

## **BY-LAW NO. 1158**

Consolidated up to **BYLAW #1252**

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### **OF THE TOWN OF MAGRATH IN THE PROVINCE OF ALBERTA**

Being a By-Law of the Town of Magrath in the province of Alberta,  
To control and regulate vehicle, animal and pedestrian traffic.

#### **1. ENACTMENT:**

**WHEREAS** the Traffic Safety Act authorizes a municipality to regulate and control vehicle, animal and pedestrian traffic and parking on the highways and on other property within the municipality;

**AND WHEREAS** the Municipal Government Act allows a municipality to pass bylaws and delegate authority with respect to highways under its direction, control and management and transport thereon;

**NOW THEREFORE** the Council of the Town of Magrath, in the Province of Alberta, duly assembled hereby enacts as follows:

#### **2. DEFINITIONS:**

**2.1** This bylaw may be cited as the "TRAFFIC BYLAW"

**2.2** "Act" means the Traffic Safety Act, R.S.A. 2000, c. T-6, as amended or substituted from time to time;

**2.3** "Alley" means a narrow highway intended chiefly to give access the rear of buildings and parcels of land and is a highway for the purposes of this bylaw;

**2.4** "Authorized Agent" means a business acting on behalf of the Town for the purpose of collection of this bylaw;

**2.5** "Bicycle" means a cycle propelled by human power on which a person can ride, regardless of the number of wheels it has, and includes a vehicle that;

**2.5.1** may be propelled by muscular or mechanical power;

**2.5.2** is fitted with pedals that are continually operable to propel it;

**2.5.3** weighs not more than 35 kilograms;

**2.5.4** has a motor that produces not more than 750 watts and that is driven by electricity or has an engine displacement of not more than 50 cubic centimetres;

- 2.5.5 has no hand or foot operated clutch or gearbox driven by the motor that transfers the power to the driven wheel; and
- 2.5.6 Does not have sufficient power to enable it to obtain a speed greater than 35 kilometres per hour on level ground within a distance of 2 kilometres from a standing start.
- 2.5.7 Surrey class bicycle;
- 2.6 **“Block”** means that portion of a highway, which lies between two other highways, neither of which is an alley nor which both intersect the first named highway;
- 2.7 **“Boulevard”** means a boulevard as defined in the Act;
- 2.8 **“Business Section”** means all areas designated as central business highway commercial, light industrial and general industrial as defined in the Town of Magrath Land Use Bylaw;
- 2.9 **“Bylaw Officer”** means an Enforcement Officer appointed or employed by the Town with respect to the enforcement of bylaws of the Town of Magrath;
- 2.10 **“Chief Administrative Officer”** is the person appointed by Council in accordance with section 205 of the Municipal Government Act and is referred to throughout this bylaw as **“CAO”**;
- 2.11 **“Commercial Loading Zone”** means a portion of a highway set aside adjacent to a curb designated for the exclusive use of commercial vehicles for the loading or unloading of materials and includes an area designated as such;
- 2.12 **“Commercial Vehicle”** means a commercial vehicle as defined in the Act;
- 2.13 **“Council”** means the Council of the Town of Magrath;
- 2.14 **“Curb”** means the concrete or asphalt edge of a highway or the division point between the highway and a boulevard or sidewalk;
- 2.15 **“Director of Operational Services”** means the Director of Operational Services for the Town of Magrath and includes any person who, on the directions of the Director of Operational Services is working on behalf of the Director of Operational Services;
- 2.16 **“Development Officer”** means the development officer for the Town of Magrath and includes any person who, on the directions of the development officer is working on behalf of the development officer;
- 2.17 **“Dangerous Goods”** means dangerous goods as defined in the Dangerous Goods Transportation and Handling Act R.S.A. 2000, c. D-4
- 2.18 **“Emergency Vehicle”** means emergency vehicles as defined in the Act;

**2.19“Fire Lane”** means an access route for fire department vehicles required by the Alberta Building Code for fire fighting purposes and marked by signage as a fire lane;

**2.20“He”** means he/she as applicable;

**2.21“Heavy Vehicle”** is defined as follows: a vehicle with or without a load, exceeding any of the following;

**2.22.1** Three (3) axles

**2.22.2** A registered gross vehicle weight of 4,500 kilograms or more;

**2.22“Highway”** means a highway as defined in the Act;

**2.23“His”** means his/hers as applicable;

**2.24“Holiday”** means a holiday as defined in the Interpretation Act R.S.A. 2000, c. I-8, and includes a day or portion of a day proclaimed by the Mayor of the Town or by Council as a Civic Holiday;

**2.25“Holiday Trailer”** means a trailer that is designated, constructed or equipped as a permanent or temporary dwelling or sleeping place, or is intended or capable of being loaded on or carried by a motor vehicle or trailer;

**2.26“Loading Zone”** includes a public loading zone, handicapped loading zone, commercial loading zone, and a passenger loading zone or any of them, as the context requires.

