

BYLAW NO. 1200/2024

Being a Bylaw of the Village of Delburne, in the Province of Alberta, to regulate pedestrian and vehicle traffic and to authorize the placing, erecting or marking of traffic control devices.

WHEREAS, Part 1, Division 3 of the Traffic Safety Act, being Chapter T-6 of the Revised Statutes of Alberta, and amendments thereto, provides that the Council of a Municipality may with respect to a highway under its direction, control and management, make bylaws that are not inconsistent with the Act governing the establishment and use of parking places that are for the exclusive use of persons with disabilities who display on their vehicles a disable placard or license plate that is issued or recognized by the Registrar; and

WHEREAS, Part 5, Division 1 of the Traffic Safety Act, provides that the council of a Municipality may pass bylaws for the purpose of regulating speed limits within the areas of its jurisdiction, and authorizing the placing, erecting or marking of traffic control devices; and

WHEREAS, Council of the Village of Delburne deems it proper and expedient to erect traffic control devices and regulate and control vehicle, animal and pedestrian traffic;

NOW THEREFORE, the Municipal Council of the Village of Delburne, in the Province of Alberta, in Council assembled, enacts as follows:

DEFINITIONS:

- 1 The following words and terms are defined as follows:
 - a) the words "Act" shall mean the Traffic Safety Act of the Province of Alberta;
 - b) "CAO" shall mean the Chief Administrative Officer for the Village of Delburne;
 - c) "Council" shall mean the Council of the Village of Delburne;
 - d) "Curb" shall mean the actual concrete or asphalt curb, or in the absence of one, the dividing line of a Highway between the edge of the roadway and that part of the Highway not intended for vehicular use;
 - e) "Highway" means any thoroughfare, street, road, trail, avenue, parkway, driveway, viaduct, lane, alley, square, bridge, causeway, trestle way 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 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 regulation not to be a highway;
 - f) "Peace Officer" includes a member of the Royal Canadian Mounted Police, a Bylaw Officer as appointed by the Village, and a Community Peace Officer as appointed by the Solicitor General of Alberta;
 - g) "Recreational Vehicle" means a vehicle or trailer designed, constructed, modified, or equipped as a temporary dwelling or sleeping place for travel, vacation, or recreation use, and includes, but is not limited to, campers, tent trailers, fifth wheel travel trailers and motor homes;
 - h) "Sidewalk" means that part of the Highway especially adapted to the use of or ordinarily used by pedestrians and includes that part of a Highway between the curb line or, where there is no curb line, the edge of the



roadway, and the adjacent property line whether or not it is paved or unpaved;

- i) "Village" shall mean the Village of Delburne;
- j) any word, expression or term used in this By-law shall have the same meaning as in the Act.

POWERS OF VILLAGE OFFICIALS

2 The Powers of the Village Officials shall be as follows:

- a) Council is hereby authorized to prescribe where traffic control devices are to be located.
- b) Council, may, from time to time, by resolution, in council assembled, prescribe where traffic control devices are to be located and may amend and/or change the locations of previously established locations.
- c) The powers delegated to Council in this section are subject to the express provisions of this By-law, any other By-law regulating or controlling traffic and the Act.

DAMAGE TO ROAD SURFACE BY VEHICLES

3 No person shall:

- a) operate or move over any highway, any traction engine or public service or commercial vehicle having cleats or other devices attached to its shells or made a part thereof which will damage the said highway.
- b) operate or move upon, or over any highway that is surfaced with asphalt or concrete or is prepared with a base suitable, for asphalt or concrete surfacing, any motor vehicle, tractor or traction engine or any other vehicle equipped to run on tracks.

OBSTRUCTING THE USE OF ROADS

4 No person shall:

- a) dump, place, abandon, unload or push any dirt, ice, snow or any other deleterious matter onto any street or alley which in the opinion of the Council, Municipal Administrator, and/or Public Works Foreman in any matter obstructs or impedes traffic, or drainage, unless permission is first obtained authorizing a temporary obstruction for a specified time.
 - i) The Public Works Foreman may remove or cause to be removed any such obstruction or impediment and the cost of such removal shall be charged to the owner or person making delivery thereof, and the Village Solicitor is hereby empowered and authorized to institute proceedings in any court of competent jurisdiction to recover such costs.
- b) except for loading or unloading, park any vehicle upon any lane, alley, or public driveway in such a manner so as to cause an obstruction in the flow of traffic.
- c) park a vehicle on or within five (5) meters of any Stop or Yield sign.
- d) park a vehicle within five (5) meters of any fire hydrant.
- e) park a vehicle in such a way that it obstructs access to any garage, private road, or driveway.

RECREATIONAL VEHICLES

5. a. No recreational vehicle, boat or unattached trailer can be stored in a public lane if not connected to a vehicle.
b. A recreational vehicle, boat, or hitched trailer may only be parked on a public street, lane, or front yard, for a maximum of 48 consecutive hours, for such purposes as loading or unloading.

