

**VILLAGE OF NAMPA
BY LAW NO. 416**

**A BYLAW OF THE VILLAGE OF NAMPA FOR THE USE OF HIGHWAYS AND
REGULATION OF TRAFFIC WITHIN THE VILLAGE OF NAMPA**

WHEREAS the Municipal Council of the Village of Nampa in the Province of Alberta deems it necessary to govern the use of highways and regulate traffic within the corporate limits of the Village of Nampa.

NOW THEREFORE, THE MUNICIPAL COUNCIL OF THE VILLAGE OF NAMPA IN THE PROVINCE OF ALBERTA, DULY ASSEMBLED, ENACTS AS FOLLOWS:

PART I

SHORT TITLE

1. This Bylaw may be cited as the "Traffic Bylaw"

DEFINITIONS

2. All terms and definitions shall be those which are described in the Traffic Safety Act (Alberta), Regulations and subsequent amendments, the Municipal Government Act (Alberta) and subsequent amendments, the Dangerous Goods Transportation and Handling Act (Alberta), and subsequent amendments, and those in this Bylaw.

2. In this Bylaw:

- 2.1 **"Carrier"** means any person transporting dangerous goods in, into, through or out of the Village by vehicle and includes the registered owner of such vehicle.
- 2.2 **"C-1 District"** means that portion of the Village on 100 Ave between 100 Street (Highway 2) and 98 Street.
- 2.3 **"CAO"** means the Chief Administrative Officer of the Village or his/her designate.
- 2.4 **"Parking Lot"** means parking lots owned by, or under the direction, control and management of the Village.
- 2.5 **"Commercial Waste Container"** means a container controlled so that it can be emptied mechanically into or loaded onto a vehicle and has the capacity to hold at least .075 cubic meters of waste.
- 2.6 **"Curb"** means the actual curb if there is one, and if there is no curb in existence shall mean the division of a highway between the roadway and the sidewalk or boulevard.
- 2.7 **"Dangerous Goods"** means dangerous goods for which placards are required by the Dangerous Goods Transportation and Handling Act R.S.A. 2000, Chapter D-4, and subsequent amendments.
- 2.8 **"Dangerous Goods Route"** means those highways located within the Village and

identified as a Dangerous Goods Route on Schedule "B".

- 2.9 **"Dangerous Goods Route Signs"** means signs erected pursuant to Section 22.
- 2.10 **"Emergency Services Personnel"** means an on-duty Fire Fighter, Peace Officer, Ambulance Services member or St. John Ambulance member.
- 2.11 **"Maximum Gross Weight"** means the maximum weight specified in the Certificate of Registration for the vehicle issued under the Traffic Safety Act, R.S.A. 2000 and subsequent amendments.
- 2.12 **"Obstruction"** means an encroachment, excavation, structure or other obstacle which interferes with, or prevents the vision, passage, maintenance or use of any public property by vehicles or pedestrians.
- 2.13 **"Occupant"** means a person who is in physical possession of a property, or a person who has responsibility for, and control over, the condition of a property, the activities conducted on that property, and the persons allowed to enter that property.
- 2.14 **"Owner"** means in the case of land, any person who is registered under the Land Titles Act, R.S.A. 2000 Chapter L-4, and subsequent amendment, as the owner of the land.
- 2.15 **"Parking Space"** means a space marked with parking guidelines visible on the highway requiring a person to park a vehicle's sides between and parallel to any two (2) of the guidelines.
- 2.16 **"Parkland"** means any land used as a playground, park and recreation area, sports field, cemetery, trail, public utility lot, natural area, school ground, to which the public does not have or is not permitted to have vehicle access.
- 2.17 **"Peace Officer"** means a member of the Royal Canadian Mounted Police, a By-law Enforcement Officer or Community Peace Officer of the Village.
- 2.18 **"Permitted Storage Location"** means an area designated on a dangerous goods route, as specified in Schedule 2, or at a location at least fifteen (15.0) meters away from any building, at which there are adequate security devices to prevent theft or damage to any vehicle or container stored on such premises, as may be approved by the CAO under section 26.
- 2.19 **"Person"** includes an individual, corporation, heirs, executors, administrators and assigns.
- 2.20 **"Public Property"** means any school ground, highway, public bridge, roadway, lane, footway, alley or passage, whether a thoroughfare or not, and includes open space or publicly owned or leased property, to which the public reasonably has or is permitted to have access, whether on payment or otherwise, within the municipal limits of the Village.
- 2.21 **"Public Works Foreman"** means the Public Works Foreman of the Village or his/her designate.

