



**BY-LAW No. A794**

**A BY-LAW OF THE VILLAGE OF CONSORT IN THE PROVINCE OF ALBERTA  
FOR USE OF HIGHWAYS AND THE REGULATION OF TRAFFIC WITHIN THE VILLAGE OF CONSORT**

**WHEREAS** the Municipal Government Act, being Chapter M-26, R.S.A., 2000, as amended, provides that a Council of a Municipality may pass Bylaws in relation to the use of highways and regulate traffic within the corporate limits of the municipality; and

**WHEREAS** the Council of the Village of Consort deems it necessary to govern the use of highways and regulate traffic within the corporate limits of the Village of Consort;

**NOW THEREFORE**, under the authority of the Municipal Government Act RSA 2000, Chapter M-26, the Council of the Village of Consort duly assembled enacts as follows:

**Part 1 - Title**

**1. TITLE**

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

**Part 2 - Purpose and Definitions**

**2. PURPOSE**

The purpose of this bylaw is to establish rules on the proper usage of highways and to regulate traffic within the corporate limits of the Village of Consort.

**3. DEFINIITONS**

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), regulations and subsequent amendments and those in this bylaw.

In this Bylaw the following words and phrases mean:

- a) "Bus Stop" shall mean those locations marked with a standard form of sign or marking authorized by the Council and signifying that the location is a bus stop.
- b) "CAO" shall mean the Chief Administrative Officer appointed by the Council of the Village of Consort;
- c) "Council" shall mean the Municipal Council of the Village of Consort.
- d) "Crosswalk" shall mean that part of a roadway ordinarily included within the prolongation of curb and property lines at intersections, or any other part of a roadway indicated as a pedestrian crossing by lines or other markings on the surface thereof.
- e) "Curb" shall mean the actual curb, if there is one, and if there is no curb in existence, shall mean the division of a highway between that part thereof intended for the use of vehicles and that part thereof intended for the use of pedestrians.
- f) "Disabled parking Zone" Means a space or portion of a highway or parking lot set aside and designated exclusively for the parking of vehicles bearing a valid disabled placard or

license plate issued or recognized by the Registrar of Motor Vehicle Services, and so marked with a sign or other marking authorized by the CAO;

- g) **"Heavy Vehicle"** shall mean a commercial vehicle over 1 ton capacity.
- h) **"Highway or Highways"** shall include every road, street, lane, alley, bridge, park, parkway or public place within the Village of Consort.
- i) **"Lane or Laneway"** means a highway used to provide access to properties in addition to the access provided by a frontage and/or flankage highway, including alleys and any Village utility lot to which the public is permitted access.
- j) **"Park, Parked, and Parking"** or any word or expression of similar connotation, meaning or import, shall mean the standing of a vehicle, whether occupied or not, upon a highway other than temporarily in obedience to traffic regulations or traffic signals or signs.
- k) **"Parking Area"** shall mean that portion of any highway set apart by the Council as a place where a motor vehicle may be parked.
- l) **"Passenger Loading Zone"** shall mean a location marked with a standard form of sign or marking authorized by the Council and signifying that the location is a passenger loading zone.
- m) **"Peace Officer"** shall mean a member of the Royal Canadian Mounted Police, a Special Constable, or a Bylaw Enforcement Officer appointed for or by the Village.
- n) **"Pedestrian"** shall mean a person standing or walking or a foot passenger.
- o) **"Person"** shall include a corporation, partnership, firm or organization.
- p) **"Recreational Vehicle"** means a motor vehicle designed constructed or equipped as a temporary dwelling place or sleeping place.
- q) **"Roadway"** shall include that portion of the street intended for vehicular traffic within the Village.
- r) **"Sidewalk"** shall mean that part of a highway primarily intended for the use of pedestrians And shall include the space lying between an established curb line and the production thereof and the nearest lot line.
- s) **"Street Intersection or Intersections"** shall be and mean the whole area situated between the prolongation of the boundary lines of two or more highways which join one another at an angle and whether such highways cross each other or not.
- t) **"Truck Loading Zone"** shall mean a location marked with a standard form of sign or marking authorized by the Council and signifying that the location is a truck loading zone.
- u) **"Vehicle"** shall include all motor vehicles and all other carriages or means of conveyance whether propelled by muscular or by any other motive power, and for the purpose of this bylaw any horse, draft animal or beast of burden attached to a vehicle shall be deemed a part of such vehicle, and the term "vehicle" shall



include any animal that is being led or driven, but does not include baby carriages and vehicles which run only on rails.

