

BYLAW NO. 003-10

**BEING A BY-LAW OF THE
TOWN OF SMOKY LAKE
IN THE PROVINCE OF ALBERTA**

**TO PROVIDE FOR THE CONTROL AND MANAGEMENT OF TRAFFIC ON HIGHWAYS
AND TO REGULATE AND CONTROL PUBLIC PLACES WITHIN THE TOWN OF
SMOKY LAKE.**

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Whereas, pursuant to the provisions of the Municipal Government Act 2000 of the Revised Statutes of Alberta, Chapter M-26, a municipality has direction control and management of all roads within the municipality.

And Whereas, a Council may also pass a By-Law for municipal purposes respecting people, activities and things in, on or near a public place or place that is open to the public.

Now Therefore, the Council of the Town of Smoky Lake, in the Province of Alberta, duly assembled, and under the authority and pursuant to the provisions of the Municipal Government Act, the Highway Traffic Act and the Motor Transport Act, does hereby enact;

1. Interpretation

1.1 Title

This By-Law shall be known as the "TOWN OF SMOKY LAKE TRAFFIC CONTROL BYLAW".

1.2 Generality Implied

Wherever the singular or masculine is used throughout this By-Law, the same shall be construed to mean the plural or feminine respectively where applicable.

1.3 Definitions

1.3.1 "Act" means the Traffic Safety Act, R.S.A. 2000, Chapter T-6 as amended or substituted from time to time.

1.3.2 "Commercial Districts" means all areas designated as retail commercial, commercial transition, highway commercial, commercial industry and industrial as defined in the Town of Smoky Lake Land Use Bylaw.

1.3.3 "Chief Administrative Officer" is the person appointed by Council in accordance with Section 205 of the Municipal Government Act and is referred throughout this bylaw as "CAO".

1.3.3 "Commercial loading or unloading space" shall mean a space on the vehicle portion of a highway marked with a sign authorized by this By-Law permitting free parking for commercial vehicles for a period not exceeding 30 minutes for the purpose of loading or unloading goods to or from business premises.

1.3.4 "Commercial Vehicle" means a motor vehicle as defined in the Traffic Safety Act.

1.3.5 "Council" means the Council of the Town of Smoky Lake.

1.3.6 "Curb" means the actual curb, if there is one, and if there is no curb in existence, shall mean the edge of a roadway.

1.3.7 "Curb Cut" means a construction in, on or across a sidewalk or curb designed to allow vehicular access from a lot or parcel of land to a roadway.

1.3.8 "Double Parking" or any words or any expressions of similar meaning or impart means the parking of a vehicle on a highway parallel to a vehicle parked beside the curb or shall mean parking to the rear of any vehicle that is angle parked at the curb.

1.3.9 "Emergency Vehicle" means a motor vehicle used:

1.3.9.1 For Police Duty;

1.3.9.2 For Municipal Enforcement;

1.3.9.3 By a Fire Service;

1.3.9.4 As an Ambulance; or

1.3.9.5 For a purpose relating to maintenance of a public utility and designated as an emergency vehicle under Sec. 17.1 of the Act.

- 1.3.10 “Firearm” means any device that propels a projectile by means of explosion, spring, air, gas, string, wire or elastic material or any combination of those things;
- 1.3.11 “Fire Lane” means an access route for fire department vehicles required by the Alberta Building Code for fire fighting purposes and marked by signage as a fire lane.
- 1.3.12 “Handicap Loading Zone” means a portion of a highway set aside for the exclusive use of vehicles for the loading and unloading of handicapped passengers and are designated as such who display the appropriate placard.
- 1.3.13 “Heavy Vehicle” is defined as follows: a vehicle with or without a load, exceeding any of the following:
- 1.3.13.1 Three axels, or
 - 1.3.12.2 A designated gross vehicle weight of 5,500 Kilograms.
- 1.3.14 “Highway” is defined the same as the Traffic Safety Act and its amendments thereof.
- 1.3.15 “Holiday” means
- 1.3.8.1 New Year’s Day
 - 1.3.8.2 Family Day
 - 1.3.8.3 Good Friday
 - 1.3.8.4 Easter Monday
 - 1.3.8.5 Victoria Day (the first Monday immediately preceding the 25th of May in each year)
 - 1.3.8.6 Canada Day
 - 1.3.8.7 Annual Civic Holiday to be proclaimed by the Council of the Town or by the Mayor of the Town (first Monday in August)
 - 1.3.8.8 Labour Day (first Monday in September)
 - 1.3.8.9 Thanksgiving Day when proclaimed as a holiday by the Government of Canada or the Government of Alberta
 - 1.3.8.10 Remembrance Day (November 11th)
 - 1.3.8.11 Christmas Day, and
 - 1.3.8.12 the 26th of December or when such day falls on a Sunday, then the 27th of December or when such day falls on a Monday, then the 28th of December.
- 1.3.9 “Holiday Trailer” means:
- 1.3.9.1 a trailer that is designed, constructed and equipped as a permanent or temporary dwelling or sleeping place, or
 - 1.3.9.2 any structure that is designed, constructed and equipped as a permanent or temporary dwelling or sleeping place and intended to or is capable of being loaded on to or carried upon a motor vehicle or trailer.
- 1.3.10 “Lane” Or “Laneway” means a highway used to provide access to properties in addition to the access provided by a frontage and/or flankage highway including alleys and any Town utility lot to which the public is permitted access.
- 1.3.11 “Maximum Weight” means:
- 1.3.11.1 The maximum weight of a vehicle as recorded on the Official Registration Certificate or Interim Registration Certificate for vehicles issued by the Province of Alberta; or
 - 1.3.11.2 If there is no such Official Registration Certificate or Interim Registration Certificate for the vehicle, then the combined

weight of the vehicle and the heavies load shall be accordance with the Alberta Motor Transportation Board Regulations.

