

**CORPORATION OF THE VILLAGE OF BARNWELL
IN THE
PROVINCE OF ALBERTA**

BYLAW 01-15

BEING A BYLAW OF THE VILLAGE OF BARNWELL IN THE PROVINCE OF ALBERTA,
PROVIDING FOR THE ESTABLISHMENT OF RULES AND REGULATIONS
PERTAINING TO THE MOVEMENT OF VEHICLES AND PEDESTRIAN TRAFFIC

WHEREAS pursuant to Section 7 of the *Municipal Government Act, being Chapter M-26.1 of the Revised Statutes of Alberta, 2000, Council may pass Bylaws for the purposes respecting transport and transportation systems*

AND WHEREAS pursuant to Section 13(1) of the Traffic Safety Act, R.S.A. 2000, c. T-6, Council may make Bylaws for the regulation and control of vehicle, animal and pedestrian traffic within the municipality that are not inconsistent with the Act, and;

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

A INTERPRETATION & DEFINITIONS

- 1) This Bylaw may be cited as the **Traffic Bylaw** of the Village of Barnwell.
- 2) In this Bylaw:
 - a) “Act” means the Traffic Safety act, R.S.A. 2000, c. T-6 and amendments thereto;
 - b) “Administrator” means the person appointed by Council to be the Administrator of the Village of Barnwell;
 - c) “Alley” means a narrow roadway intended chiefly to give access to the rear of buildings and parcels of land;
 - d) “Bicycle” means a cycle propelled by human power upon which a person may ride, regardless of the number of wheels it may have;
 - e) “Boulevard” means the portion of roadway between the curb lines or lateral lines of a roadway and the adjoining property lines, exclusive of the sidewalk; also that portion of a street between the curb lines or lateral lines of a divided roadway;
 - f) “Council” means the Council of the Village of Barnwell;
 - g) “Crosswalk” means;

1. That part of a roadway at an intersection included within the connection of the lateral lines of the sidewalks on opposite sides of the roadway measured from the curbs or, in the absence of curbs, from the edge of the roadway, or
 2. Any part of a roadway at an intersection or elsewhere distinctly indicated for pedestrian crossing by signs or by line or other markings on the road surface;
- h) “Curb” means the actual curb, if there be one, and if there be no curb in existence, shall mean the division of a roadway between that part thereof intended for the use of vehicles and that part thereof intended for the use of pedestrians;
- i) “Motor Vehicle” means every vehicle propelled by any power other than muscular power including tractors whether equipped with rubber tires or not; with exception to: aircraft, implements of husbandry and such motor vehicles as run only on rails;
- j) “Park” means to allow a vehicle (whether occupied or not) to remain in one place except:
1. When standing temporarily for the purpose of and while actually engaged in loading or unloading, or
 2. When standing in obedience to a Peace Officer or traffic control device.
- k) “Peace Officer” means a member of the Royal Canadian Mounted Police or a Bylaw Enforcement Officer appointed by the Village of Barnwell;
- l) “Pedestrian” means a person afoot or in a wheelchair;
- m) “Public Holiday” means a day designated Sunday, a public holiday as defined in The Interpretation Act or a day proclaimed so by the Mayor or declared by the Council of the Village of Barnwell;
- n) “Recreation Trailer” means a trailer of such design as to be intended as a temporary sleeping accommodation;
- o) “Roadway” ” means every thoroughfare, street, road, trail avenue, parkway, driveway, viaduct, lane, alley, square, bridge, causeway, or other place, whether publicly or privately owned, any part of which the public is ordinarily entitled or permitted to use for the passage or parking of vehicles within the Village of Barnwell;
- p) “Sidewalk” means that part of a roadway primarily intended for the use of pedestrians and includes the part lying between the curb line or edge of the roadway and the adjacent property line, whether or not paved or improved;

- q) “Traffic Control Device” means a parking meter, and sign, signal marking, or device placed or erected for the purpose of regulating, warning or guiding traffic;
- r) “Traffic Control Signal” means a traffic control device whether manually, electrically, or mechanically operated by which traffic is directed to stop and proceed;
- s) “Vehicle” means a device in, upon or by which a person or thing may be transported or drawn upon the roadway;
- t) “Village” means the Corporation of the Village of Barnwell or the area contained within the corporate boundaries of the Village, as the context requires.

