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TOWN OF CLARESHOLM PROVINCE OF ALBERTA BYLAW #1550

A Bylaw of the Town of Claresholm to control and regulate the use of streets and highways within the Town and the traffic and pedestrians moving thereon and the parking of vehicles on streets and alleyways.

WHEREAS the *Traffic Safety Act*, authorizes that the Council of the Town of Claresholm shall issue a bylaw for the regulation and control of vehicles, animals and pedestrian traffic;

NOW THEREFORE, THE COUNCIL OF THE TOWN OF CLARESHOLM, IN THE PROVINCE OF ALBERTA, DULY ASSEMBLED, ENACTS AS FOLLOWS:

PART I PURPOSE

- 1 The purpose of this bylaw is to regulate the use of highways under the direction, control and management of the Town of Claresholm and to regulate the parking of vehicles on such highways as well as on privately owned property. This Bylaw may be cited as the "TRAFFIC BYLAW."

PART II DEFINITIONS

- 2 In this Bylaw, unless the context otherwise requires, the following definitions shall apply:
 - a) "Act" means the *Traffic Safety Act*, RSA 2000, Chapter T-6 and amendments thereto.
 - b) "Alley" means a narrow highway intended chiefly to give access to the rear of buildings and parcels of land.
 - c) "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:
 - i) may be propelled by muscular or mechanical power,
 - ii) is fitted with pedals that are continually operable to propel it,
 - iii) weighs not more than 35 kilograms,
 - iv) 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,
 - v) has no hand-operated or foot-operated clutch or gearbox driven by the motor that transfers power to the driven wheel, and
 - vi) does not have sufficient power to enable it to attain a speed greater than 35 kilometres per hour on level ground within a distance of 2 kilometres from a standing start.
 - d) "Boulevard" means, in an urban area, that part of a highway that
 - i) is not roadway; and
 - ii) is that part of the sidewalk that is not especially adapted to the use of or ordinarily used by pedestrians.
 - e) "CAO" means the Chief Administrative Officer of the Town of Claresholm.
 - f) "Centre Line" means, in an urban area, that part of a highway that:
 - i) the centre of a roadway measured from the curbs or, in the absence of curbs, from the edges of the roadway;
 - ii) in the case of a highway designated by traffic control devices,
 - (A) as an offset centre highway; or
 - (B) as a highway having a certain number of traffic lanes for traffic moving in a certain direction at all times or at specified times, the line dividing the lanes for traffic moving in opposite directions; or
 - iii) in the case of a divided highway, that portion of the highway separating the roadways for traffic moving in opposite directions.

g) **“Commercial Vehicle”** means a vehicle operated on a highway by or on behalf of a person for the purpose of providing transportation, but does not include a private passenger vehicle. May include a truck, trailer or semi-trailer, except:

- i) a truck, trailer or semi-trailer that is a public service vehicle, or
- ii) a truck, trailer, semi-trailer, or any class of vehicle that by the regulations or by an order of the Alberta Motor Transport Board is exempted from being classified as a commercial vehicle, and includes:

(A) a motor vehicle from which sales are made of goods, wares, merchandise or commodity, and

(B) a motor vehicle by means of which delivery is made of goods, wares, merchandise or commodity to a purchaser or consignee thereof.

h) **“Crosswalk”** means

- i) that part of a roadway at an intersection included within the connection of the lateral line of the sidewalks on opposite sides of the highway measured from the curbs or, in the absence of curbs, from the edges of the roadway; or
- ii) any part of a roadway at an intersection or elsewhere distinctly indicated for pedestrian crossing by signs or by lines or by other markings on the road surface.

i) **“Dealer”** means any person who buys or sells motor vehicles as a business, either as principal or agent.

j) **“Driver” or “Operator”** means a person who drives or is in actual physical control of a vehicle.

k) **“Emergency vehicle”** means

- i) a vehicle operated by a police force;
- ii) a fire fighting or other type of vehicle operated by the fire protection service of a municipality;
- iii) an ambulance operated by a person or organization providing ambulance services;
- iv) a vehicle operated by a public utility;
- v) a vehicle designated as an emergency response unit;
- vi) a vehicle operated by a Peace Officer, Community Peace Officer or Municipal Enforcement Officer.

l) **“Highway”** means any thoroughfare, street, road, trail, avenue, parkway, driveway, viaduct, lane, alley, square, bridge, causeway, trestleway 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, and includes:

- i) a sidewalk (including the boulevard portion of the pavement), and
- ii) if a 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 the Lieutenant Governor in Council not to be a highway.

m) **“Intersection”** means the area embraced within the prolongation or connection of:

