

## BRAZEAU COUNTY

### Bylaw No. 769-11

#### **BEING A BYLAW OF BRAZEAU COUNTY IN THE PROVINCE OF ALBERTA TO CONTROL THE USE OF HIGHWAYS, ROADWAYS AND STREETS WITHIN BRAZEAU COUNTY, THE TRAFFIC AND PEDESTRIANS MOVING THEREON AND PARKING OF VEHICLES ON THE SAID HIGHWAYS, ROADWAYS AND STREETS.**

**WHEREAS**, by virtue of the authority vested in the Council of Brazeau County and by virtue of the *Traffic Safety Act*, and amendments thereto, which made provision for the enactment of bylaws relating to the regulation of vehicle and highway traffic.

**AND WHEREAS**, *Traffic Safety Act Section 13 (1)(a) – (x)* authorizes Brazeau County "with respect to highways under its direction, control and management, to make bylaws, not inconsistent with the *Traffic Safety Act*, and on matters for which no provision is made in that Act, for the regulation and control of vehicle, animal and pedestrian traffic."

**NOW THEREFORE**, the Council of Brazeau County hereby enacts a bylaw to regulate vehicle and pedestrian traffic in Brazeau County.

1. This bylaw may be cited as "Brazeau County General Traffic Bylaw".

#### **INTERPRETATION – PART ONE**

2. (1) In this bylaw, including this Section, unless contrary context otherwise requires:

"ACT" means *Traffic Safety Act*, revised statutes of Alberta 2000 and amendments thereto.

"ALLEY" means a narrow highway intended chiefly to give access to the rear of buildings and parcels of land.

"AXLE" means:

- (i) one or more shafts on which or with which two or more wheels revolve, and
- (ii) the wheels on each shaft

"AXLE GROUP" means 2 or more axles that are on a vehicle and that are situated on the vehicle as specified in the regulations;

"BICYCLE OR CYCLE" includes any cycle propelled by human power upon which a person may ride, regardless of the number of wheels it may have.

"BOULEVARD" means, in an urban area, that part of a highway that

- (i) is not roadway, and
- (ii) is that part of the sidewalk that is not especially adapted to the use of or ordinarily used by pedestrians.

"CARRYING AXLE" means an axle that is not a steering axle.

"CAO" means or his designate as per current *Municipal Government Act* section 207 - 209

"CENTRE LINE" means:

- (i) the centre of a roadway measured from the curbs or, in the absence of curbs, from the edges of the roadway, or
- (ii) in the case of a highway designated by traffic control devices
  - a) as an offset centre highway, or
  - b) as a highway having a certain number of traffic lanes for traffic moving in a certain direction at all times or at specified times, the line dividing the lanes for traffic moving in opposite directions, or
- (iii) in the case of a divided highway, that portion of the highway separating the roadways for traffic moving in opposite directions.

"COMMERCIAL VEHICLE" means:

- (i) a vehicle operated on a highway by or on behalf of a person for the purpose of providing transportation but does not include a private passenger vehicle.

"COUNTY" means Brazeau County

"COUNCIL" means the Council of Brazeau County duly assembled and acting as such.

"CROSSWALK" means

- (i) that part of a roadway at an intersection included within the connection of the lateral line of the sidewalks on the opposite sides of the highway measured from the curbs or, in the absence of curbs, from the edges of the roadway, or
- (ii) any part of a roadway at an intersection or elsewhere distinctly indicated for pedestrian crossing by signs or by other markings on the road surface.

"CURBS" means 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.

"DAYTIME" means the period commencing one hour before sunrise and ending one hour after the following sunset.

"DRIVER" or "OPERATOR" means a person who drives or is in actual physical control of a vehicle.

"EMERGENCY VEHICLE" means:

- (i) a vehicle operated by a police service as defined in the *Police Act*;
- (ii) a fire-fighting or other type of vehicle operated by the fire protection service of a municipality;
- (iii) an ambulance operated by a person or organization providing ambulance services;
- (iv) a vehicle operated as a gas disconnection unit of a public utility;
- (v) a vehicle designated by regulation as an emergency response unit;

"GROSS WEIGHT OF A SINGLE AXLE" means the total weight a single axle transfers to the highway.

"GROSS WEIGHT OF A TANDEM AXLE" means the total weight a tandem axle transfers to the highway.

"GROSS WEIGHT OF AN AXLE GROUP" means the sum of the weights transferred to the highway by all axles within the axle group.

"GROSS WEIGHT OF AN AXLES" means the sum of the weights transferred to the highway by:

- (i) all the axles of a vehicle, or
- (ii) all the axles of a combination of vehicles.

"HIGHWAY" means any thoroughfare, street, road, trail, avenue, parkway, driveway, viaduct, lane, alley, square, bridge, causeway, trestleway or other place, whether public or privately owned, any part of which the public is ordinarily entitled or permitted to use for the passage or parking of vehicles, and

- (i) includes:
  - (a) a sidewalk(including the boulevard portion of the sidewalk).
  - (b) where a ditch lies adjacent to and parallel with the roadway, the ditch, and
  - (c) where a Highway Right-of-way is contained between fences or between a fence and one side of the roadway, all the land between the fences, or all the land between fence and the edge of the roadway, as the case may be.
- (ii) does not include a place declared by the Lieutenant Governor in Council not to be a Highway.

