

Village of Duchess

By-Law 451/12

A By-Law of the Village of Duchess in the Province of Alberta, for the PURPOSE OF CONTROLLING AND MANAGING THE HIGHWAYS UNDER ITS DIRECTION PURSUANT TO SECTIONS 14, 15, 16 & 17 OF THE HIGHWAY TRAFFIC ACT AND SECTIONS 1 AND 18 OF THE OFF-HIGHWAY VEHICLE ACT.

WHEREAS, the Council of the Village of Duchess may make by-laws not inconsistent with the Highway Traffic Act on matters for which no provision are made in that, concerning highways under its direction, control and management;

AND WHEREAS, the Municipal Council of the Village of Duchess wish to pass such a Bylaw;

NOW THEREFORE, the Municipal council of the Village of Duchess, in council, duly assembled enacts as follows:

1) Definitions

- a) Terms used in this by-law shall have the same meaning as that ascribed to them in the Highway Traffic Act.

2) Authority

- a) Members of the Royal Canadian Mounted Police and the appointed By-Law Enforcement Officer or Community Peace Officer are authorized to control and direct traffic in conformity with this Bylaw;

- b) Every person shall comply with any traffic signal or direction of a school patrol member;

- c) The Public Works Foreman of the Village of Dutchess is delegated the power to:
 - 1) Control and regulate the use of all highways, sidewalks and other public places within the Village of Dutchess pursuant to section 18, Chapter 0-4 of the Off-Highway Vehicles Act;
 - 2) Prescribe where traffic control devices are to be located including traffic control devices restricting speed of vehicles pursuant to Section 14 to 16, chapter 11-7 of the Highway Traffic Act.

- 3) Defacing Traffic Control Devices
 - a) No person shall willfully remove, throw down, alter or deface, injure or destroy a traffic control device placed, marked or erected upon any street, avenue or alley in the Village of Dutchess.

- 4) Speed Limits
 - a) Except where a higher rate of speed is prescribed to section 2 (c) of this By-law, no person shall drive at a greater rate of speed than 50 kilometers per hour on any street or avenue within the Village of Dutchess;

 - b) No person shall drive at a greater rate of speed than 30 kilometers per hour in any alley or any public parking area within the Village of Dutchess;

c) In designated School Zones within the Village of Duchess, no person shall drive at a greater rate of speed than 30 kilometers per hour between the hours of 8:00 a.m. and 5:00 p.m. on any day, which school is held.

d) In a designated playground zone within the Village of Duchess, no person shall drive at a greater rate of speed than 30 kilometers per hour.

5) Parking

a) No person shall park any truck, school bus, van, trailer or combination thereof or any other vehicle exceeding the license gross weight of 7,500 kilograms on any residential street, avenue or alley within the Village of Duchess unless written permission has first been obtained through Village Council.

b) No person shall park a holiday trailer, a utility trailer or any other vehicle that is intended to transport property or persons on any street, avenue or alley within the Village of Duchess unless it is hooked up to a registered and insured vehicle, and then for no more than 72 consecutive hours.

c) No person shall park a vehicle in a manner which will obstruct the full use of the alley by other vehicles, excepting for loading and unloading, and then only for a reasonable period of time;

d) No person shall park any vehicle or combination of vehicles exceeding 7.61 meters (25 feet) which may include but is not limited to vehicles such as motor homes, dual wheeled trucks, a truck with camper, vans, buses loaded or otherwise in any area where angle parking is permitted unless permission has first been obtained through Village Council;

e) No person shall park in a space provided for handicapped persons, unless the registered owner of the handicapped sticker is present in the vehicle when parked or being picked up;

f) The Public Works Foreman shall have the authority to designate any street, avenue or alley within the Village of Dutchess as a “No Parking Zone” for the purpose of grading, snow removal, maintaining or repairing as required, or for the purpose of a parade when authorized by the Council of the Village of Dutchess;

1) The Village of Dutchess will provide and place sufficient signs at least 12 hours in advance indicating the reason for the “No Parking Zone”, except in the case where immediate attention to the street, avenue or alley is required for the Public Works Department;

g) When parking on a roadway, a driver shall park his vehicle with the sides parallel to the curb edge of the roadway, and;

1) With the right hand wheels thereof not more than .50 meters from the right hand curb or edges of the roadway; or

2) In the case of a one-way highway where parking on either side is permitted, with the wheels closest to a curb or edge of the roadway not more than .50 meters from the curb or edge and with the vehicle

facing the direction of travel authorized for that highway.

