

BYLAW NO. 773A
OF THE
TOWN OF KILLAM
IN THE PROVINCE OF ALBERTA

A BYLAW OF THE TOWN OF KILLAM IN THE PROVINCE OF ALBERTA FOR THE PURPOSE OF AMENDING BYLAW NO. 773 TO REGULATE AND CONTROL MOTOR VEHICLE TRAFFIC.

WHEREAS **THE MUNICIPAL GOVERNMENT ACT, RSA 2000, c. M-26 AS AMENDED OR REPEALED AND REPLACED FROM TIME TO TIME, AND THE TRAFFIC SAFETY ACT, RCA 2000, c. T-6 AS AMENDED OR REPEALED AND REPLACED FROM TIME TO TIME AUTHORIZES A MUNICIPAL COUNCIL TO PASS BYLAWS RESPECTING HIGHWAYS UNDER THE DIRECTION, CONTROL AND MANAGEMENT OF THE MUNICIPALITY;**

AND WHEREAS **the Council of the Town of Killam deems it advisable to pass a bylaw for the purpose of regulating, controlling and managing highways within the Town of Killam;**

NOW THEREFORE the Municipal Council of the Town of Killam duly assembled enacts as follows:

1. TITLE

1. This bylaw may be cited as the **Traffic Control Bylaw.**

2. DEFINITIONS

2. In this bylaw, unless the context requires otherwise, all terms defined in the current Traffic Safety Act, including associated Regulations, shall apply. For clarification:

2.1 “Council” means the Municipal Council of the Town of Killam.

2.2 “Highway” means any thoroughfare, street, road, trail, avenue, parkway, viaduct, lane, alley, square, bridge, causeway, trestleway, or any 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 or parking of vehicles, and includes

- (a) the sidewalk and the boulevard adjacent to the sidewalk.
- (b) the ditch, if any, lying adjacent to, and parallel with, the roadway, and

- (c) if the highway right of way is fenced, all the land between the fences or between the fence and the roadway as the case may be.

- 2.3 “Municipality” means the Town of Killam.
- 2.4 “Peace Officer” means any federal or provincial or duly appointed municipal Special Constable or Bylaw Enforcement Officer having jurisdiction within the municipality.
- 2.5 “Vehicle” means any device in, or on by which a person or thing may be transported or drawn on a highway, including a combination of vehicles, but excluding a mobility aid being used to facilitate the transport, in a normal seated orientation, of a person with a physical disability.
- 2.6 “Violation tag” means a ticket or similar document issued by the Town pursuant to the Municipal Government Act, R.S.A. 2000, c.M-26, as amended or replaced and appealed from time to time.
- 2.7 “Violation ticket” means a ticket issued pursuant to the Provincial Offenses Procedure Act, RSA 2000, c.P-34 and regulations there under, as amended or replaced and repealed from time to time.

3. GENERAL PROHIBITIONS

- 3.1 No person shall tow anything behind a vehicle unless attached to the towing vehicle by a solid hitch.
- 3.2 No person shall start, stop, turn, or drive a vehicle or animal within the Town limits in a dangerous or reckless manner.
- 3.3 No person shall cause any loud or unnecessary noise from the tires, engine, muffler or sound equipment of any vehicle.
- 3.4 No person shall place or cause or allow to be placed a light or object or other thing that reflects light in such a manner as to interfere with the vision of pedestrians or persons operating a vehicle.
- 3.5 No person shall cause to be or allow to be placed, thrown, deposited, disposed of, dropped or otherwise left any soil, rock, cement, noxious or waste fluids, litter; nor any object or thing whereby any person, animal, bicycle or vehicle may be injured or damaged; on a highway, on a boulevard, in a drainage system, or in any other public place; snow from an adjoining sidewalk excepted.
- 3.6 No vehicle larger than a ‘one (1) ton’, or combination of vehicles, having a GVW in excess of 4500 kg or exceeding 10.7 meters in length, whichever is less, shall enter within the Town except on designated truck routes or under authority of a permit issued by the Town Administrator, delivery vehicles while making a delivery and recreational vehicles excepted.

(a) Designated truck routes shall include:

1. that portion of Highway #13 within the Town of Killam
2. that portion of Highway #36 within the Town of Killam
3. 51st Avenue in its entirety
4. 46th Street/old Highway #36 in its entirety
5. 57th Street in its entirety
6. 52nd Avenue/Elevator Road in its entirety
7. 49th Avenue from 57th Street to 46th Street
8. 50th Avenue from 57th Street to 46th Street

(b) No person shall cause, or allow to cause, a delivery vehicle to operate off the above designated truck routes except that the delivery vehicle proceed by the shortest and most direct route between the designated truck route and the point of delivery.

