

BYLAW 213 / 2006

"Parking and Traffic Control Bylaw"

BEING A BYLAW OF THE SUMMER VILLAGE OF SILVER BEACH, IN THE PROVINCE OF ALBERTA, TO CONTROL AND REGULATE TRAFFIC, PARKING, AND THE USE OF HIGHWAYS UNDER ITS CONTROL AND MANAGEMENT.

WHEREAS, pursuant to the Municipal Government Act, Chapter M-26, the Highway Traffic Act, Chapter H-7 and the Off-Highway Vehicle Act, Chapter O-4 of the Revised Statutes of Alberta, 1980, and amendments thereto, provide that a council of a municipality may make Bylaws for the regulation and control of vehicle traffic and to authorize persons to operate off-highways vehicles on any highway under the control and management of the Summer Village of Silver Beach; and

WHEREAS, Council of the Summer Village of Silver Beach deems it expedient to pass a Bylaw to control and regulate traffic, parking, and the use of highways under its control and management; and

WHEREAS, the authority for such regulation and authorities must be consistent with Federal or Provincial Statutes and Regulations; and

WHEREAS, the Summer Village of Silver Beach has enacted Bylaw 190/01 to designate and regulate a controlled street,

NOW THEREFORE THE MUNICIPAL COUNCIL OF THE SUMMER VILLAGE OF SILVER BEACH DULY ASSEMBLED ENACTS AS FOLLOWS:

Section 1 – Bylaw Title

This Bylaw is cited as **The Parking and Traffic Control Bylaw** of the Summer Village of Silver Beach.

Section 2 – Definitions

In this Bylaw, unless the context otherwise requires, the words, terms or expressions used are defined as follows:

"Axle Weight Allowance Percentage" shall mean the percentage that is applied to the maximum allowable weight of the carrying axles of a public vehicle to determine the weight that the carrying axles may bear on a highway during a road ban.

"Carrying Axle" shall mean any axle that is not a steering axle.

"Emergency Vehicle" shall mean an emergency vehicle as defined in *The Highway Traffic Act*.

"Heavy Vehicle" shall mean a public vehicle that is properly registered to operate on a highway in Alberta having a licensed maximum gross weight in accordance with the *Traffic Safety Act, Revised Statutes of Alberta 2000 Chapter T-6*, of more than five thousand kilograms (5,000 kg).

"Highway" shall mean a highway as defined in *The Highway Traffic Act*.

"Maximum Allowable Weight" shall mean the weight that may be borne by a single axle, an axle group or all of the axles of a public vehicle as established by the Public Vehicle Weight Regulations of the *Traffic Safety Act, Revised Statutes of Alberta 2000, Chapter T –6*.

"Overweight Vehicle" shall mean any vehicle that exceeds the Axle Weight Allowance Percentage, or that is required to attain a "Special Road Use Permit" as defined in Section 6.

"Peace Officer" shall mean a member of the Royal Canadian Mounted Police or a special constable in the employ of the Pigeon Lake Special Constable Service.

"Person" shall mean any individual, corporation, society, association, partnership or firm.

"Public Vehicle" shall mean a vehicle operated on a highway by or on behalf of a person for the transportation of passengers, goods, or the vehicle itself; however, by definition does not mean private passenger vehicles.

"Resident" means a property owner in the Summer Village of Silver Beach and his or her family.

"Road Ban" shall mean the axle weight allowance restriction prescribed in respect of a highway, street, road or lane, *et cetera*.

"Road Use Permit" shall mean a road use permit to exceed posted axle weight restrictions, issued for a one-week term to persons or firms providing services outside of the conditions listed under the "Special Annual Road Use Permit" defined below.

"Special Annual Road Use Permit" shall mean a road use permit issued to allow a person or firm conducting ***regular or daily trips*** in and out of the Summer Village to exceed posted axle weight allowance percentage restrictions. This permit is issued to persons or firms providing the municipality with regularly scheduled services such as the provision of vacuum trucks, garbage trucks, lawn maintenance equipment, utilities, *et cetera*. The permit is issued on an annual basis.

"Summer Village" shall mean the Summer Village of Silver Beach.

"Trailer" shall mean a trailer as defined in *The Highway Traffic Act*.