6) Backing

a) No person shall back across the centre line or the centre of a roadway for the purpose of proceeding in a direction other than the direction in which the vehicles are required to move prior to the act of backing up.

7) Camping

a) No person shall occupy or permit any other person to occupy a mobile unit on any street, avenue, alley, parking lot or public property within the Village of Duchess unless such property has been designated for use as a mobile unit park or trailer court or otherwise authorized by the Public Works Foreman;

1) For the purpose of this Section “mobile unit” means;

a) any vacation trailer, horse trailer or re-locatable trailer, or

b) any structure whether ordinarily equipped with wheels or not, that is constructed or manufactured to be moved from one point to another by being towed or carried and to provide living accommodation for or other use by one or more persons.

8) Bicycles

a) No person over the age of 10 shall operate a bicycle on any sidewalk, footpath or boulevard.

9) Electrical Cords

a) No person shall place or cause to be placed any electrical cord over a sidewalk unless it is suspended at least 2.5 metres above the sidewalk and does not interfere with any pedestrian or vehicle traffic, unless written permission has first been obtained through Village Council.

10) Special Zones

a) For the purpose of regulating or prohibiting traffic, the Council may, by Resolution, authorize the establishment of passenger, taxi, handicapped or other zones at such location and for such periods as deemed necessary.

11) Inflammable

a) No truck equipped for carrying gasoline, propane or other inflammable substance, or explosive substances, loaded or unloaded, shall be left unattended upon any street, avenue or alley within the Village of Duchess.

12) Truck Routes and Weight Restrictions

a) The streets and avenues noted on the marked Schedule "A" of this Bylaw shall be designated truck routes within the Village of Duchess;

b) Except where specific exceptions are allowed in this By-Law, no person operate or park a vehicle with a gross licensed vehicle weight exceeding 7500 kilograms on any street other than a street designated as a truck route in Schedule "A" of this By-law;

c) No person shall operate or park a vehicle, on any street, in excess of the weight and size limits established by the Public Service Vehicle Act of the Province of Alberta and regulations or amendments thereunder, unless permission has first been obtained through Village Council.

d) The following shall not be deemed to be operating a vehicle in contravention of Subsection 13 (b) of this By-law if the vehicle was being operated in the most direct and practical route between the premises or location concerned, which is, located off the truck route and nearest truck route:

1) Persons delivering or collecting goods or merchandise to or from the premises of bona fide customers;

2) Persons going to or from premises located in non-restrictive areas for the servicing or repairing of heavy equipment;

3) Persons pulling or removing a disabled vehicle on a street prohibited to a heavy vehicle.

e) Subsection 13 (b) of this By-law shall not apply to:

1) Persons operating a vehicle owned by or in the service of electrical, gas or other utility companies, while conducting bona fide work or repairs or the upgrading of facilities within the Village of Duchess.

13) Vendors

a) No person shall park his vehicle or trailer on any street, avenue or alley within the Village of Duchess for the purpose of selling or offering for sale from that vehicle or combination of vehicles, any commodity, including goods offered as home produce or products;

b) Persons wishing to sell or offer for sale any commodity, including home produce or products, from any vehicle, trailer or combination of vehicles, may use a Village of Duchess parking lot or private property, providing permissions is first obtained from the respective owners.