v) "Village" means the Village of Consort, in the Province of Alberta

### **Part 3 – Foot Passengers**

4. The driver of any vehicle shall yield the right of way to a pedestrian crossing the roadway within any marked or unmarked crosswalk, except during intervals of time when given the right of way over pedestrians at intersections where the movement of traffic is being regulated by peace officers or automatic traffic control signals, provided that the provisions of this section shall not relieve a pedestrian from the duty to exercise due care.
5. Whenever any vehicle has stopped at a marked crosswalk or at an intersection to permit a pedestrian to cross the roadway, the driver of any vehicle or the pedestrian is not relieved from the duty to exercise due care.
6. Persons shall not stand in a group near to each other on any street or sidewalk in such a manner as to obstruct a free passage to foot passengers after a request to move on has been made by a peace officer or other person duly authorized, nor shall any person remain standing on the street in such a way as to obstruct vehicular traffic, except as herein provided.
7. No person shall cross any paved highway at any point other than at a crosswalk nor cross any highway between intersections; provided that the provisions of this section shall not relieve the driver of a vehicle or the pedestrian from the duty to exercise due care.
8. No pedestrian shall cross any highway at a point where a sign prohibits such crossing.
9. Nothing in the provisions of this section shall be construed as prohibiting the assembling of persons for the purpose of watching a parade or procession duly authorized by the Village.

### **Part 4 – Vehicular Traffic**

10. Unless otherwise provided for in this bylaw or indicated by appropriate signs or markings, the speed limit in the Village shall be 40 kilometers per hour.
11. No person shall drive a vehicle on any lane in the Village at a speed in excess of 20 kilometers per hour.
12. No person shall drive a motor vehicle on a highway in the Village at any rate of speed which is unreasonable, having regard to all the circumstances of the case, including the nature, condition and use of the highway, and the amount of traffic which then is, or might reasonably be expected on the highway.
13. No person shall operate or park a motor vehicle on any sidewalk, bicycle path or pedestrian path on any public land.
14. Except for a peace officer, Village employee or agent of the Village acting in the performance of his duties, no person shall operate or park a vehicle on public land other than on areas designated for the operation or parking of such a vehicle.
15. No vehicle operator shall drive or park a vehicle upon any highway in such a manner as to block, obstruct, impede or hinder traffic thereon. Where the obstruction is unavoidable due to mechanical failure, the operator will not be in breach of this section provided he promptly takes adequate measures to clear the faulty vehicle from the highway.
16. No person shall place or shall permit or allow to be placed or maintained, at any location in the Village, a light or an object that reflects light in such a manner so as to distract or interfere with the vision of a person operating a vehicle on any highway within the Village.

### **Part 5 – Animal Traffic**



17. No person shall ride a horse or other animal on any portion of a street except in a parade permitted pursuant to Section 53.
18. No person shall lead, ride or drive a horse or other animal on any public land other than on roadways.
19. No person shall leave a horse or other beast of burden unattended on public land.
20. No person shall permit any horse or other animal to be on public land unless it is under control at all times.
21. Any person in charge of a horse or other animal shall cause the immediate removal of any defecation from such an animal on public land. If such a person fails to do so, the Village may conduct the necessary clean up and charge the costs of doing so to that person.
22. Any person who wishes to operate a horse drawn vehicle on any street in the Village shall submit a request to the CAO for a permit to do so.
  - a) The CAO may issue such a permit subject to conditions regarding:
    - i. The streets or portions thereof on which a horse drawn vehicle may be operated;
    - ii. The times or times during which a horse drawn vehicle may be operated;
    - iii. The stopping or parking of a horse drawn vehicle on a street
    - iv. The loading and discharging of passengers from horse drawn vehicles
    - v. The provision of proof of insurance for personal injury and property damage liability.