**2.27“Maximum Weight”** means:

**2.27.1** the maximum weight of a vehicle as recorded on the official registration certificate or interim registration certificate for such vehicle issued by the Government of the Province of Alberta; or

**2.27.2** if there is no official registration certificate or interim registration certificate for the vehicle, then the combined weight of the vehicle and the heaviest load shall be in accordance with the Alberta Motor Transport Board Regulations;

**2.28“Off-highway Vehicle”** means an off-highway vehicle as defined in the Act;

**2.29“Operator”** means a person who drives or is in actual physical control of a vehicle;

**2.30“Owner”** means owner as defined in the Act;

**2.31“Parade”** means a procession or march organized for the purpose of entertainment of spectators, displays, inspection or promotion of a cause or purpose;

**2.32“Park”** means to allow a vehicle (whether occupied or not) to remain standing in one place except:

- 2.32.1** when standing temporarily for the purpose of and while actually engaged in loading or unloading passenger(s); or
- 2.32.2** when standing in obedience to a Peace Officer or traffic control device;
- 2.33“Peace Officer”** means any member of the Royal Canadian Mounted Police, a sworn member of a municipal police service, or a person appointed under the Peace Officer Act;
- 2.34“Person”** shall include an individual, partnership or corporation;
- 2.35“Recreation Vehicle”** means a boat, motor home type vehicle, recreational travel trailer type vehicle designed or used for travel with temporary living accommodations for vacations, temporary accommodations or camping purposes;
- 2.36“Roadway”** means a roadway as defined in the Act;
- 2.37“Sidewalk”** means a sidewalk as defined in the Act;
- 2.38“Special Highway Event”** means an event or competition, taking place in whole or in part on a highway involving walking, running, or the use of bicycles, motorcycles, cars or other vehicles;
- 2.39“Town”** means the Town of Magrath;
- 2.40“Traffic”** means pedestrians, animals or vehicles while using the highway for the purpose of travel;
- 2.41“Traffic Control Device”** means a traffic control device as defined in the Act;
- 2.42“Traffic Violation Notice”** means a document authorized by the Provincial Offences Procedures Act R.S.A. 2000, c. P-34, pursuant to Part 2 and 3;
- 2.43“Trailer”** means a trailer as defined in the Act”
- 2.44“UOHRORR”** means the Use of Highways Rules of the Road Regulation;
- 2.45“Vehicle”** means a vehicle as defined in the Act;
- 2.46“Violation Tag”** means a document authorized by the Town of Magrath and issued pursuant to section 23 of this bylaw.

### **3. TRAFFIC CONTROL AND SPEED**

- 3.1** A Peace Officer may authorize such person(s) as deemed necessary to direct or regulate traffic.

- 3.2** Notwithstanding anything to the contrary contained in this or any bylaw, a Peace Officer may operate a bicycle within the lawful execution of his duty on any sidewalk, footpath, walkway, boulevard or other public place where the use of bicycles by the general public is prohibited or restricted.
- 3.3** Unless otherwise posted the maximum speed limit in the Town is 50 kilometres per hour.
- 3.4** Notwithstanding subsection **3.3**, Council may prescribe a lesser speed limit on a highway in the Town and shall indicate such lesser speed by posting a traffic control device in the location of where the speed limit is in effect. In addition, Council may also prescribe the hours of the day in which the lesser speed is in effect.
- 3.5** No person shall drive a motor vehicle, in any school zone at a rate of speed greater than 30 kilometres per hour on any day school is in session between time period of 8:00 a.m. and 4:30 p.m.
- 3.6** No person shall drive a motor vehicle, in any playground zone at a rate of speed greater than 30 kilometres per hour between the hours of 8:00 a.m. and one hour after sunset.
- 3.7** No person shall drive a vehicle in or along an alley in the Town at a speed greater than 15 kilometres per hour.

#### **4. TRAFFIC CONTROL DEVICES**

- 4.1** The CAO is hereby delegated the power to prescribe where traffic control devices are to be located on highways in the Town.
- 4.2** The CAO is hereby delegated the power to prescribe, by the placement of traffic control devices, the location of school zones and playground zones.
- 4.3** The Director of Operational Services shall keep a record of the location of all traffic control devices placed pursuant to this section.
- 4.4** Traffic control devices located in the Town of Magrath pursuant to this section shall be deemed to have been placed in accordance with this Bylaw.
- 4.5** No person shall post or exhibit or cause to be posted or exhibited, any sign, marking or device whatsoever upon any traffic control device.
- 4.6** Except in accordance with the Town of Magrath Land Use Bylaw, no person shall post or exhibit or cause to be posted or exhibited, any sign, marking or device whatsoever upon any highway, unless approved in writing by the CAO.
- 4.7** If a sign, marking or device is placed, maintained or displayed in contravention of section **4.5** or **4.6**,

- 4.7.1 a Peace Officer, or
- 4.7.2 a person authorized by the Town,

may, without notice or compensation, remove the sign, marking or device.

4.8 For the purposes of carrying out powers under subsection 4.7, the person exercising those powers may enter on privately owned land.

## 5. PEDESTRIANS

5.1 No person shall cross a roadway in an unreasonable manner or otherwise impede the free movement of vehicles on the roadway.

## 6. PARKING OR STANDING ON HIGHWAYS

6.1 Town Council may:

- 6.1.1 Authorize such other or additional parking spaces as it deems necessary on any highway or other Town owned property for use as a parking space;
- 6.1.2 Cause the spaces so authorized to be marked for this purpose.

6.2 Unless specifically permitted by the other provisions of this bylaw, no owner or operator shall park or permit to be parked any vehicle on any highway or public place for any period longer than is permitted by the applicable traffic control device.

6.3 After a vehicle has been issued a violation tag for the first violation of subsection 6.2, a vehicle remaining parked in excess of the time permitted on the sign a further Violation Tag may be issued for such subsequent offences.

6.4 In order to determine the time for which a vehicle has been parked in a location where parking has been restricted to a specific time, a Peace Officer or other person charged with the enforcement of parking prohibitions and restrictions may place an erasable chalk mark on the tread face of the tire of the stopped or parked vehicle without such Peace Officer or other person of the Town incurring any liability for doing so.

6.5 No person shall remove an erasable chalk mark placed under subsection 6.4 while the vehicle remains parked in the location where it was marked.