- i) the lateral curb lines, or, if none,
- ii) the exterior edges of the roadways, or
- iii) two (2) or more highways which join one another at an angle whether or not one highway crosses the other.

n) **“Maximum Allowable Weight”** shall mean the aggregate weight that may be borne by a vehicle (weight of the vehicle, weight of cargo and passengers and weight put on the tongue (hitch) of the vehicle by a trailer); for the purposes of this bylaw the maximum allowable weight may also be referred to as maximum gross vehicle weight.

o) **“Meridian”** means a physical barrier or area that separates traffic travelling in one direction from traffic travelling in the opposite direction on a highway.

p) **“Moped”** means a vehicle, regardless of the number of wheels it has, that

- i) weighs more than 35 kilograms but less than 55 kilograms;
- ii) has a motor that is driven by electricity or has an engine displacement of not more than 50 cubic centimetres;
- iii) has no hand-operated or foot-operated clutch or gearbox driven by the motor transferring power to the driven wheel; and
- iv) does not have sufficient power to attain a speed greater than 50 kilometres



per hour on level ground within a distance of two (2) kilometres from a standing start.

q) **“Motor Cycle”** means a motor vehicle mounted on two (2) or three (3) wheels and includes those motor vehicles known to the trade as motor cycles and scooters but does not include an off-highway vehicle as defined in the *Off-Highway Vehicle Act*.

r) **“Motor Home”** means a Recreational Vehicle.

s) **“Motor Vehicle”** means

- i) a vehicle propelled by any power other than muscular power; or
- ii) a moped;

but does not include a bicycle, an aircraft, a tractor, whether equipped with rubber tires or not, an implement of husbandry or a motor vehicle that runs only on rails.

t) **“Multi-purpose Passenger Vehicle”** means a vehicle that has a seating capacity of ten (10) or less and is constructed on a truck chassis or with special features for off-highway operation, but does not include an air cushion vehicle, an all terrain vehicle as defined in the *Off-Highway Vehicle Act*, a passenger car or a truck.

u) **“Municipality”** means the Town of Claresholm.

v) **“Owner”** includes any person renting a motor vehicle or having the exclusive use of it under a lease or otherwise for a period of more than thirty (30) days.

w) **“Park”**, when prohibited, means allowing a vehicle (whether occupied or not) to remain standing in one place, except

- i) when standing temporarily for the purpose of and while actually engaged in loading or unloading passengers, or
- ii) when standing in obedience to a peace officer or traffic control device.

x) **“Parking Lane”** means that portion of a primary highway between:

- i) the edge of the roadway to the right of the direction of traffic, and
- ii) the nearest solid white line (not being the centre line) marked on the roadway.

y) **“Passenger Car”** means a motor vehicle that has a seating capacity of ten (10) or less but does not include an off-highway vehicle as defined in the *Off-highway Vehicle Act*, a truck, a multi-purpose passenger vehicle, a chassis cab, a moped or a motor cycle.

z) **“Peace Officer”** means:

- i) a member of the Royal Canadian Mounted Police (RCMP);
- ii) a member of a municipal police service;
- iii) a Special Constable; or
- iv) a park warden appointed pursuant to the *National Parks Act (Canada)*, while he is in the exercise or discharge of his powers or duties in a national park established under that Act.

aa) **“Pedestrian”** means a person afoot or a person in a wheel chair or motorized power scooter.

bb) **“Primary Highway”** means a highway designated as a primary highway pursuant to the *Public Highways Development Act*.

cc) **“Public Service Vehicle”**

- i) means a motor vehicle, trailer or semi-trailer operated on a highway by or on behalf of a person for compensation, whether that operation is regular or only occasional or for a single trip, and
- ii) includes a motor vehicle kept by a person for the purpose, subject to regulations, of being rented without a driver, but
- iii) does not include a motor vehicle used solely as an ambulance or hearse or for the transportation of the Royal Mail.

dd) **“Recreational Vehicle”** means a vehicle or trailer or enclosure attached to a motor vehicle that is designed, constructed and equipped, either temporarily or permanently, as a dwelling place, living abode or sleeping place.

ee) **“Red Light Traffic Enforcement Device”** means a device installed or erected at an intersection with a traffic control signal that is capable of photographing a vehicle and recording data related to the vehicle and the traffic control signal.

ff) **“Roadway”** means that part of a highway intended for use by vehicular traffic.

gg) **“Sidewalk”** means that part of a highway especially adapted to the use of or ordinarily used by pedestrians, and includes that part of a highway between the curb line (or the edge of the roadway, where there is no curb line) and the adjacent property line, whether or not paved or improved.