"HOLIDAY" means a Sunday, a public holiday as defined in the *Interpretation Act (Alberta)* and a day or portion of a day proclaimed by the Council as a Civic Holiday and includes New year's Day, Family Day, Good Friday, Victoria Day, Canada Day, Labour Day, Thanksgiving Day, Remembrance Day and Christmas Day, December 26<sup>th</sup> or when the day falls on a Sunday or Monday the December 27<sup>th</sup>.

"IMPLEMENT OF HUSBANDRY" means a vehicle designed and adapted exclusively for agricultural, horticultural or livestock raising operations.

"INTERSECTION" means the area embraced within the prolongation or connection of:

- (i) the lateral curb lines, or if none,
- (ii) the exterior edges of the roadways, or two or more highways which join one another at an angle whether or not one highway crosses the other.

"JUDGE" means a commissioner, magistrate, judge or a person appointed by Alberta Justice in such a capacity (Justice of the Peace).

"LICENSED WEIGHT" means the gross weight of all axles for which a commercial vehicle is licensed.

"MAXIMUM ALLOWABLE WEIGHT" means the weight that may be borne by a commercial vehicle.

"MOTORCYCLE" means a motor vehicle mounted on two or three wheels and includes those motor vehicles known to the trade as motorcycles, scooters and power bicycles but does not include an off-highway vehicle as defined in the *Off-highway Vehicle Act*.

"MOTOR VEHICLE" means

- (i) a vehicle propelled by any power other than muscular power, or
- (ii) a moped, but does not include a bicycle, a power bicycle, an aircraft, an implement of husbandry or a motor vehicle that runs only on rails.

"NIGHT TIME" means the period commencing one hour after sunset and one hour before the following sunrise.

"OPERATOR'S LICENSE" means a license to operate a motor vehicle issued pursuant to the *Traffic Safety Act*.

"OWNER" is the registered owner and includes any person renting a motor vehicle or having the exclusive use thereof under a lease or otherwise for a period of more than 30 days.

"PARK" when prohibited, means allowing a vehicle (whether occupied or not) to remain standing in one place, except

- (i) when standing temporarily for the purpose of and while actually engaged in loading and unloading of passengers.
- (ii) when standing in obedience to a peace officer or traffic control device.

"PARKING LANE" means that portion of a primary highway between,

- (i) the edge of the roadway to the right of the direction of traffic, and
- (ii) the nearest solid white line (not being the centre line) marked on the roadway.

"PASSENGER LOADING OR UNLOADING SPACE" shall mean a space on the vehicle portion of a highway marked with an authorized sign permitting parking therein for the period necessary to load or unload passengers, provided such period is five (5) minutes parking may be allowed and the sign shall indicate the time or times when the space is restricted to these purposes.

"PEACE OFFICER" means a member of the Royal Canadian Mounted Police or a Peace Officer as Appointed under the Solicitor General of Alberta.

"PEDESTRIAN" means a person on foot or a person in a wheelchair.

"PERCENTAGE AXLE WEIGHT" means the percentage that is applied to the maximum allowable weights of carrying axles to determine the weight that may bear on a highway.

"PRIMARY HIGHWAY" means a highway designed as a primary highway pursuant to the *Public Highways Development Act*.

"ROADWAY" means that part of a highway intended for use by vehicular traffic.

"RURAL AREA" means any area other than a city, town or village.

"SEMI-TRAILER" means a vehicle designed for carrying persons or property and drawn by a truck tractor on which part of its weight and load rests.

"SIDEWALK" means that part of a highway especially adapted to the use of or ordinarily used by pedestrians, and includes that part of a highway between the curb line thereof (or the edge of the roadway, where there is no curb line) and the adjacent property line, whether or not paved or improved.

"SINGLE AXLE" means an "axle" as defined in the *Traffic Safety Act* or the *Commercial Vehicle Dimension and Weight Regulation 315/2002*.

"STEERING AXLE" means the articulated axle or axle group at the front of a motor vehicle which can be controlled by the driver for the purpose of steering the motor vehicle.

"STOP" means:

- (i) when required, a complete cessation from vehicular movement, and
- (ii) when prohibited, any halting even momentarily of a vehicle whether occupied or not, except when necessary to avoid conflict with other traffic or in compliance with the directions of a peace officer or traffic control device.

"SUBSTANTIAL BUILDING" means a substantial building likely to contain persons or valuable goods.

"TANDEM AXLE" means an axle group consisting of any 2 consecutive axles on a vehicle where

- (i) the axles have an axle spread of not less than 1.2 metres and not greater than 1.85 metres, or
- (ii) in the case of a trailer manufactured before November 15, 1988, the axles have an axle spread of not less than 1.0 metre and not more than 2.4 metres,

but does not include a lift axles in the down position or a single steer axle;

"TRAFFIC CONTROL DEVICE" means any sign, signal, marking or device placed, marked or erected for the purpose of regulating warning or guiding of traffic.