- 1.3.12 "Municipal Government Act" shall mean the Municipal Government Act, 2000, Chapter M-26, R.S.A. and amendments thereto.
- 1.3.12 "Objectionable Noise" is a noise which in the opinion of a peace officer is
- 1.3.12.1 a loud noise or,
 - 1.3.12.2 an unnecessary noise which annoys, disturbs or endangers the comfort, repose, health, peace or safety of others.
- 1.3.13 "Off-Highway Vehicle" shall mean the Traffic Safety Act RSA and amendments thereof.
- 1.3.14 "Parade" or "Procession" means any group of pedestrians (excepting a military or funeral procession) numbering more than 50 and marching or walking in the street or on the sidewalk, or any group of vehicles(excepting a military or funeral procession) numbering 10 or more.
- 1.3.16 "Park" means to allow a vehicle (whether occupied or not) to remain standing in one place except:
- 1.3.16.1 When standing temporarily for the purpose of and while actually engaged in loading or unloading passenger; or
 - 1.3.16.2 When standing in obedience to a Peace Officer or traffic control device.
- 1.3.16 "Passenger loading or unloading space" means a space on the vehicle portion of a highway marked with a sign authorized by this By-Law permitting parking therein for the period necessary to load or unload passengers, and the sign shall indicate the time or times, if any, when the space is restricted to these purposes.
- 1.3.17 "Peace Officer" means a member of the Royal Canadian Mounted Police, a Community Peace Officer or a By-Law enforcement officer appointed for or by the Town.
- 1.3.18 "Person" shall include a corporation, partnership, firm or organization.
- 1.3.19 "Public Land" means all Town owned lands intended for use by and open to the public and all lands contained within the right-of-way of a highway.
- 1.3.20 "Recreational Vehicle" means a motor vehicle designed, constructed or equipped as a temporary dwelling place or sleeping place.
- 1.3.21 "Sidewalk" means that part of a highway especially adapted to use of or ordinarily used by pedestrians, and includes that part of the highway between
- 1.3.21.1 the curb line, or
 - 1.3.21.2 where there is no curb line, the edge of the roadway, and the adjacent property line whether or not it is paved or improved.
- 1.3.22 "Sign" mean any sign, signal, marking, or device placed, marked or erected under the authority of this By-Law for the purpose of regulating, warning or guiding traffic or persons on public land.
- 1.3.23 "Time" means either Mountain Standard Time or Mountain Daylight Saving time, whichever is proclaimed to be in effect by the Province of Alberta.
- 1.3.24 "Tag" means:
- 1.3.24.1 A municipal violation tag, or
 - 1.3.24.2 A tag authorized by the Provincial Offences and Procedures Act and issued pursuant to this bylaw.

1.3.25 "Town" means the Town of Smoky Lake, a municipal corporation in the Province of Alberta, and where the context so requires means the area contained within the corporate boundaries of the said municipality.

1.3.26 "Utility Trailer" means a trailer used for transporting materials, goods or equipment that is designed to be towed by a half ton pickup truck or smaller vehicle.

1.3.27 "Works Superintendent" means the Works Superintendent appointed by the Town or representative authorized by him.

2. Traffic Operations

2.1 Speed Limits

2.1.1 Speed Limit General

Unless otherwise provided for in this By-Law the speed limit in Town shall be 50 kilometres per hour.

2.1.2 Speed Limit In Lanes

No person shall drive a vehicle on any lane in the Town at a speed in excess of 30 kilometres per hour.

2.2 Vehicle on Sidewalk

No person shall operate or park a motor vehicle on any sidewalk, bicycle path or pedestrian path on any public land, unless it is an emergency vehicle or service vehicle of the Town of Smoky Lake.

2.3 Vehicle on Public Land

Except for a peace officer, Town employee or agent of the Town acting in the performance of his duties, no person shall operate or park a vehicle on public land other than on areas designated for the operation or parking of such a vehicle.

2.4 Obstructing Traffic

No vehicle operator shall drive or park a vehicle upon any highway in such a manner as to block, obstruct, impede or hinder traffic thereon. Where the obstruction is unavoidable due to mechanical failure the operator will not be in breach of this section provided he promptly takes adequate measures to clear the faulty vehicle from the highway.

2.5 Vehicle Towing Conveyance

2.5.1 No person shall draw or tow by a vehicle any person riding upon a sled, toboggan, skateboard, skis, bicycle, ice or in-line skates or other conveyance on a highway.

2.5.2 No person shall allow himself to be drawn by a moving vehicle while he is riding upon a sled, toboggan, skateboard, skis, bicycle, ice or in-line skates or other conveyance on a highway.

2.6 School Bus Flashing Lights

No person shall operate the alternately flashing lights or the stop arm located on a School bus upon any highway located within a school zone.

2.7 Bicycles on Sidewalk

No person shall ride a bicycle on a sidewalk except for a child's bicycle having a wheel diameter of less than 0.46 meters (18 inches).

2.8 Animal Traffic

2.8.1 No person shall permit any horse or other beast of burden and any vehicle intended to be transported by it to stand or be upon a highway so as to obstruct traffic thereon.

2.8.2 No person shall lead, ride or drive a horse or other beast of burden on any public land other than on roadways.

2.8.3 No person shall leave a horse or other beast or burden unattended on public land.

2.9 Interference With Traffic

No person shall place or shall permit or allow to be placed or maintained, at any location in Town, a light or an object that reflects lights in such a manner so as to distract or interfere with the vision of a person operating a vehicle on any highway in Town.

3. Parking

3.1 Parellel Parking Required

No person shall park a vehicle on a roadway unless the sides of it are parallel to the curb and the right hand wheels of it are not more than 500 millimetres from the right hand curb or in the case of a one way highway where parking on either side is permitted, the wheels closest to the curb are not more than 500 millimetres from that curb and the vehicle is facing the direction of travel authorized for that highway.