hh) **“Stop”** means

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- i) when required, a complete cessation from vehicular movement, and
- ii) when prohibited, any halting even momentarily of a vehicle, whether occupied or not, except when necessary to avoid conflict with other traffic or in compliance with the directions of a peace officer or traffic control device.
- ii) "Street Furniture" includes items such as poles, traffic control devices, waste receptacles, benches, trees, plants, grass, utilities, planters, bicycle racks or any other similar property placed on a highway.
- jj) "Traffic Control Device" means any sign, signal, marking or device placed, marked or erected under the authority of this Act for the purpose of regulating, warning or guiding traffic.
- kk) "Traffic Control Signal" means a traffic control device, whether manually, electrically or mechanically operated, by which traffic is directed to stop and to proceed.
- ll) "Traffic Lane" means
 - i) outside an urban area, a longitudinal division of a roadway into a strip of sufficient width to accommodate the passage of a single line of vehicles but does not mean a parking lane, and
 - ii) inside an urban area, a longitudinal division of a roadway into a strip of sufficient width to accommodate the passage of a single line of vehicles, whether or not the division is indicated by lines on the road surface.
- mm) "Trailer" means a vehicle so designed that it may be attached to or drawn by a motor vehicle and intended to transport property or persons and includes any trailer that is designed, constructed and equipped as a dwelling place, living abode or sleeping place, either permanently or temporarily, but does not include machinery or equipment used in the construction or maintenance of highways.
- nn) "Truck" means a vehicle designed primarily for the transportation of property or equipment but does not include a chassis-cab, crawler mounted vehicle, trailer, machinery or equipment used in the construction or maintenance of highways or an off-highway vehicle as defined in the *Off-highway Vehicle Act*.
- oo) "Truck Tractor" means a truck that is designed primarily for drawing another vehicle and that is not designed to carry any load other than part of the weight of a vehicle drawn, and includes a vehicle that is designed to accommodate a 5th wheel coupling, but does not include a crane equipment breakdown vehicle.
- pp) "Urban Area" means a city, town or village.
- qq) "Vehicle" means a device in, on or by which a person or thing may be transported or drawn on a highway.

PART III TRAFFIC CONTROL DEVICE

- 3 The CAO or designate is hereby authorized to place, erect or mark traffic control devices at such locations as he/she may determine and shall place traffic control 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;
 - c) to designate any intersection or other place on the highway 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 streets any highway or part of a highway and to control entry to any highway by means of a stop sign or yield sign.
 - h) to designate a crosswalk upon any highway;
 - i) to designate parking stands for use of any particular class of vehicle;
 - j) to close or restrict the use of any highway, subway, bridge or overpass or any part of any highway, subway, bridge or overpass either as to the full width thereof or as to part of the width thereof with respect to any class or classes of vehicles or with respect to any class or classes of pedestrians;

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- k) to prohibit, restrict or regulate the parking of vehicles or any particular class of vehicles on any highway or other public street or any portion thereof during such hours as he/she may determine;
- l) to designate and mark guidelines for angle and parallel parking on any highway or other public place or any portion thereof.

- 4 The CAO shall keep record of all such locations which shall be open to public inspection during normal business hours.
- 5 No person shall post or exhibit or cause to be posted or exhibited any notice, placard, bill or printed material or other type of notice whatsoever upon any traffic control device.
- 6 Notwithstanding any provision of this Bylaw, all traffic control devices placed, erected or marked in the Town of Claresholm prior to the passing of this Bylaw shall be deemed to be duly authorized traffic control devices until altered pursuant by the provision of this Bylaw.

PART IV INFLAMMABLE AND EXPLOSIVE MATERIALS

- 7 No person shall park any vehicle used primarily for the conveying of fuel, oil, gasoline or other explosive or toxic materials upon any highway or upon any property having a building or buildings thereon unless the vehicle is parked upon the property at least fifteen (15) metres from the nearest building likely to contain persons or valuable goods. Provided that 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.