"TRAFFIC CONTROL SIGNAL" means a traffic control device, whether manually, electrically or mechanically operated, by which traffic is directed to stop or proceed.

"TRAFFIC LANE" means:

- (i) outside an urban area, a longitudinal division of a roadway into a strip of sufficient width to accommodate the passage of a single line of vehicles but does not mean a parking lane, and
- (ii) inside an urban area, a longitudinal division of a roadway into a strip of sufficient width to accommodate the passage of a single line of vehicles, whether or not lines on the road indicate the division surface.

"TRAILER" means a vehicle so designed that it,

- (i) may be attached to be drawn by a motor vehicle or tractor, and
- (ii) Is intended to transport property or persons,

And includes any vehicle defined by regulation as a trailer but does not include machinery or equipment solely used in the construction or maintenance of highways; or implement of husbandry

"TRUCK" means a motor vehicle designed and intended for the transport of goods or carrying of loads.

"TRUCK TRACTOR" means a truck that may be coupled to a semi-trailer by means of a fifth wheel, but does not include a bed truck, picker truck or winch truck;

"URBAN AREA" means a city, town, village or hamlet.

"VEHICLE" means a device in, upon, or by, which a person or thing may be transported or drawn upon a highway.

- (2) Words, which have been defined in the Act, have the same meaning when they are used in the bylaw, unless they have been otherwise defined in subsection (1) or unless the context expressly requires otherwise.

"WARNING DEVICES" means advance warning triangles that are approved if they comply with the specifications established by

- a) the Society of Automotive Engineers, or
- b) the Canadian Standards Association

A public vehicle shall carry approved

- a) advance warning triangles

"WARNING NOTICE" means a sign or similar device to show that "this property (by way of sign) has Dangerous Goods on site".

#### **RULES FOR OPERATION OF VEHICLES – PART TWO**

3. (a) When the Council has caused any highway intersection or other place on a highway to be marked by traffic control devices or traffic control signals, or otherwise indicating that no left turn or no right turn, or both, shall be made no operator of a vehicle shall make such prohibited turn.  
  
(b) No person when operating a motor vehicle shall turn his vehicle so as to proceed in the opposite direction on a roadway between intersections within any hamlet in Brazeau County.
4. No person when driving a vehicle on a bridge, having not more than two lanes for traffic, shall drive or attempt to drive such vehicle past any other vehicle proceeding in the same direction.
5. No vehicle operator shall drive or stand 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 the mechanical failure, the operator will not be in breach of this section provided he promptly takes measures to clear the faulty vehicle from the road.
6. No person shall drive any vehicle over or upon any safety zone. This provision shall not apply where the safety zone is designated by painted lines and there is no pedestrian therein.
7. (a) No operator of a vehicle shall drive through any military or funeral procession nor through the ranks of any other authorized parade or procession or in any way obstruct, impede or interfere with the same.

- (b) Subsection (a) hereof shall apply where there are traffic lights. No operator of a vehicle shall proceed on a green light while a parade or procession is within the intersection unless it is safe to do so.
- 8. (a) When any construction or repairs or alterations are in progress on or adjoining any roadway or highway within the Brazeau County and such work is being indicated by barricades or traffic control devices or traffic control signals, or by a flagman, no person shall disregard the warning given thereby and every operator shall obey any signal or signage of a flagman on duty at the site of the work.
- (b) When a vehicle is engaged in such roadway or highway construction, repairs or alterations within an area controlled by a flagman, the provisions of this bylaw relating to backing, turning, stopping, crossing the centre line and making other movements, shall not apply to such vehicle.

### **SPEED – PART THREE**

- 9. (a) No driver shall drive at any rate of speed that is unreasonable, having regard to all the circumstances of the case, including, without restricting the generality of the foregoing,
  - i) The nature, condition and use of the highway
  - ii) The atmospheric weather or other conditions that might affect the visibility of the driver or the control of the vehicle
  - iii) The amount of traffic there then is or that might reasonably be expected to be on the highway and
  - iv) The mechanical condition of the vehicle or any equipment of the vehicle.
- (b) The rate of speed for motor vehicles day or night on County roads in Brazeau County shall not exceed 80 kilometers per hour, unless otherwise posted.
- (c) Notwithstanding the provisions of subsection (b), no person shall drive at a greater rate of speed than the maximum rate designated by signs erected along any road or highway within Brazeau County.

Where a speed limit is prescribed pursuant to this section the speed limit applies to all that part of the highway between the point where the first sign indicating the prescribed speed limit is posted and the point where a sign is posted indicating a greater or lesser speed or indicating that the prescribed speed limit has ceased to apply.

- (d) Notwithstanding the provisions of subsection (b) above, the rate of speed for all motor vehicles on the highways and roadways within hamlets, shall not exceed 50 kilometers per hour at any time day or night, unless otherwise posted.



