

MUNICIPAL DISTRICT OF PINCHER CREEK NO. 9
BYLAW # 1365-25
TRAFFIC BYLAW

**BEING A BYLAW OF THE MUNICIPAL DISTRICT OF PINCHER CREEK NO. 9, IN
THE PROVINCE OF ALBERTA, TO PROVIDE FOR THE REGULATION AND
CONTROL OF TRAFFIC AND OTHER ACTIVITIES UPON HIGHWAYS WITHIN THE
MUNICIPAL DISTRICT OF PINCHER CREEK NO. 9.**

WHEREAS pursuant to Section 7 of the Municipal Government Act, R.S.A. 2000, Chapter M-26 and amendments thereto, the Council of the Municipal District of Pincher Creek No. 9 may pass bylaws for municipal purposes respecting:

- a) The safety, health and welfare of people and the protection of people and property; and
- b) People, activities and things in, on or near a public place or place that is open to the public;
- c) Transport and transportation systems; and
- d) The enforcement of bylaws;

AND WHEREAS the Traffic Safety Act, RSA 2000, c T-6 empowers a Council to regulate and control vehicles, animal and pedestrian traffic and parking on highways and other property within the municipality;

NOW THEREFORE, the Council of the Municipal District of Pincher Creek No. 9 enacts as follows:

PART 1 – Title, Definitions and Interpretation

Title:

1. This bylaw may be referred to as the “Traffic Bylaw”.

Definitions:

2. In this Bylaw, the following words shall have the meanings given herein. When not inconsistent with the context, words used in the present tense include the past and future; words in the plural include the singular; words in the singular include the plural; words in the masculine gender include feminine and neuter genders; words in the feminine and neuter genders include the masculine gender. The word “shall” is always mandatory and not merely directory.
 - (a) “Alley” means a narrow highway providing and offering access to the rear of buildings and parcels of land;
 - (b) “Boulevard” means a part of a highway in an urban area 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;

- (c) “Council” means the Council of the Municipal District of Pincher Creek No. 9;
- (d) “Court” means a Court of competent jurisdiction in the Province of Alberta;
- (e) “Curb” means the actual curb, if there is one, and if there is no curb in existence, shall mean the division of a highway between that part thereof intended for the use of vehicles and that part thereof intended for the use of pedestrians;
- (f) “Emergency” means a present or imminent event that requires prompt coordination, action or special regulation of persons or property, to protect the health, safety and welfare of people and to limit damage to property;
- (g) “Emergency Vehicle” means
- (i) a vehicle operated by a police service as defined in the *Police Act*;
 - (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 as a gas disconnection unit of a public utility;
 - (v) a vehicle designated by regulations as an emergency response unit pursuant to the *Vehicle Equipment Regulation*;
- (h) “Hamlet” means the Hamlets of: Beaver Mines, Lowland Heights, Lundbreck, Pincher Station and Twin Butte;
- (i) “Heavy Vehicle” means a vehicle or vehicle with trailer attached, exceeding any one of the following:
- (i) Two axles;
 - (ii) Twelve and one half (12.5) meters in length; or
 - (iii) A maximum allowable weight of five thousand five hundred (5500) kilograms; but does not include recreational vehicles, equipment or vehicles owned and operated by the municipality used for road maintenance or construction;
- (j) “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 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;
- (k) “Mobility Aid” means a device used to facilitate the transport, in a normal seated orientation, of a person with a physical disability;
- (l) “Motor Vehicle” has the meaning as defined in the Traffic Safety Act;

- (m) “Municipal Government Act” means the *Municipal Government Act*, R.S.A. 2000, C. M-26, as amended or replaced from time to time;
- (n) “Municipality” means the Municipal District of Pincher Creek No. 9;
- (o) “Noise” means any loud, unnecessary or unusual sound or any sound whatsoever which, having regard for all circumstances, including the time of day and the nature of the activity generating the sound, is likely to unreasonably annoy, disturb, injure or detract from the comfort, repose, health, peace or safety of any person within the municipality;
- (p) “Obstruction” means any act or thing that blocks, impedes, interferes with, hinders or prevents, or causes a restriction of vision, passage, maintenance or use of public property or highways by vehicles or pedestrians;
- (q) “Off-Highway Vehicle” has the same definition as found in the *Traffic Safety Act*;
- (r) “Operator” means a person responsible for the operation of a vehicle;
- (s) “Owner” means the person who owns a vehicle and includes any person renting a vehicle or having the exclusive use of a vehicle under a lease that has a term of more than 30 days or otherwise having the exclusive use of a vehicle for a period of more than 30 days;
- (t) “Pedestrian” means a person on foot or a person in or on a mobility aid;
- (u) “Peace Officer” means a person engaged by the Municipality as a Community Peace Officer, a Bylaw Enforcement Officer or a member of the Royal Canadian Mounted Police to carry out the provisions of this Bylaw;
- (v) “Provincial Offences Procedures Act” means the *Provincial Offences Procedures Act*, R.S.A. 2000, Chapter P-35, and the regulations thereunder, as amended or replaced from time to time;
- (w) “Recreational Vehicle” means a vehicle designed to provide temporary living accommodation for travel, vacation, or recreational use, and to be driven, towed or transported, some examples of which include a motor home, holiday trailer, camper, tent trailer and any bus or truck converted to provide temporary living accommodation;
- (x) “Road Use Agreement” means an arrangement entered into with the municipality by a person or company to ensure that the highway or highways utilized by that person or company are protected;
- (y) “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 where there is no curb line, the edge of the roadway, and the adjacent property line whether or not it is paved or improved;