PART V PARKING - General

- 8 Unless required or permitted by this bylaw or the *Highway Traffic Act* or by a traffic control device or in compliance with the directions of a Peace Officer or to avoid conflict with other traffic, a driver shall not stop or park his vehicle:
 - a) on a sidewalk or boulevard,
 - b) on a crosswalk or any part of a crosswalk,
 - c) within an intersection,
 - d) at an intersection nearer than five (5) metres to the projection of the corner property line immediately ahead or immediately to the rear except when a vehicle is parked in a space where another traffic control device indicates parking is permitted,
 - e) within five (5) metres upon the approach to any stop sign or yield sign,
 - f) within five (5) metres of any fire hydrant, or when the hydrant is not located at the curb, within five (5) metres of the point on the curb nearest the hydrant,
 - g) within one and a half (1½) metres of an access to a garage, private road or driveway or vehicle crossing over a sidewalk,
 - h) within five (5) metres of the near side of a marked crossway,
 - i) along or opposite any street excavation or construction when stopping or parking would obstruct traffic,
 - j) in the direction against the flow of traffic.
- 9 Except as otherwise provided in this bylaw where parking spaces have been marked on any roadway unless the act, another provision of this bylaw or a traffic control device otherwise permits, the driver of any vehicle shall stop or park such vehicle only between the lines or markings indicating the limits of a single parking space.
- 10 When a vehicle exceeds the length of a single parking space, the operator may park such a vehicle so that it occupies two (2) but not more than two (2) parking spaces.
- 11 1) Except in the case of an emergency not allowing the vehicle to be moved, a person shall not stand or park any vehicle on the street for the purpose of:
 - a) washing or,
 - b) changing oil, or fluids or
 - c) repair.

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- 2) A vehicle shall not be parked and left unattended on a highway if;
 - a) the vehicle is on a jack or similar device, and
 - b) one or more wheels have been removed from the vehicle or part of the vehicle raised.
- 3) A vehicle shall not be abandoned on a highway.
 - a) without restricting the generality of subsection 11(3) a vehicle that is left standing in one location on a highway for more than 48 consecutive hours is deemed to have been abandoned at that location.
- 12) 1) No person shall leave parked on any street any self propelled type of vehicle incapable of being moved under its own power.

2) This section 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 action to arrange for the removal of the vehicle forthwith.
- 13) No person shall allow any vehicle to remain parked for a period of time in excess of the maximum permitted time indicated on the parking signs pertaining to that space. A further offense shall be deemed to have occurred for each subsequent period of time in excess of that permitted by the parking signs that the vehicle remains so parked.
- 14) The CAO may designate and cause to be properly marked, portions of a highway for 10, 15, 20 or 30 minutes, 1, 2, 3 or 4 hours parking or loading/unloading of vehicles. No person shall park or load/unload a vehicle for any period of time exceeding the time limit so designated.
- 15) No person shall park a vehicle in a lane. Lanes, however, may be used for such a period of time as may be reasonably 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 obstruct the lane as to prevent other vehicles or persons from passing along such lanes while the loading and unloading of passengers or goods is taking place.
- 16) When actually taking on or discharging passengers, no person shall park or stand a vehicle for a period of time at a passenger loading zone, at a NO PARKING area, or in front of the main entrance or doorway of a public building.
- 17) A vehicle shall not be parked on a highway in any location as being for the use of a person with disabilities unless the vehicle:
 - a) displays a valid disabled placard or license plate issued or recognized by the Registrar; and
 - b) is being used for the transportation of a person with a disability.
- 18) No person shall park his vehicle with the sides thereof parallel to the curb or edge of the roadway when angle parking is permitted or required.
- 19) Where a sign indicates that angle parking is permitted or required but no parking guidelines are visible on the roadway, a driver shall park his vehicle:
 - a) with the sides thereof at an angle between thirty (30) and sixty (60) degrees to the curb or edge of the roadway, and
 - b) with one front wheel thereof not more than five hundred (500) millimetres from the curb or edge of the roadway.
- 20) 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 CAO and have been marked. The CAO may designate the period(s) of time such locations may be used.



- 21 When parking on a roadway, a driver shall park his vehicle with the side thereof parallel to the curb or edge of the roadway, and:
a) with the right hand wheel thereof not more than five hundred (500) millimetres from the right hand curb or edge of the roadway, or
b) in the case of a one way highway, where parking on either side is permitted, with the wheels closest to the curb or edge of the roadway not to be more than five hundred (500) millimetres from that curb or edge and with the vehicle facing the direction of travel authorized for that highway.
- 22 Where a sign indicates that angle parking is permitted or required and parking guidelines are visible on the roadway, a driver shall park his vehicle:
a) with the sides thereof between and parallel to any two such lines, and
b) with one front wheel thereof not more than five hundred (500) millimetres from the curb or edge of the roadway.
- 23 No person shall park any vehicle on any land owned by the Town of Claresholm which the Town uses or permits to be used as a playground, recreation area, public park or public lands except on such part thereof as may be designated by the CAO with a sign or signs for vehicle parking.
- 24 No person shall park any vehicle in that part of a driveway which lies between the curb or the travelled portion of the road and the property or lot boundary line which runs parallel to the said curb or travelled portion of roadway.
- 25 1) 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 said land or property.

