

**TOWN OF HARDISTY
BYLAW NO. 1190/13**

**A BYLAW IN THE TOWN OF HARDISTY, IN THE PROVINCE OF ALBERTA, TO PROVIDE FOR THE
REGULATION OF STREETS AND THOROUGHFARES IN THE TOWN OF HARDISTY**

WHEREAS the *Traffic Safety Act* authorizes a municipality to regulate and control vehicle traffic as well as parking on streets and property within the municipality;

AND WHEREAS the *Municipal Government Act* allows a municipality to pass Bylaws as well as designate authority with respect to streets under its direction, control, and management;

NOW THEREFORE, the Council of the Town of Hardisty in the Province of Alberta enacts a Bylaw to regulate Vehicle Traffic in the Town of Hardisty as follows:

This Bylaw may be cited as the Town of Hardisty "Traffic Bylaw"

1. DEFINITIONS

For purposes of this Bylaw, all definitions and interpretations of the Traffic Safety Act and all subsequent regulations shall apply, unless otherwise defined in this Bylaw, as follows:

- A. "Alley" means a Roadway which primarily serves to provide access to the rear of buildings and parcels of land.
- B. "Chief Administrative Officer" means the person appointed by Council to be the Chief Administrative Officer of the Town in accordance with the *Municipal Government Act*, R.S.A. 2000, c M-26 as amended or repealed and replaced from time to time.
- C. "Council" means the municipal council of the Town of Hardisty, duly assembled and acting as such.
- D. "Curb" means the concrete or asphalt edge of a Highway, or in the absence of one, the dividing line between the edge of the Highway and a Boulevard or sidewalk.
- E. "Heavy Vehicle" means a Commercial Vehicle, or a Vehicle with trailer attached, having a maximum gross Vehicle weight of 8500 kg or more, or 11 meters in total length.⁴
- F. "Highway" means any thoroughfare, street, road, trail, avenue, parkway, driveway, viaduct, lane, alley, square, bridge, causeway, trestleway or 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
 - i. A sidewalk, including a boulevard adjacent to the sidewalk,
 - ii. If the ditch lies adjacent to and parallel with the roadway, the ditch, and
 - iii. If a highway right of way is contained between fences or between a fence and one side of the roadway, all the land between the fences, or all the land between the fence and the edge of the roadway, as the case may be,but does not include a place declared by regulation not to be a highway;



- G. "Obstruction" means an encroachment, excavation, structure, or other obstacle, which interferes or may be expected to interfere with sight lines, or the safe passage, maintenance or use of Highways or public places by Vehicles or pedestrians.
- H. "Off-Highway Vehicle" is defined in Section 117 of the *Traffic Safety Act*, R.S.A 2000, c T-6, as amended, repealed, or replaced.
- I. "Parkland" means any grassed, cultivated or otherwise improved land used for the purposes of a playground or recreation area, any public park, parkway or square. This definition shall not include golf courses.
- J. "Town" means the Town of Hardisty

2. RULES FOR THE OPERATION OF VEHICLES

A. Obstructing Traffic

- i. No Vehicle shall be left upon any Highway in such a manner as to block, obstruct, impede, or hinder traffic thereon.
- ii. Notwithstanding Subsection 2-A-i of this Bylaw, where the obstruction is unavoidable due to mechanical failure the operator will not be in breach of this Bylaw provided they promptly take measures to remove such Vehicle from the Highway and activate warning or hazard lights.

B. Securing of Loads

- i. No Person shall drive or pull onto or upon a Highway a Vehicle containing a load unless the load is completely covered by a tarpaulin or other device secured in such a manner that no portion of the load can escape, blow, drop, spill, or fall from the Vehicle onto a Highway or land adjacent thereto.
- ii. In the event that any load or any portion thereof, or other material being carried by a Vehicle, becomes loose, detached, blows, drops, spills, or falls from any Vehicle onto any Highway so as to become an Obstruction, the operator of that Vehicle shall immediately take all reasonable precautions to draw the attention of other users of the Highway to the presence of the Obstruction and shall take any required action to remove the Obstruction material(s) from the Highway as soon as safely possible.