- 2.22 **“Recreation Vehicle”** means a vehicle that is designated, constructed and equipped, as a temporary dwelling place, living abode or sleeping place, and does not include a detached travel trailer.
- 2.23 **“Residential District”** means any district designated for residential use in the Village Land Use By-law, and subsequent amendments.
- 2.24 **“Roadway”** means that part of a highway intended for use by vehicular traffic.
- 2.25 **“Special Event”** means a promotion, parade, procession, race or display that requires use of a public property, and for that purpose:
- (a) **“promotion”** means one or more persons gathered for the purpose of soliciting, protesting, rallying, entertaining, evangelizing or selling goods or services; and
- (b) **“parade”, “procession”, “race”, or “display”** means any group of twelve (12) or more persons, or six (6) or more vehicles proceeding on a highway as part of an organized group or activity, but does not include a funeral procession.
- 2.26 **“Street Furniture”** includes every pole, waste receptacle, bench, vegetation and planting, and any other property authorized for placement on a public property by the Village.
- 2.27 **“Track”** means to allow, cause or permit any substance or material of any nature or kind whatsoever, to become loose or detached or blow, drop, spill, or fall from any vehicle, appurtenances, or tires onto any highway.
- 2.28 **“Traffic Control Device”** means any sign, signal, marking or device placed, marked or erected under authority of this bylaw for the purpose of regulating, warning or guiding traffic.
- 2.29 **“Travel Trailer”** means a trailer intended to provide accommodation for vacation use and licensed and equipped to travel on a highway.
- 2.30 **“Truck Route”** means those highways located within the Village and intended as a Truck Route on Schedule “A” attached.
- 2.31 **“Village”** means the Village of Nampa.

PART I - RULES FOR OPERATION OF VEHICLES

VEHICLES WITH METAL LUGS

3. A person shall not operate a vehicle having metal spikes, lugs, tracks, cleats, skids, or bands projecting from the surface of the wheel or tire of the vehicle, upon a highway, unless a permit to do so has been issued by the Public Works Foreman. This does not apply to studded tires or tires with chains.

TRACKING

- 4.1 A person shall not drive, operate or permit to be driven or operated any vehicle of any nature or kind in such a manner as to track upon the highway.
- 4.2 Any person who tracks upon a highway shall, in addition to the penalty, be liable to clean up or remove the substance or material tracked upon the highway, in default of which the Village may clean up or remove such substance or material at the expense of the person tracking.
- 4.3 If the person responsible for the tracked material cannot be determined, the owner of the property where the vehicle causing the tracking originated is deemed to be the person who tracked the material unless such owner proves to the satisfaction of the Court that the person tracking did not have consent, express or implied, to be on the property.

USE OF TARPAULINS AND SECURING LOADS

- 5.1 A person shall not drive a vehicle with or without a load, or pull onto a highway, without properly cleaning off any loose material from the top and outside of the vehicle body, vehicle box, hitch and trailer box.
- 5.2 All loads of earth, sand, gravel, snow, or other loose material shall be at least 75 millimeters (mm) below the top of the vehicle box, sideboards, or trailer box, or covered entirely by a tarpaulin or other covering device.
- 5.3 A person shall not drive a vehicle with a load, or pull onto a highway, unless the load has been secured to prevent the load from falling onto a highway or land adjacent thereto or shifting within the vehicle box or trailer box.
- 5.4 In the event that any part of a vehicle's load becomes loose or detached or blows, drops, spills or falls from any vehicle onto a highway, the operator shall take all reasonable precautions to safeguard traffic and to remove any materials from the highway as soon as practicable.

VEHICLES OBSTRUCTING TRAFFIC

- 6.1 An operator shall not stop a vehicle or permit a vehicle to be left upon a highway in such a manner to block, obstruct, impede or hinder traffic.
- 6.2 Notwithstanding Subsection 6.1, where the obstruction is unavoidable due to mechanical failure, the operator will be in breach of this section provided measures are taken to remove the vehicle from the highway as soon as possible.

PARKLAND

7. A person shall not operate a vehicle on any parkland except where permitted by a traffic control device.

TRUCK ROUTES

8. Any Commercial vehicle, or Commercial vehicle and trailer combination, over 8,000 kilogram maximum gross weight, or in excess of eight (8) meters in overall length shall use a Truck Route, except for loading or unloading, provided the shortest distance from and to the Truck Route is used..