2) 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 cost for removal and storage are liened upon the vehicle which may be enforced in the manner provided by the *Possessory Liens Act* R.S.A. 1970 Chapter 279.
- 26 1) A vehicle, or a vehicle with a trailer attached, with a maximum allowable weight exceeding 4,500 kilograms, shall not be parked on a highway any time after 10:00 pm and before 7:00 am, unless it is parked in a location completely adjoining the vehicle owner's residence as shown in the records of the Motor Vehicle Registry.

2) This section does not apply if the vehicle:
a) is a recreation vehicle; or
b) is a commercial vehicle with the hazard warning lamps alight and in the process of loading or unloading goods; or
c) is parked on Provincial Highway #2 (1st STREET WEST).

3) A vehicle, or a vehicle with a trailer attached, with a maximum allowable weight exceeding 9,500 kilograms, shall not be parked on a highway.
- 27 Notwithstanding any other provision of this bylaw, a trailer shall not be parked on a highway unless the trailer is attached to a vehicle by which it may be drawn.
- 28 A person being in charge or control of a garage or service station or other premises where repairs or installations are made to vehicles for compensation shall not leave or cause or suffer or permit to be left on any street or alley a vehicle which has been left in his possession for carrying out repairs or making installation or for any other purpose whatsoever.
- 29 Any person who is empowered to enforce the provisions of this bylaw is hereby authorized to place an erasable chalk mark on the read face of the tire of a parked or stopped vehicle without that person or the municipality incurring liability for doing so.



Parking – Emergency & Maintenance

- 30 A vehicle shall not be parked on a highway in any location identified as a fire lane, an emergency access zone or otherwise being for the use of emergency vehicles.
- 31 A person shall not park or stand a vehicle or permit such vehicle to remain parked in such a manner as to interfere with the proper operation of any vehicle used by the Fire Department of the Town or any other emergency vehicle.
- 32 In any case where by reason of an emergency or of any special circumstances which in the opinion of the CAO makes it desirable and in the public interest to do so, the CAO may:
 - a) temporarily close, in any area of the Town, any highway in whole or in part to traffic; or
 - b) temporarily suspend in any area of the Town parking privileges granted by the provisions of this or any other bylaw and the CAO may for such period of time as he/she deems necessary to meet such emergency or special circumstances take such measure for the temporary closing of such highway or suspension of parking privileges and place barricades or post appropriate notices on or near the highway concerned as he/she may consider it to be necessary in the circumstances.

Parking – Recreational Vehicles

- 33 1) A recreation vehicle shall not be parked on a highway unless it is parked in a location completely adjoining the recreational vehicle owner’s residence as shown in the records of the Motor Vehicle Registry.
2) A recreational vehicle parked pursuant to this section:
 - a) shall not be parked for more than 48 consecutive hours; and
 - b) shall be removed to an off-highway location for at least 72 consecutive hours before it may be parked again on a highway
- 3) Regulations set out under Section 33(1) & 33(2) shall not apply to Provincial Highway #2 (1st STREET WEST). All other regulations are still in effect.
- 34 No owner or operator of a recreational vehicle shall park the recreational vehicle on any highway in the Town in such a manner as to constitute a hazard to other persons using the highway.
- 35 Where any type of motor vehicle has removable camping accommodations installed on it, the operator or owner of the vehicle or any person in charge of the vehicle either permanently or temporarily shall not leave the camping accommodation or other removable portion of the motor vehicle used for this purpose on any portion of a street after the same has been removed from the motor vehicle.

Parking – Commercial Vehicles

- 36 Any commercial vehicle, bus, truck or truck tractor may be parked on private property as long as that vehicle does not block any sidewalk, laneway or alley. Said vehicle must not obstruct or hinder the normal flow of traffic; pedestrian or vehicular.
- 37 1) A commercial vehicle shall not be parked on a highway unless it is parked in a location completely adjoining the commercial vehicle operator’s place of residence.
2) A commercial vehicle parked pursuant to this section:
 - a) shall not be parked for more than 48 consecutive hours; and
 - b) shall be removed to an off-highway location for at least 72 consecutive hours before it may be parked again on a highway