#### Part 6 – Fires and Emergencies

23. Upon the approach of or the sounding of a siren or other signal by an ambulance, police vehicle or fire apparatus, the driver of any other vehicle on the highway on hearing the signal of such ambulance, police vehicle or fire apparatus, shall immediately drive such vehicle as nearly as practicable to and parallel with the right hand curb and stop there until such ambulance, police vehicle or fire apparatus has passed.
24. In case of a fire within the Village, a peace officer or any member of the Fire Department of the Village may designate in any manner a line or lines near the location of the fire beyond which no member of the public shall pass, and no person whether on foot or in a vehicle shall cross such line or lines.
25. No person shall drive any vehicle whatsoever over any fire hose which may be laid on any highway by authority of the Fire Department or the Police Department.

#### Part 7 – Parking

26. Except for limited periods of time permitted by any provision of this bylaw for the parking of vehicles, no person shall park any vehicle upon any such highway of the Village so as to obstruct the free and safe passage of any other vehicle along such highway, or so as to obstruct vehicles entering or leaving lanes, driveways, or any private crossing.
27. Wherever a curb has been lowered to allow vehicles to cross a sidewalk in order to reach private property adjoining any highway, no person shall park so as to obstruct the use of such a crossing.
28. No person shall park a motor vehicle or trailer on a highway with an expired license plate displayed on it.
29. No person shall use any of the streets of the Village for the storing of any implement or machinery and no person shall leave any implement or machine standing or stored upon any street for a continuous period exceeding 48 hours.
30. No person shall park any recreational vehicle, attached or unattached trailer or holiday trailer on a highway except for the purpose of loading or unloading for a period not exceeding 48 hours and only if it is located on that portion of highway that lies immediately adjacent to the property it is being loaded from or unloaded to.
31. Notwithstanding section 29, no person shall leave on a highway for any period of time a device or object designed to be carried on a vehicle if it is removed from the vehicle.



- 32.** The Public Works Foreman is hereby authorized to make provisions and regulations in times of emergencies, during snow removal or street cleaning operations, and in areas where construction or repairs are being carried out upon or near highways related to the control and regulation of traffic and, without restricting the generality of the foregoing, may
- Designate any highway as one which is closed temporarily in whole or in part to traffic and shall cause such highway to be so marked
  - Designate any area as one which parking privileges are temporarily suspended and shall cause such area to be so marked,
  - Cause moveable signs to be placed on or near a roadway, such signs to read "No Parking in this Block", or "Snow Removal Ordinance No Parking between the hours of \_\_\_\_ to \_\_\_\_ Violators will be ticketed and towed",
  - Temporarily suspend the existing speed limit and restrict the speed of vehicles to such speed as may be indicated on a sign placed in such areas
- 33.** The organizers of a parade or procession granted authorization by the Village may place temporary no parking signs along the route of the parade or procession.
- 34.** No person shall park or drive a vehicle in contravention of any sign or signal placed in accordance with any such provisions or regulations made under sections 31 or 32.
- 35.** No person shall tear down, remove or interfere with any such signs, signals, barricades, flares or other things place in accordance with sections 31 or 32.
- 36.** No person shall park or leave parked a vehicle on a highway adjacent to any block in the Village after the expiration of 12 hours from the time a sign or signs referred to in section 31 or 32 have been placed in such block until such sign or signs have been removed. Any vehicle found on a highway adjacent to such a block so posted may be removed pursuant to Section 78.
- 37.** No person shall park a vehicle on a highway or on public or private property in a space reserved for handicapped parking, which is so designated by a sign without having prominently displayed upon their vehicle a handicap placard or license plate that is issued or recognized by the Minister responsible for the Motor Vehicle Registration Act.
- 38.** Upon any highways within the Village which have been properly designated and marked by order of the Village Council for angle parking, the driver of any vehicle desiring to park the vehicle at the curb at the angle indicated by parking lines or at an angle of from 30 to 60 degrees where parking lines have not been marked or are covered over, shall make certain that the right front wheel of the vehicle is not more than 30 centimeters (12 inches) from the curb. Streets designated for angle parking are listed in Schedule D hereof.
- 39.** Subject to any restrictions herein contained and applicable to the parking of vehicles, and except upon any portions of highway designated and marked for angle parking, the operator of a vehicle desiring to park the same shall park or stand it on the highway parallel to the curb with the right wheels thereof at a distance of not more than 30 centimeters (12 inches) from the curb. No vehicle shall be parked so as to have the left (driver's side) wheels adjacent to the curb on a two-way street, with the vehicle facing into oncoming traffic.
- 40.** No driver or person in charge of a vehicle shall halt, stand or park such vehicle for any period of time whatsoever at the following locations on a highway, namely:
- Within fifteen feet of any stop sign erected upon any highway
  - Nearer than fifteen feet to any street intersections
  - Alongside or opposite any street excavation or obstruction when such parking will impede or obstruct traffic
  - Upon any highway in front of any building in the course of erection or repair when such parking will impede or obstruct traffic
  - At a location designated as a "Truck Loading Zone"
  - At a location designated as a "Passenger Loading Zone" for the period necessary to load or unload passengers provided such period is 5 minutes or less
  - 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
  - In the entranceway to any Fire Hall or Hospital