- (z) “Stray Animals Act” means the *Stray Animals Act*, R.S.A. 2000, Chapter S-20, as amended or replaced from time to time;
- (aa) “Traffic Control Device” means any sign, signal, marking or device placed, marked or erected under the authority of the *Traffic Safety Act* or a Bylaw of the municipality for the purpose of regulating, warning or guiding traffic;
- (bb) “Traffic Safety Act” means the *Traffic Safety Act*, R.S.A. 2000, Chapter T-6, and the regulations thereunder, as amended or replaced from time to time;
- (cc) “Trailer” means a vehicle so designed that it may be attached to or drawn by a motor vehicle or tractor and is intended to transport property or persons;
- (dd) “Truck Route” means a highway or highways listed in a Road Use Agreement or posted by a sign allowing heavy vehicle traffic;
- (ee) “Vehicle” has the meaning as defined in the *Traffic Safety Act*;
- (ff) “Vehicle Equipment Regulation” means Alberta Regulation 122/2009, as part of the *Traffic Safety Act*, R.S.A. 2000, C. T-6, as amended or replaced from time to time;
- (gg) “Violation Ticket” means a violation ticket issued pursuant to the *Provincial Offences Procedures Act*;

Interpretation:

- 3. Nothing in this Bylaw relieves a person from complying with any requirement of any lawful permit, order or license.
- 4. Any heading or sub-headings in this Bylaw are included for guidance purposes and convenience only and shall not form part of this Bylaw.
- 5. Where this Bylaw refers to another Act, Bylaw, Regulation or Agency, it includes reference to any Act, Bylaw, Regulation or Agency that may amend or be substituted, therefore.
- 6. All Schedules attached to this Bylaw shall form a part of this Bylaw.

PART 2 - TRAFFIC CONTROL DEVICES

- 7. The municipal Council shall have the power to prescribe where traffic control devices are to be located, including traffic control devices restricting the speed of vehicles. Pursuant to this section, traffic control devices placed or located by persons under the direction and authority of the municipality, shall be deemed to have been made by Bylaw of the Municipal District of Pincher Creek. A record of the location of all traffic control devices placed pursuant to

this bylaw shall be kept, and the record shall be open to public inspection at the municipal office during normal business hours.

8. No person shall post or exhibit or cause to be posted or exhibited any notice, placard, bill or other type of notice whatsoever upon any traffic control device.
9. The municipality may cause temporary traffic control devices to be placed on a highway to indicate 'no parking' for certain periods of time as may be necessary for the purposes of street cleaning, snow removal, maintenance, construction or an event, and when so marked, such traffic control devices shall take precedence over all other traffic control devices.
10. No person shall climb upon, interfere with, damage, deface, remove, alter or destroy a Traffic Control Device.

PART 3 - GENERAL RESTRICTIONS & NUISANCES

Vehicle Fluids

11. No person shall drain lubricating oils or any fluids associated with the operation of a vehicle upon a highway.

Sidewalk and Highway Obstructions

12. No person shall place, cause to be placed or permit to be placed any earth, sand, gravel, grass, leaves, snow, ice, debris or other materials upon any sidewalk or highway.
13. Wherever sidewalks exist, the owner or occupier of any premise within the municipality adjacent to a sidewalk, shall remove and clear away all snow, ice, dirt or other obstruction from the sidewalk adjacent to such premises within twenty-four (24) hours of such snow, ice, dirt or other obstruction being deposited thereon.
14. No person shall cause or permit any building, structure, fixture, road, tree, shrub, hedge, fence, sign, notice, advertising device, light or other object on property they own or occupy to:
 - (a) cause a drifting or accumulation of snow on a highway that is under direction, control and management of the municipality;
 - (b) damage a highway that is under the direction, control and management of the municipality;
 - (c) create a hazard or obstruction to vehicular or pedestrian traffic on a highway that is under the direction, control and management of the municipality; or
 - (d) obstruct any sidewalk.