C. Vehicle not equipped with Rubber Tires

- i. No person shall operate a Vehicle having metal spikes, lugs, tracks, cleats, skids, or bands projecting from the surface of the wheel or tire of the vehicle, upon a Highway, unless a permit has been issued by the Town.
- ii. Subsection 2-D-i of this Bylaw does not apply to the use of studded tires or tires with chains.

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D. Over Dimension Permits

- i. No Person shall operate or permit to be operated a Vehicle within the Town in excess of the size limits established under the *Commercial Vehicle Dimension and Weight Regulation (AR 316/2002 of the Traffic Safety Act)* as amended, repealed, or replaced without first obtaining the required permit(s) from an authorized agency(s) to do so.
- ii. A Person operating or permitting the operation of an Over Dimension Vehicle on a Highway without a lawful permit issued from an authorized agency(s), shall be responsible to reimburse the Town for all costs and expenses incurred in correcting any damages done to the Highway or any public works located in, over, under, or adjacent to the Highway, resulting from the operation or movement of the over dimension Vehicle on that Highway.
- iii. In addition to reimbursing the Town for any repair costs of an Over Dimension violation, a fine may be issued to the offending party pursuant to Schedule "A" of this Bylaw.

E. Road Bans

No Person shall operate a Vehicle on a Highway in contravention of the weight restrictions imposed pursuant to a Road Ban issued under this Bylaw or any other temporary Road Ban in place.

F. Funeral Procession

A funeral procession may operate within the Town provided all participants in the processions, including the lead vehicle, comply with the requirements of the *Use of Highway and Rules of the Road Regulation 304/2002* as amended, repealed, or replaced.

3. CONTROLLED OR RESTRICTED HIGHWAYS

A. Vehicles in Parklands, etc.

No Person shall operate any Vehicle or Off Highway Vehicle upon any Parkland, skating rink, recreational area, tennis court, park, playground, or school ground except as authorized under this Bylaw.

Subsection 3-A of this Bylaw shall not apply to Vehicles or Off-Highway Vehicles, operated by authorized agents or contractors engaged in the performance of duly authorized duties.

B. Off-Highway Vehicles

- i. No Person shall operate any Off-Highway Vehicle within the Town except on land owned by that Person, or land owned by some other Person with the consent of that other Person, or with the written permission of the Chief Administrative Officer to operate on public property.
- ii. All Off-Highway Vehicles allowed to operate on public property must be duly registered and insured pursuant to the *Traffic Safety Act*.
- iii. Subsection 3-B of this Bylaw shall not apply to Off-Highway Vehicles operated by authorized agents or contractors engaged in the performance of duly authorized duties.


C. Heavy Vehicles and Truck Routes

No Person shall operate a Heavy Vehicle on any Highway not designated under this Bylaw as a Truck Route.

D. Exemptions

The following Persons shall not be deemed to be operating a Vehicle in contravention of Subsection 3-C of this Bylaw if the Vehicle is being operated on the most direct and practicable route between the premises or location concerned and the nearest Truck Route for the purposes stated herein:

- iv. Persons delivering or collecting goods or merchandise, or providing services at the premises of a customer of the Person operating the Heavy Vehicle or the owner of that Heavy Vehicle.
- v. Persons travelling to or from the business premises of the owner of the Heavy Vehicle.
- vi. Persons operating a Heavy Vehicle engaged in the moving of a structure or building for which a Permit has been granted by the Town.
- vii. Persons travelling to or from commercial premises involved in the servicing or repair of Heavy Vehicles.
- viii. Persons towing or pulling a disabled Vehicle from a Highway that prohibits Heavy Vehicles.
- ix. Persons travelling to or from the location of a properly authorized construction, maintenance, or repair work on a Highway, or while actually performing authorized construction, maintenance or repair work on a Highway.
- x. Persons operating a bus, including a school bus, chartered bus, or transit bus while picking up, transporting, or depositing passengers.


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E. Engine Retarder Brakes

No Person shall operate engine retarder brakes within the Town limits.

4. SPEED

A. Alley

No Person shall drive a Vehicle in any Alley at a speed in excess of twenty-five (25) kilometers per hour.