"Traveled Portion" shall mean that portion of any highway constructed for use by vehicular traffic.

"Vehicle" shall mean a vehicle or motor vehicle as defined in *The Highway Traffic Act*.

"Violation Ticket" shall mean any summons, ticket, or notice to appear that shall be written or issued because of a violation of this Bylaw.

Section 3 – Speed Limits

The maximum speed limit on all developed highways in the Summer Village is set at 30 kilometres per hour.

Section 4 – Off-Highway Vehicles

- a) An operator of an off-highway vehicle may operate the same on any highway under the control and management of the Summer Village.
- b) An operator of a snow vehicle shall operate his snow vehicle off the traveled portion of any developed highway where practicable.
- c) Any operator of an off-highway vehicle using any highway in the Summer Village does so at his or her own risk, and in accordance with *The Off-Highway Act* and regulations.
- d) This Bylaw does not countermand any provisions of Bylaw 200 / 2003, cited as the "Off-Highway Vehicle Bylaw".

Section 5 – Parking

- a) No person shall park any off-highway vehicle or trailer on any highway in the Summer Village.
- b) Where parking is permitted, the vehicle shall not be parked on the traveled portion of any highway in the Summer Village.
- c) Parking Zones

The following parking zones are established as shown on Schedule A of this Bylaw as follows:

No Parking Zone:	Colour Code – Pink Public
Parking Zone:	Colour Code – Green Resident
Parking Zone:	Colour Code – Yellow

I. No Parking Zone

- (i) Parking is prohibited on the east side of Silver Beach Road from the north boundary of Lot 14A, Block 5, Plan 782 1475 (municipally known as 24 Silver Beach Road) to the south boundary of Reserve R2, Plan 613 MC.
- (ii) Parking is prohibited on the west side of Silver Beach Road from the north boundary of Lot 19, Block 1, Plan 4107 EO (municipally known as 31 Silver Beach Road) to the south boundary of Lot 4A, Block 2, Plan 613 MC (municipally known as 37 Silver Beach Road) except for the area covered by Park Reserve R in Block 1, Plan 4107 EO (municipally known as Ouimette Park).

II. Public Parking Zone

- (i) Public parking is permitted between the boundaries of Park Reserve R, Block 1, Plan 4107 EO (municipally known as Ouimette Park).
- (ii) No person shall park any motor home, recreational vehicle, heavy vehicle, vehicle with attached trailer, or trailer in the public parking zone.
- (iii) Parking is not permitted between the boundaries of Park Reserve R, Block 1, Plan 4107 EO (municipally known as Ouimette Park) between the hours of 10:00 p.m. and 8:00 a.m.

III. Resident Parking Zone

- (i) On all other areas of Silver Beach Road as shown in Schedule A as Colour Code Yellow, parking is restricted to residents of the Summer Village only.
- (ii) Residents shall be permitted to park their vehicles on the untraveled portion of Silver Beach Road adjacent to or in the vicinity of the land on which they reside.
- (iii) No owner of a vehicle or the person in charge of a vehicle shall park or leave the vehicle on private property or private driveways without authority from the owner, tenant, or person in charge or control of the private property.
- (iv) On special occasions such as family reunions, weddings and other similar family events, a non-resident may be allowed to park a vehicle in the Resident Parking Zone provided that:

- The resident makes verbal application to a special constable in the employ of the Pigeon Lake Special Constable Service prior to the event requesting an exemption, and provides the special constable with the estimated number of vehicles for which an exemption is requested, and
- The special constable shall have the sole discretion and power to permit or refuse any such request in the interests of safety and the availability of parking space and may request any other information as deemed appropriate such as vehicle license numbers, length of stay, *et cetera*.