(c) No person shall cause, or allow to cause, a vehicle described in this Section to be parked on a truck route except:

1. Along 51 A Avenue, or
2. Along the west side of 46th Street between 49th Avenue and 50th Avenue.

3.7 Notwithstanding the size, height or weight restrictions of vehicles or exemptions described in Section 3.6,

(a) no person shall drive or haul or park on or over any highway within the Town, any vehicle or other type of equipment or thing that causes, or is likely to cause damage to the highway.

(b) No person shall operate a vehicle or trailer within the Town having metal spikes, lugs, cleats, chains or bands projecting from the surface of the wheels or tires.

(c) No person shall park or keep on private property in any residential area zoned R.1 or R.2, whether on or off a trailer, except for the express purpose of doing permitted work and only for the amount of time reasonably required to complete the work, any vehicle or equipment of husbandry or construction.

(d) no person shall park any vehicle or combination of vehicles having an offensive odor in any residential area.

(e) and pursuant to the Dangerous Goods Regulations, no person shall operate or park a vehicle carrying solid Dangerous Goods or any vehicle fitted with barrels, tanks, or containers for carrying gaseous or liquid Dangerous Goods in bulk quantities, whether such barrels, tanks, or containers are full or empty, on any highway within the

municipality not designated as Dangerous Goods routes except for the express purpose of making a delivery.

- 3.8 Recreational vehicles that have not been modified to carry more fuel or propane than so designed and outfitted by the manufacturer shall be exempt from the prohibitions set out in Section 3.7 (e).
- 3.9 Any store or business establishment that has provided parking space for its patrons or customers may make and enforce regulations governing the parking of vehicles in said space.

4. RIGHT OF WAY

- 4.1 The driver of any animal or vehicle shall yield right of way to any pedestrian crossing a highway in a crosswalk.
- 4.2 The driver of any animal or vehicle entering any highway from any land, driveway, garage, parking lot or business property shall yield right of way to all vehicles and pedestrians.

5. SPEED

- 5.1 Unless otherwise posted, no person shall operate a vehicle within the Town at a speed in excess of fifty (50) km/h.
- 5.2 No person shall operate a vehicle within a school zone or playground zone at a speed in excess of thirty (30) km/h during the times pursuant to Sections 4 through 9 of the Use of Highway and Rules of the Road Regulation as amended or repealed and replaced from time to time.
- 5.3 No person shall operate a vehicle in any alley or lane within the town or within a trailer park or within a recreation park at a speed in excess of twenty (20) km/h.

6. OBSTRUCTIONS

- 6.1 No person shall, without legal authority, place an obstruction on, under, or over any highway, or any public place.
- 6.2 No person shall place or leave an extension cord across any sidewalk or boulevard for the purpose of operating a vehicle block heater, or for any other purpose.
- 6.3 No person shall allow, or cause to allow, any door or gate to swing over any sidewalk, designated footpath or highway.
- 6.4 No person shall drive a vehicle or stop, park, or leave a vehicle, whether attended or unattended, upon a highway, parking lot or other public place in such a manner as to block, obstruct, impede or hinder traffic.

- 6.5 Where an obstruction is unavoidable due to mechanical failure, a person who takes immediate steps to remove the obstructing vehicle will not be held in violation of this bylaw.
- 6.6 No person owning, occupying or in control of land within the Town shall fail to clear, within twenty four (24) hours of having been deposited, any snow, ice, soil or other obstructing matter from all sidewalks adjoining said property.

7. PARADES AND PROCESSIONS

- 7.1 No person shall hold or participate in a parade or procession including any group or train of individuals and/or animals and/or vehicles using any highway or public place within the Town for show, display or demonstration without having first notified and obtained any necessary permit of authority from the Town Office.
- 7.2 A vehicle in a funeral procession, other than the lead vehicle, may, during daylight hours, enter into an intersection if:
 - (a) the headlights of the vehicle are on, and
 - (b) the vehicle is travelling immediately behind the vehicle ahead of it so as to form a continuous line of traffic, and
 - (c) the passage into the intersection can be made in safety.
- 7.3 No person shall drive a vehicle:
 - (a) through the ranks of a military or funeral procession, or
 - (b) through the ranks of any other authorized parade or procession.