B. Speed Limit

No Person shall operate a Vehicle on any Highway within the Town at a speed in excess of fifty (50) kilometers per hour; except as set out within Schedule "B" of this Bylaw.

5. TRAFFIC CONTROL DEVICES

A. Authority of Traffic Control Devices

No Person may act contrary to any Traffic Control Device, regardless of whether that Traffic Control Device is on public or private property.

B. Temporary Traffic Control Devices

The Town may cause temporary Traffic Control Devices to be placed along a portion of a Highway or any other place, for the purpose of facilitating construction, maintenance, repair work or any other reason, including the removal of snow and ice.

All temporary Traffic Control Devices carry the same authority and penalty as permanent Traffic Control Devices.

Duly placed Temporary Traffic Control Devices shall supersede any other Traffic Control Device located in the vicinity.

C. Effective Time Period

A Traffic Control Device may provide an effective time period, for which the provisions of that Traffic Control Device shall go into effect. No Person shall act or allow action in a manner contrary to that Traffic Control Device when the Time period is in effect.


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D. Altering Traffic Control Devices

No Person shall alter, move or in any way change any Traffic Control Device, either permanent or temporary, at any time.

Subsection 5-D of this Bylaw shall not apply to any Person, duly designated required to alter a Traffic Control Device for the purposes of maintenance, construction or relocation.

E. Construction Traffic Control Devices

Any Person who contravenes a Traffic Control Device put in place for construction or maintenance work shall be subject to a fine two (2) times what is established in Schedule "A" of this Bylaw.

6. PARKING

A. Traffic Control on Private Property

Any owner or authorized representative of a commercial or industrial property may erect Traffic Control Devices for the purpose of restricting, controlling, designating, or regulating of:

- i. The manner and organization of Vehicles Parked on any portion of the property;
- ii. The restriction of the use of parking stalls to the customers of the business located on the property, or the assignment of certain parking stalls to the customers of specific businesses located on that property;
- iii. The use of certain parking stalls as parking exclusively for handicapped persons;
or
- iv. The manner and location by which Vehicles may enter and exit the property, so long as consistent with the approved accesses, restrictions and regulations in relation to the Highway from which the property is accessed.

Any Traffic Control Device placed upon private property shall be installed in accordance with all required permits.

Any Person who contravenes a Traffic Control Device erected pursuant to Subsection 6-A of this Bylaw is guilty of an offence and subject to a fine in accordance with Schedule "A" of this Bylaw.

B. Marked Parking Space

No Person shall fail to park a Vehicle fully within the marked boundaries of a parking space, where the boundaries of that parking space are marked out by painted boundary lines or are otherwise designated in a manner that indicates the physical limits of that parking space.

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C. Prohibited Parking

No person shall Park a Vehicle:

- i. Upon any portion of a Highway adjacent to any structure in the course of erection or repair when such stopping or parking will impede or obstruct traffic;
- ii. In any loading or unloading zone marked by a Traffic Control Device indicating the restrictions other than those vehicles specifically designated to Park in the zone for the purposes of loading and unloading material or passengers;
- iii. At any location where the Vehicle may, in any way, interfere with the use or proper operation of a fire or emergency exit from any building abutting the Highway;
- iv. On any portion of 49th Street (Secondary Highway #881) except when actively engaged in loading or unloading passengers
 - a. The Town may allow special event parking for areas near the Hardisty Community Hall and Hardisty Legion Hall
 - b. The Town will allow business parking limited to 15 minute intervals for any business located along 49th Street (Secondary Highway #881);
- v. No Person shall park a Heavy Vehicle on any Highway or private driveway in any area of the Town designated as a Residential Area except when such vehicle is actively engaged in a bone fide delivery, transport, or other similar activity; or
- vi. No Person shall leave any Vehicle Parked upon any Highway or public parking lot owned by or in the care, custody and control of the Town of Hardisty for a continuous period exceeding seventy-two (72) hours.

D. Parking Reserved for Handicapped Persons

No Person shall Park a Vehicle in a Parking space reserved for Handicapped Persons, unless the Vehicle displays a license plate or portable placard issued by the Province of Alberta, Canadian or other authorized jurisdiction, bearing the universal handicapped parking symbol.