PART VI ACTIVITIES ON HIGHWAYS AND VEHICLE OPERATION

- 38 No person shall stand or be in any other position on a highway so as to obstruct the entrance to a building or to obstruct pedestrians or vehicles using the highway.
 - a) This section does not apply to persons participating in or assembled to watch a parade for which has been approved by CAO or designate.
 - b) A person shall not crowd, jostle or harass and pedestrian on a highway.
- 39 No person shall place, cause or permit to be placed a sign of any type on a highway unless it has been approved by CAO or designate.
 - a) A person may place, cause or permit to be placed a free standing sign on a highway only if all terms and conditions for placement of such signs prescribed by the CAO are complied with.
 - b) For the purpose of this section any individual or corporation referred to on a sign, whether directly or indirectly, is presumed to have placed the sign or caused or permitted the sign to be placed.
- 40 No person shall place, cause or permit to be placed an obstruction of any kind on a highway unless it has been approved by CAO or designate.
- 41 No person shall operate a motor vehicle on any part of a highway other than a roadway.
- 42 No person shall operate a vehicle on a highway so as to track any earth, sand, gravel or other material on the highway.
- 43 No person shall drive, propel or move on any highway 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 he or she has special permission, in writing, from the CAO.
- 44 1) No person shall operate a vehicle on a highway with any loose materials on the exterior of the vehicle.

2) No person shall operate a vehicle containing any load on a highway unless the load has been secured to prevent any part of it from falling onto the highway.

3) Without limiting the generality of section 44(2), no person shall operate a vehicle containing a load of earth, sand, gravel or other loose materials on a highway unless:

 - a) all parts of the load are at least 75 millimetres below the top of the container; and
 - b) the container and load are completely covered at all times.

4) In the event any part of a load falls onto the a highway from a vehicle the person operating the vehicle shall forthwith:

 - a) take all reasonable steps to safely remove any materials from the highway.
- 45 No person shall drive a vehicle on or over newly painted lines on any roadway when the same is indicated by signs, flags or other warning devices.
- 46 No person shall drive a vehicle on a roadway with more than one vehicle in tow.

PART VII SIDEWALKS AND BOULEVARDS

- 47 All persons within the Town of Claresholm shall remove and clean away, as soon as possible and in any case within 24 hours, any debris or obstructions from the sidewalk adjacent to the premises owned or occupied by them.
- 48 1) A carrier of a newspaper, magazine or flyer may ride a bicycle on a sidewalk, footpath, walkway or boulevard if he is delivering copies of a newspaper, magazine or flyer at the time.



2) Subject to the other provisions of this section, no person shall ride a bicycle on a sidewalk, footpath, walkway or boulevard.

3) Notwithstanding the provisions of section 48(1), the Council may designate those portions of sidewalks, footpaths, walkways or boulevards where bicycles may be ridden by other persons who are not carriers of newspapers delivering copies thereof.

4) A person riding a bicycle subject to sections 48(1) and 48(3) on any sidewalk, footpath or walkway where pedestrians are also allowed shall ride the bicycle in a manner which does not interfere with any pedestrian lawfully on or alighting from or entering onto a means of transportation who is lawfully using the sidewalk, footpath or walkway.

PART VIII FUNERALS

49 If any funeral procession is in process of formation or proceeding along any highway, any Peace Officer may regulate all traffic in the vicinity and all persons whether on foot or in vehicles shall obey the order and direction of the Peace Officer so regulating the traffic.

50 Before a funeral procession enters upon, crosses or turns into a highway designated and marked as a through traffic street by a stop sign the first vehicle in the funeral procession shall come to a complete stop in the manner required by this bylaw and shall not drive the vehicle in to the intersection until it is safe to do so. A vehicle that follows in the funeral procession may then enter into the intersection without stopping provided the headlamps are alight. The provisions of this section shall not apply at intersections where traffic is controlled by a Peace Officer or by a traffic control signal.

51 No person driving any vehicle or riding a horse shall drive or ride through, nor shall any pedestrian walk through the ranks of any military or funeral procession (the vehicles of which have their lights on), nor through the ranks of any other authorized parade or procession, or in any way obstruct, impede or interfere with the same.

PART IX FIRES

52 In case of a fire within the Town, any Peace Officer or member of the Fire Department of the Town of Claresholm 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.

53 The Chief Officer of the Fire Department of the Town of Claresholm 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 of the Town of Claresholm.

54 Where an unprotected hose of the Fire department has been laid down on a roadway or driveway no person shall drive a vehicle over such hose unless the official of the Fire Department in charge at the scene has specifically allowed him to do so.

PART X ENGINE RETARDER BRAKES

55 No person shall operate a tractor trailer unit so as to cause noise by using engine retarder brakes within the limits of the Town of Claresholm. Engine retarder brakes shall not be used for either slowing or stopping their vehicle.