## **PEDESTRIANS – PART FOUR**

10. (a) No person shall cross any highway at a point where a sign prohibits such crossing.
- (b) No person shall stand, sit or lie on any highway in such a manner as to obstruct vehicular or pedestrian traffic or so as to annoy or incommode any other person lawfully upon the highway.
- (c) Nothing in subsection (b) of this Section shall be construed as prohibiting the assembling of persons for the purpose of watching a parade or procession duly authorized by Council.
- (d) Nothing herein shall be construed as prohibiting the congregation or assembling of individuals to attend and listen to street preaching or public speaking so long as the proceedings thereat are peaceable and orderly and sufficient space is left on the highway to allow free movement of the ordinary traffic; but should any highway at or near such assembly become in consequence thereof so obstructed as to impede movement of the ordinary traffic, such congregation or assembly of individuals shall forth with move away upon being requested to do so by any peace office. Any person failing to do so shall be in breach of this bylaw.

## **CYCLISTS**

11. (a) No person shall ride a cycle on any sidewalk except where expressly permitted to do so by this bylaw. Children's bicycles and tricycles having a wheel diameter of less than 50 centimeters are exempt from the provision. Use of Ring Road and Rocky Rapids walking paths by cyclists is prohibited.
- (b) Every bicycle while in operation on a highway at night shall be equipped with one headlamp at the front and one reflector at the rear of the bicycle.

## **PARKING – PART FIVE**

12. No person shall park a vehicle upon any highway or roadway in such a manner that any part of the vehicle is within three (3) meters of the centre line of the highway, whether or not such centre line is marked on the highway, provided that the foregoing shall only apply to highways where the portion thereof intended for vehicular traffic is twelve (12) meters or more in width.
13. No person shall park a vehicle for any period of time whatsoever at the following locations, namely:
  - (a) Upon any highway or roadway in front of any buildings in course of erection or repairs when such parking will impede or obstruct traffic.
  - (b) In any bus stop properly marked by a traffic control device.
  - (c) 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.
  - (d) In the entranceway to any fire hall or the ambulance entranceway to any hospital.
  - (e) No person shall park a vehicle at a place or area where the traffic control device indicates that parking there is restricted to a certain class of vehicles only.
  - (f) No person shall park a vehicle on any roadway or in any place or during such hours of the day during which parking is prohibited as designated by traffic control devices.
14.
  - (a) Notwithstanding any other provision in this bylaw, the Council or their authorized representatives may cause movable traffic control devices to be placed on or near a roadway or highway for any reasonable purpose.
  - (b)
    - i) After such traffic control devices are placed on or near a roadway, or highway, no unauthorized person shall park or leave a vehicle on the portion so prohibited to parking for so long as the traffic control device remains.
    - ii) Any non-authorized vehicle that is on such roadway or highway when such traffic control devices are placed shall be removed promptly by its owner, or operator or enforcement personnel.
    - iii) When any snow removal or highway clearing commences on the thusly-designated roadway or highway, then the owner shall be charged with unlawful parking and the vehicle may be removed.

15. (a) No person shall park any vehicle upon any land owned or maintained by Brazeau County, which the said County uses or permits to be used as a playground or recreation area or a public park unless permitted by the County.
- (b) No person shall park any vehicle upon any land owned by Brazeau County, which the said County uses or permits to be used as a public campground or recreation area, in excess of 72 hours, unless so permitted by traffic control devices.
16. No person shall park any trailer (whether designed for occupancy by persons or for the carrying of goods or equipment), upon any highway unless the said trailer is attached to a vehicle by which it may be propelled or drawn and when so attached, the trailer may shall be deemed part of the vehicle and subject to the regulations pertaining to vehicles. Notwithstanding this section, no person shall park a trailer on a highway for more than 72 hours unless permitted by Brazeau County.

#### **SPECIAL CLASSES OF VEHICLES – PART SIX**

17. No person shall angle park any vehicle or tractor or trailer which singly or together exceeds six (6) meters in overall length, upon any highway except at such locations as have been designated by the County by a traffic control device.
18. No person shall park a vehicle or a vehicle with any type of trailer attached thereto upon any highway if the overall length of the vehicle or the vehicle with the trailer exceeds seven and one half (7.5) meters:
  - (1) between the hours of 5:00 o'clock in the afternoon and 8:00 o'clock in the forenoon of the succeeding day; or
  - (2) at any hour of the day or night when the said parked vehicle or vehicle and trailer, would be located either in front of or across from or on the frontage of residential property.
19. No person shall park a vehicle or trailer used for the conveyance of Regulated Dangerous Goods: (eg. flammable liquid or an explosive material)
  - (a) upon a highway at any time, unless in designated area
  - (b) nearer than one hundred and fifty (150) meters to a substantial building likely to contain persons or valuable goods and then only if the vehicle has a warning notice clearly displayed.
  - (c) this section shall not apply where a vehicle or trailer is obliged to be parked while making deliveries in the course of its ordinary business if the vehicle has a warning notice clearly displayed.

