

**BYLAW NO. 159-11**  
**OF THE**  
**THE SUMMER VILLAGE OF BIRCHCLIFF**

**BEING A BYLAW OF THE SUMMER VILLAGE OF BIRCHCLIFF IN THE PROVINCE OF ALBERTA FOR THE PURPOSE OF REGULATING STREET, MOTOR VEHICLE AND PEDESTRIAN TRAFFIC IN THE SUMMER VILLAGE OF BIRCHCLIFF.**

**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 Birchcliff deems it expedient and in the public's interest to a pass a bylaw to regulate and enforce traffic within the Summer Village Of Birchcliff;

NOW THEREFORE the Municipal Council of the Summer Village of Birchcliff 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 Services" means the Bylaw Enforcement service contracted by the Summer Village of Birchcliff.
  - c) "Chief Administrative Officer" means the Chief Administrative Officer for the Summer Village of Birchcliff and whatever subsequent title may be conferred on that officer by Council or Statue.
  - d) "Council" means the Municipal Council of the Summer Village of Birchcliff.
  - e) "Emergency Vehicle" means a motor vehicle used;
    - (i) for police/peace officer duty
    - (ii) by a fire department
    - (iii) as a ambulance
    - (iv) 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 metres in length;
  - (iii) a gross weight of 5500 kilograms.
- h) “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 or an aircraft.
- i) “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.
- j) “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.
- k) “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;
- l) “Person” means any individual, business, partnership, firm, corporation, occupant of a residence, or owner of a vehicle.
- m) “Recreation Vehicle” means a motor vehicle designed, constructed, modified or equipped as a temporary dwelling place, living abode or sleeping place.
- n) “Residential” means that part of the Summer Village of Birchcliff which is designated residential by the Land Use Bylaw.
- o) “Roadway” means that part of a highway intended for use by vehicular traffic.
- p) “Speed Limit” means any speed limit posted, prescribed by or pursuant to this Bylaw.
- q) “Summer Village” means the Summer Village of Birchcliff, a Municipal Corporation of the Province of Alberta and includes the area contained within the corporate boundaries of the SUMMER VILLAGE OF BIRCHCLIFF where the context so requires.
- r) “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.
- s) “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.

- t) “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 Birchcliff.

#### **SEASONAL ROAD RESTRICTIONS**

5. Seasonal road restrictions as per Schedule B of this Bylaw will be applied in the Summer Village of Birchcliff. 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 without the approval of the owner.

##### **Parking on Summer Village Lands**

8. No person shall park any vehicle on ditches or green spaces (exceeding a time period of 72 hours).

##### **Trailers and Recreational Vehicles**

9. Recreational vehicles or trailers shall not be parked on any road in the Summer Village of Birchcliff.

##### **Prohibited Parking**

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

#### **OFF-HIGHWAY VEHICLES AND MAINTENANCE EQUIPMENT**

13. 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.
14. For the purpose of this section, “off-highway vehicle” shall have the meaning given to it in the Off-Highway Vehicle Act including the restrictions on Summer Village roads.

## **SPEED LIMIT**

15. The maximum speed limit in the Summer Village of Birchcliff shall be 50 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:
  - i. personally served;
  - ii. attached to the vehicle in respect of which an offense is alleged to have been committed;
  - iii. mailed to the address of the registered owner of the vehicle or to the person in possession of the vehicle; or
  - iv. 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:
  - (i) prevent any person from exercising his right to defend any charge laid for contravention of any Section of this Bylaw, or;
  - (ii) 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;
  - (iii) 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 Offences 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. (i) If any part of this Bylaw is found to be invalid, then that part shall be severed and the remaining Bylaw shall be maintained.
- (ii) Schedules A and B attached hereto shall form part of this bylaw.

Read a First time in Council assembled this 18<sup>th</sup> day of November, 2010.

Read a Second time in Council assembled this 20<sup>th</sup> day of January, 2011.

Read a Third time in Council assembled and passed this 17<sup>th</sup> day of February, 2011.

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Mayor

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Chief Administrative Officer

**SCHEDULE A**

**PENALTIES**

<u>SECTION</u>	<u>PARTICULARS</u>	<u>PENALTY</u>
<b><u>OVERDIMENSION/OVERWEIGHT VEHICLES</u></b>		
4	Use of Engine Retarder Brakes	\$250.00
5	Contravenes Seasonal Road Restrictions	\$115.00/500 kg
<b><u>PARKING WITHIN THE SUMMER VILLAGE</u></b>		
8	Illegally parked on private property	\$57.00
9	Illegally parking or driving on Summer Village land	\$57.00
10	Illegally parking a trailer or recreation vehicle on Summer Village roads	\$57.00
12	Illegally parked in no parking zones	\$57.00
<b><u>SPEEDING</u></b>		
17	Driving beyond posted speed limit	Traffic Safety Act
<b><u>TRAFFIC CONTROL DEVICES</u></b>		
21	Illegal removal of Summer Village signs	\$115.00
<b><u>GENERAL</u></b>		
33	Use of Metal Lugs	\$115.00
34	Leaving a vehicle unattended on a jack or similar device	\$115.00

<b>SCHEDULE B</b>
<b>Seasonal Road Restrictions</b>
<b>Seasonal Road Restrictions will be applied to all designated roads in the Summer Village of Birchcliff as per Road Committee Order.</b>