

BYLAW 02-15

A BYLAW OF THE TOWN OF ATHABASCA, IN THE PROVINCE OF ALBERTA TO PROVIDE FOR THE REGULATION OF PARKING AND THE USE OF STREETS THROUGHOUT THE MUNICIPALITY, AND TO RESCIND AND REPLACE BYLAWS 15-80, 6-84, 7-84,9-85,13-86, 6-87, 17-90, 14-91, 15-91, 5-92, 6-92, 19-92,8-97 AND 2-98.

- WHEREAS** the Traffic Safety Act, R.S.A. 2000, c. T-6, section 13 provides that a Municipal Council may pass a Bylaw with respect to regulation of parking and the use of highways under its direction, control and management.
- WHEREAS** pursuant to section 14 of the Traffic Safety Act the council of a municipality may pass bylaws governing the parking of vehicles on privately owned property;
- WHEREAS** pursuant to section 108 of the Traffic Safety Act the council of a municipality may pass bylaws prescribing speed limits that are different from the speed limits established in that Act;
- WHEREAS** pursuant to section 48 of the Highways Development and Protection Act the council of a municipality may pass bylaws regulating the placing of roadside improvements on privately owned property;
- WHEREAS** pursuant to section 7 of the Municipal Government Act the council of a municipality may pass bylaws for municipal purposes respecting the safety, health and welfare of people and the protection of people and property and the enforcement of bylaws;
- WHEREAS** Council has deemed it necessary to rescind and replace Bylaws 15-80, 6-84, 7-84,9-85,13-86, 6-87, 17-90, 14-91, 15-91, 5-92, 6-92, 19-92,8-97 and 2-98.

NOW THEREFORE, THE COUNCIL OF THE TOWN OF ATHABASCA, IN THE PROVINCE OF ALBERTA, DULY ASSEMBLED, ENACTS AS FOLLOWS:

1. TITLE

- 1.1 This Bylaw may be cited as the "Town of Athabasca Traffic Bylaw".

2. DEFINITIONS

- 2.1 The definitions contained in the Traffic Safety Act, R.S.A. 2000, c.T-6 and regulations there under shall apply to this bylaw unless a contrary intention is specifically stated in this bylaw.
- 2.2 In this Bylaw:
- (a) **"C.A.O."** means the Chief Administrative Officer of the Town of Athabasca;
 - (b) **"Council"** means the Municipal Council of the Town of Athabasca;
 - (c) **"Curb"** means the actual concrete or asphalt curb, or in the absence of one, the dividing line of a highway between the edge of the roadway and the sidewalk;
 - (d) **"Disabled parking zone"** means a space or portion of a highway or parking lot set apart 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 C.A.O.;
 - (e) **"Heavy Vehicle"** means a vehicle or a vehicle with a trailer attached that has a gross weight of 4 tons or more, with or without a load, or exceeds 6.5 meters in overall length, excluding recreational vehicles.
 - (f) **"Loading zone"** means a portion of the street adjacent to the curb designated by traffic control device for the exclusive use of vehicles loading or unloading passengers or materials;

BYLAW 02-15

- (g) **"Municipal Tag"** means a tag or similar document issued by the Town pursuant to the Municipal Government Act for the purpose of notifying a Person that an offence has been committed for which a prosecution may follow;
- (h) **"Procession"** means any group of pedestrians (except funeral processions) numbering more than twenty-five (25) who are marching, walking, running, standing or racing on a roadway or sidewalk, and includes any group of vehicles (excepting funeral processions) numbering ten (10) or more that are involved in a procession on a roadway, which also includes the terms of parade, race or special event;
- (i) **"Parking stall"** means a portion of a roadway or public parking lot indicated by markings as a parking space for one vehicle;
- (j) **"Peace Officer"** means any member of the Royal Canadian Mounted Police, a Community Peace Officer whose appointment includes enforcement of the Town's Bylaws and a Bylaw Enforcement Officer appointed by the Town;
- (k) **"Person"** means any individual, firm, partnership, association, corporation, trustee, executor, administrator or other legal representative;
- (l) **"Refuse"** means any substance or material discarded or disposed of within the Town other than by lawful deposit at a disposal site and includes animal waste, dry waste, construction waste, garbage, industrial waste, chemical waste, yard waste, litter, ashes, medical waste and any other types of refuse or waste whatsoever;
- (m) **"Municipality" or "Town"** means the Corporation of the Town of Athabasca or the area contained within the corporate boundaries of the Town, as the context requires;
- (n) **"Track"** means to allow, cause or permit any substance or material, excluding snow or ice clinging to vehicles due to winter conditions, from being deposited by becoming loose or detached from the tires or any other part of a vehicle whether the vehicle is moving or stationary;
- (o) **"Traffic Control Device"** means any temporary or permanent sign, signal, marking or device placed, marked or erected under the authority of this Bylaw for the purpose of regulating, warning or guiding traffic or governing parking;
- (p) **"Truck loading zone"** means a space or section of the roadway so marked with a sign or other marking authorized by the C.A.O. or his authorized designate permitting parking for the period of time reasonably necessary to load or unload goods, materials or merchandise;
- (q) **"Truck route"** means a highway within the Town upon which the operation of Heavy Vehicles is permitted, and which has been designated as such in this Bylaw;
- (r) **"Vehicle storage area"** means any area which is at least one hundred and fifty (150) meters away from the nearest residential, institutional or assembly occupancy, and that has been so designated and approved by the C.A.O. or his authorized designate;
- (s) **"Violation Ticket"** means a ticket issued pursuant to either Part 2 or Part 3 of the Provincial Offences Procedure Act;