6.6 Unless the vehicle is placed in a portion of the highway where parking is allowed no operator or owner shall park or stand or permit to be parked or leave standing a vehicle.

6.7 Except in the case of a breakdown or other emergency not allowing the vehicle to be moved the owner or operator of a vehicle shall not stand or park it on the highway for the purpose of servicing or repairing the vehicle.

- 6.8** No owner or operator of a vehicle shall cause or permit such vehicle to be parked or left on any highway if it is not of operable condition.
- 6.9** Subsection **6.8** does not apply to a vehicle, which has been left parked because of a breakdown or other emergency if the person in charge or control of the vehicle can establish that he has taken immediate action to arrange for the removal of the vehicle forthwith.
- 6.10** No person shall park a trailer (whether designated for occupancy by a person or for the carrying of goods, equipment, poultry or domestic or wild animals) 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 shall be deemed part of the vehicle and subject to the regulations pertaining to vehicles throughout this Bylaw or the Act;
- 6.11** No person shall park any trailer or recreation vehicle on any highway or on Town property at the same location in excess of 72 continuous hours within a seven (7) day period, with the exception of campgrounds, or any other area as designated by council, within the Town of Magrath. A trailer or recreation vehicle shall be deemed to be continuously parked in a location unless it has been moved at least one block from that location or off of public property within 72 hours. Parking of unattached trailers on any roadway is prohibited.
- 6.12** Parking on highways within the corporate limits of the Town of Magrath shall be parallel parking except where a sign or parking guidelines indicate that angle parking is permitted or required.
- 6.13** No person shall angle park any vehicle which exceeds six (6) metres in overall length upon any highway of the Town except at such locations as have been designated by the Town and have been marked, provided however, that the person may park in such other locations and for such period of time as may be designated in writing by the CAO
- 6.14** Where parking guidelines are visible on a roadway, no operator shall park or permit to be parked a vehicle except within the limits of the lines designating a parking stall.
- 6.15** No person shall park or permit the angle parking of any vehicle in a reverse position except for the purpose of loading or unloading such vehicle.
- 6.16** No person shall stand, park or permit to stand or park any vehicle on a highway in the opposing direction to the flow of traffic commonly referred to as “parked on the wrong side of the road” or “left of centre”.
- 6.17** No person shall park any vehicle at a bus stop or zone so designated by a sign.
- 6.18** No vehicle may be parked at an angle to the curb in a cul-de-sac unless that vehicle is parked in such a manner as not to interfere with the free flow of traffic in the cul-de-sac.

**6.19**No owner or operator of a vehicle shall park or permit the parking of the vehicle so that the front or rear bumper or either side of the vehicle is closer than sixty (60) centimetres to the bumper or any side of another vehicle.

**6.20**Unless permitted by a traffic control device, in compliance with a direction given by a Peace Officer or to avoid conflict with other traffic, a person shall not stop or park or permit the stopping or parking of a vehicle in the following locations:

**6.20.1** on a sidewalk or boulevard;

**6.20.2** on a crosswalk or on any part of a crosswalk;

**6.20.3** within an intersection other than immediately next to the curb in a “T” intersection

**6.20.4** at an intersection nearer than 5 metres to the projection of the corner property line immediately ahead or immediately to the rear, except when the vehicle is parked in a space where a traffic control device indicates parking is permitted;

**6.20.5** in the case of an approach to a stop sign or yield sign, within 5 metres from the stop sign or yield sign;

**6.20.6** within 5 metres from any fire hydrant, or when the hydrant is not located at the curb, within 5 metres from the point on the curb nearest the hydrant;

**6.20.7** within 1.5 metres from an access to a garage, private road or driveway or a vehicle crossway over a sidewalk;

**6.20.8** within 5 metres from the near side of a marked crosswalk;

**6.20.9** alongside or opposite any street excavation or obstruction when the stopping or parking would obstruct traffic;

**6.20.10** on any bridge or culvert or on the approaches to either of them;

**6.20.11** At any place where a traffic control device prohibits stopping or parking, during the times stopping or parking is so prohibited;

**6.20.12** At or near the site of any fire, accident or other emergency, if stopping or parking would obstruct traffic or hinder emergency vehicles or Peace Officers, Firemen, ambulance drivers or assistants or rescue officers or volunteers.

**6.21**No owner or operator shall stop or park or permit the stopping or parking, of the vehicle in any marked fire lane.

**6.22** No owner or operator of a vehicle shall stop or park or permit the stopping or parking of the vehicle in a manner where the vehicle may interfere with the use of a doorway marked on the exterior as a fire or emergency exit from any building.

## **7. PARKING ON AN ALLEY**

**7.1** No owner or operator of a vehicle shall stop or park or permit the stopping or parking of a vehicle on either side of any alley in front of or within 1.5 meters of a driveway or garage entrance entering into the alley

**7.2** No owner or operator of a vehicle shall stop or park or permit the stopping or parking of a vehicle in such a manner, location or circumstances that it blocks an alley or impedes the use of the alley by another vehicle.

**7.3** No owner or operator of a vehicle shall stop or park or permit the stopping or parking of a vehicle in such a manner that the vehicle is in front of or within 1 meter of the side of any refuse container or storage area located adjacent to any alley.

**7.4** No owner or operator shall park or permit any vehicle to be parked in an alley such that any part of the vehicle is within 3 meters of an electrical transformer.

## **8. UNAUTHORIZED PRIVATE PARKING**

**8.1** No owner or operator of a vehicle shall park or permit the parking of a vehicle on any private property without the prior permission of the owner or tenant, occupant or person in control of the private property.