E. Private Driveway

No Person shall Park a Vehicle on a private driveway, within one (1) meter of the access between a Highway and a private driveway, or in any other manner so as to block or restrict access to a private driveway, without the express permission of the owner of the property serviced by that private driveway.

F. Tow-Away Authority

Where a Peace Officer has reasonable grounds to believe that:

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- i. A Vehicle has been left unattended on a Highway in a manner that may obstruct the normal movement of traffic;
- ii. A Vehicle is Parked on a Highway in contravention of this Bylaw, including the provisions of any Traffic Control Device;
- iii. A Vehicle is Parked on a Highway in a manner that impedes or prevents access to a fire hydrant by fire suppression equipment
- iv. A Vehicle is Parked in a manner that impedes advertised Town show removal; or
- v. A Vehicle is Parked in a manner that impedes emergency or municipal operations.

That Peace Officer may cause that Vehicle to be removed, relocated or impounded by the Town.

7. OBSTRUCTIONS

- A. No Person shall construct or place an Obstruction of any kind in, upon, or above any Highway unless granted pursuant to a Town issued permit.
- B. Any Person who, after having been issued a permit under Subsection 7-A of this Bylaw, fails to comply with the terms and conditions of that permit shall be guilty of an offence and shall, in addition to any other penalty, remove the Obstruction within twenty-four (24) hours after receiving notice to do so. If an Obstruction is not removed within twenty-four (24) hours, the Town may cause the removal of the Obstruction and such removal shall be at the expense of the Person causing, placing or permitting the obstruction on the Highway or public place.
- C. In the event of an emergency or where the Obstruction is deemed to pose a danger to users of a Highway, the Town may cause the immediate removal of the Obstruction without notice.
- D. The permit holder shall be required to produce the permit upon request of the Chief Administrative Officer or authorized designate.
- E. Where an Obstruction of any kind exists in, upon or above a Highway or public place and creates an unsafe condition, the Town shall be entitled to take such measures as are required for the protection of life or property.

8. TEMPORARY CONSTRUCTION BARRICADE

- A. Every Person required to erect any Temporary Construction Barricades shall obtain a Town permit to do so and follow all requirements of the permit throughout the entire construction process.

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- B. The holder of a permit to erect any Temporary Construction Barricade shall maintain such enclosure in a clean and tidy condition as per requirements of the permit.
- C. Fees and penalties established for the use of a Highway area enclosed by Temporary Construction Barricades may be levied for the duration stated on the permit granted.
- D. Terms and fees outlined in the permit may be altered or waived when deemed appropriate by the Chief Administrative Officer.

9. HIGHWAY CONSTRUCTION AND MAINTENANCE

- A. No Person shall perform any construction or maintenance work on a Highway without a valid Town permit approving the work to be done.
- B. In addition to any other penalty imposed for undertaking construction or maintenance on a Highway without a permit, the Person responsible for that construction or maintenance work shall be required to reimburse the Town for all reasonable costs and expenses incurred as a result of the Person's actions.
- C. Notwithstanding any other section of this Bylaw every Person(s) shall obey any temporary Traffic Control Device dutifully placed for any construction or maintenance required on Highways within the Town.

10. MISCELLANEOUS

A. Littering

No Person shall dump, discard, abandon or place any substance or thing on any Highway.

B. Fire/Emergency

No Person shall pass beyond a control point as designated by a Peace Officer, a Member of the Fire Department, appointed flag person or Traffic Control Device.

C. Washing Vehicles

No Person shall wash a Vehicle upon or so near to a Highway as to result in the depositing of mud or the creation of slush or ice upon a Sidewalk or Highway.

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D. Onus of Proof

For the purposes of Subsection 10-D Owner shall mean the Person named on the Certificate of Registration for the subject Vehicle.