3. TRAFFIC CONTROL DEVICES AND AUTHORITY TO PLACE

3.1 Pursuant to section 110 of the Act, the C.A.O. is hereby delegated the authority to place, erect, display or alter traffic control devices at such locations within the Town as he may determine, or as Council may by resolution direct, for the purpose of controlling and regulating traffic, including, but not limited to, the following specific purposes:

- (a) To divide the surface of a roadway into traffic lanes marked by solid or broken lines;
- (b) To prohibit "U" turns at any intersection;
- (c) To designate any intersection or other place on a highway as an intersection or place at which no left hand turn or right hand turn shall be made;
- (d) To designate as a one-way street any roadway or portion thereof;

BYLAW 02-15

- (e) To designate "School Zones" and "Playground Zones";
- (f) To designate roadways or portions thereof as truck routes, parking lots, and vehicle storage areas;
- (g) To set apart as a "through-street" any roadway or part of a roadway and to control entry to any roadway by means of a "stop" sign or "yield" sign;
- (h) To designate a crosswalk upon any roadway;
- (i) To designate "parking" zones, passenger and truck loading zones, disabled parking zones, "no parking" and "no stopping" zones, and the times and days when the restrictions of such zones are in effect;
- (j) To close or restrict the use of any highway, or any part of any highway, either as to the full width or as to part of the width with respect to any class or classes of vehicles or with respect to any class or classes of pedestrians;
- (k) To prohibit, restrict or regulate the parking of vehicles or any particular class of vehicles on any highway or other public place or any portion thereof during such hours as he may determine;
- (l) To designate and mark guidelines for parking on any highway or other public place or any portion thereof;
- (m) To indicate the maximum speed limits for any roadway;

3.2 The C.A.O. is hereby delegated the authority to place, or cause to be placed, temporary traffic control devices prohibiting the parking of vehicles on a roadway for snow cleaning and maintenance purposes at least 12 hours prior to such cleaning or maintenance.

3.3 The C.A.O. shall cause a record to be kept of the location of all traffic control devices placed pursuant to this section and this record shall be open to public inspection during normal business hours.

3.4 Traffic control devices placed and located pursuant to this section are deemed to have been made pursuant to this Bylaw.

3.5 Notwithstanding any provision of this Bylaw all traffic control devices placed, erected or marked along highways located in the Town prior to the passing of this Bylaw shall be deemed to be duly authorized traffic control devices until altered pursuant to the provisions of section 3.1 of this Bylaw.

4. TEMPORARY CLOSING OF ROADWAYS

4.1 In any case where, by reason of any emergency or any other special circumstances, it is the opinion of the C.A.O. that it is desirable and in the public interest to do so, the C.A.O.:

- (a) Temporarily close within the Town, any roadway, sidewalk, boulevard or public parking lot, in whole or in part, to traffic. If any roadway is in Town limits but is a major highway, permission must be received from Alberta Transportation to close that section of the roadway;
- (b) Temporarily suspend parking privileges granted by the provision of this or any other bylaw and take such measures necessary for the temporary closing of such roadways, sidewalks, boulevards or public parking lots or suspension of parking and place barricades or post appropriate notices on or near the roadways, sidewalks, boulevards or public parking lots concerned;

5. SPEED LIMITS

5.1 Unless otherwise directed by posted Traffic Control Devices no person shall drive a vehicle at a speed in excess of fifty (50) kilometers per hour on any roadway within the Town.

BYLAW 02-15

- 5.2 The C.A.O. may, by signs posted along a roadway, temporarily fix a maximum speed greater or lesser than the speed prescribed by the Regulations and Part 5 of this Bylaw. Such designation is for a maximum of 90 days. In all cases, Council must give final approval to make the maximum speed permanent.
- 5.3 Notwithstanding section 5.1, no person shall drive a motor vehicle in any alley at a greater rate of speed than twenty (20) kilometers per hour.
- 5.4 The C.A.O. may by signs posted along a roadway, fix a maximum speed limit in respect of any part of the highway under construction or repair or in a state of disrepair applicable to all vehicles or to any class or classes of vehicles while traveling over that part of the highway.

