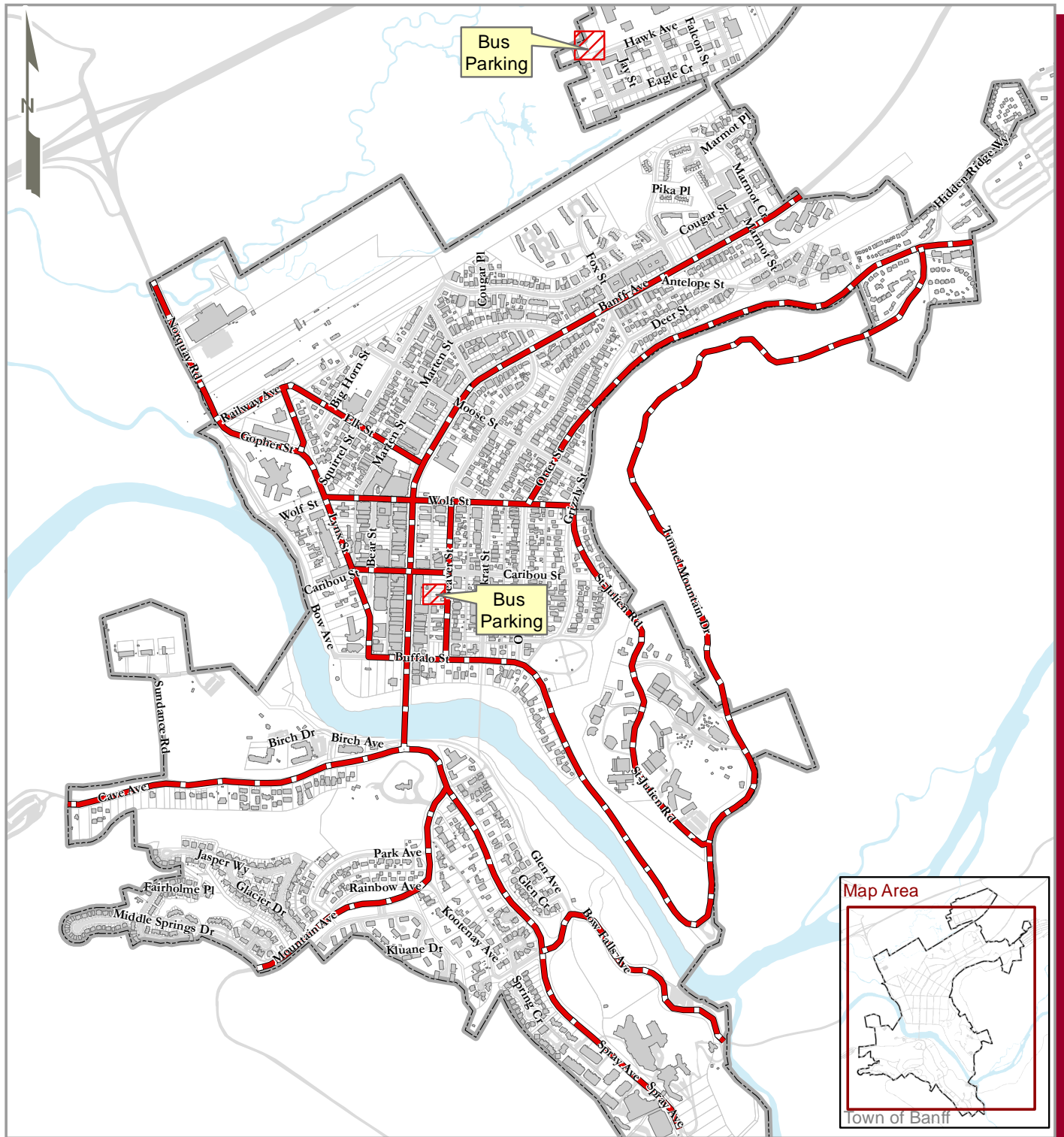


# Town of Banff Traffic Bylaw Schedule A - Truck Routes

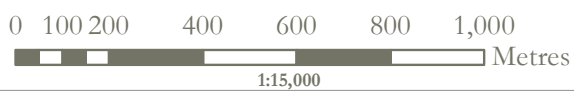


Date: 2017-08-01  
 Author: Banff GIS (GISAssistant)  
 Projection: UTM\_ZONE\_11N  
 File: TruckRoute\_Aug2017\_Letter

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# Town of Banff Traffic Bylaw Schedule B - Bus Routes



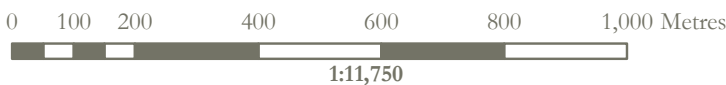
Date: 2017-08-01  
 Author: Banff GIS (GISAssistant)  
 Projection: UTM\_ZONE\_11N  
 File: TourBusRoute\_Aug2017\_Letter

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# Town of Banff Traffic Bylaw Schedule C - Equestrian Routes on Trails

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Date: 2017-08-01  
 Author: Banff GIS (GIS Assistant)  
 Projection: UTM\_ZONE\_11N  
 File: EquestrianRoutesOnTrails\_Aug2017\_1.letter