3.2 Stopping

No person shall stop a vehicle in a place or at a time prohibited by a sign unless directed to do so by a peace officer or a traffic control device.

3.3 General Parking Restrictions

Unless required or permitted by this By-Law 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:

3.3.1 on a sidewalk, or the boulevard portion of a highway

3.3.2 on a crosswalk or on any part of a crosswalk

3.3.3 within an intersection other than immediately next to the curb in a "T" intersection

3.3.4 at an intersection nearer than five (5) meters to the projection of the corner property line immediately ahead or immediately to the rear, except when the vehicle is parked in a space where a traffic control device indicates parking is permitted

3.3.5 within 5 meters on the approach to a stop sign or yield sign

3.3.6 within 5 meters of a fire hydrant, or when the hydrant is not located at the curb, within 5 meters of the point on the curb nearest the hydrant

3.3.7 with 1.5 meters of an access to a garage, fire lane, private road or driveway, or a vehicle crossway over a sidewalk

3.3.8 within 5 meters of the near side of a marked crosswalk

3.3.9 alongside or opposite any street excavation or obstruction when the stopping or parking would obstruct traffic

3.3.10 at any place where a traffic control device prohibits stopping or parking, during the times stopping or parking is so prohibited

3.3.11 on the roadway side of a vehicle parked or stopped at the curb or edge of the roadway, or

3.3.12 next to a curb that has been painted yellow

3.3.13 contrary to the flow of traffic

3.4 Parking Zones

No person shall park a vehicle for any period of time whatsoever at any of the following locations:

3.4.1 Construction Area

upon a highway in front of any building in course of erection or repair when such parking will impede or obstruct traffic.

3.4.2 School Bus Stop

in a school bus zone so designated by a sign

3.4.3 Truck Loading Zone

in any truck or unloading space at a time when parking is prohibited by a sign marking such space other than a truck lawfully engaged in loading or unloading merchandise, except that such space may be used for the normal parking of a vehicle on any holiday or at times other than those restricted by the sign.

3.4.4 Passenger Loading Zone

in any passenger loading or unloading space marked by a sign indicating the restrictions which apply thereto except a vehicle lawfully engaged in loading or unloading passengers.

3.4.5 Commercial Loading Zone

in any commercial loading or unloading space marked by a sign indicating the restrictions which apply thereto other than a commercial vehicle lawfully engaged in loading or unloading goods to or from business premises.

3.4.6 Emergency Doors

in any place where the vehicle will in any way interfere with the use of a doorway intended as a fire or emergency exit from any building.

3.4.7 Entrance To Fire Hall Or Hospital

in the entranceway to any fire hall or hospital

3.4.8 Designated Vehicles

at a place or area where a sign indicates that parking there is restricted to a designated class of vehicle only, which include but are not limited to:

3.4.8.1 police vehicles

3.4.8.2 By-Law enforcement vehicles, or

3.4.8.3 school buses during such time that such buses are being used to transport students to and from the school, and loading and unloading such students

3.4.9 on any portion of a highway marked by a "No Parking" sign, or on any portion of a highway marked by a "Fire Lane No Parking" sign.

3.4.9 Double Parking

No person shall park a vehicle on a highway parallel to a vehicle parked beside the curb or shall mean parking to the rear of any vehicle that is angle parked at the curb.

3.5 Vehicle on Jack

No person shall leave a vehicle unattended on a highway if the vehicle has been placed on a jack or a similar device, and

3.5.1 one or more wheels have been removed from the vehicle,

3.5.2 part of the vehicle is raised,

3.5.3 which include but not limited to utility trailers and recreational trailers

3.6 Abandoning of Vehicle

No person shall park a vehicle on a highway for any continuous period in excess of 72 hours

3.7 Lanes

No person shall park a vehicle in a lane unless a sign permits parking, but lanes may be used for:

3.7.1 the loading and unloading of goods from a commercial vehicle for a period not exceeding 30 minutes provided said vehicle does not restrict access to a property not involved with the loading or unloading, or

3.7.2 the loading or unloading of goods or passengers from a vehicle other than a commercial vehicle for a period not exceeding five (15) minutes, provided the said vehicle does not obstruct the lane so as to prevent other vehicles or persons from passing along the lane.

3.8 Trailers and Recreational Vehicles

3.8.1 No person shall park any recreational vehicle, attached or unattached trailer holiday trailer on a highway except for the purpose of loading or unloading for a period not exceeding 48 hours and only if it is located on that portion of highway that lies immediately adjacent to the property it is being loaded from or unloaded to.

3.8.2 Notwithstanding Subsection 3.8.1, no person shall leave on a highway for any period of time a device or object designated to be carried on a vehicle if it is removed from the vehicle.

3.9 Time Limits

3.9.1 No person shall park a vehicle in excess of the time designated and marked on a sign posted for the purpose of restricting the time for parking a vehicle.

3.9.2 After the issuance of an offence ticket concerning a vehicle for the first violation of Subsection 3.9.1 and the vehicle remains parked for a further period in excess of the time permitted on the sign, then a second offence shall be deemed to have occurred and a further offence ticket may be issued for such second offence.

3.9.2 Subsections 3.9.1 and 3.9.2. shall not apply on a holiday

3.10 Temporary Parking Ban

3.10.1 The Works Superintendent is hereby authorized to make provisions and regulations in times of emergencies, during snow removal or street cleaning operations, and in areas where construction or repairs are being carried out upon or near highways related to the control and regulation of traffic and, without restricting the generality of the foregoing, may:

3.10.1.1 designate any highway as one which is closed temporarily in whole or in part to traffic and shall cause such highway to be so marked

3.10.1.2 designate any area as one which parking privileges are temporarily suspended and shall cause such area to be so marked,

3.10.1.3 cause moveable signs to be placed on or near a roadway, such signs to read "No Parking in this Block", or

3.10.1.4 temporarily suspend the existing speed limit and restrict the speed of vehicles to such speed as may be indicated on a sign placed in such areas

3.10.2 The organizers of a parade or procession granted authorization under Subsection 5.2.3 may place temporary no parking signs along the route of the parade or procession.