8. BICYCLES, OFF-HIGHWAY VEHICLES, WAGONS, CARTS

- 8.1 No person shall leave a bicycle or other manually propelled vehicle unattended within the Town:
 - (a) in any manner so as to obstruct pedestrian or vehicle traffic on any highway, sidewalk, or footpath, or
 - (b) on any property owned or controlled by the Town unless it is parked in a bicycle rack or leaned against a building in such manner that it does not fall or roll.
- 8.2 No person shall drive, push, or pull any vehicle on a sidewalk except at sidewalk crossings designed for that purpose, children's wagons, tricycles and bicycles having a wheel diameter of less than sixty-five (65) cm excepted unless while clearing snow or other debris.

- 8.3 No persons shall ride a manually propelled vehicle on a highway except that such persons:
- (a) keep as near the right hand curb or edge of the roadway as conditions and weather permit, and
 - (b) ride not more than two abreast.
- 8.4 No person shall operate an off-highway vehicle in the Town except if provisions are made for such purpose pursuant to an Off-Highway Vehicle Bylaw unless it is an Off-Highway Vehicle with a blade used for clearing snow and other debris.

9. PARKING

- 9.1 Except where exempted or otherwise authorized, all vehicles shall be parked parallel to
- (a) the right hand curb and with the right hand wheels within thirty (30) cm of said curb, or
 - (b) where no curb exists, far enough to the right side of the highway so as to not impede normal traffic flow.
- 9.2 No vehicle shall be double or centre parked.
- 9.3 No person shall park any manner of trailer on a highway unless the trailer is attached to a vehicle by which it may be properly drawn, and when so attached the trailer shall be part of the vehicle and subject to any regulations pertaining to the vehicle.
- 9.4 No person shall, without permission of the person owning, occupying or controlling a private property in a residential area, park a recreational vehicle on a highway other than on that portion of the highway immediately adjoining property owned, occupied or other wise controlled by that person
- 9.5 No vehicle shall be parked on a highway for more than twenty four (24) continuous hours, owners of vehicles parked on a highway adjoining their personal property and vehicles parked pursuant to Section 9.4 excepted.
- 9.6 Except as permitted in Section 9.4, any vehicle parked for more than seventy two (72) hours shall be considered abandoned.
- 9.7 Notwithstanding Section 9.4, no person shall park, or allow to remain parked, a recreational vehicle on a highway;
- (a) for more than seventy two (72) hours from May 1 to October 31
 - (b) from November 1 to April 30.

- 9.8 No person shall park a vehicle:
- (a) at a place indicated in Schedule 'A' of this bylaw, if so attached to this bylaw or available for perusal at the Town Office, prohibiting or restricting the parking of vehicles, or
 - (b) in a place where a vehicle will interfere with the use of a doorway intended as a fire or emergency exit from a building adjoining a highway, or
 - (c) at or near the site of any fire, explosion, accident or other incident where stopping or parking may obstruct traffic flow or hinder the activities of any emergency vehicles, equipment, personnel or volunteers, or
 - (d) at an intersection, within five (5) meters to the projection of the corner property line immediately ahead or immediately to the rear excepting where parking spaces are defined, or
 - (e) within five (5) meters of a fire hydrant or, where it is not located on the curb, of the point on the curb closest to said fire hydrant, or
 - (f) within five (5) meters of a traffic control device, or
 - (g) within two (2) meters of the near side of a marked crosswalk, or
 - (h) within one and one half (1.5) meters of an access to a garage, driveway or a vehicle crossway over a sidewalk, or
 - (i) adjacent to any curb painted so as to identify it as a 'No Parking' zone, or
 - (j) except wholly within the limits of any space marked for that purpose, or
 - (k) in an angle parking space with the nearer front tire more than thirty (30) cm from the curb, or
 - (l) any combination of vehicles, motor cycles with attached trailers excepted, or vehicle exceeding six and one half (6.5) meters in length, in an area designated for angle parking, or
 - (m) in a place or area where a sign indicates that parking is restricted to designated classes of vehicles, or
 - (n) in a place or area where a painted curb indicates parking is restricted to designated classes of vehicles, or
 - (o) in an area marked 'No Parking', excepting a person:

1. receiving or delivering goods but only during the execution of a transaction and for a period not to exceed thirty (30) minutes, or
 2. receiving or delivering passengers for a period not exceeding five (5) minutes and provided traffic is not obstructed.
- (p) on private property that has been clearly marked as such by a sign erected by the owner, legal occupant or agent of said land unless permission has been obtained from the owner, legal occupant or person in charge of said property, or
- (q) or drive a vehicle on upon any land within the Town that the Town uses or permits to be used as a playground, boulevard, recreation or public park, except on such part thereof as may be designated by roadways or signs.
- (r) parallel to any highway and facing oncoming traffic.
- (s) or leave a vehicle parked on a highway within a block or otherwise defined space after the expiration of twelve (12) hours from the time signs as per Sections 3.6 or 3.7 are erected and until such signs are removed.
- (t) opposite a construction site where parking may hinder the normal flow of traffic.
- (u) on any highway; or property owned, operated or maintained by the Town, the primary purpose of which is to advertise that vehicle as being for sale.
- (v) Section 9 shall not apply to vehicles that are owned or operated by the Town or a:
1. Peace Officer having authority in the Town.
 2. public utility.
 3. school board when picking up or dropping off children.
 4. funeral company during a funeral.
 5. any other vehicles of an emergency nature.

10. AUTHORITY TO ERECT, REMOVE OR ALTER TRAFFIC CONTROL DEVICES

- 10.1 Council may, by resolution, erect, remove or alter traffic control devices as deemed necessary from time to time.
- 10.2 Signage erected, removed or altered pursuant to Section 10.1 is deemed to be included in Schedule 'A', if such schedule is attached to this bylaw or is available at the Town Office for perusal.
- 10.3 The Town Foreman or his designate is hereby authorized to make any temporary provisions and regulations deemed necessary concerning traffic

control devices, traffic flow, traffic speed, pedestrian access or public or private parking in times of emergencies or in areas where construction or repair work is being carried out.

- 10.4 The Town Foreman or his designate is further authorized to cause signs, barriers, flares or other markers to be placed to warn person of any such temporary provisions or regulations in effect.

11. USE OF STREETS AND PUBLIC PLACES

- 11.1 No person shall throw, or cause or allow to be thrown, any snow, ice, dirt, rocks or any other object at vehicles or pedestrians on a highway, sidewalk or any publicly owned, operated or controlled land or property within the Town.
- 11.2 No person shall use, or cause or allow to be used, any mechanical device to propel projectiles onto a highway or sidewalk or any publicly owned, operated or controlled land or property within the Town.
- 11.3 No person being in or upon any building, public vehicle, publicly owned, operated or controlled premises or land, or any of the same that the Town has a vested interest in, shall violate any rules, regulations or orders made or approved by Council for an in respect thereof.

12. PEDESTRIANS

- 12.1 No person shall crowd or jostle other pedestrians in such manner as to create or cause discomfort, disturbance or confusion.
- 12.2 No person shall stand or walk along a highway for the purpose of soliciting a ride from a person operating a vehicle.
- 12.3 Two (2) or more persons shall not stand so near to each other on a highway or sidewalk or footpath if such actions obstructs or prevents:
- (a) the entrance to a building or public place, or
 - (b) other persons from using the highway, sidewalk or footpath.
- 12.4 Section 12.3 shall not be construed as prohibiting the assembly of persons for the purpose of watching a parade or procession.
- 12.5 Every pedestrian crossing a highway at a point other than at a crosswalk shall yield the right of way to vehicles using the highway.
- 12.6 At a place where there is a crosswalk, unless otherwise directed by a Peace Officer or traffic control device, although a pedestrian does have the right of way, nothing in this bylaw relieves a pedestrian from the duty of exercising due care for his or her safety.

- 12.7 No person or persons shall walk on a highway in such manner as to obstruct, hinder or distract persons operating vehicles.

13. REMOVAL OF VEHICLES AND TRAILERS

- 13.1 Pursuant to the Traffic Safety Act, Sections 76 and 77, any Peace Officer may cause any vehicle or trailer or combination thereof in violation of this bylaw to be removed, taken to, and stored in a suitable location and all costs for removal and storage shall constitute a lien against such vehicle or trailer.
- 13.2 No impounded vehicle or trailer shall be released to its owner or his agent until all liens against such vehicle or trailer are cleared; such charges shall be in addition to any fine or penalty imposed in respect of the violation.
- 13.3 Notwithstanding Section 13.1, in snow removal or street cleaning operations carried out by the Town or its contractors:
- 12.7.1 if a person fails to remove a vehicle upon a request made by a Town employee and within the time frame given, or
- 12.8 if a Town employee is unable to contact said owner, then
- 12.9 the Town may tow or remove vehicles interfering with these operations and park same on an adjacent street without impounding them.