15. No person shall place, cause to be placed or permit to be placed, an electrical extension cord across a sidewalk, boulevard or driveway in a manner which, in the opinion of a Peace Officer, may pose a hazard to persons or property.
16. No person shall place a construction garbage bin upon a highway without the authorized, written permission from the municipality.
17. No person shall place, permit to be placed, allow or otherwise engage in the placement of motor vehicles, heavy vehicles, off-highway vehicles, vehicles, trucks, farm implements or any other machinery or other item that blocks or impedes traffic on a highway that is under the control of the municipality.
18. Any person who fails to comply with sections 11, 12, 13, 14, 15, 16, or 17 of this bylaw, shall be required to remove the item(s), object(s) or obstruction(s) contributing to the non-compliance within twenty-four (24) hours.
 - (a) after the expiration of the twenty-four (24) hour period, if the item(s), object(s) or obstruction(s) have not been removed as required, the municipality may cause the removal of the item(s), object(s) or obstruction(s);
 - (b) such removal shall be at the expense of the person causing, placing or permitting the item(s), object(s) or obstruction(s) on the sidewalk or highway to remain; and
 - (c) any costs incurred by the municipality in carrying out the provisions of this Section is an amount owing to the municipality by the person responsible for the contravention.

Pedestrian Obstructions

19. No person shall stand or be in any other position on a highway so as to obstruct the entrance to a building.
20. No person shall stand or be in any other position on a highway so as to obstruct pedestrians or vehicles using the highway.
21. Where a Peace Officer has reasonable grounds to determine that a person is in contravention of Section 19 or 20, the Peace Officer may direct that person to disperse immediately and any person receiving such direction from a Peace Officer shall immediately leave the area.
22. Sections 19 and 20 do not apply to persons participating in or assembled to watch a Parade or Procession for which a permit has been issued pursuant to this Bylaw.

Remedying Obstructions

23. Where an obstruction or unauthorized item of any kind, is located above or upon any sidewalk or highway and creates an unsafe condition, the municipality shall be entitled to immediately take whatever actions or measures necessary to eliminate the unsafe condition. Any costs incurred by the municipality in carrying out such action is an amount owing to the municipality by the person responsible for causing the unsafe condition.
24. The municipality may, at the expense of the person responsible, remove and impound any vehicles, trucks, farm implements, other machinery or other item(s) that block or impede traffic on a highway that is under the control of the municipality, and the costs thereof are an amount owing to the municipality.

Tracking Material / Conducting Work on a Highway

25. No person shall operate or allow to be operated any vehicle on a highway so as to track any earth, sand, gravel or other material on a highway, under the direction, control and management of the municipality, to such a degree where, in the opinion of a Peace Officer, the materials cause damage to a highway or cause a hazard for other users of a highway.
26. For the purposes of Section 25, where it is apparent that the material tracked onto a highway originated from a specific parcel of land, the person owning or occupying the parcel of land where the material originated is deemed to be responsible for the commission of the offence.
27. No person, other than municipal employees or a contractor engaged by the municipality, shall conduct any form of work on a highway that is under direction, control and management of the municipality.
28. For the purposes of Section 27, where it is apparent that the work or equipment used in such work originated from a parcel of land, the owner or occupier of the parcel of land is deemed to be responsible for the commission of the offence.

Noise

29. A person who owns, occupies, drives, operates or otherwise controls a motor vehicle, vehicle, heavy vehicle or off-highway vehicle, shall not cause excessive or unnecessary noise due to activities including, but not limited to:
 - (a) racing;
 - (b) excessive engine revving;
 - (c) alterations to or modifications of the manufacturer's muffler system;
 - (d) stereo amplification; or
 - (e) any other unnecessary activity,

in relation to the motor vehicle, vehicle, heavy vehicle or off-highway vehicle.

30. If a motor vehicle, vehicle, heavy vehicle or off-highway vehicle is involved in an offence referred to in Section 29, the registered owner of such motor vehicle, vehicle, heavy vehicle or off-highway vehicle is guilty of an offence.
31. Whether or not such noise is excessive and unreasonably interferes with a person's peaceful enjoyment of his property is a question of fact to be determined by a Court hearing a prosecution pursuant to Section 29 or 30 of this Bylaw.

Unprotected Fire Hoses

32. Where an unprotected hose has been laid down on a highway, no person shall drive a vehicle over such hose unless an official of the Fire Service at the scene has specifically allowed the driver to do so.

PART 4 - PARKING RESTRICTIONS

Temporary Parking Restrictions

33. When the municipality has placed temporary traffic control devices on a highway:
- (a) no person shall park, or permit to be parked, any heavy vehicle, motor vehicle or vehicle on a highway from the time a temporary traffic control device or devices have been placed, until such traffic control device or devices have been removed;
 - (b) if the motor vehicle, heavy vehicle or vehicle was parked on the highway prior to the placement of the temporary traffic control devices, no person shall leave that motor vehicle, heavy vehicle or vehicle parked or permit that vehicle to remain parked on the highway after the expiration of twenty-four (24) hours from the time the traffic control device or devices have been placed.
34. Motor vehicles, heavy vehicles or vehicles parked or left in contravention of a temporary traffic control device may be towed and impounded. All costs for towing and storage are the responsibility of the owner of the motor vehicle, heavy vehicle or vehicle and are an amount owing to the tow company that removed the motor vehicle, heavy vehicle or vehicle.