6. PARKING RESTRICTIONS AND PROHIBITIONS

6.1 GENERAL PROVISIONS

- (a) A Community Peace Officer or other person authorized to enforce this Bylaw is hereby authorized to place an erasable chalk mark on the tread face of the tire of a parked vehicle, and to issue and place a Violation Ticket and Municipal Tag upon a parked vehicle, without that person or the Town incurring any liability for doing so.
- (b) A vehicle parked on a highway shall be parallel parked with the sides of the vehicle parallel to the curb or edge of the roadway, unless otherwise directed by a Traffic Control Device.
- (c) Except when actively engaged in loading or unloading passengers, no person shall park or stop a vehicle in a passenger loading zone.
- (d) Unless authorized by special permit approved by the C.A.O., no person shall park or stop a vehicle in a truck loading zone for a period of time longer than twenty (20) minutes.
- (e) No person shall park a vehicle in an alley except for such period of time as may be reasonably necessary for the loading or unloading of passengers or goods from a vehicle, and in any case not longer than one (1) hour.
- (f) Except for section 6.1(e), no person shall park a vehicle in an alley in a manner that obstructs the safe passage of other vehicles along the alley.
- (g) No person shall park any unattached trailer, whether designed for occupancy or for the carrying of goods and equipment, upon any roadway except for the purpose of loading or unloading for a period not to exceed forty-eight (48) hours, and only if it is located on that portion of the roadway that lies immediately adjacent to the property it is being loaded from or unloaded to, and is parked in the same direction of travel with no slides extended. At the expiration of the forty-eight (48) hour period, the trailer must be moved to an off-roadway.
- (h) Where any type of motor vehicle has removable camping accommodation installed on it, the operator or owner of the vehicle shall not remove and leave the camping accommodation on or extending over any sidewalk, boulevard, alley or any portion of the roadway.
- (i) No person shall park any commercial licensed vehicle, of any design capacity of more than one (1) tonne, including but not limited to a truck, bus, trailer, or delivery van, on any roadway in a residential area except when such vehicle is actively engaged in bona fide delivery, transport, or other similar activities.
- (j) No person shall park any vehicle on a roadway or public parking lot owned by or in the care, custody and control of the Town of Athabasca, unless otherwise provided for in this Bylaw, for a period exceeding 72 hours.
- (k) No person shall park any vehicle on any portion of a highway in the Town in such a manner as to constitute a hazard to other persons using the highway, including those using a sidewalk.
- (l) No person shall park any vehicle upon any land owned by the Town which the Town uses or permits to be used as a playground, recreation area, public park and green space except on such parts clearly signed or otherwise authorized by the C.A.O. for vehicle parking.

BYLAW 02-15

- (m) Where parking lines are visible on a roadway or parking lot no person shall park a vehicle except within the limits of the lines designating the parking stall.
- (n) Except in the case of sudden vehicle breakdown, a person shall not stand or park any vehicle on any portion of a highway in the Town for the purpose of servicing or repairing the vehicle.
- (o) The Town, after clearly posting or signing a roadway or public parking lot a minimum of twelve (12) hours prior may cause a roadway or public parking lot to be cleared of vehicles for the purpose of street cleaning, snow removal or highway repair. In such cases, the Town may tow and impound vehicles blocking street cleaning or repair equipment at the vehicle owner's expense.
- (p) No person shall park a vehicle in an angle parking zone where such vehicle exceeds 6.2 meters in overall length.
- (q) No person shall park a vehicle on a roadway or parking lot with the motor running in such circumstances and location as to cause a disturbance to residents within the area.

6.2 DISABLED PARKING

- (a) The C.A.O. is hereby authorized to establish, sign or otherwise designate the location of Disabled Parking Zones within the Town.
- (b) The owner, tenant, occupant or person in control of private property within the Town to which vehicles driven by the public generally have access may designate. The signage or markings used to so designate such parking spaces shall be in a form similar to that approved and used by the C.A.O.
- (c) No person shall park or stop a vehicle which does not display a disabled placard or license plate that is issued or recognized by the Registrar of Motor Vehicle Services in a parking space clearly signed or otherwise designated pursuant to sections 6.2(a) or 6.2(b) of this Bylaw.

6.3 PARK CAUSING OBSTRUCTION

- (a)
 - (i) No person shall park a vehicle on a sidewalk, boulevard or median except, under special circumstances and by request to the Town, when authorized by the C.A.O.
 - (ii) Where permission is granted pursuant to Section 6.3(a)(i), any resultant damage will be the responsibility of the owners of the vehicle.
- (b) No person shall park a vehicle in such a manner as to obstruct or interfere with an entrance or exit of any public or commercial building open to the general public.
- (c) No person shall park a vehicle in such a manner as to obstruct or interfere with an entranceway to any fire hall or ambulance station or hospital.
- (d) No person shall park a vehicle in such a manner as to obstruct or interfere with the use of a doorway intended as a fire or emergency exit or fire or emergency lane designated as such from any building.
- (e) No person shall park a vehicle in front of or in any manner so as to prevent access to and collection of a refuse collection container, bin or garbage storage area. This does not apply to sidewalk litter bins for general use.