3.10.3 No person shall park or drive a vehicle in contravention of any sign or signal placed in accordance with any such provisions or regulations made under Subsections 3.10.1 or 3.10.2.

3.10.4 No person shall tear down, remove or interfere with any such signs, signals, barricades, flares or other things placed in accordance with Subsection 3.10.1 or 3.10.2.

3.10.5 No person shall park or leave parked a vehicle on a highway adjacent to any block in Town after the expiration of 12 hours from the time a sign or signs referred to in Article 3.10.1.3 or Subsection 3.10.2 have been placed in such block until such sign or signs have been removed. Any vehicle found on a highway adjacent to such a block so posted may be removed pursuant to Section 10.3 herein.

3.11 Handicapped Space

No person shall park a vehicle on a highway or on public or private property in a space reserved for handicapped parking, which is so designated by a sign without having prominently displayed upon their vehicle a handicap placard or license plate that is issued or recognized by the Minister responsible for the Traffic Safety Act.

3.12 Parking of Private Property

3.12.1 No persons shall park a vehicle or trailer on private land which has been clearly marked as such by a sign containing the words "No Parking, Private Property. Unauthorized vehicles will be towed at the owners expense", or words to like effect, erected by the owner, tenant or their agent unless such person has obtained the permission of the owner, tenant, occupant or person in charge of the said private land.

3.12.2 No person shall park a vehicle or trailer on a parking lot on private land to which the public has access contrary to the terms, conditions or prohibitions contained in a clearly marked sign erected at the entrance to or within the boundaries of such private land by the owner, tenant, occupant or person in charge of such private land.

3.12.3 Should any owner, tenant occupant or person in charge of private land be satisfied that any person is violating a prohibition set forth in Subsection 3.12.1 or 3.12.2 he may report the license number and location of the vehicle in question to a peace officer. Any person so reporting shall give his name, address, and telephone number on request.

3.13 Parking On Town Property

3.13.1 Town Property

No person shall park any vehicle upon any land owned by the Town, which the Town uses or permits to be used as a playground, boulevard, recreation area or public park, except on such part thereof that is designed for parking.

3.13.2 Town Parking Lot Regulations

No person shall park a vehicle on a Town owned parking lot in contravention of the prohibitions stated on any sign placed in the said parking lot.

3.13.3 Time Limit For Parking

No person shall store any vehicle in any area designated as a Town Parking Lot. A vehicle shall be deemed to be stored when it remains upon the area

longer than 36 hours. Any vehicle so stored may be removed and impounded pursuant to Section 10.3 herein.

3.13.4 Town Not Liable For Loss

The Town shall not be liable for any loss or damage howsoever caused that may occur to any personal property including a vehicle while any vehicle is parked on any area designated as a Town Parking Lot or upon any Town lands.

3.14 Chalking Tires

For the purpose of enforcing this By-Law, a peace officer is authorized to place an erasable chalk mark on the tread face of a tire of a parked vehicle without that peace officer or the Town incurring any liability for doing so.

4. Trucks & Commercial Vehicles

4.1 Parking in Residential Area

4.1.1 Maximum Size Of Vehicle

No person shall park any "heavy vehicle," or commercial vehicle, or any type of construction equipment or machinery, or any machine used in the process of farm or field husbandry on any highway in any area of the Town of Smoky Lake, which is zoned for any class of residential use.

4.1.2 Maximum Length Of Vehicle

No person shall park a vehicle or a vehicle with a trailer attached thereto other than a recreational vehicle, holiday trailer or utility trailer if the overall length of the vehicle or vehicle with trailer attached thereto exceeds 7.5 metres (30 feet) upon any highway at any hour of the day or night when such vehicle or vehicle and trailer would be located on either side of a highway in front of or on the flankage of residential property.

4.1.3 Parking Of Truck Tractor

No person shall park a truck tractor unit on any highway of the Town whether a semi-trailer or trailer is attached to it or not at any hour of the day or night when said vehicle and trailer would be located either in front of or across from or on the flankage of residential property.

4.1.4 Unloading Or Loading

The foregoing restrictions of Subsections 4.1.1 and 4.1.2 shall not apply so as to prohibit such a vehicle from being on a highway for the purpose of unloading or loading goods to or from adjacent premises.

4.2 Over Dimension Permit

No person shall operate or allow to be operated within the Town limits a vehicle which exceeds any one of the dimensions cited in the regulations under the Act without first obtaining a permit from the appropriate Province of Alberta Branch of service. Such permit or copy of the same or the permit number must be in the possession of the operator of such vehicle and shall be produced for peace officer on demand.

4.3 Overweight Permit

No person shall operate or allow to be operated within the Town limits a vehicle which exceeds the weight limits cited in the regulations under the Act without first obtaining a permit from the appropriate Province of Alberta Branch of service. Such permit or copy of the same or the permit number must be in the possession of the operator of such vehicle and shall be produced for a peace officer on demand.

4.4 Tracked Vehicles

Unless permission to do so has been received by the Works Superintendent, no

person shall operate any vehicle with tracks upon or across any hard surfaced roadway, sidewalk or curb.

4.5 Vehicles With Metal Lugs

Unless permission to do so has been received by the Works Superintendent, no person shall operate on a highway a vehicle or trailer having metal spikes, lugs, cleats, skids or bands projecting from the surface or the wheel, tire or track of such vehicle. This prohibition does not apply to the use of tire with chains.