FIRE HOSE

9. A person shall not drive on or over a hose or similar equipment of the Village's Fire Department which has been placed on a highway, without the consent of the Fire Department.

OVERWEIGHT/OVERDIMENSION VEHICLES

- 10.1 A person shall not operate a vehicle, or permit a vehicle to be operated within the Village, with a load in excess of the weight or size limits established by the Traffic Safety Act, and the Regulations there under, or any Board Order issued pursuant thereto, without first obtaining a permit from the Public Works Foreman.
- 10.2 The permit, a facsimile of the permit, or a record of the permit number must be in possession of the operator of the vehicle and be produced to a Peace Officer upon demand.

ROAD BANS

11. The Public Work Foreman may impose road bans on any highway under the Village's direction, control and management, including any bridge that forms part of that highway.

SPEED LIMIT GENERAL

12. The maximum speed limit in the Village shall be 50 kilometers per hour, unless otherwise posted.

PART 2 – PARKING

PARKING OF VEILCES FOR DISABLED PERSONS

- 13.1 A person shall not park a vehicle in a parking space, or any part thereof, on private property or on public property that is marked or designated with a traffic control device for the use of persons with disabilities, unless:
 - (a) the vehicle displays a valid handicap placard or license plate that is issued or recognized by the Solicitor General; and
 - (b) the vehicle is operated by, or is being used to transport a disabled person.

ALLEYS

- 14.1 A person shall not park a vehicle in an alley, unless a traffic control device permits parking.
- 14.2 Notwithstanding Subsection 15.1, and provided that the vehicle does not obstruct the alley so as to prevent the safe passage of other vehicles and pedestrians, an alley may be used for the loading or unloading:
 - (a) of goods from a commercial vehicle for a maximum of thirty (30) minutes; or
 - (b) of goods or passengers from vehicles other than a commercial vehicle for a maximum of five (5) minutes.

CONSTRCUTION/MAINTENANCE “NO PARKING” SIGNS

- 15.1 Notwithstanding any other provisions in this Bylaw, the Public Works Foreman may cause “No Parking” signs to be placed on or near a highway for maintenance or construction purposes.
- 15.2 A person shall not park or leave a vehicle on that portion of a highway where “No Parking” signs have been placed.
- 15.3 When maintenance or construction commences, any vehicle parked on the signed highway may be removed.

EXPIRED PLATE

16. A person shall not park a motor vehicle or trailer on a highway with an expired license plate displayed on it.

TRAVEL TRAILER/RECREATION VEHICLE

- 17.1 A person may park a recreation vehicle or travel trailer on a highway in a residential district only in a location completely adjoining the owner's residence as shown in the records of the Motor Vehicles Registry.
- 17.2 A person may park a recreation vehicle or travel trailer pursuant to this section:
- (a) for more than forty-eight (48) consecutive hours;
 - (b) after the unit has been removed to an off-highway location for at least twenty-four (24) consecutive hours, it may be parked again on a highway;
 - (c) in such a manner so as not to cause or create an obstruction or prevent the safe passage of vehicles and pedestrians;
 - (d) only between April 1 and October 31.

DETACHED TRAILER

- 18.1 A person shall not detach a trailer from a vehicle and park on a highway. In this section, a trailer shall include:
- (a) a trailer used for the transportation of Dangerous Goods when parked in an area designated in Schedule "B";
 - (b) a travel trailer.
- 18.2 Notwithstanding Subsection 19.1, where parking the trailer is unavoidable due to a mechanical failure, a person will not be in breach of this section provided he takes measures to remove the trailer from the highway as soon as practicable.

SIZE/WEIGHT RESTRICTIONS

19. A person shall not park a Commercial vehicle, or a Commercial vehicle and trailer combination, over 8,000 kilograms maximum gross weight or in excess of eight (8.0) meters in overall length on a highway other than on a Truck Route.

COMMERCIAL VEHICLE PRIVATE DRIVEWAY

20. A person may park a Commercial vehicle which does not exceed 8,000 kilograms maximum gross weight or eight (8.0) meters in overall length, on private property in a residential district only while engaged in loading or unloading.