**8.2** Notwithstanding the provisions of Subsection 8.1, where, on private property used for commercial or industrial purpose or property owned by the Town of Magrath with land designated for parking space or spaces or a parking area that is provided for the parking of the vehicles of persons who are customers or patrons of or who are otherwise doing business with the owner, tenant, or occupant or the person in charge of the property and the space is clearly designated by permanent posted signage, as being,

**8.2.1** private property; and

**8.2.2** set aside for the parking only of vehicles:

**8.2.2.1** for customers, patrons, or persons doing immediate business with the owner, tenant, occupant, or the person in charge of the property; or

**8.2.2.2** for persons immediately using a facility or service supplied by the owner, tenant, occupant, or person in charge of the property;

**8.2.2.3** An owner or operator of a vehicle who is not subject to subsection **8.2.2.1** or **8.2.2.2** shall not park or leave his vehicle on the parking space, spaces or area so designated.

**8.3** A person owning or occupying or in charge of private property who observes any person or persons violating the provisions of subsection **8.1** or **8.2** has the right to remove the vehicle from said property as long as proper signage is in place warning the owner or operator of said vehicle can be towed at his own expense and the name and contact number of the tow company is clearly visible on the signage. Upon removal of such said vehicle the local RCMP Detachment must be advised of the vehicles removal.

**8.4** A Peace Officer may cause any vehicle parked contrary to subsection **8.1** or **8.2** to be removed from the site and to be impounded at a storage facility chosen by the Peace Officer for this purpose.

**8.5** In addition to impounding the vehicle, a complaint may be laid against the owner or the person in charge of the illegally parked vehicle for the violation of the provisions of this section.

**8.6** In lieu of, or in addition to, the removal and impounding of the vehicle a Peace Officer for this purpose may place a Violation Tag upon the vehicle parked in contravention of this section.

## **9. EXEMPTIONS FROM PARKING PROVISIONS**

**9.1** Notwithstanding anything elsewhere contained in this bylaw the provisions relating to stopping or parking of vehicles do not apply to:

**9.1.1** Emergency vehicles;

**9.1.2** Service vehicles used in conjunction with the servicing of public utilities including telephone systems, electric systems, natural gas systems and cablevision system;

**9.1.3** Municipal and other government public works vehicles;

**9.1.4** Funeral vehicles; or

**9.1.5** Towing services vehicles.

**9.2** Where the owner or operator of a vehicle stops, stands or parks pursuant to subsection **9.1** contrary to other provisions of this bylaw he shall take due precaution to indicate the presence of such vehicle on any highway while so parked or stopped.

## **10. PARKING FOR PERSONS WITH DISABILITIES**

**10.1**In this section,

**10.1.1** “**permit**” means a valid handicapped placard or licence plate that is issued or recognized by the Solicitor General;

**10.1.2** “**public property**” means public property that the public is ordinarily entitled or permitted to use for the passage or parking of vehicles; and

**10.1.3** “**Private property**” means private property that the public is ordinarily entitled or permitted to use for the passage or parking of vehicles.

**10.2**The CAO is hereby authorized to designate parking places on public property for the exclusive use of persons with disabilities who display a permit on their vehicles.

**10.3**The Director of Operational Services shall cause any parking place designated pursuant to subsection **10.2** to be marked with a sign or other markings approved by the Director of Operational Services.

**10.4**The owner, tenant, occupant or person in control of private property may designate any number of parking spaces on the property for the exclusive use of persons with disabilities who display a permit on their vehicles.

**10.5**An owner, tenant, occupant or person in control of private property who designates a parking space pursuant to subsection **10.4** shall cause the parking space to be marked with a sign or other markings approved by the Director of Operational Services or similar to that approved by the Director of Operational Services.

**10.6**A parking space that prior to the coming into force of this section has been marked by a sign or other markings as being a parking space for the exclusive use of persons with disabilities who display a permit on their vehicles shall be deemed to be a parking space designated pursuant to subsection **10.2** or **10.4**, provided that the sign or other markings is in a form approved by the Director of Operational Services or similar to that approved by the Director of Operational Services.

**10.7**No person shall stop or park a vehicle in a parking space designated pursuant to this section unless:

**10.7.1** a permit is displayed on the vehicle, and

**10.7.2** The vehicle is operated by, or is being used to transport, a person with a disability.

## **11. LOADING ZONES**

**11.1**No owner or operator of a vehicle shall park or stop or permit the parking or stopping of a vehicle in a commercial loading zone unless:

**11.1.1** The vehicle is actively engaged in the loading or unloading of merchandise or other materials for a period of time not exceeding (20) twenty minutes.

**11.2**No owner or operator of a vehicle shall leave a vehicle in a passenger loading zone unless actively engaged in the loading or unloading of passengers for a period of time not to exceed (15) fifteen minutes.

## **12. TEMPORARY CLOSURES**

**12.1**The Director of Operational Services is hereby authorized to temporarily close the whole or in part of a highway at any time that a construction or maintenance project on or adjacent to the highway may create a hazard.

**12.2**No person shall make use of a highway in any manner contrary to any restriction, prohibition or designation pursuant to subsection **12.1**.

## **13. PARADES / SPECIAL HIGHWAY EVENTS / FUNERALS**

**13.1**No person shall participate in any parade or special highway event on a highway unless permission for the event has been obtained by way of permit from the CAO of Magrath and Alberta Transportation in the case of a parade or special event on a highway.