4.6 Heavy Vehicles

4.6.1 Heavy Vehicle Operation

Except as provided in Subsection 4.6.4, no person shall operate or park or allow to be operated or parked a heavy vehicle upon a highway other than a highway within a Commercial Area as defined by the Land Use Bylaw and amendments thereto.

4.6.2 Recreational Vehicle Excluded

Notwithstanding the Subsection 4.6.2, recreational vehicles, holiday trailers and utility trailers shall not be deemed to be heavy vehicles.

4.6.4 Exemptions

4.6.4.1 The following shall not be deemed to be parked or to be operating a heavy vehicle in contravention of Subsection 4.6.1 if the vehicle is being operated on the most direct and practical route between the premises or location concerned and the nearest truck route:

- 4.6.4.1.1 persons delivering or collecting goods or merchandise to or from the premises of bona fide customers,
- 4.6.4.1.2 persons moving a building requiring an over dimension permit and for which an over dimension permit has been issued,
- 4.6.4.1.3 persons going to or leaving from premises for the servicing of the heavy vehicle,
- 4.6.4.1.4 persons pulling a disabled vehicle from a highway prohibited to heavy vehicles, or
- 4.6.4.1.5 persons going to or leaving from a business property of the owner or operator of the heavy vehicle concerned if the vehicle is required for business purposes at that property.

4.6.4.2 The following shall not be deemed to be in contravention of Subsection 4.6.1:

- 4.6.4.2.1 persons driving a public passenger vehicle, or
- 4.6.4.2.2 persons driving a vehicle that is owned by or in service of the Town and is engaged in work at locations not designated as a truck route.
- 4.6.4.3 Persons that have more than one delivery, collection or service in the same area may take all deliveries, collections or services within that area before proceeding by the most direct and practical route to the nearest truck route.

5. Parades and Processions

5.1 Permit Required

5.1.1 Subject to Section 5.4, no person or organization shall hold, organize or take part in any parade or procession or organized foot race unless permission in writing has first been obtained for such parade, procession or foot race from the office of the Town CAO or Community Peace Officer.

5.1.2 Every member of a parade, procession or organized foot race and the organization and leaders thereof shall be guilty of an offence for each and every violation of this section.

5.2 Obtaining Permit

5.2.1 Any person desiring to hold a parade, procession or organized foot race within the Town shall, not less than three weeks prior to the time they desire to hold the same, make application to the office of the Town CAO or Community Peace Officer in writing, and in such application shall furnish information as follows:

5.2.1.1 the name and address of the applicant, and if the applicant is an organization, the names of its officers,

5.2.1.2 the nature and object of such parade, procession or foot race,

5.2.1.3 the day, date and hours during which same will be held, and

5.2.1.4 the intended route thereof

5.2.2 The written application shall include the signatures and addresses of the person who will be in control of such parade, procession, or organized foot race and who will be responsible for the good order and conduct thereof.

5.2.3 The Town CAO or Community Peace Officer may grant permission for parades, processions and foot races, and where issued the permit shall contain such directions to the applicant as are considered necessary to prevent unnecessary and unreasonable obstruction of highways and may include authorization to place temporary no parking signs along the route.

Upon granting permission pursuant to Subsection 5.2.3, the Town CAO or Community Peace Officer shall notify the Smoky Lake RCMP Detachment so that all necessary arrangements may be made by them for the proper policing of the highway during such parade, procession or foot race.

5.3 Speed Of Parade

No parade shall obstruct any highway for a longer period than is reasonably necessary.

5.4 Military Or Funeral Procession

5.4.1 The provisions of this part do not apply to any person participating in a military or funeral procession.

5.4.2 Notwithstanding anything contained in the By-Law, any vehicle in a funeral procession, except the lead vehicle, may during daylight hours enter an intersection without stopping if:

5.4.2.1 the four way flashers of the vehicle are alight,

5.4.2.2 the vehicle is traveling immediately behind the vehicle in front of it so as to form a continuous line of traffic, and

5.4.2.3 the passage into the intersection can be made in safety.

6. Pedestrians

6.1 Street Crossing

No pedestrian shall cross any highway at a point where a sign prohibits such crossing.

6.2 Gathering In Public

Two or more persons shall not stand so near to each other on any highway as to obstruct the entrance to buildings or to obstruct or prevent any other persons using such highway, and shall forthwith disperse and move away on being requested to do so by a peace officer or other authorized person.

6.3 Obstructing Traffic

No person shall stand, sit or lie on any highway or sidewalk in such manner as to obstruct vehicular or pedestrian traffic or to annoy or inconvenience any other person lawfully upon the highway.

6.4 Public Meetings

Nothing in Section 6.2 and 6.3 shall be construed as prohibiting the congregating or assembling of individuals to attend and listen to public speaking so long as the subject proceeding are peaceable and orderly and sufficient space is left on the highway to allow free movement of the traffic, but should any highway at or near such assembly become in consequence thereof so obstructed as to obstruct or impede such traffic, the persons so obstructing or impeding shall forthwith move away on being requested to do so by a peace officer or other authorized person. Any person refusing or failing to move away upon being requested shall be guilty of an offence under this By-Law.

6.5 Pan-Handling

No person or persons shall stop people on any public lands to ask for food or monies, and shall forthwith cease and move away on being requested to do so by a peace officer or other authorized person.

6.6 Watching Parade

Nothing in Sections 6.2 or 6.3 shall be construed as prohibiting the assembling of persons for the purpose of watching a parade or procession duly authorized by the Special Constable.

