

**SUMMER VILLAGE OF SUNBREAKER COVE
TRAFFIC BYLAW
BYLAW NO. 126-18**

Being a bylaw of the summer village of Sunbreaker Cove in the Province of Alberta for the purpose of regulating street, motor vehicle and pedestrian traffic in the Summer Village of Sunbreaker Cove.

WHEREAS the Municipal Government Act, R.S.A. 2000, C M-26 and amendments thereto allows a municipality to pass bylaws and delegate authority with respect to streets, parks, green spaces or Summer Village-owned land under its direction, control and management and transportation thereon; and

WHEREAS under the authority of the Traffic Safety Act, RSA 2000, Chapter T-6 and amendments thereto, Summer Village Council deems it necessary to regulate and control motor vehicles and pedestrian traffic within the Summer Village Corporate Limits;

WHEREAS Council of the Summer Village of Sunbreaker Cove deems it expedient and in the public's interest to a pass a bylaw to regulate and enforce traffic within the Summer Village of Sunbreaker Cove;

NOW THEREFORE the Municipal Council of the Summer Village of Sunbreaker Cove duly assembled enacts as follows:

SHORT TITLE

1. This Bylaw shall be cited as "The Traffic Bylaw"

DEFINITIONS

2. Definitions in the Traffic Safety Act and the Provincial Procedures Act are hereby incorporated as part of this Bylaw.
3. In this Bylaw, including this section, unless the context otherwise requires:
 - a) "Act" means the Municipal Government Act, being Chapter M-26 of the Revised Statutes of Alberta, 2000 as amended, and any amendment or substitutions thereof.
 - b) "Bylaw Enforcement Department" means the Bylaw Enforcement Department of the Town of Sylvan Lake, which is contracting services to the Summer Village of Sunbreaker Cove.
 - c) "Chief Administrative Officer" means the Chief Administrative Officer for the Summer Village of Sunbreaker Cove and whatever subsequent title may be conferred on that officer by Council or Statute.
 - d) "Council" means the Municipal Council of the Summer Village of Sunbreaker Cove.
 - e) "Emergency Vehicle" means a motor vehicle used;
 - (i) for police/peace officer duty
 - (ii) by a fire department

- (iv) as an ambulance

- (v) for purposes relating to maintenance of a public utility and designated as an emergency vehicle by the R.C.M.P.

- f) “Gross Weight” includes both:
 - (i) the total weight transmitted to the road by a single axle group on a vehicle placed on public roads as determined in accordance with the Traffic Safety Act and the regulations made thereunder; and
 - (ii) the total maximum weight transmitted to the road by all the axles of a vehicle used on the public roads aforesaid determined in accordance with the Traffic Safety Act and the regulations thereunder.

- g) “Heavy Vehicle” means a vehicle with or without load, exceeding any of the following:
 - (i) 2 axles;
 - (ii) 6 meters in length;
 - (iii) a gross weight of 5500 kilograms.

- h) “Highway” means any thoroughfare, street, road, trail, avenue, parkway, driveway, viaduct, lane, alley, square, bridge, causeway, trestle, way or other place or any part of any of them, whether publicly or privately owned, that the public is ordinarily entitled or permitted to use for the passage of parking of vehicles and includes:
 - (i) A Sidewalk, including a boulevard adjacent to the Sidewalk,
 - (ii) If a ditch lies adjacent to and parallel with the Roadway, the ditch, and
 - (iii) If a Highway right of way is contained between fences or between a fence and one side of the Roadway, all the land between the fences,
 - (iv) Or all the land between the fence and the edge of the Roadway, as the case may be,

But does not include a place declared by Provincial regulation not to be a Highway;

- i) “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.

- j) “Obstruction” means an encroachment, excavation, structure or other obstacle which interferes with, or prevents the vision,

passage, maintenance or use of any public property by vehicles or pedestrians.