- i. At a place or area where a sign indicates that parking there is restricted to a designated class of vehicle only, which include but are not limited to:
    - i. Police vehicles
    - ii. Bylaw enforcement vehicles, and
    - iii. School buses during such time that such buses are being used to transport students to and from the school, and loading and unloading such students
  - j. On any portion of a highway marked by a "No Parking" sign or on any portion of a highway marked by a "Fire Lane No Parking" sign.
41. No parking in lanes shall be permitted, but lanes may be used for such period of time as may be reasonably necessary for the loading or unloading of passengers or goods from a vehicle, provided that the vehicle concerned in such loading or unloading of passengers or goods does not so obstruct the lane as to prevent other vehicles or persons from passing along such lanes, while the loading or unloading is taking place.
42. No person shall leave a vehicle unattended on a highway if the vehicle has been placed on a jack or similar device, and one or more wheels have been removed from the vehicle, or part of the vehicle is raised.
43. No person shall park any vehicle upon any land owned by the Village, which the Village uses or permits to be used as a playground, boulevard, sidewalk, recreation area or public park, except on such part thereof that is designated for parking.
44. No person shall park a vehicle on a Village owned parking lot in contravention of the prohibitions stated on any sign placed in the said parking lot.
45. No person shall store any vehicle in any area designated as a Village Parking Lot. A vehicle shall be deemed stored when it remains upon the area longer than 36 hours. Any vehicle so stored may be removed and impounded pursuant to section 78.
46. The Village shall not be liable for any loss or damage howsoever caused that may occur to any personal property including a vehicle while any vehicle is parked on any area designated as a Village Parking Lot or upon any Village lands.
47. In case any vehicle, truck or trailer is parked in violation of any of the provisions of this bylaw, a peace officer may cause such vehicle, truck or trailer to be removed to a place designated by the Council as per section 78, or to a location on a highway where the parking of such vehicle, truck or trailer is permitted.
48. The owner of any vehicle, truck or trailer, moved under the provisions of section 46 shall pay to the Village Office upon demand the cost of removing such vehicle, and any reasonable storage or other charges incurred in respect thereof.

**Part 8 – Emergency Powers of Police**

49. Notwithstanding the designation by Council in this bylaw of specified areas where parking of cars is permitted and notwithstanding any other provisions of this bylaw to the contrary, a Peace Officer is hereby empowered and authorized, whenever he considers traffic conditions so justify, to designate areas upon any highway within which no standing or parking shall be allowed, such designated areas to be called "No Parking" areas, and such "No Parking" areas shall be plainly indicated by signs or other appropriate means.
50. In any case where by reason of any emergency or of any special circumstances which in the opinion of a Peace Officer makes it desirable and in the public interest;
  - a. Temporarily to close, in any area of the Village, any highway, in whole or in part to traffic, or
  - b. Temporarily to suspend in any area of the Village parking privileges granted by the provisions of this or any other bylaw
 A Peace Officer may for such period of time as deemed necessary to meet such emergency or special circumstances, take such measure for the temporary closing of such highway or suspension of parking privileges and place barricades and/or post appropriate notices on or near the highway concerned as may be considered necessary in the circumstances.