7. Protection Of Highways

7.1 Clearing Of Sidewalks

7.1.1 All persons owning or occupying premises in the following areas of Town shall remove and clear away all snow, ice, dirt and other obstructions from the sidewalk situated on land adjoining the property within 48 hours of the time that such snow, ice or other obstruction was deposited thereon:

7.1.1.1 Commercial C1 or C2 districts under the Town land use By-Law, and

7.1.1.2 Institutional (I) districts under the Town land use By-Law.

7.1.2 If the requirements of subsection 7.1.1 are not met, in addition to any fines levied, the Town may remove the obstruction and charge the expenses thereof to the owner or occupant. In the event of non-payment of the expenses, such expenses shall be charged against the property as a special assessment to be recovered in a manner like other taxes.

7.2 Protection Of Sidewalks From Overhead Accumulation

7.2.1 No owner or occupant of a building located in close proximity to a Town sidewalk shall allow snow, ice, dirt or other substance to accumulate on the roof of or any projection from said building to the extent that the accumulated substance may fall onto the adjacent sidewalk. Where an accumulation hazard exists, the owner or occupant of the subject building shall take immediate action to remove the accumulated substance with due care and attention to the safety of pedestrians.

- 7.2.2 Where a potential accumulation hazard is discovered, the Town may give a warning to the owner or occupant of the subject building to remove the accumulation and if the owner or occupant fails to remove the accumulation within 24 hours of receiving the warning the Town may cause the removal of the accumulation and charge the expenses thereof of the owner or occupant. In the event of non-payment of the expenses, such expenses shall be charged against the property as a special assessment to be recovered in a manner like other taxes.
- 7.3 Sidewalk Hazard
No person shall place, leave or suspend a cable, rope or other object on, across or above any part of a Town sidewalk except for an electrical cord designed for outdoor use and only if it is left in a manner that does not cause a hazard to legitimate users of the sidewalk.
- 7.4 Protection Of Sidewalks From Damage
- 7.4.1 No person shall operate a heavy vehicle on or across any sidewalk except at a curb or approved crossing without first planking the sidewalk to ensure that the sidewalk will not be damaged.
- 7.4.2 No person shall cause any damage to any Town sidewalk by striking, picking or cutting, whether or not such person is engaged in removing snow or ice from the sidewalk.
- 7.4.3 Where damage is caused by a person's actions as described in this section, the Town may repair such damage and charge all associated costs to that person.
- 7.5 Damage To Highways
- 7.5.1 Protection Of Highway From Damage
No person shall drive or drag any vehicle or thing on a highway in any way that may cause damage to the highway or any improvements thereon.
- 7.5.2 Excavations
- 7.5.2.1 No person shall damage or remove any earth, gravel, concrete, pavement or other roadway appurtenance or make any excavation within or under any highway within Town without having first obtained permission from the Works Superintendent.
- 7.5.2.2 Where permission has been granted under Article 7.5.2.1, any person engaged in the subsequent work shall take adequate precaution to protect the public from the work including the placement of barricades, fences, lighting and any other measures deemed necessary by the Works Superintendent.
- 7.5.2.3 Where permission has been granted under Article 7.5.2.1 any person engaged in the subsequent work shall assume all responsibility for any and all accidents or damages that may occur as a result of the work.
- 7.5.3 Where damage is caused by a person's actions as described in this section, the Town may repair such damage and charge all associated cost to that person.
- 7.6 Deposits On Highways
- 7.6.1 Snow, Ice, Dirt
No person shall place or cause or allow to be placed on a highway any snow, ice, dirt or other obstruction other than from a Town sidewalk.
- 7.6.2 Material Fallen From Vehicle
No person shall allow or cause any construction debris, refuse, soil or other material to fall from any vehicle so as to be deposited on a highway.

- 7.6.3 Washing Vehicle
No person shall wash a vehicle so as to result in, mud, slush or ice forming or being deposited on a highway.
- 7.6.4 Vehicle Fluids
No person shall cause radiator fluid, motor oil, fuel or any other vehicle fluid to be deposited on a highway.
- 7.6.5 Salt
No person, unless with the permission or under the direction of the Works Superintendent, shall sprinkle, spread or place any salt or corrosive material on a sidewalk or on the roadway of any highway.
- 7.6.6 Contravention
- 7.6.6.1 Any person who contravenes any provision of Section 7.6 shall remove any such deposit from the street within 24 hours of the time that the deposit was placed thereon.
- 7.6.6.2 The Town may, after the expiration of the 24 hours, remove the deposit required to be removed by Article 7.6.6.1 and charge the expenses to the person who has placed, caused or allowed to be placed the deposit upon the highway.
- 7.6.6.3 No employee of the Town shall be liable for contravention of Section 7.6 when acting in the performance of his duties.
- 7.7 Objects In Gutter
- 7.7.1 No person shall place or leave a pipe, lumber or other thing in or over a gutter without permission from the Works Superintendent.
- 7.7.2 No person shall place or leave anything in a gutter that may obstruct the flow of water.
- 7.8 Display Or Selling Of Goods
No person shall display, offer for sale, or sell any goods on any part of a highway unless written permission is first obtained from the Town.
- 7.9 Shopping Carts On Highways
No person shall leave any shopping cart on a highway.
- 7.10 Encroachments
No person shall allow an encroachment on or over the property line of any highway within the Town or shall build any fence, house or building, structure, post or part thereof of any kind over any such line after the same has been duly established by law, registered survey plan, or resolution of Council, or shall obstruct in any way the highways within the Town except as specifically provided for in this By-Law or any other By-Law or except in accordance with any contract that may be entered into between the Town and that person.
- 7.11 Sight Distances At Intersections
No person shall allow trees, shrubs or signs of any type on private property whether planted before or after the date of the passing of this By-Law to grow to such an extent that good visibility for safe traffic flow is thereby interfered with.
- 7.12 Maintenance Of Boulevards
All property owners or occupants are charged with the responsibility of maintaining the boulevard adjacent to their property. No owner or occupant of property shall allow the grass, weeds, or other vegetation on a boulevard adjacent to the subject property to become a nuisance by growing uncontrolled.
- 7.13 Maintenance Of Trees
No owner of property shall allow trees, shrubs, or other vegetation growing on his property, or on a boulevard adjacent to his property if planted by him or a previous

owner of the property, to grow so that the clearance of any branches is less than 2 meters (6.6 ft.) over a public pedestrian walkway or less than 4.6 meters (15 ft.); a street or lane. Further, no shrubs, etc shall encroach onto the sidewalk area.