14) Off-Highway Vehicles

a) No person shall operate an off-highway vehicle as defined in section 1(k), Chapter 0-1 of the Off-Highways Vehicles Act, R.S.A. 1980 and amendments thereto, on any street, avenue or alley, boulevard, park or parking lot or any other public place, except as follows:

1) Notwithstanding section 14(a) of this By-law and pursuant to Section 18(2)(b) of the Off-Highways Vehicles Act, it shall be lawful to operate only snow vehicles, 3 or 4 wheeled low-pressure tire vehicles, commonly referred to as ``quads`` or ``trikes`` within the Village of Duchess in accordance with this By-law;

a) Those vehicles listed in section 14 (a)(1) shall be licensed and insured, and operated pursuant to the Off-Highways Vehicles Act and regulations and amendments made thereto;

b) Those vehicles listed in 14 (a)(1) may be operating on a street, avenue or alleys within the Village of Duchess, but only for the purpose of proceeding via the most direct route from the point of origin to the nearest point outside the corporate limits of the Village of Duchess, or for the purpose of returning to the point of origin by the most direct route from the nearest point outside the said corporate boundaries;

c) No person shall operate a vehicles listed in 14 (a)(1)

1) In any other place other than a highway as defined in the Highway Traffic Act, R.S.A. 1980 and amendments thereto;

2) Between the hours of 11:00 p.m. and 7:00 a.m.;

3) At a rate of speed greater than 30 kilometers per hour on any street or avenue, or at a rate of speed greater than 20 kilometers per hour in any alley.

15) Emergency Vehicles

a) All Emergency Vehicles responding to an emergency call shall have the right of way upon any street within the Village of Duchess, over all other vehicles;

b) On the approach of any Emergency Vehicle responding to a call, every vehicle on the street shall immediately draw up to the right hand curb and park until each Emergency Vehicle has passed by;

c) No vehicle shall follow nearer than ninety Two (92) meters to any vehicle or apparatus of the Fire Department when going to a fire;

d) No vehicle shall be permitted to remain or shall be driven on any street within the Village of Duchess within the block in which any fire is in progress, nor shall any vehicle be permitted to remain or drive on any land situated in the block in which any fire is in progress;

e) Driving any vehicle over a fire hose while being in use by the Fire Department is prohibited;

f) The Chief Officer of the Fire Department of the Village of Duchess, or any person Acting under his instructions shall have the right and authority 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 Village of Duchess.

16) Seizure

a) Any Police Officer may remove a vehicle or trailer or combination of vehicles, found illegally parked under section 5 and sections 13(b) and 13(c) of this By-law, pursuant to section 92 of the Motor Vehicle Administration Act, R.S.A. 1980, and amendments thereto.

17) Offences and Penalties

- a) Any person who contravenes this By-law is guilty of an offense;
- b) A person who is guilty of an offense under this By-law, for which a penalty is not otherwise provided is liable to a fine of not more than \$1000.00 or to imprisonment for not more than 6 months or to both;
- c) Any person who commits a breach of any of the provisions of this By-law shall be liable on summary conviction thereof before a Magistrate or Justice of the Peace to a fine not exceeding Two Hundred Dollars (\$200.00) exclusive of costs, and in default of payment, to imprisonment in the nearest common goal for any period not exceeding Sixty (60) days unless the fine and costs, including the costs of committal, be sooner paid;
- d) Any person who contravenes this By-law is guilty of an offense and liable upon summary Conviction to a fine not to exceed \$50.00 for the first offense, \$100.00 for the second offense and \$200.0 for the third and subsequent offenses;
- e) Pursuant to the Provincial Offences Procedures Act, statutes of Alberta 1988 and amendments thereto, a defendant who has been served a summons and wishes to plead guilty may make a voluntary payment in respect of a summons by delivering the summons together with the specified penalty, as listed in Schedule ``B`` of this By-law, to the Chief Administrative Officer or the By-law Enforcement Officer or Community Peace Officer for the Village of Duchess. An official receipt will be issued by the Municipal Secretary or the By-law Enforcement Officer or Community Peace Officer;

f) Any offending motorist or owner who neglects or refuses to pay the aforesaid Penalty within 2 days of the date of issuance of the said Traffic Ticket may be prosecuted in court for the offense(s) provided in Section 17(c) of this By-law.