General Parking Restrictions

35. No person shall park, or permit to be parked, a motor vehicle, heavy vehicle or vehicle on a highway, contrary to a traffic control device.
36. No person shall park or stand a motor vehicle, heavy vehicle or vehicle or permit such motor vehicle, heavy vehicle or vehicle to remain parked in such a manner as to interfere with the proper operation of any vehicle used by the Fire Department or the municipality or of any other emergency vehicle.

37. No person shall stop or park or permit the stopping or parking of a motor vehicle, heavy vehicle or vehicle in a marked fire lane.
38. No person shall stop or park or permit the stopping or parking of a motor vehicle, heavy vehicle or vehicle in a manner where the motor vehicle, heavy vehicle or vehicle may interfere with the use of a doorway marked, on the exterior of a building, as a fire or emergency exit.
39. No person shall park a motor vehicle, heavy vehicle or vehicle in an alley, except when actively loading or unloading goods or passengers from the motor vehicle, heavy vehicle or vehicle.
40. No person shall park or stand any motor vehicle, heavy vehicle or vehicle on any highway in such a manner as to obstruct the passage of other vehicles.
41. Except in the case of an emergency, no person shall park or stand any motor vehicle, heavy vehicle or vehicle on a highway for the purposes of servicing or repairing the vehicle.
42. No person shall park or stand any motor vehicle, heavy vehicle or vehicle on a highway for the purpose of washing the motor vehicle, heavy vehicle or vehicle.

Trailer Parking

43. No person shall park any trailer on a highway unless the trailer is attached to a motor vehicle, heavy vehicle or vehicle by which it may be propelled or drawn. When so attached, the trailer will be deemed to be part of the towing vehicle and subject to any regulations pertaining to the motor vehicle, heavy vehicle or vehicle.

Parking Stalls for Persons with Disabilities

44. No person shall park a motor vehicle, heavy vehicle or vehicle in a parking space, or any part thereof, on any highway or on any private or public property that is marked or designated by a Traffic Control Device indicating that the parking space is for the usage of a person with disabilities, unless
 - (a) the motor vehicle, heavy vehicle or vehicle displays a valid handicap placard or licence plate issued by, or recognized in reciprocity by the Province of Alberta; and
 - (b) the motor vehicle, heavy vehicle or vehicle is operated by, or being used to transport, a person with a disability.

PART 5 - RECREATIONAL VEHICLES

Recreational Vehicle Parking

45. A recreational vehicle parked on a highway must be attached to a motor vehicle, heavy vehicle or vehicle by which it may be drawn. When so attached, the trailer will be deemed to be part of the towing vehicle and subject to any regulations pertaining to the vehicle.
46. No person shall park an unattached recreational vehicle on a highway.
47. No person shall park a recreational vehicle 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 and then only between May 1 and October 15.
48. A recreational vehicle:
 - (a) shall not be parked on a highway for more than 72 consecutive hours; and
 - (b) shall be removed to an off-highway location for at least 48 consecutive hours before it may be parked again on a highway.

Occupying, Camping or Residing in Recreational Vehicles

49. No person shall occupy a recreational vehicle as a temporary or permanent place, living abode or sleeping place when parked on a highway, ditch, developed or undeveloped road allowance, other location along or adjacent to a highway right of way, or other public place other than in an approved campground facility.

PART 6 – OFF HIGHWAY VEHICLES

50. No person shall operate an off-highway vehicle on a highway, that is under the direction, control and management of the municipality.
51. Notwithstanding Section 50, Off-Highway vehicles may be operated on a highway, that is under the direction, control and management of the municipality, only when the off-highway vehicle is being utilized for:
 - (a) an agricultural-related task or function; or
 - (b) snow removal.
52. All off-highway vehicles that are operated on a highway pursuant to Section 50 shall be registered and insured pursuant to the provisions of the Traffic Safety Act.

Special Permits

The MD of Pincher Creek may, from time to time, upon receiving a written request to Council, issue special permits from time to time authorizing the use and operation of Off-Highway Vehicles for purposes otherwise prohibited under this Bylaw.

PART 7 - TRUCKS AND COMMERCIAL VEHICLES

Heavy Vehicle Parking

53. No person may park a heavy vehicle in a hamlet, except:

- (a) commercial vehicles with hazard warning lamps flashing and in the process of loading or unloading goods; or
- (b) construction equipment being used during construction or improvement of property, provided that the equipment is parked adjacent to the property where the work is being done.

Trucks and Truck Routes

54. No person shall operate or park a heavy vehicle on any highway within the municipality where signs have been erected indicating that heavy vehicle or other truck traffic is prohibited.

