

# **SUMMER VILLAGE OF BIRCHCLIFF TRAFFIC BYLAW BY-LAW #245-23**

A Bylaw of the Summer Village of Birchcliff in the Province of Alberta for the regulation and control of motor vehicle and pedestrian traffic within the boundaries of the Summer Village.

WHEREAS by authority of the Municipal Government Act, Chapter M-26, R.S.A. 2000, and amendments thereto, the Council of the Summer Village of Birchcliff may pass a bylaw for the health, safety, and welfare of people and protection of property in, on, or near public lands;

AND WHEREAS the Council of the Summer Village of Birchcliff deems it necessary and in the public interest to pass a bylaw to regulate and enforce all manner of traffic within the Summer Village, including penalties;

NOW THEREFORE the Council of the Summer Village of Birchcliff, in the Province of Alberta, duly assembled, hereby enacts as follows:

This Bylaw may be referred to as the *Traffic Bylaw*.

## **SECTION 1.0 – DEFINITIONS**

- 1.1 “**Act**” means the Traffic Safety Act, R.S.A. 2000, Chapter T-6 as amended or repealed and replaced from time to time;
- 1.2 “**Bicycle**” means a mechanical device propelled by muscular power on which a person may ride;
- 1.3 “**Bus**” means a motor vehicle that is designed for carrying eleven (11) or more persons, including the driver;
- 1.4 “**CAO**” means the Chief Administrative Officer, or his/her designate, that is appointed by Council;
- 1.5 “**Crosswalk**” means any part of a roadway at an intersection or elsewhere distinctly indicated for pedestrian crossing by signs or by any other marking on the road surface;

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- 1.6 “**Council**” means the elected municipal Council of the Summer Village of Birchcliff;
- 1.7 “**Ditch**” means any area that is designed or artificially shaped for water drainage;
- 1.8 “**Emergency Vehicle**” means a motor vehicle used:
  - a) for police/peace officer duty;
  - b) by a fire department;
  - c) as an ambulance; and
  - d) for purposes relating to maintenance of a public utility;
- 1.9 “**Gross Weight**” means:
  - a) in respect of a single axle of a vehicle, the total weight that a single axle transmits to a roadway;
  - b) in respect of an axle group of a vehicle, the sum of the weights transmitted to a roadway by all of the axles within the axle group;
  - c) in respect of a tire of a vehicle, the total weight that the tire transmits to a roadway; and
  - d) in respect of a vehicle, the total weight of a vehicle or combination of vehicles calculated as the sum of the weights transmitted to a roadway through each of the axles;
- 1.10 “**Heavy Vehicle**” means any vehicle with the exception of recreational vehicles, with or without a load, exceeding any of the following criteria:
  - a) two (2) axles;
  - b) six (6) meters in length;
  - c) a gross weight of 4500 kilograms;
- 1.11 “**Motor Vehicle**” means any vehicle propelled by any power other than muscular power;
- 1.12 “**Municipal Land**” means any property owned by the Summer Village including but not limited to:
  - a) ditches;
  - b) parks;
  - c) green spaces; and
  - d) municipal reserve property;

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- 1.13 “**Obstruction**” means an obstacle or event which interferes with, or prevents the vision, passage, or use of any public property by vehicles or pedestrians;
- 1.14 “**Off-Highway Vehicle**” means any motor vehicle that is designed for cross-country travel on natural terrain including but is not limited to land, water, snow, ice, marsh, or swamp land;
- 1.15 “**Operator**” means a person who drives or operates a vehicle as the owner thereof or as an agent, employee, or servant of the owner;
- 1.16 “**Peace Officer**” means a person who is:
- a) a Royal Canadian Mounted Police Officer;
  - b) a Community Peace Officer;
  - c) a Bylaw Enforcement Officer; and
  - d) any other person appointed by Council to enforce the provisions of this Bylaw;
- 1.17 “**Pedestrian**” means any person on foot, using rollerblades, skateboards, non-motorized scooters, or any kind of mobility aid;
- 1.18 “**Person**” means any individual, business, partnership, firm, corporation, occupant of a residence, or owner of a vehicle;
- 1.19 “**Provincial Offences Procedure Act**” means the Provincial Offences Procedure Act, c P-34, R.S.A. 2000, as amended or repealed and replaced from time to time;
- 1.20 “**Recreational Vehicle**” means any vehicle designed for travel with temporary living accommodation for holidays or camping purposes;
- 1.21 “**Road Ban**” means the gross axle weight allowance permissible on public roadways within the boundaries of the Summer Village;
- 1.22 “**Roadway**” means any thoroughfare, street, road, trail, avenue, driveway, lane or any other place or part of them, whether publicly or privately owned, that the public is ordinarily entitled or permitted to use for the passage of vehicles;