- i. Where a Vehicle is driven, used, Parked, or left in contravention of any provision of this Bylaw, the Owner of the Vehicle shall be deemed responsible for the contravention and liable to the penalty provided herein unless he or she proves to the satisfaction of the presiding Traffic Commissioner or Provincial Judge that, at the time of the contravention, the Vehicle was not driven, used, Parked or left by that Owner, or any other Person acting under the Owner's consent, express or implied.

E. Graffiti and Defacement

No Person shall deface, or make any advertisement, legend, poster or sign of any kind on any Highway, Traffic Control Device, or Temporary Construction Barricades.

F. Distracting Lights

No Person shall place, cause, permit or allow to be placed at any location within the Town any light or object that reflects light in such a manner as to unreasonably distract or interfere with the vision of Persons operating Vehicles on a Highway.

G. Discharge Water from Pools, Ponds, Dugouts, or Sumps

No Person shall discharge any water from any swimming pool, pond, dugout, or sump either directly or indirectly onto a Highway.

H. Vehicle Maintenance

No Person shall drain oil, lubricant or fluid from a Vehicle upon a Highway so that the substance falls upon the Highway or drains into the Town's storm water management system.


11. AUTHORITY OF THE CHIEF ADMINISTRATIVE OFFICER

Without restricting any other power, duty or function granted by this Bylaw the Chief Administrative Officer may:

- A. Prescribe and place the location of Traffic Control Devices, whether on a permanent or temporary basis, including Traffic Control Devices restricting the speed of Vehicles, and to maintain a record of all such locations, which shall be open to public inspection during normal business hours.


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- B. Designate the location of Crosswalks upon a Highway and to mark the same by means of Traffic Control Devices
- C. Designate Highway intersections or other places on a Highway as a place where no left hand turn or no right hand turn or both shall be made.
- D. Designate an intersection or place on a Highway, including a place where a railway right-of-way crosses a Highway, as a place where U-turns are prohibited.
- E. Temporarily close any Highway, in whole or in part, to traffic for emergency purposes
- F. Mark School Zones, Playground Zones, as well as Playground Areas by the appropriate Traffic Control Devices
- G. Mark approved Speed Zones on Town Highways by the appropriate Traffic Control Devices
- H. Prescribe where Temporary Traffic Control Device(s) are to be located on any Highway.
- I. Prescribe designated Vehicle loading spaces and identify the type or classification of vehicle allowed.
- J. Designate the distance from any intersection within which no Parking shall be permitted.
- K. Designate Parking time limits on any portion of a Highway.
- L. Issue all permits, stickers and special permissions permitted to be issued under this Bylaw.
- M. Specify the types of Vehicles prohibited from Parking on any Town owned parking lot.
- N. Designate angle parking on any Highway.
- O. Establish load limits, through a Road Ban, upon Highways.
- P. Prohibit or restrict the movement of Vehicles from a private driveway on to a Highway or from a Highway on to a private driveway when required.
- Q. Delegate any powers, duties or functions under this Bylaw to an employee of the Town.


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12. ENFORCEMENT AND PENALTY

- A. Except as otherwise provided herein, any Person who contravenes any provision of this Bylaw is guilty of an offence, and shall be liable, upon summary conviction, to the fine as set out in Schedule "A" of this Bylaw.
- B. A Bylaw Officer is hereby authorized and empowered to issue a Violation Tag to any Person, whom the Bylaw Officer has reasonable grounds to believe has contravened any provision of this Bylaw.
- C. A Violation Tag may be issued to such Person:
 - i. personally;
 - ii. by registered mail sent to the postal address of the person, as shown on the Tax Assessment Roll or on the Certificate of Title for the property; or
 - iii. by leaving it with a person apparently over eighteen (18) years of age at the place of residency of the person to whom the Violation Tag is addressed.
- D. Any Violation Tag shall conform to a format approved by the Chief Administrative Officer and shall include all required content.
- E. Where a Violation Tag has been issued pursuant to this Bylaw, the Person to whom a Violation Tag has been issued may pay to the Town the penalty specified on the Violation Tag in lieu of prosecution.
- F. In the event that 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 to the Person to whom the Violation Tag was issued.
- G. A Violation Tag issued with respect to a violation of this Bylaw shall be served upon the Person responsible for the contravention in accordance with the *Provincial Offences Procedure Act*.
- H. The Person to whom the Violation Tag has been issued may plead guilty by making voluntary payment in respect to the summons by delivering to the Provincial Court, on or before the appearance date, the Violation Tag together with an amount equal to the specified penalty for the offence as provided within Schedule "A" of this Bylaw.
- I. When Court records the receipt of a voluntary payment pursuant to the *Provincial Offences Procedure Act*, the act of recording receipt of that payment constitutes acceptance of the guilty plea and also constitutes the conviction and imposition of a fine in the amount of the specified penalty.


