

BYLAW NO. PI 2/10

A BYLAW OF THE TOWN OF GIBBONS IN THE PROVINCE OF ALBERTA TO ESTABLISH A MEANS OF VEHICLE CONTROL WITHIN THE BOUNDARIES OF THE TOWN OF GIBBONS.

WHEREAS, The Traffic Safety Act, RSA 2000, Chapter T-6, as amended provides that a municipality may regulate activities on highways under its direction, control and management and may make laws that are not inconsistent with the Traffic Safety Act;

NOW THEREFORE, the Council of the Town of Gibbons duly assembled, enacts as follows:

PART 1 – TITLE

1. This Bylaw may be cited as “The Gibbons Traffic Bylaw”.

PART 2 – DEFINITIONS

1. In this Bylaw, all words shall have the same meaning as in the Traffic Safety Act, except as otherwise defined.
2. In addition to such definitions, as are accepted by sub-section 1, the following definitions shall apply to this Bylaw:
 - a) “commercial area” means all land within a commercial district as defined in the Town of Gibbons Land Use Bylaw;
 - b) “commercial vehicle” means a truck, trailer or semi-trailer except
 - 1 (i) a truck, trailer or semi-trailer that is a public service vehicle, or
 - (ii) a truck, trailer or semi-trailer or any class of vehicle that by the regulations or by an order of the Alberta Motor Transport Board is exempted from being classified as a commercial vehicle; and
 - 2 (i) includes a motor vehicle from which sales are made of goods, wares, merchandise or commodity, and
 - (ii) a motor vehicle by means of which delivery is made of goods, wares, merchandise or commodity to a purchaser or consignee of them;
- c) “construction site” means any portion of a highway, alley, or lane that fronts or is immediately adjacent to a parcel of land which contains a building that is in the course of erection, demolition, or alteration;
- d) “council” means the Council of the Town of Gibbons;

- e) “dangerous goods” means a product, substance or organism included by its nature or by the regulations in any of the classes listed in the Schedule which forms part of the Dangerous Goods Transportation and Handling Act;
- f) “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 public is ordinarily entitled or permitted to use for the passage or parking of vehicles and include
 - i) a sidewalk, including a boulevard adjacent to the sidewalk;
 - ii) if a ditch lies adjacent to and parallel with a roadway, the ditch, and
 - iii) if a highway right of way is contained between fences or between a fence and one side of the roadway, all the land between the fences, or all the land between the fence and the edge of the roadway, as the case may be,but does not include a place declared by regulation not to be a highway.
- g) “holder” means a handicapped person who is lawfully in possession of a handicapped parking identification symbol recognized by the Canadian Paraplegic Association, and displayed on the vehicle;
- h) “marked playground zone” means a zone identified as such by a traffic control device;
- i) “municipality” means the Town of Gibbons;
- j) “park”, “parked” and “parking” or any word or expression of similar connotation meaning the standing of a vehicle remaining stationary in one place whether or not the vehicle is occupied, excluding vehicles stationary in one place:
 - (i) while actually engaged in loading or unloading passengers; or
 - (ii) in compliance with the traffic control device or the directions of a peace officer;
- k) “passenger loading zone” shall mean a space adjacent to a curb reserved for the exclusive use of vehicles during the loading and unloading of passengers;
- l) “parade or procession” shall mean a group of pedestrians, except a military or funeral procession, numbering more than ten (10) and marching or walking in the street or on the sidewalk or any group of

vehicles except a military or funeral procession numbering ten (10) or more.