**13.2**When permission has been obtained for a parade or a special highway event:

**13.2.1** Notwithstanding any provisions of this bylaw, a person or persons may congregate on the sidewalks in order to view the parade or procession,

**13.2.2** The Town's Director of Operational Services or Peace Officer may close all or portions of a highway along the route for the anticipated time of the parade or special event and for such additional time as necessary to again clear the highway for normal traffic, and

**13.2.3** The Director of Operational Services may temporarily suspend parking and loading privileges on all or a portion of a highway on the proposed route by posting no parking signs.

**13.2.4** In the event vehicle(s) are parked on the designated route, a Peace Officer(s), at the owner's expense, shall remove said vehicle(s) and have it impounded or relocated at the discretion of the Peace Officer(s)

**13.3**Any person wishing to organize or arrange a parade or special highway event shall advise the CAO of the proposed route and complete, at least seven (7) days prior to the time of the parade or special highway event, the application for a parade or special highway event permit established by the Town from time to time.

**13.4**The CAO may unconditionally approve, approve with conditions or refuse an application for a parade or special highway event.

**13.5**No person driving any vehicle shall drive through, nor shall any pedestrian walk through the ranks of any military or funeral procession or through the ranks of any other authorized parade or procession, or in any way obstruct, impede or interfere with the same.

**13.6**If any funeral procession is in the process of proceeding along any highway, any Peace Officer may regulate all traffic in the vicinity.

#### **14. CYCLISTS**

**14.1**Unless the context otherwise requires, a person operating a bicycle on a highway has all the same rights and is subject to all the rules that any vehicle operator has under this bylaw.

**14.2**No person shall ride a bicycle, skateboard or inline skates, in the following areas within the Town:

**14.2.1** On the sidewalks of 1<sup>st</sup> Street West between 1<sup>st</sup> Avenue South and Harker Avenue during the hours of 8:00 a.m. and 6:00 p.m.

**14.3**Notwithstanding Subsection **16.1**, a carrier of a newspaper may ride a bicycle on a sidewalk, or boulevard:

**14.3.1** If he is delivering copies of the newspaper at the time; and

**14.3.2** If the bicycle does not interfere with other persons travelling on the said sidewalk, footpath or boulevard.

**14.4**The Town Council may designate those portions of sidewalks, footpaths and boulevards where persons may ride bicycles.

**14.5**Where this bylaw permits a person to ride a bicycle or use in-line skates, scooters, skateboards on a sidewalk, and notwithstanding any provisions of any other Bylaw, shall only be operated in such a way that it will not interfere with a pedestrian lawfully on or using such sidewalk.

**14.6**A Peace Officer may seize and impound for a period not exceeding 30 days any bicycle, scooter, or skateboard used or operated in contravention of this bylaw.

**14.7**Where a bicycle, scooter or skateboard, has been seized and impounded by a Peace Officer as provided for in subsection **15.6**, the owner or operator of such bicycle, scooter or skateboard shall, in addition to any fine or penalty to which he may be subject, be liable for all reasonable costs incidental to the seizure and impounding of the bicycle, scooter or skateboard.

#### **15. USE OF SIDEWALKS**

**15.1** Except as otherwise provided in subsection **16.2**, a person shall not, on or along a sidewalk or boulevard:

**15.1.1** Drive, lead or allow a hooped animal to walk;

**15.1.2** Drive, draw or push any motor vehicle;

**15.1.3** Ride a horse; or

**15.1.4** Draw, push, propel or ride a wheeled vehicle of any description.

**15.2** Notwithstanding the provisions of subsection **16.1**, a person may draw, push or propel:

**15.2.1** A mobility aid for the disabled on or along a sidewalk in such a way as to not interfere with other pedestrians using the sidewalk.

## **16. TRUCK ROUTES**

**16.1** No person shall park heavy vehicles within the municipal boundaries of the Town in areas designated in the Land Use Bylaw as residential or public zoning.

**16.1.1** Notwithstanding section 16.1 On Monday, Tuesday, Wednesday, Thursday, Friday and Saturday between the hours of 7:00 a.m. and 7:00 p.m. heavy vehicles are permitted to park in the areas marked in Schedule G.

**16.2** Notwithstanding subsection **6.2**, heavy vehicles that are actively delivering or collecting goods may be parked in areas designated in the Land Use Bylaw as residential or public zoning.

**16.3** No person shall operate a heavy vehicle on any highway in the Town, except on Provincial Highway 62.

**16.4** Notwithstanding subsection **6.2**, the following heavy vehicles are authorized to operate on non-truck routes:

**16.4.1** Public passenger buses or school buses being operated for the purpose of receiving or delivering passengers;

**16.4.2** Emergency vehicles being operated in the service of public interest or during an emergency;

**16.4.3** Utility vehicles being operated for the purpose of installing, servicing or repairing public utilities;

**16.4.4** Town vehicles being operated in the service of the Town, or

**16.4.5** Commercial vehicles delivering or collecting goods, provided that the most direct route, from a truck route, is used and such deliveries or collections are made between the hours of 7:00 a.m. and 11:00 p.m. on any one day.

## **17. DANGEROUS GOODS ROUTES**

**17.1**No person shall park Dangerous Goods within the municipal boundaries of the Town in areas designated in the Land Use Bylaw as residential or public zoning.

**17.2**Notwithstanding subsection **6.2**, heavy vehicles that are actively delivering or collecting Dangerous Goods may be temporarily parked in areas designated in the Land Use Bylaw as residential or public zoning.

**17.3**No person shall operate a vehicle transporting Dangerous Goods on any highway in the Town, except on Provincial Highway 62.

## **18. SNOW AND ICE REMOVAL**

**18.1**All persons owning or occupying premises in the Town, shall clear away and remove all snow, ice, dirt and other obstructions from the sidewalk situated on land adjoining the property owned or occupied by them within 24 hours of the time that such snow, ice, dirt or other obstructions were deposited thereon.