7.14 Protection Of Trees

Except for trimming permitted or required under Section 7.13, no person shall remove, pollard, destroy or injure any tree that is planted or growing on a boulevard without written permission from the Town. If a request for removal of a tree is granted, the adjacent private property owner shall be responsible for the cost of such removal. If the Town requires the removal of a tree in a boulevard, it shall be responsible for all costs associated with the tree removal.

7.15 Objectionable Noise

No person shall cause any objectionable noise within the corporate limits of the Town.

7.18 Engine Retarder Brakes

No person shall apply, engage, or use engine retarder brakes on any truck in any part of the Town.

7.19 Recovery Of Cost

In addition to any penalty levied, the Town may require any person in contravention of Section 7.7, 7.10, 7.11, 7.12, 7.13 or 7.14 to take corrective action within ten (10) days of being notified to do so. If the person fails to comply with such notice the Works Superintendent may direct employees or agents of the Town to carry out the work and to enter upon the private property if necessary to do so and may charge the cost of so doing against the person in default. Should such person fail to make payment, the amount so charged may be levied against the land and may be recovered in the same manner as taxes.

8. Public Land

8.1 Discarded Or Stored Materials

8.1.1 No person shall place or store debris, material or equipment or any other substance or thing on public land without first having obtained permission to do so from the Town.

8.1.2 Any person who has placed or caused to be placed any substance or thing on public land without permission shall remove or cause the removal thereof as soon as reasonably possible and in any event no longer than twenty-four (24) hours after notification to do so by the Town. After twenty-four (24) hours or such lesser time as specified by the notice the Works Superintendent may remove the deposit, perform all necessary repairs and charge the costs thereof to the person who caused the deposit.

8.2 Litter

No person shall place or leave any nuisance or offensive matter or any trash or waste material on public land except in a refuse container approved for use for the subject material.

8.3 Dead Animals

No owner or possessor of any animal, which has died, shall allow the animal to lie on public land and where an animal has died on public land, the owner or possessor shall immediately remove and appropriately dispose of the animal.

8.4 Protection Of Public Land

8.4.1 Damage

No person shall remove, deface or cause damage to the flora, sod, equipment, signs, fencing, play fields or other fixtures located on public land.

8.4.2 Interference With Soil

No person shall plough, dig up, take, carry away or in any way interfere with any earth, gravel, sand, turf, soil or grass on public land unless permission from an authorized Town official has first been granted.

8.4.3 Recovery Of Costs

Where damage is caused by a person's actions as described in this Section, the Town may repair such damage and charge all associated costs to that person.

8.5 Marking Of Public Land

No person shall paint, chalk or otherwise mark any roadway, sidewalk, sign or other improvement or fixture on public land, except for a Town employee or representative acting in the performance of his duties. Where damage is caused or cleaning is required because of a person's actions described in this section, the Town may repair such damage or undertake any necessary cleaning and charge all associated costs to that person.

8.6 Placement Of Bills, Signs and Displays

8.6.1 Posting of Bills

No person shall post or attach any advertisement, notice or other bill on any sign, utility pole, tree, fence or other fixture on public land unless it is placed in accordance with the governing rules at a specific location approved for that purpose.

8.6.2 Placement Of Signs Or Displays

Unless specifically permitted in another By-Law or by Town policy or approved by an authorized Town official, no person shall place or cause to be placed any freestanding sign, notice or display on public land.

8.6.3 Responsibility For Bills, Signs And Displays

Where a person has placed something that is permitted in this section, that person shall:

8.6.3.1 ensure that the thing does not cause a nuisance by becoming litter, unsightly, or a hazard to users of the public land, and

8.6.3.2 remove and properly dispose of the thing within 24 hours of the passing of the event if the thing refers to a specific event.

8.6.4 Contravention

Any sign, notice, display, advertisement or other thing place in contravention of this section may be immediately impounded and disposed of by the Town with all associated costs being charged to the person responsible for placing the thing.

8.7 Fires

Unless otherwise approved by an authorized Town official, no person shall set or maintain any fire on any public land except in an approved fireplace, pit or other facility designed for that purpose. If a person is found to be in contravention of this section, any costs associated with extinguishing the fire and cleaning up the remains may be charged to that person in addition to any fines levied.

8.8 Fireworks

Unless otherwise approved by a peace officer or Town CAO, no person shall discharge, fire or set off fireworks within the limits of the Town.

8.9 Firearms

8.9.1 Carrying Firearms

No unauthorized person shall carry any firearm upon public land.

8.9.2 Discharging Firearms

No unauthorized person shall discharge any firearm within the limits of the Town.

8.10 Fire Fighting

8.10.1 Fire Line

No person shall pass beyond a point designated by a peace officer or member of the Town Fire Department near the location of a fire without permission from a peace officer or member of the Town Fire Department.

8.10.2 Driving Over Fire Hose

No person shall drive a vehicle on or over any unprotected fire hose.

8.10.3 Authorization To Direct Traffic

In the case of fire or other emergency, a peace officer or member of the Town Fire Department is authorized to direct traffic in such a manner, as he deems necessary whether or not such direction is in conformity with the provisions of this By-Law.