- m) “peace officer” means:
 - (i) all persons defined as such under the Traffic Safety Act; and
 - (ii) a Bylaw Enforcement Officer appointed by the Municipality pursuant to the Municipal Government Act to enforce the Municipality’s Bylaws;
- n) “privately owned property” means all land located within the Municipality other than Highways within the management and control of the Municipality;
- o) “residential area” means all land within a residential district as defined in the Municipality’s Land Use Bylaw and all highways abutting residential areas, whether or not those highways abut other districts;
- p) “store” means the parking of a vehicle for more than seventy-two hours consecutively at one location on a Highway;
- q) “traffic control device” means any sign, signal, marking or device placed, arched or erected under the authority of federal, provincial or municipal legislation for the purpose of regulating, warning or guiding traffic;
- r) “truck” means a vehicle designed primarily for the transportation of property or equipment but does not include a crawler-mounted vehicle, trailer, machinery or equipment used in the construction or maintenance of highways or an off-highway vehicle as defined in the Act or other provincial legislation;
- s) “vehicle” means a device in, on or by which a person or thing may be transported or drawn on a Highway and includes a combination of vehicles, but excludes baby carriages, baby strollers or cars of electric or steam running only upon rails;
- t) “violation tag” means a tag or similar document issued by the Municipality pursuant to the Municipal Government Act;
- u) “violation ticket” means a ticket issued pursuant to the Provincial Offences Procedures Act, as amended and regulations thereunder.

PART 3 – PARKING

1. No person shall park a vehicle on any highway for more than seventy-two (72) consecutive hours.

2. No person shall park any vehicle, other than utility and maintenance vehicles and equipment, upon any Town-owned land which is used as a playground, recreation area or public park, except upon such part thereof as has been designated for parking by a sign or signs.
3. No person shall park any trailer, whether designated for occupancy or load-carrying on any highway unless such trailer is attached to the vehicle by which it may be properly drawn and when so attached, the trailer shall be part of the vehicle and subject to any regulations pertaining to the vehicle.
4. No vehicle over 4800 kilograms gross shall be parked on any highway unless authorized by Part 13 (1) of this Bylaw.
5. No vehicle, except a taxi or a bus, shall park in any area designated as a "Passenger Loading Zone".
6. No person shall stop any vehicle for a longer period than five (5) minutes in any area designated as a "Passenger Loading Zone".
7. Where a vehicle parking place is marked out or designated upon a highway, every driver of any vehicle using same, shall park his vehicle wholly within the limits of such space;
8. No person shall park any vehicle so to obstruct the free movement of traffic.
9. No person shall park or leave any vehicle on any private property without the permission of the owner, tenant, occupant or person in charge or control of said property.
10. No person shall park any vehicle in any parking space upon Town-owned property where such space has been reserved for a vehicle operated by an employee or official of the Town.
11. No person shall park or drive any vehicle on or over any Town-owned land used as a buffer strip, boulevard, reserve or on land held for resale, except utility and maintenance vehicles and equipment. All other vehicles require prior approval from the Administration Office of the Town of Gibbons.
12. No person shall park on a construction site, except when operating a vehicle involved in the construction.
13. (a) The Municipality may cause movable signs to be placed on a highway to indicate "no parking" for certain periods of time as may be necessary for the purpose of street cleaning, snow removal, maintenance, construction or an event, and when so marked, such signs shall take precedent over all other traffic control devices.

(b) No person shall park a vehicle or permit a vehicle to be parked

- on a highway, from the time a sign or signs referred to in Part 3-13(a) have been placed, and until such sign or signs have been removed.
- (c) If the vehicle was parked on the highway prior to the placement of the signs pursuant to Part 3-13(a), no person shall leave that vehicle parked or permit that vehicle to remain parked on the highway after the expiration of twelve (12) hours from the time the sign or signs have been placed.
14. No person shall park or permit a vehicle to be parked on a highway contrary to a traffic control device.
15. On the parcel of land between 51 Street and the railway tracks, between 51 Avenue and 53 Avenue (Plan 992 6031, Lot 5) (hereafter referred to in Part 3 as THE LAND), the following restrictions on parking will apply:
- (a) The intent of the parking service on THE LAND is:
- i. To provide parking for commercial vehicles that are too heavy and large to park in residential areas, and
 - ii. To provide overflow parking for functions at the Arena and/or Curling Rink.
- (b) The following vehicles will be allowed to park on THE LAND:
- i. Commercial vehicles or commercial trailers over 3 tons in weight,
 - ii. Personal vehicles, if being used to travel to a larger vehicle that is being parked on THE LAND, and
 - iii. Overflow parking from Arena and/or Curling Rink functions.
- (c) The following are examples of the types of vehicles (This list is not exclusive.) that are not allowed to park on THE LAND:
- i. Vehicles displaying "For Sale" signs, and
 - ii. Recreational vehicles or holiday trailers.
- (d) As on all parking areas in the Town of Gibbons, any vehicle or any property on, within or beside that vehicle is parked at the sole risk of the vehicle owner. The Town of Gibbons is not responsible for any theft or damage that may occur.
16. The Superintendent of Public Works or their designate, under the direction of the CAO, may set the hours of parking and/or the duration of parking within the Municipal boundaries of the Town of Gibbons in which parking on streets, lanes or roadways shall be limited or controlled by the Town.