PROHIBITED PARKING

21. A person shall not stop or park a vehicle at any of the following locations:
- (a) on a highway abutting any building under construction or repair, when the vehicle will impede or obstruct traffic, unless a permit has been issued by the Public Works Foreman;
 - (b) in any place where the vehicle will in any way interfere with the use of a doorway

- intended as a fire or emergency exit from any building abutting the highway;
- (c) on a sidewalk or boulevard;
 - (d) so as to obstruct or encroach on a sidewalk;
 - (e) within five (5.0) meters of a stop sign or a yield sign;
 - (f) within five (5.0) meters of the near side of a marked crosswalk;
 - (g) within one and one half (1.5) meters of a vehicle access to a garage, private road, driveway or vehicle crossway over a sidewalk;
 - (h) at any place where a traffic control device prohibits stopping, or parking, during the times stopping or parking is prohibited;
 - (i) on any parkland except where permitted by a traffic control device.

PART 3 – DANGEROUS GOODS ROUTES

DANGEROUS GOODS ROUTES SIGNS

22. The CAO may authorize Dangerous Goods Routes Signs and Dangerous Goods Routes Prohibitions Signs, conforming to the design standards and specifications of the Manual of Uniform Traffic Control Devices for Canada, or other traffic control devices to be erected along highways within the Village to identify Dangerous Goods Routes.

DANGEROUS GOODS ROUTES

23. A carrier shall not transport Dangerous Goods on a highway in the Village other than on a designated Dangerous Goods Route as specified in Schedule "B".

PICKUP/DELIVERY

24. Notwithstanding Section 24, a carrier shall travel on a Truck Route using the shortest and most direct route to and from a Dangerous Goods Route, when delivering or picking up Dangerous Goods.

PARKING/STOPPING

- 25.1 A carrier shall not park or stop a vehicle or trailer containing Dangerous Goods within fifteen (15.0) meters of an above ground electrical transmission line.
- 25.2 A carrier shall not park or stop a vehicle or trailer containing Dangerous Goods within the Village, except:
- (a) at a permitted storage location;
 - (b) to load or unload Dangerous Goods;
 - (c) in compliance with the directions of a Peace Officer or traffic control device;
 - (d) In compliance with a valid special permit issued pursuant to this part; or
 - (e) to refuel or carry out emergency repairs.

SPECIAL PERMIT

- 26.1 The Public Works Foreman may issue a special permit on application by a carrier with respect to Dangerous Goods being transported within the Village.
- 26.2 Where a special permit is issued by telephone, a record of the permit number shall be carried in the vehicle to which it was issued.
- 26.3 A carrier unable to produce a permit or permit number as required shall be guilty of an offence for violation of Subsection 26.1.

DANGEROUS GOODS SPILLS

27. A carrier shall not drop or spill, or allow or permit the dumping or spilling of any Dangerous Goods on any public property.

EXCEPTIONS

28. This part does not apply to:
 - (a) carriers transporting only medical oxygen;
 - (b) vehicles under 6,500 kilograms maximum gross weight displaying radioactive placards;
 - (c) two-axle trucks with a maximum gross weight of 12,000 kilograms, or less, transporting diesel fuel or gasoline in tank(s) with a total tank capacity of 1,000 liters, or less;
 - (d) any of the specified items listed in the special permit issued by the Protective Services Director pursuant to this Part.

PART 4 – GENERAL PROVISIONS

AUTHORITY OF THE CAO

- 29.1 The CAO is authorized to determine where Traffic Control Devices, except speed limit signs, may be located within the Village and to direct a record of such locations be maintained and open to public inspection during business hours, as may be requested.
- 29.2 The CAO is authorized to further delegate, and to authorize further delegation of any matter delegated to the CAO by Council under this Bylaw, to any employee of the Village.

PART 5 – OFFENCES AND POWERS OF PEACE OFFICERS

AUTHORITY TO ENFORCE REMOVAL AND IMPOUND

- 30.1 All Peace Officers are hereby authorized to enforce this bylaw.
- 30.2 All Peace Officers are hereby authorized to remove or cause to be removed any equipment, vehicle, trailer, operated, parked, or placed in contravention of any provision of this bylaw, or where emergency conditions may require the removal from any public property.
- 30.3 Any equipment, vehicle or trailer may be removed to a place designated by a Peace Officer.
- 30.4 Any equipment, vehicle, trailer or off-highway vehicle that has been impounded shall be released to its owner or his agent only after the impounding and removal charges have been paid.
- 30.5 The impounding and removal charges identified in Subsection 31.4 shall be in addition to any fine or penalty imposed in respect of a violation, or to any payment made in lieu of prosecution.