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- J. In order to determine the time period over which a Vehicle has been parked in a location where Parking is restricted to a specific time limit, a Bylaw Officer may place an erasable chalk mark on the tread face of the tire of a Parked Vehicle.

13. SEVERABILITY

If a court of competent jurisdiction should declare any Section or Subsection of this Bylaw to be invalid, that Section or Subsection shall be severed from the remainder of the Bylaw, and the remaining provisions of this Bylaw shall continue to be valid and enforceable.

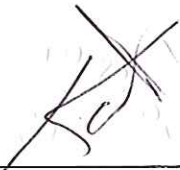
14. TRANSITION AND EXECUTION

- A. This Bylaw shall repeal Bylaw Numbers 943, 1016, 1104/06, 1124/08, and any amendments thereto on the date of final passing.
- B. This Bylaw shall come into full force and effect on the date of final passing.

Read a first time this 11th day of June, 2013

Read a second time this 9th day of July, 2013

Read a third time and finally passed this 9th day of July, 2013



Mayor – Kevin O'Grady



CAO – Kevin Miller

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SCHEDULE "A"
SCHEDULE OF FINES

The description used for each offence listed in this Schedule exists solely for purposes of identifying and referencing the particular offence listed in the Bylaw, and shall not be construed as limiting or altering any provision or offence identified in the text of the Bylaw itself.

Offence	Section	Fine
Rules for the Operation of Vehicles		
Obstructing Traffic	2-A	\$57.00
Non-Secure Loads	2-B	\$115.00
Contravention of Funeral Procession regulations	2-F	\$57.00
Tracking on Highway		\$115.00
Vehicles with improper tire on Highway without permit	2-C	\$115.00
Fail to obtain Over Dimension Approval	2-D	\$115.00
Temporary Load Limits	2-E	\$115.00
Failing to Obey Traffic Control Device	5-A	/500kg over \$172.00
Controlled or Restricted Highways		
Vehicles in Parks	3-A	\$115.00
Off-Highway Vehicles	3-B	\$50.00
		first offence \$250.00
		subsequent offences
Heavy Vehicle off Truck Route	3-C	\$115.00
Use of Engine Retarder Brakes	3-E	\$115.00
Parking		
Parking in a Handicapped Parking stall without appropriate permit	6-D	\$150.00
Any other provision of Section 6 of the Traffic Bylaw		\$57.00
Obstructions		
Obstruction on Highway without permit	7-A	\$115.00
Failure to produce a permit upon request	7-D	\$115.00
Temporary Construction Barricades		
Failure to Maintain Temporary Construction Barricades in Permitted Conditions	8-B	\$115.00

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Miscellaneous

Littering	10-A	\$115.00
Cross Fire/Emergency Line	10-B	\$230.00
Wash vehicle on/near Highway	10-C	\$57.00
Deface Town property, Streets or Temporary Construction Barricades	10-E	\$230.00
Posters on traffic signs	10-E	\$57.00
Distracting lights	10-F	\$57.00
Discharge water from pool, pond, dugout or sump	10-G	\$57.00
Changing vehicle lubricant on Highway	10-H	\$57.00

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SCHEDULE "B"
SCHEDULE OF ROADS WITH POSTED SPEED LIMITS

On Street or Avenue	Speed Limit
49 th Street (Secondary Highway 881) From Highway 13 to 48 th Avenue	60km/hr
47 th Street From 46 th Avenue to Town Boundary	60km/hr
Hardisty Park S ½ 1-43-10 W4th after passing through the Stone "Hardisty Park Gate" travelling west	15km/hr

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