The Superintendent of Public Works or their designate, under the direction of the CAO, shall provided notice of the hours and/or duration of street parking by:

- a) posting temporary or permanent signs on the road right of way or sidewalk which indicate the times in which street parking is subject to hours of parking and/or duration of parking.
17. The Superintendent of Public Works their designate, under the direction of the CAO, shall keep records of the permanent areas where parking hours and/or duration have been established and shall provide written notification to Town Council, Chief Administrative Officer and the Bylaw Enforcement Officer within 72 hrs of the establishment of these parking restrictions.

PART 4 – OBSTRUCTIONS

1. No person shall drive, park, or stop a vehicle upon any highway in such a manner as to block, obstruct, impede or hinder traffic thereon.
2. Notwithstanding Part 4 (1) above, where the obstruction is unavoidable due to mechanical failure, the person will not be in breach of Part 4 (1) above provided the person:
 - a) promptly takes measures to remove such vehicle from the highway;
and
 - b) does not leave the vehicle unattended if the vehicle has been placed on a jack or jacks and one or more of the wheels have been removed from it or part of the vehicle has been raised.
3. No person shall make or place an obstruction of any kind or permit an obstruction to be made or placed in, upon or above any highway unless authority has been granted by the Municipality, and then only in strict compliance with the authority granted by the Municipality.
4. Every person who fails to obtain or to comply with the provisions of Part 4 (3) above shall be guilty of an offence and shall, in the addition to any other penalty, cause the removal of the obstruction within twenty-four hours of being notified to do so by the Municipality. After the expiration of the twenty-four hour period, the Municipality may cause the removal of the obstruction and such removal shall be at the expense of the person causing, placing or permitting the obstruction on the highway.
5. Where an obstruction of any kind exists in, upon or above any highway, and in the opinion of the Municipality, creates an unsafe condition, the Municipality shall be entitled to take such measures as are required for the protection of life or property.
6. No person shall permit the loading or unloading of goods, wares, or merchandise from any vehicle across sidewalks or boulevards in any case where proper loading and unloading facilities have been provided for the

premises owned or occupied by such person or where there is access to a property from an alley.

PART 5 – PARADES AND PROCESSIONS

1. No person shall hold or take part in any parade or procession until a permit, as designated in Schedule “A” has been obtained from the Administration Office of the Town of Gibbons.

PART 6 – USE OF SIDEWALKS

1. No person shall ride any bicycle whereby the wheel diameter exceeds 50 cm, drive, or park any vehicle on any sidewalk.

PART 7 – SIGNS

1. The Superintendent of Public Works or his designate, is delegated the authority to prescribe where traffic control devices are to be located including traffic control devices restricting the speed of vehicles and such traffic control devices located under this clause shall be deemed to have been made by Bylaw of the Town of Gibbons. Maintenance of records of all such locations shall be open to public inspection during normal business hours.
2. The Superintendent of Public Works or his designate is hereby authorized to designate crosswalks upon any highway and to mark same.
3. The Superintendent of Public Works or his designate is hereby authorized to designate “School Zones” and “Playground Zones”. The Superintendent of Public Works or his designate shall cause such zones to be marked by signs posted along the highway or by marking the pavement or by signs and lights, or both.