- k) “Off-Highway Vehicle” means a motorized mode of transportation built for cross-country travel on land, water, snow, ice or marsh or swamp land or on other natural terrain and, without limiting the generality of the foregoing, includes, when specifically designed for such travel,
 - (ii) 4-wheel drive vehicles,
 - (iii) low pressure tire vehicles,
 - (iv) motorcycles and related 2-wheel vehicles,
 - (v) amphibious machines,
 - (vi) all-terrain vehicles,
 - (vii) miniature motor vehicles,
 - (viii) snow vehicles,
 - (ix) minibikes, and
 - (x) any other means of transportation that is propelled by any power other than muscular power or wind,

but does not include:

 - (xi) motor boats, or
 - (xii) any other vehicle exempted from being an off-highway vehicle by regulation

- l) “Operator” includes, but is not limited to, a person who drives or operates a vehicle as the owner thereof or as an agent, employee or servant of the owner.
- m) “Peace Officer” means
 - (i) a member of the Royal Canadian Mounted Police;
 - (ii) a Bylaw Officer as appointed by the Summer Village to enforce bylaws of the Summer Village, or
 - (iii) a Community Peace Officer as appointed by the Solicitor General of Alberta;
- n) “Person” means any individual, business, partnership, firm, corporation, occupant of a residence, or owner of a vehicle.
- o) “Recreation Vehicle” means a motor vehicle designed, constructed, modified or equipped as a temporary dwelling place, living abode or sleeping place.
- p) “Residential” means that part of the Summer Village of Sunbreaker Cove which is designated residential by the Land Use Bylaw.
- q) “Roadway” means that part of a highway intended for use by vehicular traffic.

- r) “Speed Limit” means any speed limit posted, prescribed by or pursuant to this Bylaw.
- s) “Summer Village” means the Summer Village of Sunbreaker Cove, a Municipal Corporation of the Province of Alberta and includes the area contained within the corporate boundaries of the SUMMER VILLAGE OF SUNBREAKER COVE where the context so requires.
- t) “Traffic Control Device” means any sign, signal, marking or device placed, marked or erected under the authority of this bylaw for the purpose of regulating, warning or guiding traffic.
- u) “Trailer” means a vehicle so designed that it
 - (i) may be attached to or 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.
- v) “Vehicle” means a device in, on or by which a person or thing may be transported or drawn on a highway and includes a combination of vehicles but does not include a mobility aid.

ENGINE RETARDER BRAKES

4. No vehicle shall operate engine retarder brakes in the Summer Village of Sunbreaker Cove.

SEASONAL ROAD RESTRICTIONS

5. Seasonal road restrictions as per Schedule B of this Bylaw will be applied in the Summer Village of Sunbreaker Cove. Seasonal Restrictions reduce allowable axle weights. The restricted roads will be posted with signs showing the percentage of the allowable licensed axle weight.

EMERGENCY VEHICLES

6. Nothing in this Bylaw prohibits police vehicles, bylaw enforcement vehicles, ambulances, fire trucks or any other emergency vehicle as well as vehicles engaged in road repair, maintenance or inspection from being parked on the roadways by their operators in the performance of their duties.

PARKING WITHIN THE SUMMER VILLAGE

Parking on Private Property

7. No person shall park or leave any vehicles parked on private land that has been clearly marked as such by a sign or signs erected by the owner or his agent unless such person has obtained the permission of the owner, tenant, occupant or person in charge or control of the said land or property.

Parking on Summer Village Lands

8. No person shall park or drive any vehicle on any land owned by the Summer Village of Sunbreaker Cove including, but not limited to, parks, boulevards or green spaces at any time without getting written permission prior to doing so.

Trailers and Recreational Vehicles

9. Recreational vehicles or trailers shall not be parked on any road in the Summer Village of Sunbreaker Cove.
10. A recreation vehicle, holiday trailer, motor home or camper parked on a parcel in the Residential District on which is located a dwelling unit may be used as per Land Use By-law for living and sleeping accommodation by:
 - a) bona fide tourists for a maximum period of 30 days per annum, and
 - b) the registered owner of the parcel and his immediate family, for one period of a maximum period of 45 consecutive days following the issue of a development permit which necessitates temporary accommodation on the parcel.

Prohibited Parking

11. No person shall park a vehicle in a “no parking zone.”
12. All “no parking” zones shall be indicated by signs posted by the Summer Village of Sunbreaker Cove.
13. Parking in a prohibited parking zone shall be permitted when standing in obedience to a peace officer.