30.6 The Village is not responsible for impounding, towing or removal charges.

SNOW REMOVAL/STREET CLEANING/ROADWAY REPAIR

31. Notwithstanding anything herein contained, in conjunction with snow removal, street cleaning, or roadway repair operations carried out by the Village, the Village may tow or remove vehicles from the roadway being cleaned, cleared or repaired and, without impounding them, may remove them to adjacent public property.

PENALTIES

32. Any person who contravenes any provision or requirement of this Bylaw is guilty of an offence and is liable for and subject to the penalties listed in Schedule "1".

TICKETS

33. Where a Peace Officer has reasonable grounds to believe that a person has contravened any provision of this bylaw, he may serve a Municipal Tag or Violation Ticket upon the person.

SERVICE

34. Service of a Municipal Tag shall be sufficient if it is:

- (a) personally served;
- (b) attached to the vehicle in respect of which an offence is alleged to have been committed;
- (c) sent by ordinary mail to the address of the Registered Owner of the vehicle; or
- (d) left for the defendant at his residence with a person who appears to be at least eighteen (18) years of age.

ONUS OF PROOF

35. When a vehicle is driven, used, parked or left in contravention of any provision of this Bylaw, the owner of the vehicle is liable for the contravention and shall pay the penalty prescribed herein unless there is evidence before the court that at the time of the contravention, the vehicle was not driven, used, parked or left by him or by any other person with his consent, expressed or implied.

CHALKING

36. In order to determine the time which a vehicle has been parked in a location where parking is restricted to a specific time, a Peace Officer may place a chalk mark on the tread face of the tire or may use electronic marking.

SEVERABILITY

37. Should any provision of this bylaw be invalid, then that provision shall be severed and the remaining bylaw will be maintained.

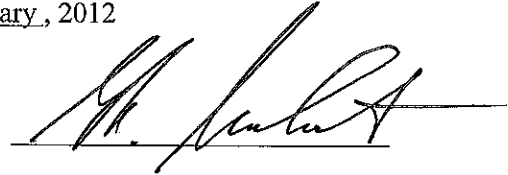
EFFECTIVE DATE

38. This bylaw shall take effect on the date of its approval by the Minister responsible for Alberta Infrastructure and Transportation or April 1, 2012, whichever is the latter date.

READ a first time this 21 day of November, 2011

READ a second time this 16 day of January, 2012

READ a third time and finally passed this 16 day of January, 2012

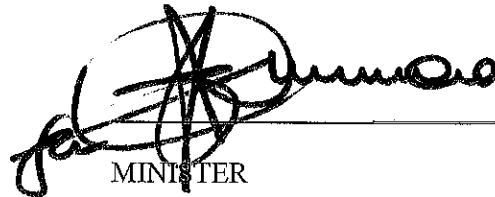


MAYOR



CHIEF ADMINISTRATIVE OFFICER

APPROVED BY THE MINISTER RESPONSIBLE FOR ALBERTA INFRASTRUCTURE AND
TRANSPORTATION THIS 24 DAY OF FEBRUARY, 2012



MINISTER

SCHEDULE "1"**Schedule of Fines****Part 1 – Rules for Operation of Vehicles**

<u>Section No.</u>	<u>Offence</u>	<u>Fine</u>
3	Drive vehicle damaging highway	\$500.00
4	Tracking	\$250.00
5	Transporting of unsecured load	\$300.00
7	Drive in parkland	\$300.00
8	Drive off truck route	\$250.00
9	Drive over fire hose	\$250.00
10.1	Overweight/over dimension vehicle without permit	\$500.00

Part 2 – Parking

13.1	Park in disabled space	\$150.00
16	Expired license plate	\$200.00
17	Park recreation vehicle in a prohibited manner	\$100.00
18	Detached trailer	\$100.00
19	Park truck off truck route	\$250.00
20	Overweight/over dimension park in driveway	\$250.00