20. (a) No person shall operate a vehicle in excess of the load limits, or the size limits, or in contravention of any prohibitions as stated in the Traffic Safety Act and its regulations, this bylaw or any other County bylaw without first obtaining from the County a permit to do so, and then only subject to such conditions as specified in the permit.
- (b) The Director of Public Works or Designate or Community Peace Officer of Brazeau County are hereby appointed officers of the County to issue permits on behalf of the County under this part.
21. Where a traffic control device indicates the maximum load permitted on a bridge, no person shall operate upon the said bridge a vehicle weighing with or without load, in excess of the load limit so designated and marked posted upon the said bridge.
22. (a) If the maximum weight of the vehicle and load carried by said vehicle exceeds that permitted by this bylaw, or by the *Traffic Safety Act*, a breach of this section is committed and, a Summons shall be issued and any person convicted of such an offense is liable to a penalty as prescribed in the *Traffic Safety Act* and Regulations thereunder as amended from time to time.
- (b) In case of any dispute arising as to the weight of any vehicle, the same shall be weighed upon scales designated by a Community Peace Officer of the County, and the certificate of the person weighing the vehicle shall be deemed conclusive.
23. (a) The following maximum sizes of vehicles are hereby established:
- i) Two and six tenth (2.6) meters in width, provided however, that the vehicle width is allowable by the Traffic Safety Act and its Regulations.
  - ii) Four and fifteen hundredths meters (4.15) in height measured from the pavement or similar surface.
  - (i) Twenty-three (23) meters in overall length of any vehicle or tractor with semi-trailer or any other combination of vehicle coupled together.
  - iv) or such other sizes of vehicle authorized by a provincial permit and County permit for width, height or length.
- (b) No person shall operate any vehicle in excess of the maximum height or width or both established in subsection (a).
24. (a) The maximum axle weight or any combination of axles, including load, if any, shall not exceed 63,500 kilograms.

- (b) Notwithstanding the provisions of subsection (a) where otherwise posted, the maximum axle weights of vehicles or any combination of vehicles or axles, including load, if any, shall not exceed the maximum weights indicated on the signs traffic control devices posted.
  - (c) Notwithstanding subsection (a) the maximum combined weights of all axles, including load, if any, on all highways within the Brazeau County shall not exceed 63,500 kilograms.
  - (d) Notwithstanding the provisions of subsections (b) and (c) no person shall operate a vehicle or combination of vehicles on any highway within Brazeau County when the weight being borne by an axle group of the vehicle or combination of vehicles is in excess of the allowable axle weight percentage indicated on the sign traffic control devices posted.
  - (e) No person shall operate a vehicle or combination of vehicles over or on any highway within Brazeau County when the vehicle or combination of vehicles is in excess of the maximum allowable weight set out by the Traffic Safety Act and/or regulations, without first obtaining authorization from the Brazeau County.
  - (f) No persons shall operate a vehicle or combination of vehicles on any highway within Brazeau County when the weight of the vehicle or combination of vehicles is in excess of the weight specified on the registration certificate, provincial permit or County permit.
  - (g) No person shall operate a truck over on any highway within the Brazeau County where signs traffic control devices have been erected indicating that truck traffic is prohibited.
25. (a) No person, except with permission of the County, shall operate or move upon or over any paved or graveled highway any vehicle or traction engine having cleats, tracks or other devices attached to its wheels or made a part thereof, which may injure the highway.
- (b) No person, except with the permission of the County, shall operate or move upon or over any County highway any vehicle, load, building, machine, contrivance or things which may obstruct traffic, or which would exceed the maximum weight limitations or any other object or thing which in the opinion of the County might have some adverse effect on the highway.
  - (c) Before granting permission to move the load, object or thing over any highway is prescribed in subsection (b), the County may, if in their opinion deemed necessary, direct the applicant as to conditions under which such load, object or thing may be moved.
26. (a) The County may issue a permit in special cases for the operation of a particular type of vehicle and for load, or movement of any other class of traffic otherwise prohibited by this bylaw.

- (b) The County may require the owner, operator, driver or mover or such vehicle and/or load, or any of them as a condition precedent to obtaining such a permit, to agree to be responsible for all damages which may be caused to the highway by reason of driving, operating or moving of such vehicle and/or load upon the highway, and the County may, as a condition precedent to the granting of such permit, require a bond sufficient to cover the cost of repairing such possible injury or damage to the highway.