55. Notwithstanding section 54, the following heavy vehicles are authorized to operate on non-truck routes:

- (a) heavy vehicles loading and unloading at destinations within the municipality, using the shortest distance from and to a truck route;
- (b) emergency vehicles;
- (c) utility vehicles being operated for the purpose of installing, servicing or repairing public utilities;
- (d) municipal vehicles being operated for purposes of providing municipal services;
- (e) school buses;
- (f) public passenger buses being operated for the purpose of receiving or delivering passengers; and
- (g) light truck and trailer combination such as a truck and horse or stock trailer.

Commercial Vehicle Trailer Parking

56. No person shall park any commercial vehicle trailer on a highway unless the trailer is attached to a vehicle by which it may be propelled or drawn. When so attached, the trailer will be deemed to be part of the vehicle it is attached to for the purposes of this Bylaw.
57. No person, except with permission of the municipality, shall operate or park upon or over any paved or graveled highway, any vehicle or tract equipment having metal cleats, metal tracks, or other metal devices attached to its wheels or made a part thereof that causes damage to a highway.

PART 7 - ROAD ALLOWANCES

Prohibitions

58. No person shall develop, irrigate, or otherwise utilize or use any developed or undeveloped municipal road allowance.
59. No person shall allow, place or permit to be placed any livestock, owned or under the control of the person, to graze along a developed or undeveloped road allowance without a valid and subsisting Temporary Road Allowance Permit.
60. No person shall farm or otherwise use for an agricultural purpose, a developed or undeveloped road allowance.
61. No person shall allow, place or permit to be placed any type of fencing, electric fencing, corrals or other types of barriers on a developed or undeveloped road allowance without a valid and subsisting Temporary Road Allowance Permit.

Temporary Road Allowance Permits

62. Requests for Temporary Road Allowance Permits shall be addressed to the CAO or designate, utilizing the form found in Schedule 'B' of this Bylaw.
63. Approved Temporary Road Allowance Permits shall include the following:
- (a) name of applicant;
 - (b) location of developed or undeveloped road allowance where grazing permission is approved;
 - (c) date of approval;
 - (d) date identifying when livestock may be placed / must be removed from a developed or undeveloped road allowance;
 - (e) any other requirements the CAO or designate deems appropriate and reasonable.

64. All persons who are granted a Temporary Road Allowance Permit shall comply with the provisions and conditions set out in the Permit found in Schedule 'C' of this Bylaw.

Fencing Requirements and Restrictions

65. Livestock placed on a developed or undeveloped road allowance, pursuant to a Temporary Road Allowance Permit, shall be secured by an electric fence.

66. In the case that a gate is required on either side of the developed or undeveloped road allowance, pursuant to a Temporary Road Allowance Permit, the gate shall always remain unlocked.

67. Fencing structures, including but not limited to wood posts and wire, board fence, chain link or temporary corrals, are prohibited on a developed or undeveloped road allowance.

Remedy for Unapproved Livestock / Farming or Other Agricultural Activity on a Road Allowance

68. Should livestock be placed or found to be placed on a developed or undeveloped road allowance without an Approved Temporary Road Allowance Permit, the municipality may:

- (a) provide a warning letter to the owner of the livestock directing them to remove the livestock by a specified date and time;
- (b) provide a warning letter to the person(s) who placed the livestock at the location to remove the livestock by a specified date and time;
- (c) capture and confine livestock trespassing on municipal property, should reasonable efforts to identify the owner(s) or person(s) responsible for placing the livestock on the road allowance not be successful; or
- (d) capture and confine livestock immediately, should the owner(s) or person(s) responsible for placing the livestock on the road allowance not remove the livestock by the date and time specified in the warning letter.

69. All livestock captured or confined pursuant to Section 67, shall be dealt with in accordance with the provisions of the *Stray Animals Act*.

70. Should unauthorized farming or other agricultural activity occur on a developed or undeveloped road allowance, the municipality may:

- (a) provide a warning letter to the person(s) responsible for the farming / other agricultural activity directing them to cease these operations and remove all equipment, crops and/or other agricultural developments by a specified date and time; and
- (b) seize and remove all equipment, crops and/or other agricultural development from the developed or undeveloped road allowance if the person(s) responsible fail to comply with the warning letter issued under Section 69(a).

PART 8 - EXEMPTIONS

71. The following are exempted from the provisions of this Bylaw:

- (a) Peace Officers in the course of their duties relating to public safety, prevention, education and enforcement;
- (b) Peace Officers, members of Fire Services, members of Emergency Medical Services, members of Emergency Management Services, members of Search and Rescue Services or any other person acting under the authority of one of the aforementioned services, while in the performance of their official duties in response to an emergency;
- (c) motor vehicles, heavy vehicles or vehicles operated by or on behalf of the municipality responsible for maintenance or other required services including but not limited to: snow removal, mowing, surveying, road maintenance or repair, trail maintenance or repair, gravel hauling, garbage collection, weed spraying, public utility servicing or any other activity approved or authorized by the municipality.