ABANDONED VEHICLES

6. No person shall park a Vehicle on a Highway that is not a parking lot at the same location in excess of 72 consecutive hours.
7. Where public parking is permitted on public or private property, no person shall park a Vehicle at the same location in excess of 48 hours, without the express or implied consent of the owner or person in lawful possession or control of the property.
8. A vehicle left parked at a location referred to in Sections 6 or 7 in excess of the time specified shall be deemed to have been abandoned at that location for the purposes of this Bylaw.

REMOVAL AND IMPOUNDMENT OF VEHICLES

9. A Peace Officer is hereby authorized to *remove* or cause to be removed any Vehicle, including a trailer:
 - a) operated or parked in contravention of any provision of this bylaw; or
 - b) where emergency conditions may require such *removal* from a Highway.
10. Such Vehicle may be removed to a place designated by the CAO, where it will remain until claimed by the owner or his agent.
11. No impounded Vehicle shall be released to its owner or his agent until the impounding charge and *removal* charge on the Vehicle have been paid, such charges shall be in addition to any fine or penalty imposed in respect of any violation of this Bylaw, or to any payment made in lieu of prosecution as hereinafter provided. The Village is not responsible for any towing, *removal* or impounding charges.

VEHICLE ON JACKS

12. No person shall leave a Vehicle unattended on a Highway while it is supported by a jack or similar device.



OBSTRUCTIONS

Trees And Vegetation

13. A person shall not permit any hedge, tree or shrub, whenever planted, on property owned or occupied by him located within a triangle formed on a corner site by the two curb lines adjoining an intersection, including a lane intersection, and two points located 7.5 metres from the said corner where the curb lines meet, herein referred to as the "corner visibility triangle", to grow or remain at a height greater than 750 millimeters.
14. If a person is directed by a Peace Officer to reduce any hedge, tree or shrub located in a corner visibility triangle to a height not in excess of 750 millimeters, and fails to carry out such direction within seven days of receipt of such direction, the Village may remove any such hedge, tree or shrub or reduce it to the required height, and if the cost of such work is not paid on demand by the owner or occupant of the property in question, the Village may recover the expense of such work, with costs, by action in any Court of competent jurisdiction, or may charge the expense of the work as taxes against such property.
15. An owner or occupier of private property shall ensure that trees, shrubs or other vegetation growing on his property, and on adjacent boulevards between his property line and the Curb, shall be trimmed so that no branches project over a Sidewalk at an elevation of less than 225 cm (7.5 ft.) or over a roadway or alley at an elevation of less than 412 cm (13.5 ft.).

SNOW, ICE AND DIRT

16. No person shall place, pile or store any snow, ice, gravel, dirt, equipment or other obstruction, on any Highway or Village property without first obtaining a permit for such purpose from the CAO.
17. Any person in contravention of Section 98 shall remove or cause the removal of such snow, ice, gravel, dirt, equipment or other obstruction, within twenty four (24) hours after notification to do so by the CAO. After the expiration of twenty four (24) hours, the Village may remove all snow, ice, gravel, dirt, equipment or other obstruction, perform all necessary repairs and the person in contravention shall make payment to the Village of all costs of removal upon demand by the Village.

OBSTRUCTIONS ON HIGHWAY OR SIDEWALK

18. No person shall place an electrical cord, hose, chain or other similar obstruction over or across any portion of a Highway.
19. No person shall place an electrical cord, hose, chain or other similar obstruction over or across any portion of a Sidewalk so as to create a hazard to persons using the Sidewalk.

SNOW REMOVAL OR STREET CLEANING

20. Notwithstanding anything herein contained, in conjunction with snow *removal*, street cleaning or road repair operations carried on by the Village employees or contractors, the Village may tow Vehicles from the street being cleaned, cleared or repaired, at the expense of the owner, and impound them, or, without impounding them, may *remove* them to another street within the Village.

SPEED LIMITS

21. Maximum speed limits shall be 40 km/hr unless otherwise posted for school zone and playground zone.

ENFORCEMENT AND PENALTIES

22. Any Peace Officer, as defined in Part 1, Section 1 of the Act, is authorized and empowered to enforce this By-law.

23. Any Person who contravenes any provision of this Bylaw is guilty of an offence and is liable for a penalty in the amount of:

23.1 a minimum of Two Hundred Fifty Dollars (\$250.00) for a first Offence;
and

23.2 a minimum of Five Hundred Dollars (\$500.00) for a second or subsequent Offence, if:

i. the Offence is a contravention of the same provision of the Bylaw which was contravened resulting in the first, or prior, Offence; and

ii. the Offence is committed within one (1) year of committing the first, or prior, Offence.

BYLAW EFFECTIVE DATE

30. This By-law shall come into effect on the date of the final passing thereof.

31. This By-law shall rescind By-law 1184/2023.

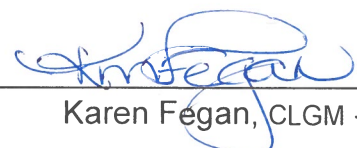
FIRST READING of Bylaw 1200/2024 granted this 28th day of May, 2024.

SECOND READING of Bylaw 1200/2024 granted this 28th day of May, 2024.

THIRD AND FINAL READING of Bylaw 1200/2024 granted this 28th day of May, 2024.



Tim Wilson, Mayor



Karen Fegan, CLGM - CAO