**AUTHORITY OF THE CHIEF ADMINISTRATIVE OFFICER (CAO) or DESIGNATE – PART SEVEN**

- 27. (a) The Council hereby delegates to the CAO the power to prescribe where traffic control devices and traffic control signals are to be located. Without restricting the generality of the foregoing, traffic control devices and traffic control signals shall be deemed to mean and include all stop signs, yield signs, speed limit signs, weight signs and other signs regulating the use of any roadway or highway located within the boundaries of Brazeau County and falling within the jurisdiction of the said County.
- (b) The Council hereby directs that a record of the location of the traffic control devices and traffic control signs shall be kept which shall be open to public inspection during normal business hours.
- 28. Without restricting the generality of the foregoing section, the CAO is hereby authorized to designate any highway for through traffic purposes. Such highway shall be properly marked for through traffic if stop signs or yield signs are erected at all intersections of such highway.
- 29. (a) The CAO is hereby authorized to designate safety zones and cause the same to be marked.
- (b) The CAO is hereby authorized to designate crosswalks upon any highway and to mark the same.
- 30. (a) The CAO is hereby authorized to designate any highway intersection or other place on a highway as a place at which no left hand or right hand turn or both shall be made, and cause the said place to be marked with appropriate traffic control devices.
- (b) The CAO is hereby authorized to designate any intersection or place on a highway, including a place where a railway right-of-way crosses a highway, as a place where U-turns are prohibited and shall cause the same to be marked with an appropriate traffic control device.
- 31. When the Council has approved any highway or part of a highway being designated for one way traffic, then the CAO shall cause the same to be marked with traffic control devices.

32. The CAO is hereby authorized to designate:

- (a) any highway as one which is closed temporarily in whole or in part to traffic;
- (b) any area as one in which parking privileges are temporarily suspended;

and shall cause such highway or area to be marked with appropriate traffic control devices.

33. The CAO is hereby authorized to designate any highway or roadway as one to be divided into traffic lanes of such number as then consider proper.

34. The CAO is hereby authorized to designate "school zones" and "playground zones". Such zones shall be marked by traffic control devices and traffic control signals posted along the highway, or by markings on the pavement or by lights posted or suspended over the highway.

35. (a) Unless otherwise designated by this bylaw or any other bylaw passed by Council. The CAO is hereby authorized to designate vehicle speed on any highway or portion of a highway and shall cause the same to be so designated by traffic control devices.

(b) The CAO is hereby authorized to designate any boulevard upon which parking is permitted and shall cause traffic control devices to be erected so designating.

(c) The CAO is hereby authorized to designate passenger or truck loading spaces and shall cause the same to be marked by traffic control devices.

(d) The CAO is hereby authorized to designate "bus stops", including "school bus stops" and shall cause the said areas to be marked by traffic control devices.

36. The CAO is hereby authorized to designate:

- (a) distance from any intersection within which no parking is Permitted;
- (b) portion of a highway where parking is limited to a period of time;
- (c) areas for angle parking on any highway;

and shall cause the appropriate traffic control devices to be erected.

37. The CAO is hereby authorized to prohibit or restrict by traffic control devices the movement of vehicles from a private driveway onto a highway or from a highway onto a private driveway where such prohibition or restriction is deemed advisable in the public interest and for better regulation of traffic.

38. The CAO is hereby authorized to designate:
- (a) in case of unfavorable road conditions, reduced maximum vehicle speeds and/or load weights.
  - (b) maximum vehicle weight restrictions on bridges;
- and cause the same to be indicated by placing appropriate traffic control devices.

#### **POWERS OF PEACE OFFICER – PART EIGHT**

39. (a) Any Peace Officer is hereby authorized to remove or cause to be removed any vehicle or trailer:
- i) parked in contravention of a provision of this bylaw,
  - ii) where emergency conditions may require such removal from a highway.
- Such vehicle may be removed to a place designated by the CAO, where it will remain impounded until claimed by the owner thereof or his agent or disposed of in accordance with the *Traffic Safety Act*.
- (b) No impounded vehicle shall be released to its owner or his agent until the impounding charge sufficient to meet the reasonable storage charges on the vehicle have been paid for that purpose; such charge shall be in addition to any fine or penalty imposed in respect of any such violation, or to any payment made in lieu of prosecution.
40. (a) A notice or form commonly called a Violation Tag or Ticket, having printed wording approved by the CAO may be issued by a peace officer to any person alleged to have breached any provisions of this bylaw, and the said Violation Tag or Ticket shall require the payment to such official as the CAO may designate, of the amount specified for that particular breach of this bylaw.
- (b) If a person named in the a Violation Tag or Ticket has been prosecuted by way of a ticket, then the conviction under Provincial Offense Procedures Act will be honored.
41. A Violation Tag or Ticket shall be deemed to be sufficiently served:
- (a) if serviced personally on the accused, or
  - (b) if mailed to the address of the registered owner of the vehicle concerned or to the person concerned, or
  - (c) if attached to or left upon the vehicle in respect of which the offense is alleged to have been committed.



42. Nothing in Section 40 shall:
- (a) Prevent any person from defending a charge of committing a breach of this bylaw.
  - (b) Prevent any peace officer or other person from laying an information and complaint against any other person whether or not such other person has made a payment voluntarily.
43. Where a person has paid a Traffic Tag or Ticket and has then been wrongfully prosecuted for the offense in respect of which the tag or ticket is issued, then such person shall, upon written application to the CAO be entitled to a refund of the Traffic Tag or Ticket payment.
44. Where a person charged with an offense against the provisions of this bylaw is a male person under the age of 18 years; such persons shall in respect of such offense be subject to the Youth Justice Act, C.Y-1, RSA 2000 and amendments thereto.
45. Each peace officer is hereby charged with the duty of enforcing the provision of this bylaw.