OFF-HIGHWAY VEHICLES AND MAINTENANCE EQUIPMENT

14. A person may operate an off-highway vehicle on a highway within the Summer Village boundary for the purpose of access and egress to Sylvan Lake and their residence subject to the following conditions:
 - a) No person or operator of an off-highway vehicle shall fail to comply with provincial legislation including, but not limited to, the Traffic Safety Act, the Use of Highways and Rules of the Road Regulations, unless otherwise stated in this bylaw.
 - b) No person shall operate an off-highway vehicle on a highway from the 15th of June through to the 31st of August, inclusive.
 - c) The hours of operating an off-highway vehicle shall be restricted to the period of time between 8:00am and 11:00pm.
 - d) The maximum speed at which an off-highway vehicle shall be permitted to travel on a roadway is 30 km/hr.

- e) No person shall operate or ride as a passenger on an off-highway vehicle without wearing a safety helmet securely fastened to their head.
- f) No person shall operate an off-highway vehicle unless they are a holder of a valid Class 5 or greater operator's license.
- g) No person shall operate an off-highway vehicle unless the off-highway vehicle is registered.
- h) No person shall operate an off-highway vehicle unless the off-highway vehicle is insured.
- i) No person shall operate an off-highway vehicle if the license plate is not securely attached, legible and clearly visible to other drivers.
- j) No person shall operate or ride an off-highway vehicle adjacent to or alongside another off-highway vehicle travelling in the same direction.
- k) No person shall operate an off-highway vehicle without due care and attention; or without reasonable consideration for other persons or property, on any portion of a highway or roadway.
- l) An operator of an off-highway vehicle shall immediately, on being signaled or requested to stop by a Peace Officer, bring their vehicle to a stop, and provide any information respecting the driver or the vehicle that the Peace Officer requires and shall not start their vehicle until they are permitted to do so by that Peace Officer.
- m) A Peace Officer, Summer Village employee or agent of the Summer Village may operate an off-highway vehicle on roads or lands owned by the Summer Village where such operation is required in connection with the patrol or maintenance duties of such person or in case of emergency.

SPEED LIMIT

15. The maximum speed limit in the Summer Village of Sunbreaker Cove shall be 30 km/h unless authorized road signs order a lesser or greater speed. Every driver shall obey the speed limit fixed by signs.

TRAFFIC CONTROL DEVICES

Sign Placement

16. The Council or the Chief Administrative Officer or designate shall have appropriate traffic control devices placed and maintained where necessary on the roads of the Summer Village to indicate; Playgrounds, Speed Limits and/or devices deemed necessary to provide proper control of traffic.
17. The location, type and placement of all traffic control devices shall be determined in accordance with the standards set by the Roads and Transportation Association of Canada. The maps and schedules pertaining to the location, type and placement of traffic control devices shall be updated accordingly.
18. No person shall contravene any traffic control device posted under the authority of this Bylaw.

Sign Removal

19. No person shall remove or interfere with any traffic control device or barricade or notice of closing or suspension erected or posted under authority of this Section.

OBSTRUCTIONS

Snow, Ice and Dirt

20. No person shall place, pile or store any snow, ice, gravel, dirt, equipment or other obstruction, on any road or Summer Village property without first applying for and obtaining a permit for such purpose from the Chief Administrative Officer.
21. Any person placing or causing to be placed any snow, ice, gravel, dirt, equipment or other obstruction on Summer Village property without a permit shall remove or cause the removal thereof as soon as reasonably possible and, in any event no later than 24 hours after notification to do so by the Chief Administrative Officer or designate. After 24 hours, or such lesser time as specified by the Chief Administrative Officer or designate, the Summer Village may remove the obstruction, perform all necessary repairs and charge the costs thereof to the person causing the obstruction.

GENERAL PROVISIONS

22. Unless a permit to do so has been issued by the Chief Administrative Officer or designate, no person shall operate on a road a vehicle or trailer having metal spikes, lugs, cleats, skids, or bands projecting from the surface of the wheel, tire or track for such vehicle. This prohibition does not apply to the use of studded tires or tires with chains.
23. No person shall leave a vehicle unattended on a road while it is supported by a jack or similar device.

PENALTIES AND POWERS OF PEACE OFFICER

Breach

24. Any person who contravenes any of the provisions or requirements of this Bylaw is guilty of an offense and is liable for and subject to the penalties herein provided.