PART 8 – HANDICAPPED PARKING

1. No person shall park or permit a vehicle to be parked at any location indicated by a traffic control device to be used for handicapped parking, unless the person is a “Holder” and the handicapped parking identification is clearly displayed on the front dash or windshield of the vehicle.

PART 9 – DANGEROUS GOODS

1. No person shall park a vehicle or trailer used for the conveyance of flammable liquids, explosive materials, gases and other dangerous cargoes upon a highway.
2. No person shall park a vehicle or trailer used for the conveyance of flammable liquids, explosive materials, gases and other dangerous cargoes, nearer than fifteen (15) meters to any building.

3. The above shall not apply where a vehicle or trailer is obliged to be parked while being loaded or unloaded in the course of its ordinary business.

PART 10 – TRUCK ROUTES

1. No person shall operate or permit the operation of a vehicle in excess of 4800 kg on a highway other than a highway as specified in Schedule “E” of this Bylaw, which is attached to and incorporated as part of this Bylaw.
2. The following shall not be deemed to be operating a vehicle in contravention to Part 10 (1) if the vehicle is proceeding on the most direct and practicable route between the premises concerned and the nearest truck route:
 - a) persons delivering or collecting goods or merchandise to or from or providing services at the premises of bonafide customers;
 - b) persons moving a building for which the necessary permits and licences have been issued by municipal, provincial and federal authorities;
 - c) persons going to or from premises for the servicing or the repair of the heavy vehicle;
 - d) persons pulling a disabled vehicle from a highway prohibited to heavy vehicles;
 - e) persons going to or from or parking their vehicle at premises approved for lodgings in commercial areas; or
 - f) persons going to or from or actually performing work on the highway.

PART 11 – SPEED LIMITS

1. The speed limit in the Town of Gibbons shall be as listed in Schedule “C” attached hereto and forming part of this Bylaw.

PART 12 – GENERAL

1. Any person or business using the Town’s highways shall be responsible for any damage to the Town property.
2. No person shall operate any track vehicle with metal lugs upon, over, or across any highway within the corporate limits of the Town of Gibbons.
3. No person shall pass beyond a point designated by a Peace Officer, member of the Public Works Department, or a member of the Fire Department or Ambulance near the location of a fire or other emergency.
4. No person shall wash a vehicle upon a highway or near a highway as to result in depositing mud, or creating slush or ice upon a public highway;

5. No person shall place snow, ice, etc. from private property onto municipal streets or sidewalks without prior approval from the Administration Office of the Town of Gibbons.

PART 13 – EXEPTIONS

1. The provisions of this Bylaw do not apply to the following vehicles:
 - a) emergency vehicles;
 - b) vehicles owned or within the lawful possession of the Town of Gibbons;
 - c) vehicles engaged in maintenance or repair of a public utility, as defined in the Municipal Government Act;
 - d) a vehicle operated by a federal, provincial or municipal government, or with the approval of a federal, provincial or municipal government for the purpose of constructing or maintaining a highway;
 - e) buses when authorized or buses for the handicapped, while transporting, loading or unloading passengers during the ordinary course of business.

PART 14 – REMOVAL OR IMPOUNDMENT OF VEHICLES

1. Any Peace Officer is authorized to remove or cause to be removed, any vehicle:
 - a) parked in contravention of the provision of this Bylaw; or
 - b) parked in contravention of the Traffic Safety Act, or
 - c) where emergency conditions exist.
2. Any vehicle removed pursuant to Part 14(1) may be removed to:
 - a) a nearby Highway; or
 - b) to a place designated by the Town of Gibbons where it will remain impounded until claimed by the owner.
3. Unless the Municipality agrees, no impounded vehicle shall be released to its owner until all impounding charges have been paid to the Municipality.
4. When such vehicle has been removed by a towing company on the instructions of a Peace Officer, the owner shall, in order to redeem the vehicle, make the necessary payment to the towing company.
5. All charges for removal and/or impoundment of a vehicle shall be in addition to any fine or penalty imposed in respect of any violation to this Bylaw.