18) General

a) No person shall deposit or leave or allow to fall upon any street or public place within the Village of Dutchess any tacks, nails, glass, wire or other sharp or pointed material liable to injure the tires of any vehicle or the feet of any person or animal which may be passing on any street or sidewalk or public place within the Village;

b) No vehicle shall be allowed to stop or stand motionless in front of any premises occupied by any fire station or fire hall within the Village of Dutchess;

c) No person shall cast, throw or project any stones, balls of ice or snow or other dangerous object to the public, nor use any bow and arrows or air rifle upon any street or public place within the Village of Dutchess;

d) No person shall destroy or injure any tree, shrub, plant or flower, nor injure the Lawn on any boulevard, public park or public garden within the Village of Dutchess unless permission has first been obtained through Village Council.

e) No person shall allow any vehicle to be parked on any sidewalk nor allow any wheel of such vehicle to be or remain on any sidewalk within the Village of Dutchess.

f) The Village of Dutchess foreman or By-law Enforcement or Community Peace Officer in each case where any of them deems it necessary, may authorize the placing or erecting of barricades or other safeguards including warning lights, reflector signs, flares or other safety devices on, in about, along or across any street, lane, avenue, or other public place within the Village and no person not authorized to do so either by the Village Foreman or the By-law Enforcement or Community Peace Officer shall move, tear down, overthrow, damage or interfere in any way with such barricade or safeguard placed or set up as aforesaid;

g) Any vehicle left parked or standing on any street in the Village, may be moved or caused to be moved by the By-law Enforcement or Community Peace Officer of the Village of Dutchess, or by any person acting under the authority of the By-law

Enforcement or Community Peace Officer, convenient for the carrying out of any public work on behalf of the Village of Dutchess;

h) Any vehicle parked or left standing in contravention of this or any other By-law of the Village of Dutchess may be moved or caused to be moved by order of the By-law Enforcement or Community Peace Officer for the Village of Dutchess and stored at the owner's expense. The expense of such moving and storing shall be payable by the owner of the vehicle and shall be a first lien on the title of the vehicle as security for payment of the charges incurred in moving and storing the vehicle;

i) All motor vehicles and trailers carrying waste material and refuse must contain the material within the box of the conveyance and must be adequately enclosed, secured or covered to prevent any portion of the load from falling or blowing on to any public or private property;

j) All sidewalks must be cleared within 36 hours of snowfall;

k) This By-law shall come into full force and effect upon the date of the final passing thereof.

19) By-law 399-2001 is hereby repealed

READ a first time this day of February, 2012

Read a second time this day of February, 2012

READ a third time and finally passed this day of , 2012

Councillor

Chief Administrative Officer

SCHEDULE ``A`` BYLAW 451/12

TRUCK ROUTES:

- a) Entire Railway Avenue

SCHEDULE ``B`` BYLAW 451/12

SPECIFIED PENALTTIES

<u>OFFENCE</u>		<u>PENALTY</u>
Sec 3 (a)	Defacing Traffic Control Devices	\$ 50.00
Sec 4 (a)(b)(c)	Speed Limits	As per the voluntary penalties of Sec 70 (1) of the Highway Traffic Act.
Sec 5(a) to (e)	Parking	\$ 30.00
Sec 6 (a)	Backing	\$ 50.00
Sec 7 (a)	Camping	\$ 50.00
Sec 8 (a)	Bicycles	\$ 25.00
Sec 9 (a)	Electrical Cords	\$ 25.00
Sec 11 (a)	Inflammable and Explosive Materials	\$ 500.00
Sec 12 (a)	Truck Route – Weight Violation	\$ 200.00
Sec 12 (b)	Truck Route – Permit Violation	\$ 200.00
Sec 13 (a)	Vendors	\$ 50.00
Sec 14(a)	Off-Highway Vehicles – Prohibited	\$ 50.00
Sec 14(a)(1)(c)	Off-Highway Vehicles – Violations	\$ 75.00

Village of Dutchess

Traffic Bylaw No.451/12 (Section)

Authorization of Parking or other functions

The following vehicle is authorized by the Village of Dutchess Council to

----- during the hours of
_____ on

(Time)

(Date)

Along _____

(Route)

Owner of Vehicle: _____

Operator of Vehicle: _____

License Number of Vehicle: _____

Type of Vehicle: _____

Village Representative