Offense Ticket

25. Where a Peace Officer has reasonable grounds to believe a person has contravened any of the sections of this Bylaw he may issue and serve upon such person an offense ticket.
26. Service of an offense ticket shall be sufficient if it is:
 - a) personally served;
 - b) attached to the vehicle in respect of which an offense is alleged to have been committed;

- c) mailed to the address of the registered owner of the vehicle or to the person in possession of the vehicle; or
- d) mailed to the address of the registered owner of the property or to the person in possession of the property.

Provincial Offenses Procedure Act

27. Should a person not pay the penalty provided for contravention of any Section of this Bylaw and a prosecution has been entered against him, he shall be liable on summary conviction to pay the minimum fine equal to the penalty stated in the said offense ticket, and in default of payment of the penalty imposed by the Court and subject to Section 160(1) & (2) of the Traffic Safety Act.

28. Nothing in this part shall:

- a) prevent any person from exercising his right to defend any charge laid for contravention of any Section of this Bylaw, or;
- b) prevent any Peace Officer in lieu of serving an offense ticket, or any other person, from laying an information or complaint against any person for contravention of any Section of this Bylaw, or;
- c) prevent any person from laying an information against any other person, whether such person had made payment under the provision of this Bylaw or not, for contravention of any of the Sections of this Bylaw.

General Penalty

29. Any person who contravenes any provisions of this Bylaw for which no penalty has herein been specified, shall be liable by the Provincial Offenses Procedures Act of a fine not exceeding \$500.00 exclusive of costs, and in case of nonpayment of the penalty and costs imposed by the Court, and subject to Section 160(1) & (2) of the Traffic Safety Act.

30. Any Peace Officer or RCMP Officer is hereby authorized by the Summer Village to enforce the provisions of this Bylaw and to issue offense tickets to any person to whom they reasonably believe has contravened the provisions of this Bylaw.

SEVERABILITY & REPEAL

42. If any part of this Bylaw is found to be invalid, then that part shall be severed and the remaining Bylaw shall be maintained.

- a) Schedules A and B attached hereto shall form part of this bylaw.

INTRODUCED AND GIVEN FIRST READING this 28th day of May, 2018.

Teresa Beets, Mayor

Phyllis Forsyth, Administrator

SECOND READING given this 19th day of November, 2018.

**UPON UNANIMOUS CONSENT, GIVEN THIRD AND FINAL READING
this 19th day of November, 2018.**

Teresa Beets, Mayor

Phyllis Forsyth, Administrator

SCHEDULE A

PENALTIES

<u>SECTION</u>	<u>PARTICULARS</u>	<u>PENALTY</u>
	<u>OVERDIMENSION/OVERWEIGHT VEHICLES</u>	
4	Use of Engine Retarder Brakes	250.00
5	Contravenes Seasonal Road Restrictions	115.00/500 KG
	<u>PARKING WITHIN THE SUMMER VILLAGE</u>	
7	Illegally parked on private property	57.00
8	Illegally parking or driving on Summer Village land	57.00
9	Illegally parking a trailer or recreation vehicle on Summer Village roads	57.00
11	Illegally parked in no parking zones	57.00
	<u>OFF-HIGHWAY VEHICLES AND MAINTENANCE EQUIPMENT</u>	
14 ii)	Operate OHV outside prescribed months	100.00
iii)	Operate OHV outside prescribed hours	180.00
iv)	Exceed maximum speed	120.00
v)	Operator/passenger fail to wear a helmet	200.00
	Operate OHV without operator's license	250.00
vi)	Operate unregistered OHV	120.00
vii)	Operate uninsured OHV	250.00
viii)	Operate OHV with license plate not clearly attached/legible/clearly visible	120.00
ix)		
x)	Operate OHV adjacent to another OHV in the same lane	120.00
xii)	Fail to stop for a Peace Officer	500.00
	<u>SPEEDING</u>	
15	Driving beyond posted speed limit	Traffic Safety Act
	<u>TRAFFIC CONTROL DEVICES</u>	
19	Illegal removal of Summer Village signs	115.00
	<u>GENERAL</u>	
33	Use of Metal Lugs	115.00
34	Leaving a vehicle unattended on a jack or similar device	115.00

SCHEDULE B

Seasonal Road Restrictions

Seasonal Road Restrictions will be applied to all designated roads in the Summer Village of Sunbreaker Cove, as per Road Committee Order