PART 7 - PEACE OFFICER AUTHORITIES

Chalking Tires

72. In order to determine the time period over which a motor vehicle, heavy vehicle or vehicle has been parked in a location, a Peace Officer may place an erasable chalk mark on the tread face of the tire of a parked motor vehicle, heavy vehicle or vehicle or use any other reasonable method capable of determining the time period over which a vehicle has been parked, without the Peace Officer or the municipality incurring any liability relating thereto.
73. No person shall remove an erasable chalk mark placed on a motor vehicle, heavy vehicle or vehicle pursuant to section 71 while the vehicle remains parked in the same location where the chalk mark was placed.

Removal of Vehicles

74. A Peace Officer may remove, cause to be removed or impound any motor vehicle, heavy vehicle, vehicle or trailer:

(a) parked in contravention of the provisions of this Bylaw; or

(b) that contributes, in the Peace Officer's opinion, to an unsafe or emergency situation.

75. Any motor vehicle, heavy vehicle or vehicle removed and impounded pursuant to Section 73 may be released to its owner upon payment of any costs imposed for towing and storage to the tow company.

76. All charges for removal and storage of a motor vehicle, heavy vehicle or vehicle shall be in addition to any fine or penalty that may be imposed with respect to any violation of this Bylaw.

77. Where a motor vehicle, heavy vehicle or vehicle is impounded pursuant to Section 73 and is not claimed within thirty (30) days of its removal, the vehicle may be disposed of in accordance with the provisions of the *Traffic Safety Act* and the regulations thereunder.

PART 6 - OFFENCES AND PENALTIES

Offences and General Penalty Provisions

78. Any person who contravenes or fails to comply with the provisions of this Bylaw is guilty of an offence.

79. Any person who is convicted of an offence pursuant to this Bylaw is liable on summary conviction to a fine not exceeding ten thousand dollars (\$10, 000.00) and in default of payment of any fine imposed, to imprisonment for not more than one (1) year.

Owner Liable

80. The owner of a motor vehicle, heavy vehicle, vehicle or off-highway vehicle involved in an offence under this bylaw is deemed to be the person responsible for the offence.

Violation Tickets and Penalties

81. Where a Peace Officer believes that a person has contravened any provision of this Bylaw, he may commence proceedings by issuing a violation ticket in accordance with the *Provincial Offences Procedures Act*.

82. The specified penalty payable in respect of a contravention of any provision of this Bylaw is the amount shown in Schedule 'A' of this Bylaw in respect of that provision.

83. The minimum penalty payable in respect of a contravention of a provision of this Bylaw is the amount shown in Schedule 'A' of this Bylaw in respect of that provision.

84. Notwithstanding Section 81:

- (a) where any person has been in contravention of the same provision of this Bylaw twice within one (1) twelve (12) month period, the specified penalty payable in respect of the second offence is double the amount shown in Schedule 'A' of this Bylaw in respect of that provision; and
- (b) where any person has been in contravention of the same provision of this Bylaw three (3) or more times within one (1) twelve (12) month period, the specified penalty payable in respect of the third or subsequent offence is triple the amount shown in Schedule 'A' of this Bylaw in respect of that provision.

85. Notwithstanding Section 82:

- (a) where any person has been in contravention of the same provision of this Bylaw twice within one (1) twelve (12) month period, the minimum penalty payable in respect of the second offence is double the amount shown in Schedule 'A' of this Bylaw in respect of that provision; and
- (b) where any person has been in contravention of the same provision of this Bylaw three (3) or more times within one (1) twelve (12) month period, the minimum penalty payable in respect of the third or subsequent offence is triple the amount shown in Schedule 'A' of this Bylaw in respect of that provision.

Continuing Offences

86. In the case of an offence that is of a continuing nature, a contravention constitutes a separate offence in respect of each day, or part of a day, on which the offence continues.

Mandatory Court or Information

87. No provision of this Bylaw shall prevent any Peace Officer from issuing a violation ticket requiring the court appearance of the defendant, pursuant to the provisions of the *Provincial Offences Procedures Act*, or from laying an information instead of issuing a violation ticket.

PART 7 - MISCELLANEOUS PROVISIONS

Liability for Fees

88. The levying and payment of any fine or the imprisonment for any period provided in this Bylaw shall not relieve a person from the necessity of paying any fees, charges or costs from which he is liable under the provisions of this Bylaw.

Certified Copy of Records

89. A copy of a record of the municipality, certified by the person duly appointed as the Designated Officer for the same as a true copy of the original, shall be admitted in evidence

as prima facie proof of the facts stated in the record without proof of the appointment or signature of the person signing it.