**18.2**The Town may after the expiration of the 24 hours aforesaid, remove and clear away all snow, ice, dirt and other obstructions required to be removed in subsection **19.1**, and charge the expenses thereof to the owner or occupant. In the event of non-payment within (30) thirty days, of the expenses, such expenses shall be charged against the property as a special assessment to be recovered in a like manner as other taxes.

**18.3**The Director of Operational Services may cause moveable signs to be placed on or near a highway instructing persons in control of vehicles to move their vehicles to facilitate snow removal.

**18.4**After signage is displayed pursuant to subsection **19.3**, during snow removal or highway cleaning operations carried on by the Director of Operational Services and or their contractors, the Town may tow or remove or impound vehicles from the highway being cleaned or from which snow is being removed, when such said vehicle impedes snow removal or cleaning operation.

**18.5**No persons owning or occupying premises or contractors conducting snow removal shall stock pile snow on Town property or on roadway.

## **19. MISCELLANEOUS RESTRICTIONS**

**19.1**Where an unprotected hose of the Town of Magrath Fire Department or any assisting Fire Department has been laid down on a highway or a driveway no person shall drive a vehicle

over such hose unless an official of the Town of Magrath's Fire Department, at the scene, has specifically allowed him to do so.

**19.2** Except in emergency braking situations, the use of engine retarder brakes, including a Jake Brake, or similar devices is prohibited within the Town limits.

**19.3** No person shall pass beyond a point designated by a Peace Officer or a member of the Fire Department near the location of a fire or emergency scene.

**19.4** No person shall drive, propel or move on or over any highway within the Town, any vehicle or other type of equipment or thing(s) which damages or is likely to damage the highway.

**19.5** No person shall allow any dirt, sand, gravel, cement or any other material to be deposited on a highway.

**19.6** No person shall tear down, remove, or interfere with any signs, signals, barricades, flares or other things placed in accordance with the provisions and regulations of the Act or this bylaw.

**19.7** No person shall cast or throw stones, balls of snow or ice, or any object on any of the highways within the Town.

**19.8** No person shall place any goods or wares or merchandise or other articles of any kind upon any sidewalk or highway, or shall expose any goods, wares or merchandise or other articles outside any shop, warehouse or building which shall project over any part of the sidewalk or highway, unless written permission is obtained from the Town.

**19.9** No person shall lay or place an extension cord for any reason, across a sidewalk or boulevard.

**19.10** No person shall operate an off-highway vehicle within the Town other than for the purpose of snow removal.

**19.11** No person shall travel on any highway on a sled, toboggan or skis attached to any motor vehicle by their hands, rope, or any other means for the purpose of being pulled.

**19.12** No operator of a motor vehicle shall permit any person to attach to a motor vehicle by their hands, rope or other means for the purpose of being pulled by the motor vehicle.

**19.13** No person shall distribute dust suppressant, oil discard, or any other product onto the highway which, in the opinion of a Peace Officer, would create a slippery or dangerous highway surface. Person(s) responsible for such distribution shall be liable for clean-up and/or repair costs.

**19.14** No person shall set fire to any combustible material on any highway, boulevard or sidewalk.

**19.15** No person shall operate a motor vehicle on a highway in the Town in such a manner that the said vehicle crosses from one side of the highway to the other side thereon between intersecting highways for the purpose of entering or exiting a parking stall.

**19.16** No person shall cause a disturbance in or near a public building, street or boulevard by;

**19.16.1** Fighting, screaming, shouting, swearing, or using insulting or obscene language,

**19.16.2** Being drunk,

**19.16.3** Impeding or molesting other persons, or

**19.16.4** Loitering in a public place which in any way obstructs persons who are in that place.

## **20. OBSTRUCTIONS TO VISION**

**20.1**No person shall permit any erected fence, hedge, tree, or shrub, whenever planted, on property owned or occupied by him located within the triangle formed on a corner site by the two curb lines adjoining an intersection, including a lane intersection and two points located 10.0 meters where the curb lines meet, herein referred to as the “corner sight triangle” in schedule ‘F’, to grow or remain at a height greater than 1.2 meters.

**20.2**If a person is directed by a Peace Officer to reduce any erected fence, hedge, tree or shrub located in a corner visibility triangle to a height not in excess of 1.2 meters, and fails to carry out such direction within 7 days of receipt of such direction, the Town may remove any such hedge, tree, or shrub or reduce it to the required height, and if the cost of such work is not paid on demand by the owner or occupant of the property in question, the Town may recover the expenses of such work, with costs, by action in any court of jurisdiction, or may charge the expense of the work as taxes against such property.

**20.3**No person shall continue the existence of a fence, wall or other object on private property so that the visibility for safe traffic is interfered with.

**20.4**The maximum height referenced in section 20 shall be measured from the top of the curb where there is a sidewalk or from the level of the crown of the highway where there is no sidewalk.

## **21. AUTHORITY OF COUNCIL**

**21.1**Subject to conditions in this bylaw, Council hereby authorizes the CAO, Director of Operational Services and a Peace Officer to make provisions and regulations in times of emergencies and in areas where construction or repairs are being carried out upon or near highways, relating to the control and regulation of traffic, and without restricting the

generality of the foregoing, may make provisions and regulations in order to temporarily close to traffic any highway or part thereof, and to suspend temporarily any parking privileges granted by this bylaw. The CAO, the Director of Operational Services and a Peace Officer is hereby authorized to place on a highway, a sign warning persons of any regulations and provisions that are in effect, and may cause such additional signs and traffic control devices to be so placed and to cause to be placed such barricades, flares or other things as he deems necessary to implement the provisions and regulations so imposed.