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- 1.23 “**Special Event**” means any public or private event, gathering, celebration, festival, competition, contest or similar type of activity that takes place in whole or in part on a public roadway which may involve pedestrians, bicycles, or vehicles where traffic flow could be obstructed;
- 1.24 “**Speed Limit**” means the maximum allowable speed a motor vehicle is able to travel within the boundaries of the Summer Village indicated by a traffic control device or as defined in Section 2.3 of this Bylaw;
- 1.25 “**Summer Village**” means the municipal corporation of the Summer Village of Birchcliff, the territory contained within the corporate limits, its administration, and staff;
- 1.26 “**Traffic Control Device**” means any sign, signal, marking, or device placed, marked or erected under the authority of the Summer Village and this Bylaw for the purpose of regulating, warning, or guiding traffic;
- 1.27 “**Trailer**” means a vehicle without motive power that is designed to transport property and is meant to be towed by another vehicle;
- 1.28 “**Vehicle**” means a mechanical device in, on or by which a person or property may be transported either under its own propulsion or drawn on a roadway and can include a combination of thereof;
- 1.29 “**Violation Ticket**” means a ticket issued pursuant to Part 2 of the Provincial Offences Procedure Act;

## **Section 2.0 – General**

- 2.1 Any schedules attached to this Bylaw, will form a part of this Bylaw.
- 2.2 Nothing in this Bylaw will operate to relieve any person from complying with any Provincial or Federal regulations, or other Summer Village Bylaws.

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- 2.3 The maximum allowable speed limit in the Summer Village of Birchcliff shall be 50km/h unless otherwise specified by a traffic control device.
- 2.4 Nothing in this Bylaw prohibits any emergency vehicle as well as vehicles engaged in roadway maintenance and inspection, or Summer Village staff from being parked on the roadways in the performance of their duties.

## **Section 3.0 – Traffic Control Devices**

- 3.1 All “no parking” zones shall be indicated by traffic control devices installed by the Summer Village.
- 3.2 The Summer Village shall have appropriate traffic control devices installed and maintained to regulate traffic and speed limits.
- 3.3 The location, style, and placement of all traffic control devices shall be determined in accordance from standards derived from the Transportation Association of Canada.
- 3.4 No person shall contravene any traffic control device within the Summer Village under authority of this Bylaw.
- 3.5 No person shall be permitted to remove or tamper with any traffic control device that is installed or placed within the boundaries of the Summer Village.

## **Section 4.0 – Summer Village Parking**

- 4.1 No operator of:
  - a) a heavy vehicle;
  - b) any type of construction machinery or heavy equipment;
  - c) a bus;
  - d) a recreational vehicle; or
  - e) a trailer;shall park or be permitted to be parked on any public roadway or municipal land within the boundaries of the Summer Village. With the exception of temporarily loading and/or unloading any materials from a vehicle.

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- 4.2 No person shall park a vehicle in a “no parking” zone unless authorized by the Summer Village for a special event.
- 4.3 Parking on a public roadway shall be permitted when standing in obedience to a peace officer.
- 4.4 A vehicle left parked in the same location on a public roadway or municipal land in excess of 72 hours shall be deemed to have been abandoned for the purposes of this Bylaw. A peace officer may cause the vehicle to be removed and impounded at the operator’s expense. In lieu of, or addition to, the removal and impounding of the abandoned vehicle, a peace officer may elect to issue a violation ticket to the operator of the vehicle.

## **Section 5.0 – Off-Highway Vehicles**

- 5.1 A peace officer, Summer Village staff, or agent of the Summer Village may operate an off-highway vehicle on public roadways or municipal lands where such operation is required in performance of their duties.
- 5.2 The hours of operating an off-highway vehicle shall be restricted to the period of time between 8:00 am and 11:00 pm.
- 5.3 The maximum speed at which an off-highway vehicle shall be permitted to travel on a roadway is 30 km/hr.
- 5.4 No person shall operate or ride as a passenger in an off-highway vehicle within the Summer Village without wearing head protection in the form of a helmet.
- 5.5 All off-highway vehicles operated within the Summer Village must:
  - a) have a certificate of registration issued under the Traffic Safety Act;
  - b) display a license plate issued under the Traffic Safety Act; and
  - c) be insured as defined under the Traffic Safety Act.
- 5.6 No person shall operate or ride an off-highway vehicle adjacent to or alongside another off-highway vehicle travelling in the same direction.

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- 5.7 No person shall operate an off-highway vehicle in any area marked by an off-highway vehicle prohibited sign.