B Speed Limit

- 1) Pursuant to the provisions of the Traffic Safety Act, R.S.A. 2000, c. T-6 and amendments thereto, the maximum speed for the roadways within the Village limits is Fifty (50) Kilometres per hour unless otherwise posted.
- 2) The Administrator shall cause signs to be posted indicating a greater or lesser speed than that prescribed by the Roadway Traffic Act or indicating that the prescribed speed limit has ceased to apply.
- 3) No person shall drive a motor vehicle, in any alley or roadway intended chiefly to give access to the rear of buildings and parcel of land at a greater rate of speed than Fifteen (15) Kilometres per hour.
- 4) The Administrator may by signs posted along a roadway, fix a maximum speed limit in respect of any part of the roadway under construction or repair or in a state of disrepair applicable to all vehicles or to any class or classes of vehicles while travelling over that part of the roadway.

C Traffic Control Devices

- 1) The Administrator is hereby authorized to place, erect or mark Traffic Control Devices at such locations as may be determined and shall place Traffic Devices at such locations as Council may by resolution direct and may from time to time alter the location of such Traffic Control Devices for the following purposes;
 - a) To divide the surface of a roadway into traffic lanes marked by solid or broken lines;
 - b) To prohibit U-turns at any intersection so marked;
 - c) To designate any intersection or other place on a roadway as an intersection or place at which no left hand turn or right hand turn shall be made;
 - d) To designate as a one-way street any roadway or portion thereof;
 - e) To designate School Zones and Playground Zones;
 - f) To designate truck routes;
 - g) To set apart as through street any roadway or part of a roadway and to control entry to any roadway by means of a “stop” sign or “yield” sign;
 - h) To designate a crosswalk upon any roadway;

- i) To close or restrict the use of any roadway, either as to the full width thereof or as to part of the width thereof with respect to a class or classes of vehicles or with respect to any class or classes of pedestrians;
 - j) To prohibit, restrict or regulate the parking of vehicles or any particular class of vehicles on any roadway or other public place any portion thereof during such hours as they may determine;
 - k) To designate and mark guide lines for angle or parallel parking on any roadway or other public place or any portion thereof.
- 2) The Administrator is hereby authorized and empowered to designate the location of traffic control signals.
 - 3) The Administrator shall cause a record to be kept of the location of all traffic control devices which record shall be open to public inspection during normal business hours.
 - 4) No unauthorized person shall place upon any roadway or upon any structure abutting a roadway any sign, mark or notice relating to parking or the use of the roadway.
 - 5) 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.
 - 6) Notwithstanding any provision of the Bylaw, all traffic control devices placed, erected or marked in the Village of Barnwell prior to the passing of the Bylaw shall be deemed to be duly authorized traffic control devices until altered pursuant to the provisions of Section C.

D Fires

- 1) In case of a fire within the Village, any Peace Officer or member of the Fire Department may designate in any manner a line or lines near the location of the fire beyond which no member of the public shall pass, and no unauthorized person, whether on foot, on horse or in a vehicle shall cross such line or lines.
- 2) The Chief Officer of the Fire Department or any person acting under his instructions shall have the right to move or cause to be moved any vehicle which he may deem necessary to move or have moved for the purpose of carrying out any duty, work, or undertaking of the Fire Department.

E Vehicles with Lugs

- 1) No person shall drive, propel or move on any roadway any vehicle having metal spikes, lugs, cleats or bands projecting from the surface of the wheel or tire of such vehicle, or any vehicle having a caterpillar tread, unless and until authorized by the Administrator.