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PART XI MISCELLANEOUS

- 56 A person must not make, continue, or allow to be made or continued any objectionable noise from a motor vehicle. .
- 57 No person shall remove snow, ice, dirt, materials from town and/or private property onto town property.
- 58 No person shall place any type of material on a highway.
- 59 No person shall damage, climb or interfere with any:
 - a) traffic control device; or
 - b) item of street furniture.
- 60 No person shall break, tear up or remove any planking, pavement, sidewalk, curbing, macadamizing or other road surface or make excavation in or under any sidewalk or street for the purpose of building or otherwise, without first having obtained permission from the CAO or his designate to do so and such permit being granted, the work shall be carried out under the direction of the CAO or any person appointed by him. CAO or his delegate shall inspect all such work being done and, upon termination of the work, all materials shall be replaced and any damages made good by the parties concerned. Such work shall be carried out as expediently as possible and without unnecessary delay. Furthermore, any person or party to whom permission has been granted to carry out any work of the foregoing nature, shall be liable for any or all accidents or damages that may occur to any person or property by reason thereof, and shall keep and maintain such lights, barricades or watchman or other precautions to safeguard and protect the public from injury or loss, and shall be responsible for costs incidental to the same.
- 61 Every person shall be guilty of an offense who:
 - a) coasts on any highway on a sled, toboggan, or skis,
 - b) washes a vehicle, drains the radiator of any vehicle upon a highway or washes a vehicle near a highway, or otherwise causes water, slush or ice to form upon a highway or public sidewalk.
- 62 No owner or occupant of private property in the Town shall allow anything to be erected, placed, planted or grown, whether planted or erected before or after the date of the passing of this bylaw, to grow or to remain at a greater height than 0.8 metres above the centre line grades of the intersecting streets in the area bounded by the property lines of such corner lots and a line joining points along the said property line 11.6 metres (or such other distance as required by the Municipal Planning Commission) from the point of intersections.

PART XII FINES AND PENALTIES

- 63 Any person violating any of the provisions of this bylaw or any other person responsible for such violation shall be liable on a summary conviction before a Provincial Judge or any Justice of the Peace having jurisdiction therein, to a fine in an amount not less than that established in this bylaw, and not to exceeding \$10,000.00 and to imprisonment for not more than six months for non-payment of a fine.
- 64 1) Where any Peace Officer believes that any person has committed a breach of any of the provisions of this bylaw as set out in Schedule "A" hereto he/she may serve upon such person a notice or tag as provided herein.

2) Where payment of the penalty for municipal tag issued for breach of any of the sections described in Schedule "A" of this by-law is received within 14 days from the date of issued, may be reduced by twenty five dollars (\$25) and such reduced payment shall be accepted in lieu of prosecution.

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- 65 Any Peace Officer may impound and remove from a highway, 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 this bylaw and all costs of removal which may be enforced in the manner provided by the *Possessory Liens Act*.
- 66 If a vehicle is driven, used, parked or left in contravention of any provision of this bylaw the owner of the vehicle is guilty of an offense 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 or by any other person with his consent, expressed or implied.
- 67 Service of any such notice or tag shall be sufficient if it is:
a) personally served,
b) served by double registered mail, or
c) attached to the vehicle in respect of which the offense is alleged to have been committed.
- 68 Upon production of any such notice or tag within seven (7) days from the date of service of such notice, together with the payment of the sum specified in Schedule "A" hereto to a person authorized by the CAO to receive such payment, an official receipt for such payment shall be issued, and subject to the provisions of this bylaw, such payment shall be accepted in lieu of prosecution.
- 69 If the person upon whom any such notice or tag is served fails to pay the said sum within the time allotted, the provisions of this bylaw shall no longer apply.

PART XIII GENERAL

- 70 Nothing in this bylaw shall prevent any person:
a) From exercising his right to defend any charge of committing a breach of any of the sections in Schedule "A" hereto,
b) From laying any information or complaint against any other person for committing a breach of any of the sections in Schedule "A" hereto, or
c) from exercising any legal right such person may have to lay an information or complaint against any other person (whether such person has made a payment under the provisions of this bylaw or not), for breach of any of the sections in Schedule "A" hereto).
- 71 Where any person has made a payment pursuant to the provisions of this bylaw and is prosecuted for the offense in respect of which such payment has been made, such payment shall be refunded.
- 72 No person other than the owner or driver of a vehicle shall remove any notice placed or fixed to such vehicle by a peace officer in the course of his duties.
- 73 If by reason of any contravention of any provision of this bylaw, the Town is authorized or required to move the motor vehicle from a place where it is parked in contravention of the bylaw and to impound the same, the amount of the expense so incurred shall be added to the amount of any fine or penalty which may be imposed by reason of the contravention or to the amount of payment to be made in lieu of prosecution as provided in Section 63 and the person concerned shall be required to pay the amount of such expense in addition to any fine, penalty or penalty in lieu of prosecution as the case may be.