51. Any person tearing down, interfering with or removing any such barricades or doing anything in contravention of any notice so posted, or parking a vehicle, truck or trailer in any location or place in contravention of any such notice shall be guilty of an offense against this bylaw.

**Part 9 - Miscellaneous Offences**

52. Every person shall be guilty of an offence under this bylaw who:
- a. Rides on or permits any other person to ride on the running board or bumper of a motor vehicle;
  - b. While driving any vehicle on any highway allows any sled, toboggan, bicycle or other conveyance, except trailers, or any person riding upon skis to be drawn or towed by the vehicle he is driving;
  - c. Coasts on any highway in the Village or attaches any sled, toboggan, bicycle or other conveyance, except trailers, to any vehicle while traveling on any highway in the Village or rides on skis attached to any vehicle traveling on any highway in the Village;
  - d. Operates any motor vehicle on any residential street within the Village between the hours of 10:00 p.m. and 7:00 a.m. so as to unduly disturb residents of any such street or part thereof;
  - e. No person shall within a distance of one hundred yards from any public or private hospital, sanitarium, school or other similar institution make or cause to be made by any vehicle, animal, object or thing under his charge or control, any unnecessary noise either by fast driving or riding or by ringing gongs or bells, or by blowing of horns, whistles or other devices or instruments or by any other means whatsoever;
  - f. Allows any part of his load of construction debris, refuse, soil or other material to fall from a vehicle and remain on the highway;
  - g. Without authority from the Council places any sign or any obstacle or thing of whatever nature or kind upon any highway, or removes or destroys any traffic or other sign lawfully placed upon a highway;
  - h. Washes any vehicle on any highway so as to result in mud, slush or ice forming or being deposited on the highway, or allows radiator fluid, motor oil, fuel or any other vehicle fluid to be deposited upon any highway;
  - i. Skates or roller skates on any of the highways of the Village;
  - j. Parks upon a highway any vehicle displayed for sale;
  - k. Drives any vehicle on any street or highway within the Village in such a manner that the same crosses from one side of the street or highway to the other side thereon between intersecting streets or highways;
  - l. As driver of a vehicle makes a "U" turn other than at an intersection or as prohibited in this bylaw or as indicated by a sign stating "No U Turns"
  - m. As driver of a vehicle overtakes and passes another vehicle traveling in the same direction at any intersection;
  - n. Stands upon or walks along a highway for the purpose of soliciting a ride from the driver of any private vehicle;
  - o. Drives a motor vehicle upon a highway, if the view through the windshield or windows thereof is so obscured by mud, frost, steam or otherwise, as to make the driving of such vehicle hazardous or dangerous;
  - p. No person shall drive or operate upon any highway any vehicle which is constructed, enclosed or loaded so as to be dangerous or so as to prevent the person in charge thereof from having a view sufficient for safe operation of such vehicle
  - q. Rides a bicycle, tricycle, or motorcycle upon a highway and fails to keep his feet on the pedals and to keep hold of the handlebars with his hands at all times;
  - r. Rides a bicycle, tricycle or motorcycle more than two abreast on a highway;
  - s. Holds onto or has his bicycle, tricycle or motorcycle attached to any other moving vehicle on a highway, or being the rider of a cycle fails to keep such bicycle as near to the curb as circumstances and weather conditions permit;
  - t. Carries anyone upon a bicycle, tricycle or motorcycle except in a passenger seat or sidecar forming part of the authorized equipment designed for use with such bicycle, tricycle or motorcycle;
  - u. rides a bicycle on a sidewalk except for a child's bicycle having a wheel diameter of less than 0.46 meters (18 inches);
  - v. Operates a bicycle during the period between one hour after sunset and one hour before sunrise, or at any other time when the conditions are such that objects on the highway are not plainly visible at a distance of three hundred feet, without a lighted headlamp at the front and one reflector at the rear of the bicycle;
53. Drives a motor vehicle through or in any way interrupt a funeral procession.