F Heavy Vehicles

- 1) For the purpose of Section G-2, a heavy vehicle means a motor vehicle alone or together with any trailer, semi-trailer, or other vehicle being towed by the motor vehicle with a registration gross vehicle weight of 4 Tonne or more or exceeding 6 metres in total length. Notwithstanding the above, a public passenger vehicle shall be deemed to be

excluded from the definition of a “heavy vehicle” for the purpose of Section G-2 while transporting passengers.

- 2) All farm implements must clear the surface of the roadway so as not to mar the surface of the street or roadway and should not be of more than 4 metres in width.

G Maximum Weights

- 1) For the purpose of this Section, Maximum Weights means:
 - a) The maximum weight permitted for a vehicle and load pursuant to the official registration certificate issued by the Province of Alberta for such vehicles or;
 - b) If there is no such official registration certificate or interim registration certificate for a vehicle, then the combined weight of the vehicle and heaviest load that may be carried in accordance with provisions of the Motor Service Vehicles Act RSA (1980) Ch. M-20 and regulations thereunder.
- 2) No person shall drive or have on the roadway a heavy vehicle or combination of attached vehicles with a weight including or excluding any load thereon, in excess of maximum weight.
- 3) Wherever in his/her opinion, there is a contravention of Section G-2, a Peace Officer may order the driver or other person in charge or control of a vehicle or combination of attached vehicles suspected of being on a roadway in contravention of such Section to take such vehicle or combination of attached vehicles to be weighed on portable scales or to the nearest adequate weight scale to determine the weight of such vehicle or combination of attached vehicles and load thereof. The weight slip or slips shall be given to the Peace Officer and may be retained by him/her, and if the weight of any loaded vehicle or combination of attached vehicles is in excess of maximum weight, the Peace Officer, in addition to any prosecution for contravention of Section G-2, may require that any load or portion thereof in excess of maximum weight shall be removed before the vehicle or combination of attached vehicles is again taken upon a roadway.
- 4) A weight slip given to a Peace Officer under Section G-3 and submitted by him/her for evidence in court shall be prima facie proof of the authenticity of the weight slip and of the particular thereon submitted in evidence and of the accuracy of the weight scale used.
- 5) A person driving or in charge or control of a vehicle or combination of attached vehicles suspected by a Peace Officer of being on a roadway in contravention of Section G-2 shall, when requested by the Peace Officer, produce for such officer’s inspection any official registration certificate or interim registration certificate for such vehicle or vehicles that may have been issued by the Government of the Province of Alberta showing the maximum weight of such vehicle or combination of attached vehicles.
- 6) Particulars obtained by a Peace Officer from a registration certificate produced to him/her under Section G-5 and submitted by him/her as evidence in court shall be prima facie proof of the authenticity of such certificate and of the particulars thereon submitted in evidence.

H Inflammable & Explosive Materials

- 1) No person shall park any vehicle used primarily for the conveying of fuel, oil, liquid fertilizer, gasoline or other explosive material upon any roadway or upon any property having a building or buildings thereon unless the vehicle is parked up on the property at least fifteen metres from the nearest building likely to contain persons or valuable goods, provided this prohibition shall not apply to the time during which any such vehicle is necessarily motionless while delivering gasoline or oil to garages, or retail dealers in gas and oil.
- 2) The provisions of the Bylaw dealing with heavy vehicles shall apply to vehicles referred to in Section G.

I Pedestrians

- 1) No person or persons shall stand on any roadway, crosswalk or sidewalk in such a manner as to:
 - a) Obstruct vehicular or pedestrian traffic,
 - b) Annoy or inconvenience any other person lawfully upon such roadway, crosswalk, or sidewalk,
 - c) Obstruct the entrance to any building.
- 2) No person shall run upon a roadway in such a manner as to impede traffic.