Section 6 – Protection of Highways

- a) No person shall drive, propel or move on any highway in the Summer Village any vehicle having metal spikes, lugs, cleats, or bands projecting from the wheel or tire of such vehicle, or any vehicle having a caterpillar tread.
- b) Permits for 50% road bans generally do not exceed 75% of the axle weight allowance percentage, and
- c) Permits for 75% road bans generally do not exceed 90% of the axle weight allowance percentage, and
- d) Permits will not be required for the use of the roads by heavy vehicles unless the operator is making a request to exceed the posted axle weight restriction.
- e) The Council of the Summer Village hereby authorizes the issuance of such road use permits by a peace officer having jurisdiction within the corporate limits of the Summer Village to ensure that:
 - I. No person shall operate a heavy vehicle in excess of the posted axle weight allowance percentage restriction on a highway within the Summer Village without a valid road use permit, and
 - II. No person shall operate a heavy vehicle on a highway within the Summer Village in contravention of any special conditions or restrictions noted on the road use permit that has been issued to that person or firm.
- f) A person or firm must apply for a **Road Use Permit** to exceed *posted axle weight restrictions*. The following conditions apply:
 - I. The Road Use Permit is issued for a one-week period.

- II. The permit shall be issued in the form prescribed in Schedule B, and shall indicate the dates for which the permit is effective and any weight restrictions to be imposed.
 - III. Schedule B may be amended from time to time by resolution of Council.
 - IV. No person shall exceed any axle weight restrictions that may be imposed under a special road use permit.
 - V. A request for a road use permit may be refused by the peace officer, special constable or administrator, if, in his or her opinion travel on Summer Village roads during certain times of year, such as spring break-up, would cause damage to the road, or if a member of Council or the Municipal Administrator deems that the roads are not fit for travel.
- g) A person or firm may apply for a **Special Annual Road Use Permit** to *exceed posted axle weight allowance percentage restrictions* under the following circumstances:
- I. The person or firm conducts regular or daily trips in and out of the Summer Village serving the municipality in the provision of vacuum trucks, garbage trucks, lawn maintenance equipment, utility company vehicles, *et cetera*.
 - II. The Special Annual Road Use Permit is issued on an annual basis.
 - III. The permit shall be issued in the form prescribed in Schedule C, and shall indicate the dates for which the permit is effective and any weight restrictions to be imposed.
 - IV. Schedule C may be amended from time to time by resolution of Council.
 - V. No person shall exceed any axle weight restrictions that may be imposed under a special road use permit.
 - VI. A request for a special road use permit may be refused by the peace officer, special constable or administrator, if, in his or her opinion that travel on Summer Village roads during certain times of year, such as spring break-up, would cause damage to the road, or if a member of Council or the Municipal Administrator deems that the roads are not fit for travel.

- h) Temporary Closing of Highways: In any case where, by reason of an emergency or special circumstances which, in the opinion of the Municipal Administrator, or a member of Council, or the Chief Special Constable of the Pigeon Lake Special Constable Service is necessary and is in the public interest and safety to do so may:
 - I. Temporarily close off any area or highway in whole or in part to traffic, or
 - II. Temporarily suspend in any area of the Summer Village, parking privileges granted by this or any other Bylaw, and
 - III. The Municipal Administrator or the Chief Special Constable of the Pigeon Lake Special Constable Service may, for such period of time as deemed necessary to meet such emergency or special circumstances, take such measures for the temporary closing of any highway or portion thereof.

Section 7 – Exemptions

- a) All emergency vehicles are exempt from the provisions of this Bylaw.
- b) Highway construction and maintenance equipment is exempt from the provisions of sections 5 and 6 of this Bylaw.

Section 8 – Impounding of Vehicles

- a) Any peace officer is hereby authorized to remove or cause to be removed any vehicle that has contravened the provisions of this Bylaw.
- b) No impounded vehicle shall be released to its owner or agent until the impounding and removal charges against the vehicle have been paid.
- c) The impounding charge and removal charge shall be in addition to any fines or penalty imposed under this Bylaw.
- d) Where a vehicle is impounded or stored pursuant to this Section, and is not claimed within 30 days of its removal, it may be disposed of in accordance with the Traffic Safety Act, Division 3, Section 13(1).

Section 9 – Violation Tickets

- a) A violation ticket may be issued by a peace officer to any person alleged to have breached the provisions of this Bylaw.

- b) A violation ticket may be issued as an alternative to the issuing of a summons and the voluntary payment outlined in Schedule D of this Bylaw may be accepted in lieu of prosecution.