### Part 10 – Parades and Processions

54. Subject to section 59, no person or organization shall hold, organize or take part in any parade or procession or organized foot race unless permission in writing has first been obtained for such parade, procession or foot race from the Village Council.
55. Every member of a parade, procession or organized foot race and the organization and leaders thereof shall be guilty of an offence for each and every violation of this section.
56. Any person desiring to hold a parade, procession or organized foot race within the Village shall, not less than three weeks prior to the time they desire to hold the same, make application to the CAO in writing and such application shall furnish information as follows:
- The name and address of the applicant
  - The nature and object of such parade, procession or foot race,
  - The day, date and hours during which same will be held, and
  - The intended route thereof.
57. The written application shall include the signatures and addresses of the person(s) who will be in control of such parade, procession, or organized foot race and who will be responsible for the good order and conduct thereof.
58. The Village may grant permission for parades, processions and foot races, and where issued, the permit shall contain such directions to the applicant as are considered necessary to prevent unnecessary and unreasonable obstruction of highways and may include authorization to place temporary "No Parking" signs along the route.
59. No parade, procession or organized foot race shall move at a slower speed than 5 kilometers per hour or obstruct any highway for a longer period than is reasonably necessary.
60. The provisions of this part do not apply to any person participating in a military or funeral procession.
61. Notwithstanding anything contained in this bylaw, any vehicle in a funeral procession, except the lead vehicle, may during daylight hours enter an intersection without stopping if:
- The headlamps of the vehicle are alight,
  - The vehicle is traveling immediately behind the vehicle in front of it so as to form a continuous line of traffic, and
  - The passage into the intersection can be made in safety.

### Part 11 – Sidewalks

62. All persons owning or occupying premises which have a Village sidewalk running adjacent to the property, shall remove and clear away all snow, ice, dirt and other obstructions from the sidewalk situated on land adjoining the property within 48 hours of the time that such snow, ice or other obstruction was deposited thereon.
63. If the requirements of section 60 are not met, in addition to any fines levied, the Village may remove the obstruction and charge the expenses thereof to the owner or occupant. In the event of non-payment of the expenses, such expenses shall be charged against the property as a special assessment to be recovered in a manner like other taxes.
64. No owner or occupant of a building located in close proximity to a Village sidewalk shall allow snow, ice, dirt or other substances to accumulate on the roof of or any projection from said building to the extent that the accumulated substance may fall onto the adjacent sidewalk. Where an accumulation hazard exists, the owner or occupant of the subject building shall take immediate action to remove the accumulated substance with due care and attention to the safety of pedestrians.
65. Where a potential accumulation hazard is discovered, the Village may give a warning to the owner or occupant of the subject building to remove the accumulation and if the owner or occupant fails to remove the accumulation within 24 hours of receiving the warning, the Village may cause the removal of the accumulation and charge the expenses thereof to the owner or occupant. In the event of non-payment of the expenses,

such expenses shall be charged against the property as a special assessment to be recovered in a manner like other taxes.

66. No person shall place, leave or suspend a cable, rope or other object on, across or above any part of a Village sidewalk except for an electrical cord designed for outdoor use and only if it is left in a manner that does not cause a hazard to legitimate users of the sidewalk.

#### Part 13 – Damage to Sidewalks

67. No person shall operate a heavy vehicle on or across any sidewalk except at a curb or approved crossing without first planking the sidewalk to ensure that the sidewalk will not be damaged.
68. No person shall cause any damage to any Village sidewalk by striking, picking or cutting, whether or not such person is engaged in removing snow or ice from the sidewalk.
69. Where damage is caused by a person's actions as described in sections 65 and 66, the Village may repair such damage and charge all associated costs to that person.