J Parking

- 1) The Administrator is hereby authorized and empowered to designate the properly marked portions of roadways where parking is restricted to any particular class or classes of vehicles. No person shall park a vehicle other than a vehicle of such class or classes on the portions of highway as marked.
- 2) The Administrator may designate and cause to be properly marked portions of roadways upon which parking is prohibited at any time. No person shall park where prohibited.
- 3) No person shall park a vehicle in an alley. Alleys, however, may be used for such period of time as may be reasonable necessary for the loading or unloading of passengers or goods from a vehicle, provided that the vehicle concerned in such loading or unloading of passengers or goods does not so obstruct the lane as to prevent other vehicles or persons from passing along such alley while the loading or unloading of passengers or goods is taking place.
- 4) No person shall park any trailer (whether designed for occupancy by persons or for the carrying of goods and equipment), upon any roadway unless 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.
- 5) Notwithstanding Section J(4), a person may park a recreational trailer or vehicle upon a roadway, for the period not to exceed 72 hours and for the purposes of loading and unloading only, during the months of May through September provided that in so doing no obstruction is caused to vehicular or pedestrian traffic.

- 6) No person shall park any semi, semi-trailer or semi-trailer with pup trailer attached, on roadways within the Village limits apart from designated areas except for the purpose of loading or unloading such vehicles.
- 7) Notwithstanding Section J(4), trailers used for construction or maintenance purposes may be left on a roadway directly adjacent to a work site for a maximum 10 hour period between 7:00am and 7:00pm provided: workers are actively engaged at that site; and the trailers are properly supported at their hitch points so as not to mar the surface of the road; and, wheels are properly chocked; and, warning cones are set out on the roadway both in front and behind the corners of the trailers that are furthest from the curb or roadway edge.
- 8) No person shall park any vehicle upon any land owned by the Village of Barnwell which the Village uses or permits to be used as a playground, recreation area or public park except on such part thereof as may be designated by the Administrator with a sign or signs for vehicle parking.
- 9) Unless permitted by a traffic control device, in compliance with a directions 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:
 - a) On a sidewalk or boulevard;
 - b) On a crosswalk or on any part of a crosswalk;
 - c) Within an intersection other than immediately next to the curb in a “T” intersection;
 - d) 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;
 - e) In the case of an approach to a stop sign or yield sign, within 5 metres from the stop sign or yield sign;
 - f) 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;
 - g) Alongside or opposite any street excavation or obstruction when the stopping or parking would obstruct traffic.
- 10) Further parking restrictions:
 - a) No person shall park or leave any vehicle on private land or property that has been clearly marked as such by a sign or signs erected by the owner or his agent, unless such person has obtained the permission of the owner, tenant, occupant or person in charge or control of the land or property.
 - b) An owner, tenant, occupant or person in control of private lane or property if personally satisfied that any person is violating the prohibition set forth in subsection (a), of this Section may report to the Peace Officer the license number and location of the illegally parked vehicle. Any person making such report to the Peace Officer shall give his own name and address.

- c) Any Peace Officer may cause a vehicle improperly parked on private property, to be removed and taken to and stored in a suitable place and all costs for the removal and storage are a lien upon the vehicle which may be enforced in the manner provided by the Possessory Liens Act. R.S.A (1970) Ch. 279

K Exemptions from Parking Provisions

- 1) Notwithstanding anything elsewhere contained in this Bylaw the provisions relating to stopping or parking of vehicles do not apply to:
 - a) Emergency vehicles;
 - b) Service vehicles used in conjunction with the servicing of public utilities including telephone systems, electric systems, natural gas systems, cablevision systems, and garbage/recycle pick-up;
 - c) Municipal and other government public works vehicles;
 - d) Funeral vehicles; or
 - e) Towing service vehicles.
- 2) Where the owner or operator of a vehicle stops, stands or parks pursuant to subsection K(1) contrary to other provisions of the Bylaw he shall take due precaution to indicate the presence of such vehicle on any roadway while so parked or stopped.