14 OFFENCES AND PENALTIES

- 14.1 Any person who contravenes any Section of this bylaw is guilty of an offence and liable, on summary conviction before a Provincial Court Judge, to fines as listed in Schedule A.1 of this bylaw.
- 14.2 A Provincial Judge, in addition to the penalties provided in this bylaw, may direct or order any person found guilty of an offence in any manner deemed appropriate.
- 14.3 Notwithstanding Section 14.1 of this bylaw, a Peace Officer may issue a violation tag to a person who the Peace Officer has reasonable and probable grounds to believe has contravened any provision of this bylaw:
- a) specifying a voluntary payment as described in Schedule A.2 of this bylaw; and
- b) the person to whom the violation tag is issued may, in lieu of being prosecuted for the offence, pay to the Town or the Enforcement Officer the penalty specified within the time period indicated on the violation tag.

- 14.4 A violation tag shall be deemed to have been sufficiently served if
- a) served to the accused directly, or
 - b) mailed to the address of the registered owner of the vehicle or person occupying a property, or
 - c) secured to the vehicle or property in respect of which the offense is alleged to have been committed.
- 14.5 In those cases where a violation tag has been issued and the penalty specified on the violation tag has not been paid within the prescribed time, a Peace Officer may issue a violation ticket specifying that a voluntary payment be made as described in Schedule A.3 of this bylaw.
- 14.6 Notwithstanding Sections 13.1 and 13.3 this bylaw, a Peace Officer may immediately issue a violation ticket to any person who the Peace Officer has reasonable grounds to believe has contravened any provisions of this bylaw, specifying that
- a) a voluntary payment be made to the Provincial Court as described in Schedule A.3 of this bylaw; or
 - b) if it is in the public interest to compel the accused to appear before a Judge, issue a summons respecting any offense for which a voluntary payment may be made requiring the accused to appear before a Provincial Court Judge on the initial appearance date without the alternative of making a voluntary payment.
- 14.7 In addition to any fine levied relative to Section 6.6 of this bylaw, the person owning, occupying or having control of, said property shall pay any additional costs incurred in the event that the Town or its agents clean the sidewalk.
- 14.8 A Peace Officer, Manager, Operator or other person from time to time in charge of any buildings, vehicles, premises or lands owned, operated or controlled by the Town or in which the Town has a vested interest, may evict there from, using such force as is reasonably necessary, or deny access to, any person who fails or refuses to obey any rules, regulations, or orders as posted or otherwise applicable.
- 14.9 The levying and payment of any fines shall not relieve a person from the necessity of:
- a) immediately remedying the situation that created the violation, or
 - b) paying any fees, charges or costs for which he is liable under the provisions of this bylaw.

15. SEVERABILITY PROVISION

15. Should any provision of this bylaw be invalid, then such provision shall be severed and the remaining bylaw shall be maintained.

16. REPEAL

16. Town of Killam Bylaw # 765 is hereby repealed.

17. EFFECTIVE DATE

17. This bylaw shall take effect on the date of passing thereof.

READ a first time this 8th day of January, 2009.

READ a second time this 8th day of January, 2009.

READ a third time, by unanimous consent by the Councilors present, and finally passed this 22nd day of January, 2009.

Mayor

Chief Administrative Office

BY-LAW #773

SCHEDULE "A"

SCHEDULE A.1

1. PENALTIES FOR A **FIRST** OFFENSE* \$300.00
 2. PENALTIES FOR A **SECOND** OFFENSE* \$600.00
 3. ON A **SUBSEQUENT** OFFENSE, NOT LESS THAN* \$1200.00
- *Penalty for contravening Section 3.7(e) shall be double the penalties listed above.

SCHEDULE A.2

IF A VIOLATION TAG IS ISSUED

1. PENALTIES FOR A **FIRST** OFFENCE* \$75.00
 2. PENALTIES FOR A **SECOND** OFFENCE* \$150.00
 3. PENALTIES FOR **SUBSEQUENT** OFFENCES* \$300.00
- *Penalty for contravening Section 3.7(e) shall be double the penalties listed above.

SCHEDULE A.3

IF A VIOLATION TICKET IS ISSUED

1. PENALTIES FOR A **FIRST** OFFENCE* \$150.00
 2. PENALTIES FOR A **SECOND** OFFENCE* \$300.00
 3. PENALTIES FOR **SUBSEQUENT** OFFENCES* \$600.00
- *Penalty for contravening Section 3.7(e) shall be double the penalties listed above.