PART 15 – AMENDMENT OF SCHEDULES

1. All schedules relating to this Bylaw as attached may be changed from time to time by resolution of Council.

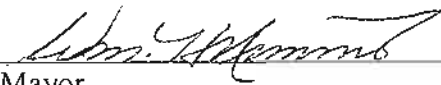
PART 16 – PENALTIES

1. Any person who contravenes any section of this Bylaw is guilty of an offence.
2. Specified penalties as outlined in the Provincial Offences Procedure Act will apply to this Bylaw.
3. Any person who contravenes any provision of this Bylaw is guilty of an offence and is liable upon conviction to a fine as set out in Schedule “D” which is attached hereto and forms part of this Bylaw.
4. Under no circumstances shall any person contravening any provisions of this Bylaw be subject to the penalty of imprisonment.
5. Nothing in this Bylaw shall be construed as curtailing or abridging the right of the Municipality to obtain compensation or to maintain an action for loss of or damage to property from or against the person or persons responsible.
6. A Peace Officer is hereby authorized and empowered to issue a Violation Tag to any person whom, the Peace Officer has reasonable and probable grounds to believe, has contravened any provision of this Bylaw.
7. A Violation Tag may be issued to such person:
 - a) either personally; or
 - b) by mailing a copy to such person at his or her last known post office address;
8. The Violation Tag shall be in a form approved by the Municipality and shall state:
 - a) the name of the person;
 - b) the offence;
 - c) the appropriate penalty for the offence as specified; in Schedule “D” of this Bylaw;
 - d) that the penalty shall be paid within thirty (30) days of the issuance of the Violation Tag;
 - e) any other information as may be required by the Municipality.
9. Where a contravention of this Bylaw is of a continuing nature, further Violation Tags may be issued by a Peace Officer, provided that no more than one Violation Tag shall be issued for each day that the contravention continues.
10. Where a Violation Tag is issued pursuant to this Bylaw, the person to whom the Violation Tag is issued may, in lieu of being prosecuted for the offence, pay to the Municipality, the penalty specified in the Violation Tag.

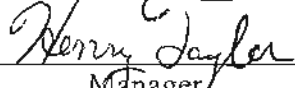
11. Nothing in this Bylaw shall prevent a Peace Officer from immediately issuing a Violation Ticket for the mandatory court appearance of any person who contravenes any provision of this Bylaw.
12. If the penalty specified in a Violation Tag is not paid within the prescribed time period, then a Peace Officer is hereby authorized and empowered to issue a Violation Ticket pursuant to the Provincial Offences Procedure Act.

This Bylaw rescinds Bylaw No. PI 2/09.

Read a first time this 15th day of April, 2010.

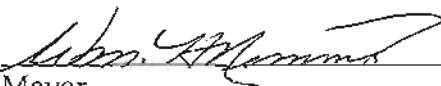


Mayor




Manager

Read a second time this 15th day of April, 2010.

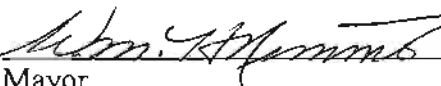


Mayor

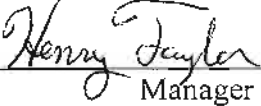


Manager

Read a third and final time this 15th day of April, 2010.



Mayor



Manager

SCHEDULE "A"

PARADE PERMITS PART 5 (1)

A person applying for a permit is to advise of the proposed route and temporary suspensions of parking and loading restrictions.

Parade permits must be obtained from the Town Office a minimum of two weeks in advance of the event date and shall include the following information:

1. Name of contact person and phone number
2. Sponsoring group
3. Purpose
4. Date and the expected start time and finish time
5. Expected number of participants
6. Staging area
7. Route
8. Dispersing area
9. Areas where parking will need to be restricted
10. Roads that will need to be closed
11. Method(s) to be used for notifying persons who will be affected by the parade.
12. Proof of liability insurance in the amount of \$1,000,000.00 unless sanctioned by the Town of Gibbons.