## **22. POWERS OF A PEACE OFFICER**

**22.1** Any Peace Officer is hereby authorized to remove or cause to be removed any vehicle(s) or trailer(s):

**22.1.1** Operated or parked in contravention of any provision of this bylaw, or

**22.1.2** Where emergency conditions may require such removal from a highway, such vehicle(s) may be removed to a place designated by the Peace Officer where it will remain until cleared by the owner thereof or his agent.

**22.2** No impounded vehicle shall be released to its owner or his agent until the impound charges and removal charges on the vehicle have been paid to the Town; such charges 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 as herein after provided. The Town is not responsible for any towing charges.

**22.3** Where a Peace Officer has reasonable grounds to believe a person has committed a breach of any of the sections of this bylaw listed in Schedules 'A' to 'E', inclusive, hereunto annexed and made part of this bylaw, he may serve upon such person(s) a "Violation Tag" allowing payment of a penalty to the Town of Magrath which shall be accepted by the Town of Magrath in lieu of prosecution for the offence.

**22.4A** "Violation Tag" may be:

**22.4.1** Personally served; or

**22.4.2** Attached to any vehicle in respect of which any offence is alleged to have been committed; or

**22.4.3** Sent by registered mail to the address of the registered owner of the vehicle or to the person in possession of said vehicle.

**22.5** Penalties as per schedules 'A' to 'E', inclusive, may be accepted in lieu of prosecution for a contravention of this bylaw. Upon payment in accordance with the terms specified in the Violation Tag, an official receipt for the payment shall be issued and, pursuant to the provisions of subsections **23.7** and **23.8** such payment shall be accepted in lieu of prosecution.

**22.6** Any person receiving such tag for a breach of this Bylaw by any method stated in subsection **23.5**, the fine amount will be reduced 50% if the payment of the penalty is paid to the Town of Magrath within 14 days from the offence date.

**22.7** If after the 14 day time period expires for payment of a Violation Tag, a person tenders payment, such payment shall be accepted in lieu of prosecution provided that the **unreduced** payment is tendered three days preceding the court appearance date specified in any Traffic Violation Notice subsequently issued for the same offence.

**22.8** If the person upon whom the Violation Tag is served fails to pay the required sum within the time specified, the provisions of this section for acceptance of payment in lieu of prosecution do not apply.

**22.9** Nothing in this section shall:

**22.9.1** Prevent any person from exercising his right to defend any charge of committing a breach of any of the sections referred to in schedules 'A' to 'E', inclusive, to this bylaw;

**22.9.2** Prevent any Peace Officer, in lieu of serving a violation tag, or any other person from laying an information or a complaint against any other person for committing a breach of any of the sections listed in the said schedules; or

**22.9.3** Prevent any person from exercising any legal right such person may have to lay an information or a complaint against any other person (whether such other person has made a payment under the provisions of this bylaw or not) for a breach of any sections listed in the said schedules.

**22.10** No person other than the owner or operator of a vehicle shall remove any Violation Tag placed on or affixed to the vehicle by a Peace Officer in the course of his duties.

**22.11** No person other than a Peace Officer or another person authorized by the Town of Magrath or by this bylaw shall place a Violation Tag on any vehicle.

### **23. COST INCURRED BY THE TOWN**

**23.1** If a person is in default in doing any matter or thing which this Bylaw directs that he should do, the matter or thing may be done by the Town of Magrath at the expense of the person in default and if the person in default does not pay such expense promptly upon being invoiced, the Town may recover the expenses thereof with costs by action in any court of competent jurisdiction.

**23.2** If, by reason of contravention of any provisions of this bylaw, the Town of Magrath is authorized or required to move a motor vehicle from a place where it is parked and impound the motor vehicle; then the amount of the expense so incurred shall be:

**23.2.1** Added to the amount of any fine or penalty which may be imposed by reason of the contravention; or

**23.2.2** Added to the amount of payment to be made in lieu of prosecution as provided in section **23.3**.

#### **24. PENALTIES**

**24.1** Subject to the provisions of subsection 22.4, a person contravening a provision of this Bylaw and any other person liable or responsible for such contravention shall upon summary conviction before a court of competent jurisdiction be liable to a fine not exceeding twenty-five hundred dollars (\$2500.00) exclusive of costs, or, in event of non-payment of the fine and costs, to imprisonment for a period not exceeding six (6) months unless such fine and costs including the cost of committal are sooner paid.

**24.2** Notwithstanding subsection 24.1, no person convicted of an offence by reason of contravention of a provision of this bylaw shall be liable to imprisonment for non-payment of a fine and costs imposed upon summary conviction, therefore, unless he was the person actually driving the motor vehicle at the time the contravention of the bylaw occurred.

#### **25. TRANSITION SECTION**

**25.1** All traffic control devices which are in place on the effective date of this Bylaw shall be deemed to be a valid traffic control device for the purpose of this Bylaw.

**25.2** All school zones, playground zones, loading zones, bus zones, and other marked parking spaces in effect immediately prior to the coming into force of this bylaw shall continue in effect until removed.

This Bylaw comes into full force and effect upon third and final reading.

Read a first time this 11<sup>th</sup> day of December 2012.

Read a second time this 12<sup>th</sup> day of March 2013.

Read a third time and passed this 12<sup>th</sup> day of March 2013.