9. Authority of Council

9.1 Power to Designate

Council is hereby authorized to designate:

9.1.1 the location of cross-walks upon highways,

9.1.2 any intersection, highway or place on a highway where u-turns are prohibited,

9.1.3 any highway as one which is closed temporary or in part to traffic,

9.1.4 any area as one in which parking privileges are temporarily suspended,

9.1.5 the location of "school zones" and "playground zones",

9.1.6 a boulevard upon which parking is permitted,

9.1.7 passenger or truck loading or unloading spaces,

9.1.8 the distance from any intersection within which no parking is permitted,

9.1.9 a portion of highway where parking is limited to a period of time,

9.1.10 portions of highway where stopping is prohibited entirely, or for a specified period of time,

9.1.11 Town employee parking areas,

9.1.12 the locations where traffic control devices are to be installed or removed and shall cause a record of the locations of all signs erected to be kept, which shall be open to public inspection during the hours that the Office is open for business,

9.1.13 such Town owned lands as it deems necessary as Town parking lots,

9.1.14 the location and number of handicapped parking spaces as it deems necessary on highways and Town lands,

9.1.15 any intersection or other place on a highway as a place at which no left hand turn or no right hand turn or both shall be made,

9.1.16 speed limits not contrary to the Highway Traffic Act on any highway or portion thereof, and

9.1.17 locations on public land where bills may be posted and establish rules for the placement of such bills.

9.2 Council Prerogative

Council may:

9.2.1 prohibit or restrict the movement of vehicles from a private driveway onto a

highway or from a highway onto a private driveway when Council considers such prohibition or restriction is in the public interest and for the better regulation of traffic,

- 9.2.2 specify the type of vehicles, which are prohibited from parking on any Town owned parking lot,
- 9.2.3 approve the form and content of all signs and traffic control devices utilized by the Town and by owners of private land regulated under the provision of this By-Law,
- 9.2.4 temporarily impose load limits on any highway in the case of unfavourable road conditions, or
- 9.2.5 grant permission for the use or occupation of a highway or road allowance or portion thereof when it is not required for public use, such permission to be terminable on 30 days written notice.

10. Breach

10.1 Contravention

Any person who contravenes any of the provisions or requirements of this By-Law is guilty of an offence and is liable for and subject to the penalty as outlined in Schedule "A".

10.2 Owner Responsible

Where a vehicle is driven, used, parked or left in contravention of any provision of this By-Law, the owner of the vehicle is liable for the contravention and shall make payment of the penalty prescribed herein unless there is evidence to the contrary before the court 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, express or implied.

10.3 Removal And Impoundment Of Vehicles

10.3.1 A peace officer is hereby authorized to remove or cause to remove and impound any vehicle:

10.3.1.1 operated or parked in contravention of any provision of this By-Law, or

10.3.1.2 where emergency conditions may require such removal from a highway.

10.3.2 No person shall attempt to prevent or in any way interfere with the impounding of any vehicle.

10.3.3 An impounded vehicle may be removed to and stored at a place designated by the peace officer. The Town shall not be liable for any damages sustained by the vehicle or losses from the vehicle during the removal operation or while it is in storage.

10.3.4 The registered owner of an impounded vehicle shall be liable for the cost of removal and storage of such vehicle in addition to any fine or penalty imposed in respect of any such violation, or to any payment made in lieu of prosecution as hereinafter provided. Such costs shall be paid before the vehicle is released.

10.3.5 Impounded vehicles remaining unclaimed after 30 days from the date of removal may be disposed of in accordance with the provisions of the Traffic Safety Act and amendments thereto.

10.4 Offence Ticket

10.4.1 Where a peace officer has reasonable grounds to believe that a person has

contravened any provisions of this By-Law, he may serve upon such person an offence ticket allowing the payment of the specified penalty listed in Schedule "A" to the Town within 14 days of the issuance of the offence ticket. Such payment shall be accepted by the Town in lieu of prosecution of the offence.

10.4.2 Service of an offence ticket shall be sufficient if it is:

- 10.4.2.1 personally served,
- 10.4.2.2 attached to the vehicle in respect of which an offence is alleged to have been committed, or
- 10.4.2.3 mailed by registered mail to the address of the registered owner of the vehicle or to the person in possession of the said vehicle.
- 10.4.2.4 mailed in accordance with the Provincial Offences Procedure Act and amendments thereto and the Traffic Safety Act and regulations thereof including amendments thereto.

10.4.3 The offence ticket shall state:

- 10.4.3.1 the name and address of the offender if ascertainable,
- 10.4.3.2 the offence,
- 10.4.3.3 the location, date and time of the offence,
- 10.4.3.4 the appropriate penalty for the offence as specified in Schedule "A" of this By-Law, and
- 10.4.3.5 that the penalty shall be paid within fourteen (14) days of the issuance of the offence ticket to avoid prosecution for the offence.

10.5 Continuing Offence

Unless otherwise stated in the By-Law, where a contravention of this By-Law is of a continuing nature, further offence tickets may be issued by a peace officer, provided however, that no more than one offence ticket shall be issued for each day that the contravention continues.

10.6 Violation Ticket

If the penalty specified in the offence ticket is not paid within the prescribed time period, then a peace officer is hereby authorized to issue a violation ticket regarding the offence in accordance with the provisions of the Provincial Offences Procedure Act Chapter P-34 R.S.A. 2000 and amendments thereto.

11 Interpretation

11.1 Repeal

This By-Law shall repeal By-Law 1119 and amendments thereto upon this By-Law coming into force.

11.2 Effective Date

This By-Law shall come into full force and effect upon final passing thereof.

READ a first time in Council this ___ day of _____, 2010

READ a second time in Council this ___ day of _____, 2010

READ a third time in Council and Finally Passed this ___ day of _____, 2010

Dave Franchuk Mayor

Colum McCready Town Manager