6.4 SECOND AND SUBSEQUENT PARKING OFFENCES

- (a) For timed parking offences under paragraph 6.1 of this Bylaw, second and subsequent offences are deemed to have been committed when a vehicle that has been issued a violation ticket remains parked in contravention of the Bylaw for a second or further period of time in excess of the maximum time allowed.

BYLAW 02-15

- (b) For all other offences under this section, second and subsequent offences are deemed to have been committed when a vehicle that has been issued a violation ticket remains parked in contravention of the Bylaw 24 hours after the violation ticket was issued.

7. OPERATION OF VEHICLES

- 7.1 No person shall ride a bicycle or use roller blades or a skateboard on a roadway, sidewalk, boulevard or median in a manner that is unsafe or that interferes with pedestrian or motor vehicle traffic.
- 7.2 No person shall ride, pull or use a sled, toboggan, skis or wagon on a roadway
 - (a) Where a sidewalk parallels such roadway and it is reasonable and practicable to use the sidewalk, or
 - (b) Where there is no sidewalk paralleling the roadway, in any manner that interferes with, obstructs or is hazardous to vehicular traffic on the roadway.
- 7.3
 - (a) No person shall drive a motor vehicle on a boulevard, median, playground, recreation area, public park, green space, bicycle trail, nature trail, or nature preserve except as permitted by a traffic control device or, under special circumstances and by request to the Town, when authorized by the Chief Administration Officer.
 - (b) Where permission is granted pursuant to Section 7.3 (a) any resultant damage will be the responsibility of the owners of the vehicle.
- 7.4 No person shall drive, operate or permit to be driven or operated, any vehicle or equipment in such a manner as to track upon a roadway.
- 7.5 Any person who tracks upon a roadway shall, in addition to the penalty, be liable to clean up or remove the substance or material tracked upon the roadway, in default of which the Town may arrange for clean up or removal of such substance or material at the expense of the person tracking or the owner or registered owner of the equipment from which the substance or material was tracked.
- 7.6 No person shall, driving a motor vehicle approaching an intersection controlled by a traffic light, stop sign or other traffic control device, exit the roadway onto private or public property and continue onto the same roadway or an intersecting roadway for the purpose of avoiding the traffic control device.
- 7.7 No person shall operate a vehicle on any street within a residential area so as to unduly disturb residents of any street or part thereof

8.

- (c) Obstruct the entrance to any building.

9. PROCESSIONS

- 9.1 Any person that intends to hold a procession involving a roadway, sidewalk, boulevard, median or town parking lot within the Town of Athabasca shall at least thirty (30) days prior to the scheduled date, make application in writing to the C.A.O. for permission and shall provide to the C.A.O. information with respect to the following, namely:
 - (a) The name and address of the applicant, and if the applicant is an organization, the names, addresses of the executive of the organization.
 - (b) The nature and purpose of such parade, procession, race or special event.
 - (c) Date and times.
 - (d) The intended route.

BYLAW 02-15

- (e) The approximate number of persons who will take part.
- (f) The approximate size, number and nature of flags, banners, placards or such similar things to be carried and particulars of signs, inspections and wording to be exhibited thereon; and the written application shall bear the signatures and addresses of the persons who will be in control of the parade or procession or special event and who undertake to be responsible for the good order and conduct of the procession.

- 9.2 The C.A.O. may either grant permission, with or without conditions, or refuse permission for any reasons that are determined to be appropriate concerns in all the circumstances. In the case of a refusal the applicant has a right of appeal to Council, who may grant or refuse permission for the procession.
- 9.3 If a refusal for an application for permission to hold a procession is appealed to Council pursuant to section 9.2, Council may:
- (a) Grant permission without conditions;
 - (b) Grant permission with conditions; or
 - (c) Refuse permission.
- 9.4 Where permission has been granted pursuant to sections 9.2 or 9.3, the C.A.O. shall fix the hour and route of the procession and may require to be erected temporary barriers or traffic control devices as he deems necessary.
- 9.5 If any funeral procession is in process of formation or proceeding along any roadway, any Community Peace Officer may regulate all traffic in the vicinity and all persons whether on foot or in vehicles shall obey the order and direction of the Community Peace Officer so regulating traffic.
- 9.6 Before a funeral procession enters upon, crosses or turns into a roadway designated and marked as a through-street by a stop or yield sign, the first vehicle in the funeral procession shall come to a complete stop and shall not drive the vehicle into the intersection until it is safe to do so. A vehicle that follows in the funeral procession may then enter into the intersection without stopping if:
- (a) The vehicle's headlamps and hazard warning are alight,
 - (b) The vehicle is travelling immediately behind the vehicle in front of it in the funeral procession so as to form a continuous line of traffic,
 - (c) The lead vehicle in the funeral procession is showing a purple flashing light, and
 - (d) The passage into the intersection can be made in safety.