L Temporary Closing of Roadways

- 1) In any case where by reason of any emergency or of any special circumstance which in the opinion of the Administrator makes it desirable and in the public interest to do so, the Administrator may:
 - a) Temporarily close in any area of the Village, any roadway in whole or in part to traffic, or
 - b) Temporarily suspend in any area of the Village, parking privileges granted by the provision of this or any other bylaw, and the Administrator may for such period of time as they deem necessary to meet such emergency or special circumstances, take such measure for the temporary closing of such roadway or the suspension of parking privileges and place barricades or post appropriate notices on or near the roadway concerned as he may consider to be necessary in the circumstances.

M Snow and Ice Removal

- 1) All persons owning or occupying premises in the Village, 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.
- 2) The Administrator may cause moveable signs to be placed on or near a roadway instructing persons in control of vehicles to move their vehicles to facilitate snow removal.
- 3) After signage is displayed pursuant to subsection M(2), during snow removal or roadway cleaning operations carried on by the Administrator and or their contractors, the Village may tow or remove or impound vehicles from the roadway being cleaned or from which

snow is being removed, when such said vehicle impedes snow removal or cleaning operation.

- 4) No persons owning or occupying premises or contractors conducting snow removal shall stock pile snow on Town property or on roadway.

N Miscellaneous Offenses

- 1) No person shall lay or place an extension cord for any reason, across a sidewalk or boulevard.
- 2) No person shall set fire to any combustive material on any roadway, boulevard or sidewalk.
- 3) No person shall coast on a sled, toboggan, skis or other conveyance, except a bicycle or rollerblades, upon a roadway.
- 4) No person shall coast on any roadway attached to any motor vehicle by their hands, rope, or any other means for the purpose of being pulled.
- 5) Every person bicycling, skateboarding, roller skating or rollerblading upon a sidewalk or trailway shall:
 - a) Yield the right-of-way to pedestrians,
 - b) When passing a pedestrian, or other person on a sidewalk, use care and control required to ensure the safety of the pedestrian or other person,
 - c) Stay at a reasonable distance from other persons using the sidewalk, and
 - d) Give an audible signal before overtaking a pedestrian, which signal will be produced a reasonable time prior to overtaking, by voice, bell or other warning device, which is audible to the pedestrian.
- 6) No person shall skateboard, roller skate or rollerblade upon a sidewalk or trailway at any rate of speed that is unreasonable having regard to the nature, condition, and use of the sidewalk or trailway and the amount and kind of pedestrian traffic that is or might reasonably be expected to be on the sidewalk or trailway.
- 7) No rally or race involving bicycles, roller skates or rollerblades shall be held upon any sidewalk or trailway, unless authorized to do so by the Administrator.
- 8) Skateboarders, roller skaters and rollerbladers use sidewalks or trailways at their own risk and the Village does not warrant any sidewalk or trailway, as being suitable for skateboards, roller skates or rollerblades.

O Penalties

- 1) Except as otherwise provided in the Bylaw, a person who is guilty of an offence under this Bylaw or the regulations for which a penalty is not otherwise provided is liable to a fine of not less than Two Hundred (\$200) Dollars and of not more than Two Thousand (\$2000) Dollars and in default of payment is liable to imprisonment for a term not exceeding 6 months or to imprisonment for a term not exceeding 6 months without the option of a fine.

- 2) The levying and payment of any penalty, or the imprisonment for any period as provided for in this Bylaw shall not relieve a person from the necessity of paying any fees, charges, or costs for which he is liable under the provisions of this Bylaw.
- 3) Any Peace Officer may impound and remove from a roadway, street, alley, parking lot or other public place, a vehicle in respect of which charges have not been paid or of a vehicle parked in violation of a provision of the Bylaw and all costs of removal which may be enforced in the manner provided by the Possessory Liens Act R.S.A. 2000 c. P-19.
- 4) If a vehicle is driven, used, parked or left in contravention of any provision of this Bylaw the registered owner of the vehicle is guilty of an offence and liable for the contravention and the penalty provided herein unless he proves to the satisfaction of the Magistrate trying the case that at the time of the contravention the vehicle was not driven, used, parked or left by him/her or by any other person with his/her consent, expressed or implied.