#### **SEIZURE OF MOTOR VEHICLES**

46. (a) A peace officer who, on reasonable and probable grounds believes that any offense enumerated in this bylaw has been committed, may seize and detain any motor vehicle, vehicle, load, building, machine, contrivance or thing, in respect of which the offense has been committed until the final disposition of any proceedings that may be taken under this bylaw.
- (b) A peace officer seizing a motor vehicle, vehicle, load, building, machine, contrivance or thing, pursuant to subsection (a) may cause the same to be removed and taken to and stored in a suitable place and cause such tests and examinations thereof to be made as he considers proper.
- (c) Excepting where subsection (d) applies, all costs for removal and storage of the motor vehicle, vehicle, load building, machine, contrivance or thing, are in lien upon the same which may be enforced in a manner provided in the *Possessory Liens Act*.
- (d) If proceedings are not taken under this bylaw within ten (10) days after the motor vehicle, vehicle, load, building, machine, contrivance or thing, is seized and detained pursuant to subsection (a), the said motor vehicle, vehicle, load, building, machine, contrivance or thing shall forthwith be returned to the owner thereof upon the owner paying for such towing and storage.

- (e) Notwithstanding anything in this section, where a motor vehicle, vehicle, load, building, machine, contrivance or thing is seized pursuant to subsection (a), any Judge having jurisdiction in the place within which the offense is suspected of having been committed, may, in his discretion release the motor vehicle, vehicle, load, building, machine, contrivance or thing, pending the disposition of any proceedings that may be taken under this bylaw, if security is given therefore in the sum which shall not exceed five hundred dollars (\$500.00).

#### **MISCELLANEOUS – PART NINE**

- 47. (a) No person shall allow trees, hedges or shrubs located on or adjacent to a highway right-of-way boundary, whether planted before or after the date of the passing of this bylaw, to grow to such a height that good visibility for safe traffic flow is thereby interfered with.
- (b) The CAO may order any person concerned to comply with the provisions of subsection (a) hereof within ten (10) days of being notified to do so. If the person fails to comply with such order the CAO may direct employees or agents of the County to enter upon the private property to carry out the necessary work, and may charge the cost of so doing against the person in default. Such cost may be added to the tax roll of the property upon which the work is carried out.
- (c)
  - i) No person shall erect or cause to be erected, built, or placed, a fence, wall or other object on private property within fifteen (15) meters of a highway right-of-way boundary, so that good visibility for safe traffic flow is thereby interfered with.
  - ii) No person shall continue the existence of a fence, wall or other object on private property within fifteen (15) meters of a right-of-way boundary after the passing of this bylaw so that good visibility for safe traffic is thereby interfered with.
- (d) Nothing contained in this section shall affect the liability of any person to prosecution for breach of this section.
- 48. No person shall load or unload goods or merchandise across a sidewalk or a boulevard where loading and unloading facilities have been provided in the premises to which the goods or merchandise are being delivered or from which they are being taken.
- 49. No person shall pass beyond a point designated by a peace officer or a member of a fire department near the location of a fire.
- 50. (a) No person shall allow himself to be drawn by a moving vehicle while he is riding upon a sled, toboggan, skis, bicycle, trailer or other conveyance, upon a roadway or highway.

- (b) No person shall coast on a sled, toboggan, skis, roller skates or other conveyance, except a bicycle or roller blades, upon a roadway or highway. Roller blading must be done on the left side of the highway nearest the shoulder facing traffic.
- 51.
- (a) No person shall place any sign, notice or structure upon an County highway, road allowance or boulevard abutting County property, including public walks, unless authorized by the CAO to do so.
    - (i) No person shall park vehicles for extended periods upon a County Highway, road allowance or boulevard abutting County property including public walks.
  - (b) Any sign, notice or other object placed on or beside a County highway or upon abutting public lands, including boulevards and sidewalks, shall be liable to removal and immediate disposal by the County without notice or warning to the owner thereof.
- 52.
- (a) No person shall wash a vehicle upon a highway or so near a highway as to result in depositing mud or creating slush or ice upon a public sidewalk or roadway.
  - (b) No person operating premises for the sale of new or used vehicles or for washing vehicles shall wash such vehicles so as to result in water, mud or slush upon the public sidewalk or highway.
  - (c) No person operating a business premises to which entry or exit for vehicles is made by a crossing located between the highway curb and the private property line shall allow water or mud, slush or ice or icy or frozen snow to remain on the public sidewalk or roadway portion of such crossing, but will keep the same clean or clear of all such matter, liquids or substances as may be or become hazard to pedestrians.
  - (d) No person owning or occupying property within Brazeau County, to which entry or exit for vehicles is made onto a county road or public road, shall allow water, mud, slush, ice, frozen snow or snow to be pushed onto the county public roadway or to let such materials remain on the county road or public roadway as a result of clearing or cleaning the exit or entry to the said property.
- 53.
- (a) When a vehicle is driven, used, parked or left in contravention's of any provision of this bylaw, the owner of the vehicle is responsible for the contravention and liable for the penalty provided herein unless he proves to the satisfaction of the Judge trying the case 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.
  - (b) The word "owner" as used in this section means in the case of a vehicle registered pursuant to the Traffic Safety Act the person named on the certificate of registration.