The provisions of this section shall not apply at an intersection where traffic is controlled by a Community Peace Officer or by a traffic control signal.

- 9.7 Except for funeral processions, no person shall hold or organize any procession unless permission has been first granted by the C.A.O. or Council pursuant to this section.
- 9.8 No person driving any vehicle, or riding or driving a horse, shall drive or ride through, nor shall any pedestrian walk through, the ranks of a military or funeral procession (the vehicles of which have their lights on), nor through the ranks of another authorized processions, or in any way obstruct, impede or interfere with the same.
- 9.9 No person shall take part in the organization of a parade or procession or participate in a procession, which is conducted without permission having first been granted pursuant to the provisions of this Bylaw.
- 9.10 No person shall carry out or allow or cause to be carried out a procession that does not conform to conditions imposed in a permit issued by the C.A.O or Council.

BYLAW 02-15

- 9.11 Nothing in this section waives the requirement to obtain a permit through any other permit authorizing body, Provincial, Federal or otherwise for procession. Ex. – Special Events permit through Alberta Transportation

10. FIRES AND FIRE LINES

- 10.1 In case of a fire within the Town, any Peace Officer or member of the Fire Department of the Town of Athabasca 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 unauthorized person, whether on foot or in a vehicle, shall cross such line or lines.
- 10.2 The Town of Athabasca Fire Chief or any person acting under his/her direction is hereby empowered to move or cause to be moved any vehicle which he may deem necessary for the purpose of carrying out any duty, work or undertaking of the Town of Athabasca Fire Department.
- 10.3 No person shall fail or refuse to comply with any traffic control device or direction of a Peace Officer or of any officer of the fire department at the scene of a fire or other emergency.

11. HEAVY AND OVER-DIMENSION VEHICLES AND TRUCK ROUTES

- 11.1 No person shall operate a heavy vehicle, excluding a motor home, on a roadway or public parking lot owned and operated by the Town except on a designated truck route as outlined in Schedule "B" of this Bylaw, the Schedule being hereby incorporated into and made part of this Bylaw.
- 11.2 The following shall be deemed not to be operating or parking a heavy vehicle in contravention of section 11.1 if the heavy vehicle was being operated on the shortest route between the delivery, pick-up or other location concerned and the nearest truck route by:
- (a) A person delivering or collecting goods, materials or merchandise to or from the premises of a bona fide customer;
 - (b) A person going to or from the business premises of the owner of the heavy vehicle, a heavy vehicle repair or maintenance facility, or an approved "vehicle storage area" for heavy vehicles;
 - (c) A person towing a disabled vehicle from or along a roadway prohibited to heavy vehicles; and
 - (d) A person actively engaged in lawful public works requiring him by the very nature of such work to deviate from established truck routes.
 - (e) A person traveling by the most direct route to their place of residence and parking the heavy vehicle on private land off the roadway.

12. MAXIMUM WEIGHTS OF VEHICLES

- 12.1 No person shall drive or park upon any roadway within the Town a vehicle or combination of attached vehicles with a weight, including or excluding any load thereon, in excess of the maximum allowable weight pursuant to the Commercial Vehicle Dimension and Weight Regulation.
- 12.2 A person driving or in charge or control of a vehicle or combination of attached vehicles suspected by a Peace Officer of being on a roadway in contravention of section 12.1 shall, when requested by the Peace Officer, produce for the officer's inspection any official registration certificate or interim registration for the vehicle or vehicles that may have been issued by the Province of Alberta showing the maximum allowable weight of the vehicle or combination of attached vehicles.