P Issuance of Tags or Violation Tickets and Payment of Penalties

- 1) Where any Peace Officer believes that a person has contravened any provision of this Bylaw he may serve upon
 - a) such person a tag or violation ticket referencing the section contravened; or
 - b) the registered owner of the motor vehicle a Violation Ticket referencing Section 160 (1) of the Act and the section of the Bylaw contravened in accordance with the provisions of the *Provincial Offences Procedure Act* R.S.A. 2002 c. P-34.
- 2) The specified penalty payable in respect of a contravention of a provision of this Bylaw is as provided for in Schedule “A” of this Bylaw, said Schedule being hereby incorporated into and made part of this Bylaw.
- 3) Notwithstanding subsection (1) of this section, a Peace Officer may issue a Parking Violation Tag or Breach of Bylaw Notice, in a form approved by the CAO, referencing the section of the Bylaw contravened, to the alleged offender, or to the registered owner of any vehicle involved in a contravention of this Bylaw.
- 4) Service of any such notice or tag shall be sufficient if it is:
 - a) Personally served
 - b) Served by regular or registered mail
 - c) Attached to the vehicle in respect of which the offence is alleged to have been committed.
- 5) The penalty payable to the Village in respect of a contravention of this Bylaw, to be indicated on any such Parking Violation Tag or Breach of Bylaw Notice issued, is as provided for in Schedule “A” of this Bylaw. Upon payment to a person authorized by the Village Council to receive such payment, an official receipt for the payment shall be issued, and such payment shall be accepted in lieu of prosecution.
- 6) Where payment of the penalty for a tag or notice issued for breach of any of the sections of this Bylaw is received within the time allowed for payment by a person authorized by

the Village to receive such payment, such payment shall be accepted in lieu of prosecution.

- 7) If the person upon whom any such tag is served fails to pay the required sum within the time limit, the provisions of this section for acceptance of payment in lieu of prosecution do not apply.
- 8) Nothing in this Section shall:
 - a) Prevent any person from exercising his right to defend any charge of committing a breach of any of the provisions of this Bylaw.
 - b) Prevent any Peace Officer in lieu of serving a Violation Ticket, notice or tag or any other person from laying information or a complaint against another person for committing a breach of any of the sections listed in the said Schedules, or
 - c) Prevent any person from exercising any legal right such person may have to lay information or 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 of the sections listed in the said Schedules.

Q Bylaw Repealed

- 1) Bylaw No. 11-80 is hereby repealed.

- 2) This Bylaw will come into full force and effect on the date of final passing thereof.

READ a **first** time this 12th day of February, 2015.

Mayor – Eric Jensen

Chief Administrative Officer – Wendy Bateman

READ a **second** time this 12th day of February, 2015, as amended.

Mayor – Eric Jensen

Chief Administrative Officer – Wendy Bateman

READ a **third** time and finally PASSED this 12th day of February, 2015.

Mayor – Eric Jensen

Chief Administrative Officer – Wendy Bateman

Schedule "A"		
Section	Description	Penalty
B	Speed Limit	\$ 100.00
C	Traffic Control Device	\$ 100.00
D	Crossing a Fire Line	\$ 150.00
E	Use of lugs on roadway without permit	\$ 150.00
G	Heavy vehicle off truck route	\$ 150.00
H	Inflammable & Explosive Materials	\$ 150.00
I	Pedestrian Traffic	\$ 75.00
J	Parking	\$ 75.00
M	Snow Removal	\$ 75.00
N	Miscellaneous Offense	\$ 75.00