Other Provisions

90. Schedules 'A' and 'B', as attached, form a part of this Bylaw.

91. It is the intention of the Council of the municipality that each section of this Bylaw should be considered as being separate and severable from all other sections. Should any section or part be found invalid by a court of competent jurisdiction, it is intended that the invalid section or part shall be severable, and the remainder of the Bylaw will remain in effect.

92. It is the intention of the Council of the municipality that all offences created pursuant to this Bylaw be construed and considered as being Strict Liability Offences.

93. This Bylaw shall come into full force and effect upon the date of the third and final reading.

Read a first time

Read a second time

Read a third time

Reeve

Chief Administrative Officer

SCHEDULE 'A'

PENALTIES FOR OFFENCES

SECTION	OFFENCE DESCRIPTION	MINIMUM PENALTY	SPECIFIED PENALTY
8	Post / exhibit / cause to be posted / cause to be exhibited any notice / placard / bill on a traffic control device	75.00	150.00
10	Climb upon / interfere with / damage / deface / remove / alter / destroy a traffic control device	100.00	200.00
11	Drain lubricating oils / fluids upon a highway	50.00	100.00
12	Place / cause to be place / permit to be placed earth / sand / gravel / grass / leaves / snow / ice / debris / other materials upon any sidewalk / highway	125.00	250.00
13	Fail to remove / clear snow / ice / dirt / other obstruction from sidewalk within 24 hours	125.00	250.00
14(a)	Cause / permit any building / structure / fixture / road / tree / shrub / hedge / fence / sign / notice / advertising device / light / other object to cause a drifting or accumulation of snow on a highway	75.00	150.00
14(b)	Cause / permit any building / structure / fixture / road / tree / shrub / hedge / fence / sign / notice / advertising device / light / other object to damage a highway	75.00	150.00
14(c)	Cause / permit any building / structure / fixture / road / tree / shrub / hedge / fence / sign / notice / advertising device / light / other object to create a hazard / obstruction on highway	75.00	150.00
14(d)	Cause / permit any building / structure / fixture / road / tree / shrub / hedge / fence / sign / notice / advertising device / light / other object to obstruct a sidewalk	75.00	150.00
15	Place / cause to be placed / permit to be placed an extension cord across sidewalk / boulevard	75.00	150.00
16	Place construction bin upon highway without authorization	75.00	150.00
17	Place / permit to be placed / allow / engage in placement of motor vehicles / heavy vehicles / off-highway vehicles / vehicles / trucks / farm implements / other machinery / other	1000.00	2000.00

	item that blocks / impedes traffic on a highway		
18	Fail to remove item / object / obstruction within 24 hours	250.00	500.00
19	Obstruct entrance to a building	125.00	250.00
20	Obstruct pedestrians / vehicles on a highway	125.00	250.00
21	Fail to disperse at direction of Peace Officer	250.00	500.00
25	Track earth / sand / gravel / other material onto highway causing damage / hazard	125.00	250.00
27	Conduct unauthorized work on a highway	250.00	500.00
29	Owner / occupant / driver / operator / person in control of motor vehicle / heavy vehicle / vehicle / OHV cause excessive noise	300.00	600.00
32	Drive over fire hose	125.00	250.00
33(a)	Park where prohibited by temporary traffic control device	50.00	75.00
33(b)	Fail to remove vehicle within 24 hours of placement of temporary traffic control device	50.00	75.00
35	Park where prohibited by traffic control device	50.00	75.00
36	Park in manner that interferes with fire department vehicle / municipal vehicle / other emergency vehicle	50.00	100.00
37	Stop / park in marked fire lane	50.00	100.00
38	Stop / park motor vehicle / heavy vehicle / vehicle blocking fire / emergency exit on a building	50.00	100.00
39	Park motor vehicle / heavy vehicle / vehicle in alley	50.00	75.00
40	Park motor vehicle / heavy vehicle / vehicle on highway obstructing other vehicles	50.00	75.00
41	Park motor vehicle / heavy vehicle / vehicle on highway for servicing / repair of vehicle	50.00	75.00
42	Wash motor vehicle / heavy vehicle / vehicle while parked on highway	50.00	75.00
43	Park unattached trailer on highway	50.00	100.00
44	Unauthorized parking in space / location identified for persons with disabilities	125.00	250.00
46	Park unattached recreational vehicle on highway	50.00	100.00