13. MISCELLANEOUS RESTRICTIONS AND PROHIBITIONS

BYLAW 02-15

- 13.2 No person shall place an electrical cord on or above a roadway or above a sidewalk unless it is a minimum height of 2.5 meters above the sidewalk or stored in a safe manner as approved by the C.A.O
- 13.3 No person shall, while clearing a sidewalk, use power driven equipment, or any other tools or equipment, or any other material that results in damages.
- 13.4 No person shall wash, repair, or service a vehicle near any roadway, sidewalk, boulevard or median within the Town in a manner that allows soap suds, mud, cement, refuse, debris, tar, oil, grease, antifreeze or other vehicle fluids to flow onto or enter upon the roadway, sidewalk, boulevard or median or enter any storm water system.
- 13.5 No person shall park a vehicle on a roadway or public parking lot within the Town that, due to the state of the vehicle, results in mud, cement, refuse, debris, tar, oil, grease, antifreeze or other vehicle fluids being deposited upon the roadway or public parking lot or enter a storm water sewer system.
- 13.6 Where an offence under section 13.3, 13.4 or 13.5 occurs resulting in damage to a roadway, sidewalk, boulevard or median or other town property or resulting in spillage or deposit of dirt, gravel, vehicle fluids or other material on a roadway, sidewalk, boulevard or median, notice may be given to
- (a) The person responsible, or
 - (b) In cases involving a vehicle, to the registered owner of the vehicle, or
 - (c) If the offence occurred on private property, to the occupant or owner of the private property
- to take reasonable cleanup or damage repair measures.
- 13.7 Owners or occupants of private property located at an intersection of roadways, excluding an intersection with an alley, shall not allow any vegetation within the triangular portion of the property closest to the intersection, measured from the corner of the intersection to a distance of eight (8) meters each direction along the edge of the curb or, in the absence of a sidewalk, the edge of the roadway, to grow to height greater than one (1) meter or, in the case of trees or shrubs overhanging the portion of the property, to a height at least two (2) meters above the ground.
- 13.8 Owners or occupants of private property shall remove any vegetation overhanging a sidewalk, boulevard, roadway or alley, to a height at least four (4) meters above the sidewalk, boulevard, roadway or alley.
- 13.9 Owners or occupants of private property in the Town shall not park a vehicle or build, place, erect or continue the existence of a fence, wall, dirt pile, snow pile or other object adjacent to and within eight (8) meters of the nearest corner of a street intersection when such vehicle, fence, wall, dirt pile, snow pile or other object interferes with good visibility for safe traffic flow.
- 13.10 Where an offence under sections 13.7, 13.8, or 13.9 occurs, notice may be given to the occupant or owner of the private property requiring remedial action to bring the property within compliance of this bylaw or a citation may be written by a Peace Officer.
- 13.11 No person shall place or deposit, or allow the placement or deposit, of any object, refuse, building or other materials, dumpsters, snow, earth, sand, gravel, sod, or any other matter on a roadway, sidewalk, boulevard or median within the Town, excepting vehicles and materials for which specific permission has been granted by the C.A.O..
- 13.12 Where an offence under section 13.11 occurs, notice may be given to the occupant or owner of the property adjacent to where the materials were placed to take specific remedial action.
- 13.13 Any notice issued pursuant to this Bylaw shall specify:
- (a) The civic address or physical location where remedial action is required;
 - (b) The condition that is not in compliance with the Bylaw, including reference to the applicable provision of the Traffic Bylaw;
 - (c) Remedial action required;

BYLAW 02-15

- (d) A deadline for compliance.

13.14 Any notice served pursuant to this Bylaw will be deemed to have been sufficiently served in the case of an offence involving a vehicle

- (a) If left at a conspicuous location on the vehicle;
- (b) If mailed by regular or registered mail to the registered owner of the vehicle using the address on record with the Alberta Motor Vehicle Branch;
- (c) If given verbally, including all information as required in section 13.14, by a peace officer and directed to the registered owner of the vehicle.

13.15 Any notice served pursuant to this Bylaw will be deemed to have been sufficiently served in the case of an offence involving private property:

- (a) If served personally upon the person to whom it is directed, or
- (b) If posted at a conspicuous location on the property, or
- (c) If mailed by regular or registered mail to the address of the person to whom the notice was directed, or to the owner of the private property involved using the address on record with the Town of Athabasca, or
- (d) If given verbally, including all information as required in section 13.13, by a peace officer and directed to the occupant or owner of the private property involved.

13.16 No person shall fail to satisfactorily comply with a notice issued pursuant to sections 13.6, 13.10 or 13.12 of this bylaw within the specified deadline.

13.17 In the case of the owner of a vehicle or owner or occupant of private property failing to comply with a notice issued pursuant to any provision of this Bylaw, the Town may do the work at the expense of the owner of the vehicle or the owner or occupant of the private property.

13.18 In cases involving owners of private property, the expenses incurred by the Town for the work done, where applicable, may be recovered with costs by action in court of competent jurisdiction or in a like manner as municipal taxes.

13.19 No person other than the owner or driver of a vehicle will remove a notice issued pursuant to this Bylaw affixed to the vehicle.

13.20 No person other than the occupant or owner of private property will remove a notice issued pursuant to this Bylaw affixed to a conspicuous location on a private property.

14. PENALTIES AND ENFORCEMENT PROCEDURES

14.1 A Peace Officer may cause any vehicle to be removed and impounded when the vehicle is parked in contravention of this Bylaw or where emergency conditions require that the vehicle be removed.

14.2 A Person who contravenes or fails to comply with any provision of this Bylaw is guilty of an offence.

14.3 A Person who is guilty of an offence is liable to a fine not less than \$300.00 and not exceeding \$2,500.00, and to imprisonment for not more than six months for non-payment of a fine.