## **Section 6.0 – Restrictions**

- 6.1 No vehicle shall be permitted to operate engine retarder brakes within the boundaries of the Summer Village.
- 6.2 No operator shall exceed the vehicle weight restrictions, commonly referred to as the “Road Ban”, established by the Summer Village on all public roadways within the Summer Village of Birchcliff as outlined in Schedule “B” of this Bylaw without an exemption permit distributed by the Summer Village’s third-party permitting agency.
- 6.3 No person shall place, pile, or store any snow, ice, gravel, dirt, or other obstruction on any public roadway or municipal land.
- 6.4 Any person placing or causing to be placed any snow, ice, gravel, dirt, or other obstruction on all public roadways and municipal lands shall remove or cause the removal thereof in any event no later than 24 hours after notification to do so by a peace officer or the CAO or his/her designate. After 24 hours, a peace officer may issue a violation ticket or elect to have the Summer Village remove the obstruction and perform all necessary repairs. The Summer Village’s expenses required to remediate the issue may be charged to the property tax of the land subject to the order under Section 553 of the Municipal Government Act.
- 6.5 No person shall operate a vehicle having spikes, metal tracks, chains, lugs, corks, grousers, skids, or bands that connects to their vehicle that will make contact on any public roadway. This prohibition does not apply to studded winter tires. The operator will be responsible for any damage caused to any public roadway.
- 6.6 No person shall leave a vehicle unattended on a public roadway while it is supported by a jack or similar device.

## **Section 7.0 – Violations & Penalties**

- 7.1 Any Peace Officer, in that Officer's sole discretion, is hereby authorized and empowered to issue a violation ticket to any person whom the Peace Officer has reasonable and probable grounds to believe has contravened or failed to comply with any provision of this Bylaw. In this Bylaw, Peace Officer shall have the same definition as contained in the Provincial Offences Procedure Act and all amendments thereto.
- 7.2 Any person who contravenes or fails to comply with any provision of this Bylaw is guilty of an offence and is liable to a fine, as outlined in Schedule "A" of this Bylaw.
- 7.3 Service of such violation ticket shall be sufficient if it is:
- a) personally served;
  - b) mailed to the address of the registered owner of the vehicle;
  - c) attached to the vehicle in respect of which an offence is alleged to have been committed; or
  - d) mailed to the address of the registered owner of the property in respect of which an offence is alleged to have been committed.
- 7.4 Upon production of a violation ticket issued, pursuant to this Bylaw, within fourteen (14) consecutive days from the date of issue, together with the payment, to the Summer Village of the penalties as provided in Schedule A of this Bylaw, the person to whom the violation ticket was issued shall not be liable for prosecution for the contravention in respect of which the violation was issued.



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**AND THAT** this Bylaw shall repeal Bylaw No. 224-20 and No. 230-21 and shall take full force and come into effect from and after the date of 3<sup>rd</sup> Reading thereof.

INTRODUCED AND GIVEN FIRST READING this 20<sup>th</sup> day of April 2023.

GIVEN second reading this 18<sup>th</sup> day of May 2023.

GIVEN THIRD AND FINAL READING this 18<sup>th</sup> day of May 2023.

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Roger Dufresne, Mayor

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Tanner Evans, CAO

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## SCHEDULE "A"

### PENALTIES

Penalties that will be accepted by the Summer Village in lieu of prosecution.

The Penalties shall apply to:

<b>Section</b>	<b>Offense</b>	<b>Penalty</b>
2.3 & 5.3	Driving beyond posted speed limit	Traffic Safety Act
3.5	Illegal removal or tampering of traffic control devices	\$200 per occurrence
4.1 & 4.2	Illegal parking	\$100 per occurrence
4.4	Abandoned vehicle on public roadway or municipal land	\$350 per occurrence
5.2	Operating off-highway vehicle between 23:00 and 8:00	\$200 per occurrence
5.4	Off-highway vehicle operator not using head protection	Traffic Safety Act
5.5a	Operate unregistered off-highway vehicle	Traffic Safety Act
5.5b	Off-highway vehicle license plate non-compliance	Traffic Safety Act
5.5c	Operate uninsured off-highway vehicle	Traffic Safety Act
5.6	Operating off-highway vehicle adjacent/alongside another off-highway vehicle	\$120 per occurrence
5.7	Operating off-highway vehicle in prohibited area	\$250 per occurrence
6.1	Use of engine retarder brakes	\$250 per occurrence
6.2	Violation of vehicle weight restrictions	Traffic Safety Act & Commercial Vehicle Dimension and Weight Regulation Act
6.3	Depositing obstructions on public roadways and municipal lands	\$200 per occurrence
6.5	Use of prohibited tire/wheel accessories	\$150 per occurrence
6.6	Leaving a vehicle unattended on a jack or similar device	\$150 per occurrence

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## SCHEDULE "B"

### ROAD VEHICLE WEIGHT RESTRICTION

<b>Time of Year</b>	<b>Road Ban</b>
Year Round	75% G.V.W.