#### Part 14 – Damage to Highways

70. No person shall drive or drag any vehicle or thing on a highway in any way that may cause damage to the highway or any improvements thereon.
71. No person shall damage or remove any earth, gravel, concrete, pavement or other roadway appurtenance or make any excavation within or under any highway within the Village without having first obtained permission from Village Council.
- a. Where permission has been granted to excavate under section 70, any person engaged in the subsequent work shall take adequate precautions to protect the public from the work, including the placement of barricades, fences, lighting and any other measures deemed necessary by the Manager of Public Works.
  - b. Where permission has been granted under section 70, any person engaged in the subsequent work shall assume all responsibility for any and all accidents or damages that may occur as a result of the work.
  - c. Where damage is caused by a person's actions as described in this section, the Village may repair such damage and charge all associated costs to that person.
72. No person shall place or cause or allow to be placed on a highway, any snow, ice dirt or other obstruction other than from a Village sidewalk.
73. No person shall drive through or over or break down any snow berms piled on Village Streets.

#### Part 15 – Maintenance of Boulevards and Trees

74. All property owners or occupants are charged with the responsibility of maintaining the boulevard adjacent to their property. No owner or occupant of property shall allow the grass, weeds, or other vegetation on a boulevard adjacent to the subject property to become a nuisance by growing uncontrolled.
75. No owner of property shall allow trees, shrubs or other vegetation growing on his property, or on a boulevard adjacent to his property if planted by him or a previous owner of the property, to grow so that the clearance of any branches is less than 2.3 meters (7.5 feet) over a public pedestrian walkway or less than 4.6 meters (15 feet) over a street or lane.
76. No person shall allow trees or shrubs on private property whether planted before or after the date of the passing of this bylaw to grow to such an extent that good visibility for safe traffic flow is thereby interfered with.
77. Except for trimming permitted or required, no person shall remove, pollard, destroy or injure any tree that is planted or growing on a boulevard without written permission from the Village. If a request for removal of a tree is granted, the adjacent private property owner shall be responsible for the cost of such removal. If the Village requires the trimming or removal of a tree in a boulevard, it shall be responsible for all associated costs.



78. In addition to any penalty levied, the Village may require a person in contravention of Sections 73, 74, 75 or 76 to take corrective action within ten (10) days of being notified to do so. If the person fails to comply with such notice, the Village may carry out the work and enter upon the private property if necessary to do so and may charge the cost of so doing against the person in default. Should such person fail to make payment, the amount so charged may be levied against the land and may be recovered in the same manner as taxes.

#### **Part 16 – Contraventions**

79. Any person who contravenes any of the provisions or requirements of this bylaw is guilty of an offence and is liable for and subject to the penalty as outlined in Schedule 'A'.

80. Where 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 make payment of the penalty prescribed herein unless there is evidence to the contrary 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, express or implied.

#### **Part 17 – Removal and Impoundment of Vehicles**

81. A peace officer is hereby authorized to remove or cause to remove and impound any vehicle:

- a. Operated or parked in contravention of any provision of this bylaw, or
- b. Where emergency conditions may require such removal from a highway.

82. No person shall attempt to prevent or in any way interfere with the impounding of any vehicle.

83. An impounded vehicle may be removed to and stored at a place designated by the Village. The Village shall not be liable for any damages sustained by the vehicle or losses from the vehicle during the removal operation or while it is in storage.

84. The registered owner of an impounded vehicle shall be liable for the cost of removal and storage of such vehicle in addition to any fine or penalty imposed in respect of any such violation, or to any payment made in lieu of prosecution as hereinafter provided. Such costs shall be paid before the vehicle is released.

#### **Part 18 – Heavy Truck Parking Restrictions and Truck Routes**

85. No person shall operate or park a heavy vehicle on a highway other than a highway specified in Schedule B hereof, which schedule is hereby incorporated into and made part of this bylaw.