47	Park recreational vehicle in unauthorized location on highway	50.00	100.00
48(a)	Park recreational vehicle on highway more than 72 hours	50.00	100.00
48(b)	Fail to remove recreational vehicle from highway for 48 hours	50.00	100.00
49	Occupy recreational vehicle parked on / along highway / ditch / road allowance / other location	100.00	200.00
50	Operate off-highway vehicle on highway when unauthorized	100.00	200.00
53	Improperly park heavy vehicle in a hamlet	100.00	200.00
54	Operate / park heavy vehicle on non-truck route	100.00	200.00
56	Unattached commercial vehicle trailer on highway	50.00	100.00
57	Metal cleats / tracks / other metal devices on highway cause damage	125.00	250.00
58	Develop / irrigate / otherwise utilize or use road allowance	375.00	750.00
59	Allow / place / permit to be placed livestock on road allowance without permit	375.00	750.00
60	Farm / cultivate road allowance	375.00	750.00
61	Place / allow to be placed / permit to be placed fencing / corrals / barriers on road allowance without permit	375.00	750.00
64	Fail to comply with conditions of Temporary Road Allowance Permit	375.00	750.00
65	Improper fencing on road allowance	375.00	750.00
66	Improper / locked gate on road allowance	375.00	750.00
73	Remove / deface / alter chalk mark on tire	250.00	500.00

SCHEDULE 'B'
TEMPORARY ROAD ALLOWANCE PERMIT - APPLICATION

Application Type: <input type="checkbox"/> Livestock Grazing		Date: YYYY-MM-DD	
APPLICANT INFORMATION			
Name:			
Address:			
Phone #:		Email:	
ROAD ALLOWANCE LOCATION			
Legal Land Description:		Other Location Description:	
CONSENT OF ADJOINING OWNER OR OCCUPANT			
I/We _____ hereby consent to granting of a permit to _____ to occupy the above described road allowance.			
Date Submitted:		Signature:	
PROPOSED USE OF ROAD ALLOWANCE			
Description: (include intended use, type and number of livestock, type and size of proposed fencing, type other agricultural use, proposed start and end dates etc.)			
Date submitted:		Applicant Signature:	
INTERNAL USE ONLY			
Date reviewed:	submission	Reviewed by:	Approved: <input type="checkbox"/>
			Denied: <input type="checkbox"/>
Conditions / Directions:			

This personal information is being collected under the authority of the MD of Pincher Creek No. 9 as it directly relates to and is necessary for operating a program or activity of the MD. This collection is authorized by section 4 of the Protection and Privacy Act. For questions about the collection of personal information, contact the Privacy Officer at 403-627-3130, MD Box 279, Pincher Creek, Alberta T0K 1W0 / 1037 Herron Ave / P 403627-3130 / F 403-627-5070 / info@mdpincer creek.ab.ca.

SCHEDULE 'C'
TEMPORARY ROAD ALLOWANCE PERMIT

Between the Municipal District of Pincher Creek No. 9 (the Lessor) and _____
(the Lessee).

In consideration of the receipt of a license fee as established per half mile or portion thereof, as per Policy C-FIN-529-Fees and Charges and subject to the terms and conditions stated below, the Lessor hereby grants a license of occupation to the Lessee on the following described road allowance(s):

_____ for agricultural purposes (e.g. livestock grazing).

Terms and Conditions:

1. The Lessee hereby indemnifies and holds harmless the Lessor from any and all claims or causes of action, including personal injury, death, or property damage brought by the Lessee or his/her agent that may arise or result from or in connection with the Lessee's use of the leased land under this license. Without restricting the generality of the foregoing, the Lessee indemnifies and holds harmless the Lessor from any and all claims that may arise as a result of use of the leased land by the Lessee for grazing of livestock.
2. The Lessee shall obtain general public liability insurance of not less than two million (\$2,000,000) dollars for claims brought as a result of personal injury, death, or property damage, occasioned as a result of the use of the road allowance by third parties, provided that such use was authorized by the Lessee and occasioned by or in connection with actions or responsibilities, including the grazing of livestock, of the Lessee.
3. The Lessee shall be responsible for managing and control of noxious and other weeds on the leased lands caused by or in connection with the Lessee's use of the leased lands.
4. The Lessee shall be responsible for prevention and repair of any erosion to soil or waterways caused by or in connection with the Lessee's use of the leased lands.
5. The Lessee may erect and maintain fences or other structures reasonably required in connection with their use of the leased lands under this license, provided that such fences or structures shall not unreasonably impede or prevent legal access by the public and are approved in advance.
6. The Lessee shall not prohibit or unreasonably restrict public access and passage over

the road allowance, but may from time to time impose conditions or restrictions on access and use where such conditions are temporary in nature and reasonably necessary or appropriate to the Lessee's operations and responsibilities under this agreement. The Lessee may install a sign to indicate to the public conditions of access.

7. Your new License of Occupation will remain in effect, provided that applicable fees are paid, as well as providing notice to the MD of Pincher Creek when circumstances change with respect to the License of Occupation (i.e. change of ownership *of either the lessee or the consenting adjacent landowner*; no longer require the use of the road allowance, etc.).

8. This license may be revoked or terminated for cause by the Lessor upon three day's written notice to the Lessee, and the Lessee shall immediately cease using and remove any livestock from the road allowance, and this agreement shall be terminated. The Lessee shall have no claim in connection with rightful termination by the Lessor under this section.

Lessee

Lessee

Municipal District of Pincher Creek No. 9