14.4 Without restricting the generality of section 14.3, the fine amounts established for use on Municipal Tags and Violation Tickets if a voluntary payment option is offered are as set out in Schedule "A".

14.5 A Peace Officer is hereby authorized and empowered to issue a Municipal Tag to any Person who the Peace Officer has reasonable and probable grounds to believe has contravened any provision of this Bylaw.

BYLAW 02-15

- 14.6 A Municipal Tag may be served:
- (a) Personally to the accused;
 - (b) Mailed to the address of the registered owner of the vehicles concerned, or the Person concerned; or
 - (c) Attached to or left upon the vehicle with respect of which the offence is alleged to have been committed.
- 14.7 The Municipal Tag shall be in a form approved by the C.A.O. and shall state:
- (a) The name of the Person to whom the Municipal Tag is issued, if known;
 - (b) A description of the offence and the applicable Bylaw section;
 - (c) The appropriate penalty for the offence as specified in Schedule "A" of this Bylaw;
 - (d) That the penalty shall be paid within fourteen (14) days of the issuance of the Municipal Tag in order to avoid prosecution; and
 - (e) Any other information as may be required by the C.A.O.
- 14.8 Where a contravention of this Bylaw is of a continuing nature, further Municipal Tags may be issued by a Peace Officer, provided that no more than one Municipal Tag shall be issued for each day that the contravention continues.
- 14.9 A Person to whom a Municipal Tag has been issued may pay the penalty specified on the Municipal Tag and if the amount is paid on or before the required date, the Person will not be prosecuted for the offence and the lesser of the two amounts in Schedule A shall apply.
- 14.10 Nothing in this Bylaw shall prevent a Peace Officer from immediately issuing a Violation Ticket.
- 14.11 Where a Municipal Tag has been issued and the penalty specified on the Municipal Tag is not paid within the prescribed time, a Peace Officer is hereby authorized and empowered to issue a Violation Ticket pursuant to either Part 2 or Part 3 of the *Provincial Offences Procedure Act*.
- 14.12 Notwithstanding Section 14.11 of this Bylaw, a Peace Officer may immediately issue a Violation Ticket to any Person whom the Peace Officer has reasonable and probable grounds to believe has contravened any provision of this Bylaw.
- 14.13 A Violation Ticket issued with respect to a contravention of this Bylaw shall be served upon the Person responsible for the contravention in accordance with the *Provincial Offences Procedure Act*.
- 14.14 If a Violation Ticket is issued in respect of an offence, the Violation Ticket may:
- (a) specify the fine amount established by this Bylaw for the offence in Schedule "A"; or
 - (b) Require a Person to appear in court without the alternative of making a voluntary payment.
- 14.15 A Person who commits an offence may:
- (a) If a Violation Ticket is issued in respect of the offence; and
 - (b) If a Violation Ticket specifies the fine amount established by this Bylaw for the offence;
- make a voluntary payment equal to the specified fine.

BYLAW 02-15

14.16 When a clerk records in the Court records the receipt of a voluntary payment pursuant to this Bylaw and the *Provincial Offences Procedure Act*, the act of recording receipt of that payment constitutes acceptance of the guilty plea and also constitutes a conviction and the imposition of a fine in the amount of the specified penalty.

14.17 If a vehicle is involved in an offence under this Bylaw, the registered owner of that vehicle is guilty of an offence.

14.18 Section 14.17 does not apply if the owner of the vehicle satisfies the court that, at the time that the vehicle was involved in an offence:

(a) In the case of a vehicle that was in motion,

(i) The owner of the vehicle was not driving the vehicle, and

(ii) No other person was driving the vehicle with the owner's expressed or implied consent, and

(b) In the case of a vehicle that was parked,

(i) The owner did not park the vehicle, and

(iii) No other person parked the vehicle with the owner's expressed or implied consent.

14.19 An owner who is guilty of an offence under section 14.17 is not liable to imprisonment in respect of that offence or in respect of a default of a fine imposed in respect of that offence.

15. GENERAL

15.1 It is the intention of the Council of the Town that each provision of this Bylaw should be considered as being separate and severable from all other provisions. Should any section or provision of this Bylaw be found to have been improperly enacted, then such section or provision shall be regarded as being severable from the rest of this Bylaw and that the Bylaw remaining after such severance shall remain effective and enforceable.

15.2 It is the intention of the Council of the Town that all offences created pursuant to this Bylaw be construed and considered as being Strict Liability Offences.

15.3 Whenever the singular and masculine gender is used in this Bylaw, the same shall include the plural, feminine and neuter gender whenever the context so requires.