86. The following shall not be deemed to be operating a heavy vehicle in contravention of this bylaw

- a. if the heavy vehicle was being operated on the most direct and practicable route between the premises or location concerned and the nearest truck route and having first acquired the necessary permit for the Village of Consort,
- b. No Person shall operate a vehicle in respect of which an overload or over-dimensional permit is issued pursuant to the *Traffic Safety Act* on a highway under the direction, control and management of the municipality unless:
  - i. The CAO has given approval by the issuance of a Village approved permit
  - ii. The Owner, operator, driver or mover of the vehicle shall agree to be responsible for all damages which may be caused to the highway by reason of driving, operating or moving of any such vehicle upon the highway; and
  - iii. If requested by the CAO, the owner, operator, driver or mover of the vehicle posts a bond sufficient to cover the cost of repairing possible damages to the highway, landscaping and street furniture in an amount satisfactory to the municipality.
- c. persons delivering or collecting goods or merchandise to or from the premises of bona fide customers.

87. The following shall not be deemed to be in contravention of this bylaw:

- a. any person driving a public passenger vehicle or emergency vehicle;
- b. any person driving a heavy vehicle that is owned by or actually in the service of the Village and that is actually engaged in work at locations not designated as a truck route;
- c. any person driving a heavy vehicle to or from a bona fide service station, repair garage or repair shop.



88. Persons that have more than one delivery, collection or service in the same area, may make all deliveries, collections or services within that area before proceeding by the most direct and practical route to the nearest truck route.
89. No person shall park any truck or trucks of over one ton at any time:
- on 50<sup>th</sup> Street between 49<sup>th</sup> Avenue and 51<sup>st</sup> Avenue
  - on 50<sup>th</sup> Avenue from 51<sup>st</sup> Street to 49<sup>th</sup> Street.

**Part 19 – Enforcement**

90. Where a peace officer has reasonable grounds to believe that a person has contravened any provisions of this bylaw, he may serve upon such person an offence ticket allowing the payment of the specified penalty listed in Schedule 'A' to the Village within 14 days of the issuance of the offence ticket. Such payment shall be accepted by the Village in lieu of prosecution for the offence.
91. Service of an offence ticket shall be sufficient if it is:
- Personally served,
  - Attached to the vehicle in respect of which an offence is alleged to have been committed, or
  - Mailed by registered mail to the address of the registered owner of the vehicle or to the person in possession of the said vehicle.
92. The offence ticket shall state:
- The name and address of the offender if ascertainable,
  - The offence,
  - The location, date and time of the offence,
  - The appropriate penalty for the offence as specified in Schedule 'A' of this bylaw, and
  - That the penalty shall be paid within fourteen (14) days of the issuance of the offence ticket to avoid prosecution for the offence.
93. Unless otherwise stated in the bylaw, where a contravention of this bylaw is of a continuing nature, further offence tickets may be issued by a peace officer, provided however, that no more than one offence ticket shall be issued for each day that the contravention continues.
93. If the penalty specified in the offence ticket is not paid within the prescribed time period, then a peace officer is hereby authorized to issue a violation ticket regarding the offence in accordance with the provisions of the Provincial Offences Procedure Act Chapter P-34 RSA 2000 and amendments thereto.
94. Except as otherwise provided, any person violating any of the provisions of the bylaw shall be guilty of an offence and liable upon summary conviction to a penalty of not more than Five Hundred Dollars (\$500.00) and costs, and in default of payment thereof, imprisonment for a period not exceeding sixty (60) days.

**Part 20 – Repeal, Effective Date and Severability**


95. This Bylaw shall repeal Bylaw A742 upon this Bylaw coming into force
96. Severability  
Despite that any section or sections of this bylaw, or any part or parts thereof, may be found by any court of law to be invalid or illegal that section or sections or part or parts thereof, shall be deemed to be severable, and all other sections of this bylaw, or parts thereof, are separate and independent there from and enacted as such.
97. This Bylaw will come into force on the date of third and final reading.

Read a first time this 22<sup>nd</sup> day of July, 2013.

Read a second time this 12 day of August, 2013

Read a third and final time this 12 day of August, 2013

Signed by the Chief Elected Official and Chief Administrative Officer this 14 day of August, 2013

  
\_\_\_\_\_  
Mayor

  
\_\_\_\_\_  
Chief Administrative Officer