SCHEDULE "B"

TRAFFIC SIGN LOCATIONS

1. As established by the Town of Gibbons and the Public Works Department and in accordance with the Town of Gibbons Sign Inspection Maintenance Procedure.

SCHEDULE "C"

SPEED LIMITS

1. The speed limit in the Town of Gibbons shall be 40 kilometers per hour or as otherwise posted or listed on this schedule.
2. School zones shall be 30 kilometers per hour.
3. Playground zones shall be 30 kilometers per hour.
4. The speed limit in lane ways shall be 20 kilometers per hour.

SCHEDULE "D"

FINES FOR INFRACTIONS

<u>Section</u>	<u>Infraction</u>	<u>Fine</u>
Part 3 (1)	parking a vehicle longer than 72 hours	Offences Act
Part 3 (2)	parking on playground, recreational area or public park	\$ 50.00
Part 3 (3)	parking a trailer not attached to a vehicle	\$100.00
Part 3 (4)	parking a vehicle over 4800 kg where not authorized	\$200.00
Part 3 (5)	parking in a "passenger loading zone"	\$ 50.00
Part 3 (6)	stopping longer than 5 minutes in a "passenger loading zone"	\$ 50.00
Part 3 (7)	not parking within the confines of marked space	\$ 50.00
Part 3 (8)	parking a vehicle which obstructs traffic movement	\$200.00
Part 3 (9)	parking on private property without permission	\$100.00
Part 3 (10)	parking in Town of Gibbons reserved parking area	\$ 50.00
Part 3 (11)	parking or driving on Town owned land i.e. buffer, boulevard, reserves, land held for resale without permission	\$ 50.00
Part 3 (12)	parking on a construction site when not involved in the site	\$ 50.00
Part 3 (13)(b)	parking in non-conformance to temporary signs	\$100.00
Part 3 (13)(c)	parking longer than 12 hours after placement of temporary signs	\$100.00
Part 3 (14)	parking contrary to a traffic control device	\$100.00
Part 3 (16)	Exceeding Posted Parking maximum time	\$50.00
Part 4 (1)	parking or driving to block, obstruct, impede or hinder traffic	\$200.00
Part 4 (2)(a)	Not taking measures to promptly remove a vehicle obstructing traffic due to mechanical failure	\$200.00
Part 4 (2)(b)	Leaving a vehicle unattended while it is on jacks or a part of the vehicle has been raised	\$200.00
Part 4 (3)	Placing or permitting of an obstruction upon or above any highway without permission from the Municipality	\$200.00
Part 4 (6)	loading or unloading of goods, etc. where proper facilities have been provided or where access is from a lane.	\$ 50.00
Part 5 (1)	holding of an unlawful parade	\$100.00
Part 6 (1)	riding a bicycle whereby the wheel diameter exceeds 50 cm, drive or park any vehicle on any sidewalk.	\$100.00
Part 7(1)(2)(3)	not operating a vehicle in conformance to traffic control devices	\$100.00