15.4 Schedules "A" may, from time to time, be amended by a resolution of Council.

15.5 This Bylaw shall come into effect upon third reading, and Town of Athabasca Bylaws 15-80, 6-84, 7-84, 9-85, 13-86, 6-87, 17-90, 14-91, 15-91, 5-92, 6-92, 19-92, 8-97 and 2-98, are hereby repealed upon Town of Athabasca Bylaw coming into effect.

BYLAW 02-15

MAYOR

CHIEF ADMINISTRATIVE OFFICERREAD FOR SECOND TIME THIS 17th DAY OF MARCH, A.D. 2015.

MAYOR

CHIEF ADMINISTRATIVE OFFICERREAD FOR A THIRD AND FINAL TIME THIS 7th DAY OF APRIL A.D. 2015.

MAYOR

CHIEF ADMINISTRATIVE OFFICER**SCHEDULE A – VIOLATIONS AND PENALTIES**

Section	Description of Offence	14 days	Past Due
6., 6.1, (d)	Illegally parked vehicle in a passenger loading zone	\$40	\$80
6., 6.1, (e)	Illegally parked vehicle in a truck loading zone	\$40	\$80
6., 6.1, (f)	Illegally parked vehicle in an alley	\$50	\$100
6., 6.1, (g)	Illegally parked trailer	\$50	\$100
6., 6.1, (h)	Illegally parked unattached trailer	\$50	\$100
6., 6.1, (i)	Illegally parked commercial licensed vehicle over one (1) tonne in residential area Illegally parked vehicle on municipally owned property	\$40	\$80
6., 6.1, (j)	Illegal parking over 72 hours	\$50	\$100
6., 6.1, (k)	Illegally parked on highway	\$40	\$80
6., 6.1, (l)	Illegally parked vehicle on Town property	\$40	\$80
6., 6.1, (m)	Illegally parked vehicle in a restricted zone	\$40	\$80
6., 6.1, (n)	Illegal servicing or repairing of vehicle on roadway	\$40	\$80
6., 6.1, (O))	Illegal parking after posting of no parking for street cleaning, snow removal or highway repair	\$40	\$80
6., 6.1, (p)	Illegally angle parked vehicle in excess of 6.2 meters	\$40	\$80
6., 6.2, (a)	Illegally parked in handicap zone	\$40	\$80
6., 6.3, (a)(i)	Illegally parked on sidewalk, boulevard or median	\$50	\$100
6., 6.3, (b)	Illegally parked vehicle in a restricted zone	\$50	\$80
6., 6.3, (c)	Illegally parked vehicle in or obstructing an entrance to fire hall, ambulance station or hospital	\$100	\$250

BYLAW 02-15

6., 6.3, (d)	Illegally parked vehicle in restricted zone	\$40	\$80
6., 6.3, (e)	Illegally parked vehicle in restricted zone	\$40	\$80
6., 6.4, (a)	Parking over time limit	\$40	\$80
7., 7.1, (a)	Unsafe use of a bicycle, rollerblades or skateboard on a roadway, sidewalk, boulevard or median	\$40	\$80
7., 7.2,	Illegal use of sled, toboggan, skis or wagon on a roadway	\$40	\$80
7., 7.3, (a)	Illegal operation of a motor vehicle on a boulevard, median, playground, recreation area, public park, green space, bicycle trail, nature trail or nature preserve	\$75	\$150
7., 7.4	Tracking on roadway	\$50	\$100
7., 7.6	Illegal diversion to avoid traffic control device	\$50	\$100
7.7	Illegal operation of vehicle	\$50	\$100
9., 9.1,	Illegal parade, procession, race or special event on a roadway, sidewalk, boulevard, median or town parking lot	\$200	\$500
11., 11.1	Illegal operation of heavy vehicle on a roadway or public parking lot owned and operated by the town.	\$100	\$250
12., 12.1,	Overweight vehicle or combination of attached vehicles	\$100	\$250
13., 13.2	Illegal placement of electrical cords	\$25	\$50
13., 13.3	Damages to sidewalk	\$50	\$100
13., 13.4	Illegal washing, servicing or repairing a vehicle on any roadway, sidewalk, boulevard or median within the Town	\$40	\$80
13., 13.5	Illegal washing, servicing or repairing a vehicle near any roadway, sidewalk, boulevard or median within the Town in a manner that allows soap suds, mud, cement, refuse, debris, tar, oil, grease, antifreeze or other vehicle fluids to flow onto or enter a roadway, sidewalk, boulevard, median or enter storm water system	\$40	\$80
13., 13.6	Illegal parking of vehicle on a roadway or public parking lot within Town that results in mud, cement, refuse, debris, tar, oil, grease, antifreeze, or other vehicle fluids being depositing upon the roadway or public parking lot or enter a storm water system	\$40	\$80
13., 13.8	Vegetation/trees/shrubs maintenance	\$40	\$80
13., 13.10	Obstruction of intersection sightlines	\$50	\$100