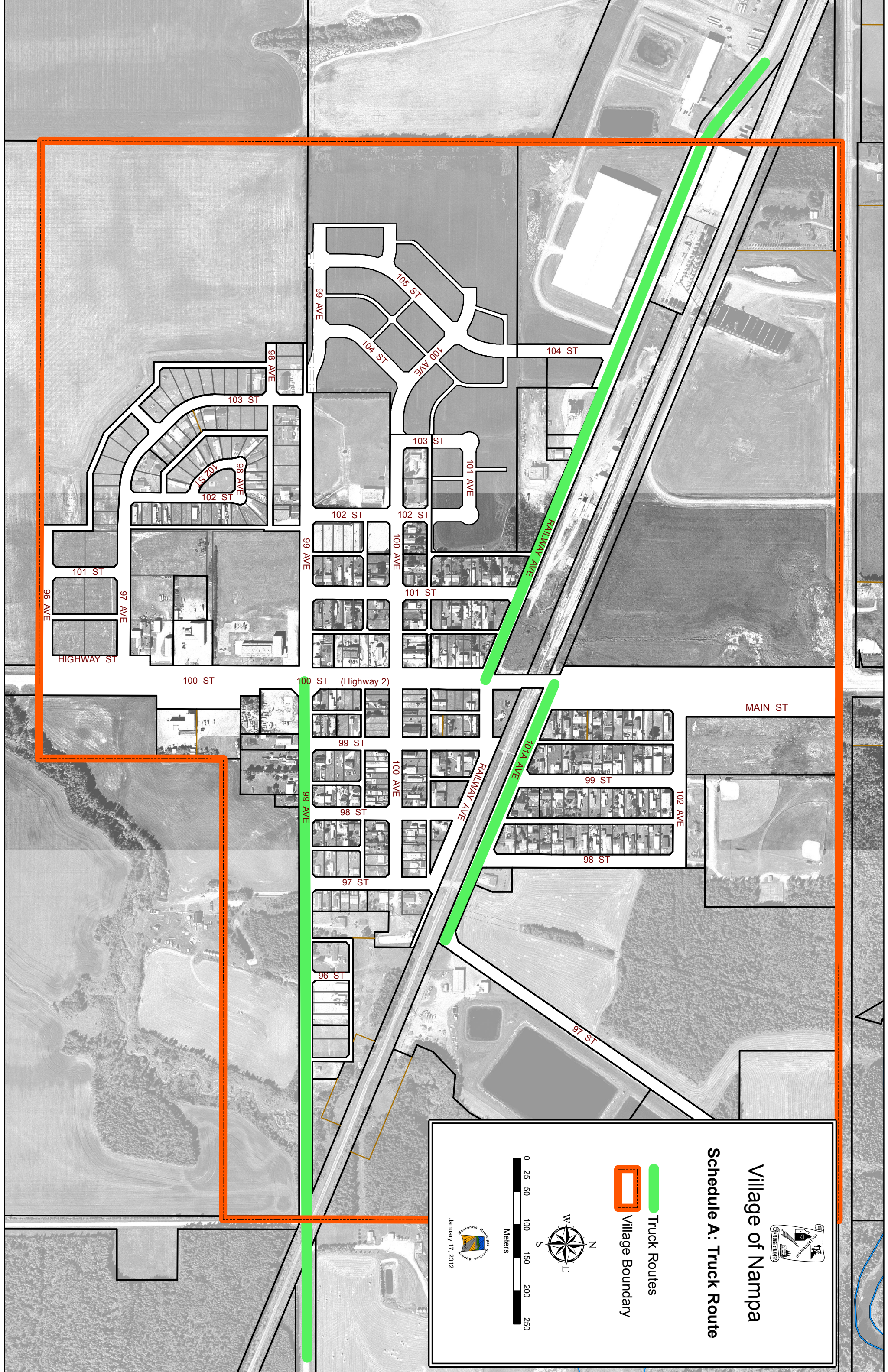
Part 3 – Dangerous Goods

22	Transport Dangerous Goods off route	\$500.00
25	Unauthorized parking of Dangerous Goods	\$500.00
27	Dumping of Dangerous Goods	\$500.00