PART XIV SEVERABILITY PROVISION

- 74 It is the intention of Council that each separate provision of this bylaw shall be deemed independent of all other provisions herein and it is further the intention of Council that if any provisions of this bylaw be declared invalid, all other provisions thereof shall remain valid and enforceable.

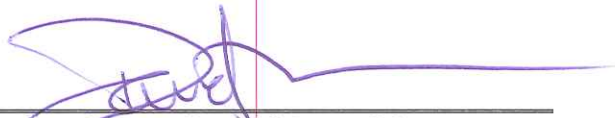
PART XV PASSAGE OF BYLAW

- 75 Bylaw #1429 and all amendments thereto are hereby repealed.
76 This Bylaw shall come into effect upon passage of Third Reading.

Read a first time in Council this 26th day of September 2011 A.D.

Read a second time in Council this 24th day of October 2011 A.D.

Read a third time in Council and finally passed in Council this 24th day of October
2011 A.D.



David Moore, Mayor



Kris Holbeck, CAO

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SCHEDULE "A"

SECTION	OFFENCE	PENALTY
7	Park gas trucks in a prohibited area	\$250
8(a)	Parking on sidewalk or boulevard	\$75
8(b)	Parking on crosswalk or part of	\$75
8(c)	Parking within intersection	\$75
8(d)	Parking too close to intersection	\$75
8(e)	Parking too close to stop or yield sign	\$75
8(f)	Parking too close to fire hydrant	\$75
8(g)	Parking too close to garage access, private road, driveway or vehicle crossway	\$75
8(h)	Parking too close to marked crosswalk	\$75
8(i)	Parking too close to street obstruction	\$75
8(j)	Parking on the wrong direction of traffic	\$75
9	Parking outside of lines	\$75
10	Parking of unauthorized vehicles	\$75
11(1)(a)	Washing vehicle on a highway	\$75
11(1)(b)	Change oil or fluids on a highway	\$100
11(1)(c)	Repairing vehicle on a highway	\$100
11(2)	Vehicle on jack	\$100
11(3)	Abandoned vehicle	\$100
12	Parking of derelict vehicle	\$100
13	Park longer than indicated on parking sign	\$75
14	Park in loading or unloading zone longer than permitted	\$75
15	Park in a lane	\$75
16	Park in NO Parking area	\$75
17	Park in disabled parking	\$100
18	Failing to park in a proper manner	\$75
19	Improper angle parking (no lines)	\$75
20	Improper parking	\$75
21	Improper parallel parking	\$75
22	Improper angle parking	\$75
23	Park on Town Property	\$100
25(1)	Parking on private property	\$75
25(2)	Improperly park vehicle on private property	\$75
26(1)	Improper parking of vehicle exceeding 4500 kg	\$250
26(2)	Improper parking of vehicle exceeding 9500 kg	\$250
27	Unattached trailer	\$75
28	Commercial business parking vehicles on highway	\$100
30	Park in emergency access	\$100
31	Parking as to obstruct emergency vehicle	\$250
33(1)	Recreation vehicle not parked adjacent to owner's property.	\$75
33(2)(a)	Recreation vehicle park longer than 48 Hrs.	\$75
33(2)(b)	Recreation vehicle park at same location within 72 Hrs.	\$75

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34	Recreation vehicle Causing a hazard on highway	\$100
35	Parking of recreation vehicle	\$75
36	Commercial vehicle Causing a hazard on highway	\$250
37(1)	Commercial vehicle not parked adjacent to operator's property.	\$100
37(2)(a)	Commercial vehicle park longer than 48 Hrs.	\$100
37(2)(b)	Commercial vehicle park at same location within 72 Hrs.	\$100
38	Person obstructing highway	\$100
38(b)	Harassing	\$100
39	Illegal sign on highway	\$100
40	Obstruction on highway	\$100
41	Operate a motor vehicle off highway	\$100
42	Tracking	\$100
43	Driving with spikes or lugs without permission	\$250
44	Unsecure load	\$100
45	Driving on painted lines	\$100
46	Driving with more than one vehicle in tow	\$100
47	Failure to clean sidewalks	\$100
48	Riding a bike on a sidewalk	\$50
51	Driving through funeral procession	\$75
54	Driving over fire hose	\$250
55	Use engine retarder brakes	\$250
56	Objectionable noise from motor vehicle	\$100
57	Placing obstruction on a highway	\$250
58	Littering	\$100
59	Damage, climbing or interfering with traffic control devise or street furniture	\$100
60	Unlawful construction / damage highway	\$500
61	Coast on highway with sled, etc.	\$75
62	Vegetation or structure obstructing intersection.	\$75
	All other section not listed above	\$50