Section 10 – Penalties

- a) A person who contravenes any of the provisions of the Bylaw is guilty of an offence and is liable upon conviction to a fine as prescribed in Schedule D of this Bylaw.
- b) A person may avoid prosecution for any offence under this Bylaw by paying the amount shown in Schedule D of this Bylaw within the prescribed time limit as shown on the violation ticket. If the voluntary fine is not paid then prosecution may be commenced under the provisions of the Provincial Offences Procedures Act, Chapter P21.5, R.S.A. 1980 and amendments thereto.
- c) The amounts of penalties and fees shown in Schedule D of this Bylaw may be amended from time to time by resolution of Council.

Section 11 – Repeal of Bylaws

Upon passing of this Bylaw, Bylaw numbers 151, 172, and 176 are repealed.

Section 12 – Enactment

This Bylaw shall come into force and have effect upon it being read a third time and passed.

FIRST READING of Bylaw 213 / 2006 granted this 3rd day of May 2006.

SECOND READING of Bylaw 213 / 2006 granted this 3rd day of May 2006.

THIRD AND FINAL READING of Bylaw 213 / 2006 granted this 3rd day of May, 2006.

Allan Watt, Mayor

Wendy Nickel, CAO

BY-LAW NO.213

SCHEDULE A

Parking Zones

No Parking Zone - Pink
Public Parking Zone - Green
Resident Parking Zone - Yellow

MUNICIPAL ADDRESS AND OWNERSHIP MAP

From information supplied by the Village

PIGEON LAKE

NE11-47-28-W4M



**Schedule B
BYLAW 213 / 2006
ROAD USE PERMIT**

ROAD USE PERMIT TO EXCEED POSTED AXLE WEIGHT ALLOWANCE
PERCENTAGE RESTRICTIONS TO OPERATE OVERWEIGHT VEHICLES WITHIN
THE MUNICIPALITY OF THE SUMMER VILLAGE OF SILVER BEACH ISSUED TO:

Applicant:

Address:

Year and make of vehicle:

Model:

License No.:

Purpose of trip:

In consideration of the permission hereby granted to the applicant by the Summer Village of Silver Beach, the applicant hereby agrees to pay for any and all damages that may result to any highway or other property.

(Signature of Applicant)

Date Issued: _____

Date of Expiry: _____

Issued by Special Constable:

Note: This permit is issued only for the purpose stated above and on the dates specified in the permit.

Permit No.:

For Constabulary Use Only:

Schedule C
BYLAW 213 / 2006
SPECIAL ANNUAL ROAD USE PERMIT

SPECIAL ANNUAL ROAD USE PERMIT TO EXCEED POSTED AXLE WEIGHT ALLOWANCE PERCENTAGE RESTRICTIONS TO OPERATE OVERWEIGHT VEHICLES WITHIN THE MUNICIPALITY OF THE SUMMER VILLAGE OF SILVER BEACH ISSUED TO:

Applicant:

Address:

Year and make of vehicle:

Model:

License No.:

Purpose of trip:

In consideration of the permission hereby granted to the applicant by the Summer Village of Silver Beach, the applicant hereby agrees to pay for any and all damages that may result to any highway or other property.

(Signature of Applicant)

Date Issued: _____

Date of Expiry: _____

Issued by Special Constable:

Note: This permit is issued only for the purpose stated above and on the dates specified in the permit.

Permit No.:

For Constabulary Use Only:

Schedule D
BYLAW 213 / 2006

Fees and Fines

Section 3: Speeding

As prescribed in the *Provincial Offences Procedure Act* and amendments and regulations thereto.

Section 5: Parking

For all offences in this section, \$50.00 or each offense.

Section 6: Protection of Highways

Part f: No charge for a Road Use Permit to exceed posted axle weight allowance percentage restrictions issued for a period of one week.

Part g: No charge for a Special Annual Road Use Permit for persons or firms providing regular or daily services to the municipality as defined in this Bylaw.

Operation of an overweight vehicle (a vehicle that exceeds the axle weight allowance percentage restrictions) within the municipality of the Summer Village of Silver Beach without a Road Use Permit or a Special Annual Road Use Permit is subject to a \$200.00 fine plus \$100.00 per every 500 kg over the weight restriction.

Part h: Temporary closing of Highways, \$50.00 for each offense.