**Signed copy available at Town Office**

**Signed copy available at Town Office**

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**Mayor – Russ Barnett**

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**CAO – Wade Alston**



## APPENDIX A

### SCHEDULE "A" OFFENCES

S. 5.5	Jaywalking	\$30.00
S. 6.2	Overtime parking	\$30.00
S. 14.2	Prohibited operation of bicycle	1 <sup>st</sup> \$30.00 2 <sup>nd</sup> \$50.00
S. 14.5	Riding bicycle that interferes with pedestrians	\$30.00
S. 15.1	Prohibitions relating to sidewalks	
S. 15.1.1	Allow hoofed animal	\$30.00
S. 15.1.2	Have motor vehicle	\$30.00
S. 15.1.3	Ride a bicycle	\$30.00
S. 15.1.4	Ride a horse	\$30.00
S. 15.1.5	Operate a wheeled vehicle	\$30.00

### SCHEDULE "B" OFFENCES

S. 3.3	Exceed 50 km/h	As per TSA guidelines
S. 3.5	Exceed 30 km/h in School zone	"
S. 3.6	Exceed 30 km/h in Playground Zone	"
S. 3.7	Exceed 15 km/h in an alley	"

### SCHEDULE "C" OFFENCES

S. 4.5	Post material on a traffic control device	\$75.00
S. 4.6	Post material on a highway	\$75.00
S. 6.5	Remove chalk from tires	\$75.00
S. 6.6	Abandoned vehicle	\$75.00
S. 6.7	Servicing vehicle on highway	\$75.00
S. 6.8	Park inoperable vehicle on highway	\$75.00
S. 6.10	Park unattached trailer on highway	\$75.00
S. 6.10	Park recreational vehicle or trailer exceeding 72 hrs.	\$75.00
S. 6.11	Park on playground/boulevard etc.	\$75.00
S. 6.13	Oversized vehicle in angle parking stall	\$75.00
S. 6.14	Improper angle parking	\$75.00
S. 6.15	Angle park in reverse	\$75.00
S. 6.16	Park on wrong side of highway	\$75.00
S. 6.17	Park in bus zone	\$75.00
S. 6.18	Angle park in cul-de-sac	\$75.00
S. 6.19	Park too close to another vehicle	\$75.00
S. 6.20	Stopping and Parking	
6.20.1	Sidewalk or boulevard	\$75.00
6.20.2	Crosswalk	\$75.00
6.20.3	In an intersection	\$75.00
6.20.4	Within 5 metres of intersection	\$75.00
6.20.5	Within 5 metres of stop/yield sign	\$75.00
6.20.6	Within 5 metres of fire hydrant	\$75.00
6.20.7	Within 1.5 metres of garage/driveway/private road	\$75.00
6.20.8	Within 5 metres of marked crosswalk	\$75.00
6.20.9	Park along excavation/obstruction to obstruct traffic	\$75.00
6.20.10	Park on bridge/culvert or approach	\$75.00
6.20.11	Park contrary to traffic control device	\$75.00
6.20.12	Park at emergency scene to obstruct personnel	\$75.00

S. 7.1	Park within 1.5 metres of garage entrance to alley	\$75.00
S. 7.2	Block or impede alley traffic	\$75.00
S. 7.3	Park too close to refuse container	\$75.00
S. 7.4	Park within 3 metres of transformer	\$75.00
S. 8.1	Park without permission of owner	\$75.00
S. 8.2	Fail to obey signage on private property	\$75.00
S. 10.7	Park in handicapped parking	\$75.00
S. 11.1	Park in commercial loading zone	\$75.00
S. 11.2	Park in passenger loading zone	\$75.00
S. 13.5	Impede parade or procession	\$75.00
S. 19.2	Use engine retarder brake in Town	\$75.00
S. 18.5	Deposit snow on hwy	\$75.00
S. 19.5	Deposit dirt/sand/gravel etc. on hwy	\$75.00
S. 19.7	Throw objects on hwy.	\$75.00
S. 19.8	Golf balls onto hwy.	\$75.00
S. 19.9	Goods for sale on sidewalk/hwy	\$75.00
S. 19.10	Extension cord on sidewalk	\$75.00
S. 19.12	Coast on hwy	\$75.00
S. 19.13	Permit coasting on hwy	\$75.00
S. 19.15	Set fire on hwy/boulevard	\$75.00
S. 19.16	Cross hwy to park on opposite side	\$75.00

#### SCHEDULE "D" OFFENCES

S. 6.23	Park in fire lane	\$150.00
S. 6.24	Park in emergency exit of building	\$150.00
S. 12.2	Use highway that has been closed	\$150.00
S. 19.1	Drive over fire hose	\$150.00
S. 19.3	Pass emergency points at scene	\$150.00
S. 19.4	Operate equipment that cause/may cause damage	\$150.00
S. 19.6	Tamper with signs/signals/etc.	\$150.00
S. 19.11	Operate off-hwy vehicle in Town	\$150.00
S. 19.14	Distribute unsafe material on hwy	\$150.00
S. 19.17	Cause a disturbance	\$300.00
S. 20.1	Obstruction of view with fence/hedge/tree/etc.	\$150.00

#### SCHEDULE "E" OFFENCES

S. 13.1	Hold a parade/event without permit	\$250.00
S. 16.1	Park truck in residential area	1 <sup>st</sup> \$250.00 2 <sup>nd</sup> \$500.00
S. 16.3	Operate truck off route	1 <sup>st</sup> \$250.00 2 <sup>nd</sup> \$500.00
S. 17.1	Park dangerous goods in Town	1 <sup>st</sup> \$500.00 2 <sup>nd</sup> \$750.00
S. 17.3	Operate dangerous goods off route	1 <sup>st</sup> \$500.00 2 <sup>nd</sup> \$750.00

**SCHEDULE 'F'**

**(Corner sight triangle)**