Part 4 – General Provisions

29	Obstruct sidewalk without permit	\$100.00
----	----------------------------------	----------

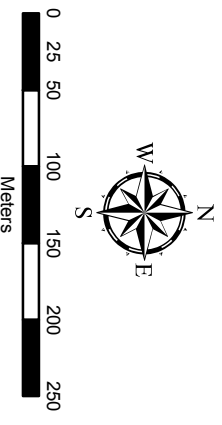
SCHEDULE "A"
TRUCK ROUTES



Village of Nampa

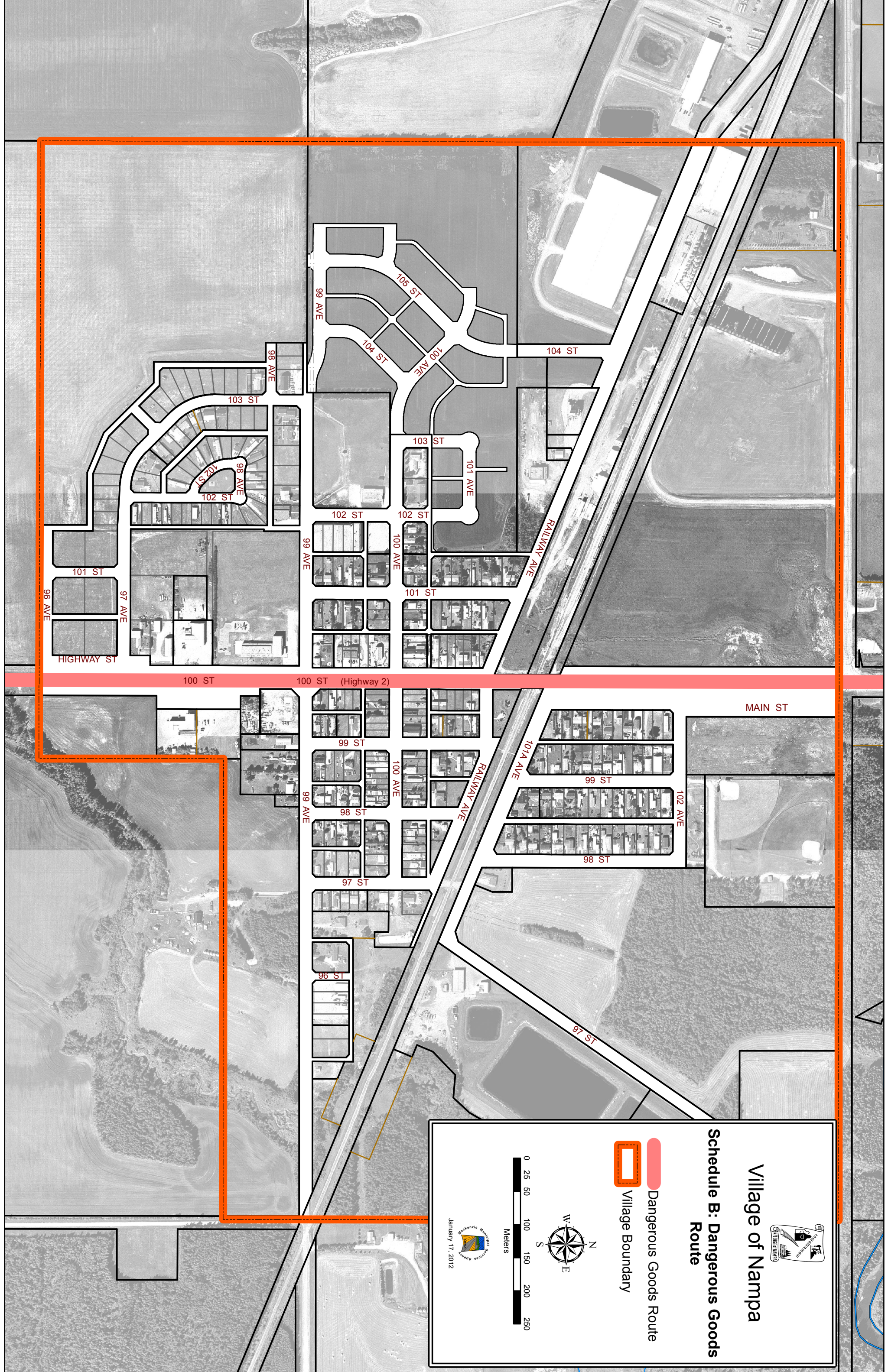
Schedule A: Truck Route

-  Truck Routes
-  Village Boundary



January 17, 2012

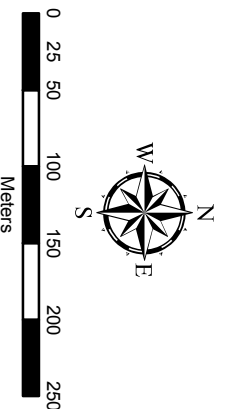
SCHEDULE "B"
DANGEROUS GOODS ROUTES



Village of Nampa

Schedule B: Dangerous Goods Route

-  Dangerous Goods Route
-  Village Boundary



January 17, 2012