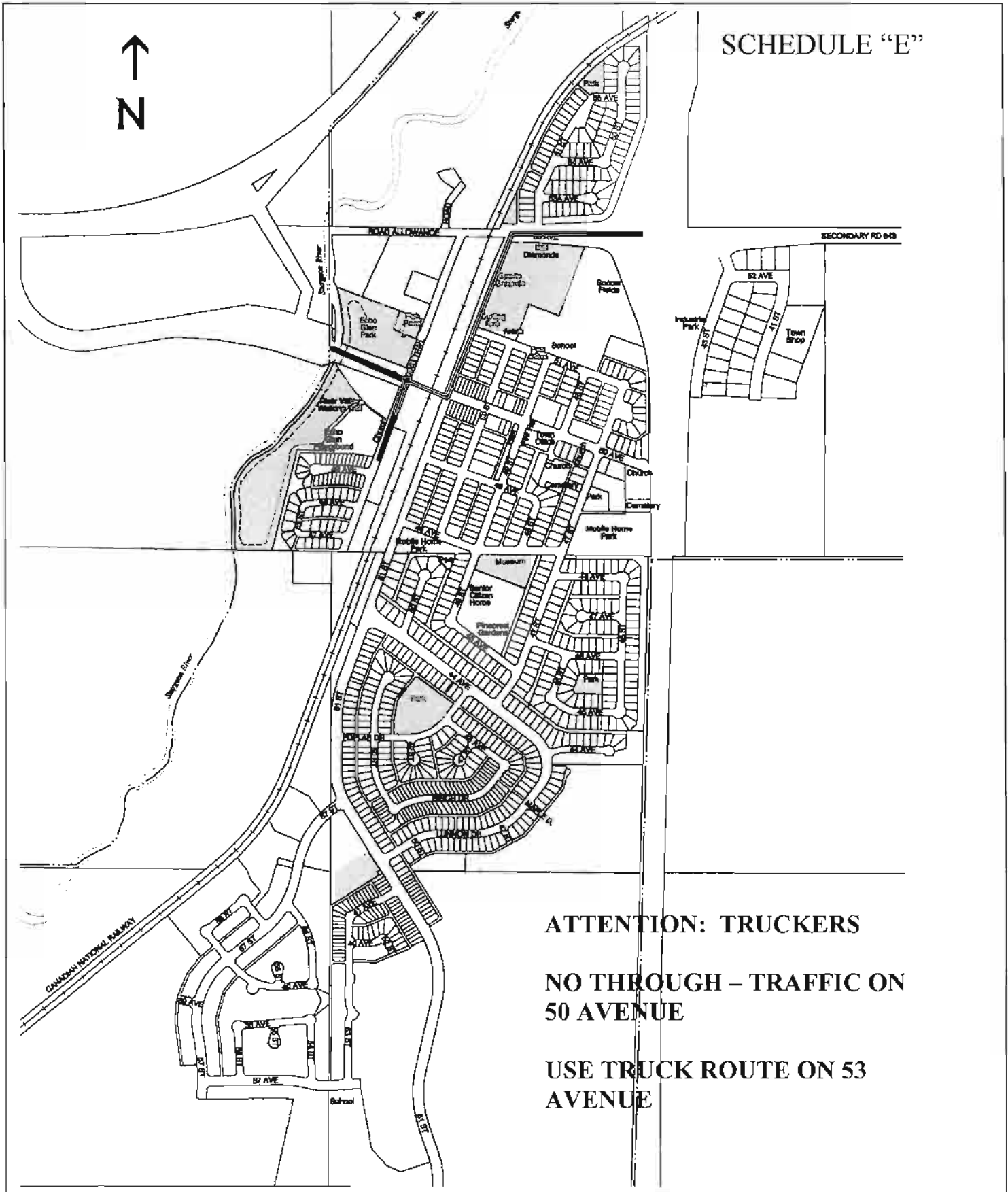
Part 8 (1)	unlawful parking in a "Handicapped Parking Stall"	\$ 50.00
Part 9(1)	parking of dangerous goods on a highway	\$500.00
Part 9(2)	parking of dangerous goods closer than 15 meters from a building	\$500.00
Part 10(1)	operating a vehicle over 4800 kg where not authorized	\$150.00
Part 11(1)	speeding	Offences Act
Part 12 (2)	operating a tracked vehicle	\$300.00
Part 12(3)	pass beyond a traffic control device when an emergency exists	\$200.00
Part 12(4)	Depositing mud, ice, etc on a highway due to washing a vehicle	\$100.00
Part 12 (5)	placing ice, snow, etc. from private property onto a highway	\$100.00

SCHEDULE "E"

TRUCK ROUTES

Truck Routes are as designated on the attached map.

SCHEDULE "E"



ATTENTION: TRUCKERS

**NO THROUGH - TRAFFIC ON
50 AVENUE**

**USE TRUCK ROUTE ON 53
AVENUE**