54. Breach of this bylaw is an offence. Any person contravening any provision of this bylaw shall, upon conviction, be subject to the penalties prescribed by, either of:
- (a) Schedule "A" of this bylaw as amended from time to time; or
  - (b) The *Traffic Safety Act* and regulations thereunder as amended from time to time; or
  - (c) Any other provincial statute or regulation dealing with the use of highways, roadways and streets, the traffic and pedestrians moving thereon and the parking of vehicles on highways, roadways and streets whichever is applicable.
55. Where no penalty is specified for a particular breach of this bylaw, a person convicted of an offence is liable upon conviction to a penalty of not more than \$2,500.00, exclusive of costs and in default of payment to imprisonment of not more than six (6) months.
56. For offences where no specified penalty is provided, a violation Summons will be issued, requiring a Court appearance.

**THEREFORE**, Bylaw No. 354-99 shall be repealed upon the final passing of Bylaw 769-11.

**READ** a first time this 4<sup>th</sup> day of October, 2011

**READ** a second time this 4<sup>th</sup> day of October, 2011

**READ** a third and final time and finally passed this 4<sup>th</sup> day of October, 2011

  
Reeve

  
Chief Administrative Officer

**BRAZEAU COUNTY**

BYLAW NO. 769-11

SCHEDULE "A"

**WHEREAS**, under the provisions of the *Provincial Offences Procedures, Act*, being Chapter of the Revised Statutes of Alberta 2000 and amendments thereto and under the provisions of the Municipal Government Act, being Chapter M-26 of the Revised Statutes of Alberta 1980 and amendments thereto, the Council of a municipality may by bylaw provide for the payment of traffic tickets or summons out of court.

A notice or form (commonly called a traffic tag or a violation ticket) may be issued by a peace officer or by special constables appointed by the County Council to any person charged with a breach of any of the provisions of this bylaw and the hereto above mentioned Acts shall apply in regards to the payment.

The following is a list of fines in relation to this bylaw.

**First Offence:**

Prohibited turns Part Two, Sections 3 (a)	\$115.00
Obstructing Traffic Part Two, Section 5	\$115.00
Driving over or upon safety zone Part Two, Section 6	\$172.00
Prohibited crossing signs Part Four, Section 10 (a)	\$57.00
Stand, sit or lie on highway Part Four, Section 10 (b)	\$57.00
Sidewalk riding Part Four, Section 11(a)	\$25.00
Parked near centre line Part Five, Section 12,	\$55.00
Parking in front of construction Part Five, Section 13 (a)	\$57.00
Parking in bus stop Part Five, Section 13 (b)	\$57.00
Parking – fire or emergency exit Part Five, Section 13 (c)	\$57.00

Parking – fire hall or hospital Part Five, Section 13 (d)	\$57.00
Parking – restricted vehicle class Part Five, Section 13 (e)	\$57.00
Parking – restricted hours Part Five, Section 13 (f)	\$57.00
No Parking Zone (signs) Part Five, Section 14 (b)(i)	\$57.00
Parking – snow removal Street cleaning zones Part Five, Section 14,	\$57.00
Parking – County owned or Maintained playground, Public Park Or recreation area Part Five, Section 15 (a)	\$57.00
Parking – Public Campground Part Five, Section 15 (b)	\$57.00
Parking an unattached trailer Part Five, Section 16,	\$100.00
Angle parking of vehicle Exceeding 19 feet Part Six, Section 17	\$100.00
Parking vehicle with trailer attached Part Six, Section 18	\$100.00
Parking vehicle with Regulated Dangerous Goods Part Six, Section 19	\$520.00
Prohibited Truck Route Part Six, Section 24	\$172.00
Cleated Vehicle Part Six, Section 25	\$450.00
Loading or unloading in restricted zones Part Nine, Section 48	\$57.00
Passing beyond a point near a fire Part Nine, Section 49	\$172.00

Towing behind vehicle Part Nine, Section 50 (a)	\$115.00
Coasting on roadway Part Nine, Section 50 (b)	\$30.00
Placing a sign Part Nine, Section 51(a)	\$57.00
Depositing snow on road Part Nine, Section 52(a)	\$30.00 or cost of clean-up First Offence \$100.00 Second Offence \$250.00 Third Offence \$500.00
Depositing mud on road Part Nine, Section 52(b)	\$30.00 or cost of clean-up First Offence \$100.00 Second Offence \$250.00 Third Offence \$500.00
Washing vehicles Part Nine, Section 52(c)	\$30.00 or cost of clean-up First Offence \$100.00 Second Offence \$250.00 Third Offence \$500.00
Load Permit – County permission Part Six, Section 24 (e)	\$230.00
Exceed Registered Weight Part Six, Section 24 (f)	\$230.00