

**SUMMER VILLAGE OF BONNYVILLE  
BEACH  
PARKING REGULATION AND ENFORCEMENT BYLAW  
BYLAW NO. 144-2014**

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*Being a bylaw for the regulation, control or prohibition of the stopping, standing or parking of vehicles within the municipality and more specifically on the access lane owned and maintained by the Summer Village.*

Whereas the *Traffic Safety Act* and amendments thereto, provides that the Council may authorize the policing, erecting or marking of the traffic control devices at any location considered necessary for controlling highways subject to its direction, control and management;

And Whereas, the *Traffic Safety Act* and amendments thereto, provides that a Summer Village may regulate activities on highways under its direction, control and management, make bylaws not inconsistent with the *Traffic Safety Act*.

Now Therefore, the Council of the Summer Village of Bonnyville Beach (SVBB), duly assembled, hereby enact as follows:

**1. Definitions**

In this Bylaw:

All words shall have the same meaning as the *Traffic Safety Act*, except as otherwise defined;

- a) "CAO" means the Chief Administrative Officer of SVBB, Alberta appointed by Council, or his designate;
- b) "Council" means the Municipal Council of the SVBB;
- c) "Highway" means any thoroughfare, street, road, trail, avenue, parkway, viaduct, **lane**, alley, square, bridge, causeway, trestle way or other place or any part of any of them, whether publicly or privately owned, that the public are ordinarily entitled or permitted to use for the passage or parking of vehicles and includes:
- d) "Lane" means that portion of a highway used to provide secondary access to land, in addition to the primary access provided by the street in front of the lands;
- e) "Park, parked, and parking" means to allow a vehicle (whether occupied or not) to remain standing in one place except:
  - a. when standing temporarily for the purpose of and while actually engaged in loading or unloading passengers; or
  - b. when standing in obedience to a Peace Officer or traffic control device;
- f) "Peace Officer" means a member of a Police Service, or a Peace Officer appointed pursuant to the **Peace Officer Act, S.A. 2006, c. P-3.5** and the regulations thereof, as amended or replaced from time to time;

- g) "Person" means an individual or any business entity including a firm, partnership, association, corporation, company or society;
- h) "Provincial Offences Procedure Act (POPA)" means the Provincial Offences Procedure Act, R.S.A. 2000, Chapter P-34, and the regulations thereof, as amended or replaced from time to time;
- i) "Recreational vehicle" means a vehicle that is designed, constructed and equipped, either temporarily or permanently, as a dwelling place, living abode or sleeping place, but does not include a vehicle so equipped if that vehicle, without such equipment, is or was also manufactured as a passenger car;
- j) "Residential Area" means all land within a residential district as defined in the Summer Village of Bonnyville Beach Land-Use Bylaw 143-2014, and any amendments thereto, including all highways abutting residential areas, whether or not those highways abut the other districts;
- k) "Roadway" means that part of a highway intended for use by vehicular traffic;
- l) "Stop" means:
  - a. when required, a complete cessation of vehicular movement; and
  - b. when prohibited, any halting, even momentarily, of a vehicle whether occupied or not except when necessary to avoid conflict with other traffic or in compliance with the directions of a Peace Officer or a traffic control device;
- m) "Store" means the parking of a vehicle for more than 72 hours consecutively at one location on a highway. Provides for weekend accommodation
- n) "Summer Village" means the municipal corporation of the Summer Village of Bonnyville Beach, in the Province of Alberta, or the area within the Summer Village corporate limits, as the context requires;
- o) "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;
- p) "Traffic Safety Act" means the Traffic Safety Act, R.S.A. 2000, c. T-6 as amended or substituted from time to time;
- q) "Trailer" means the vehicle so designed that it may be attached to or drawn by a motor vehicle and intended to transfer property or persons and includes any trailer that is designed, constructed and equipped as a dwelling place, living abode or sleeping place, either permanently or temporarily, but does not include machinery or equipment used in the construction or maintenance of highways;
- r) "Truck" shall include but is not limited to any vehicle designed primarily for the transportation of property or equipment including a bed truck, truck, picker truck, truck tractor, winch truck or trailer, which vehicle, with or without load, exceeds any of the following:

- a. two axles;
  - b. eight (8) meters in length;
  - c. two (2) meters inwidth;
  - d. a gross vehicle weight in excess of 4500 kilograms;
- s) "Violation Tag" means a tag or similar document issued by the SVBB pursuant of the *Municipal Government Act*.

## **2. Application**

Nothing in this Bylaw relieves a person from complying with any provision of any federal or provincial law or regulation, other bylaw or any requirement of any lawful permit, order or license.

- a) Any heading, sub-headings, or tables of contents in this Bylaw are included for guidance purposes and convenience only, and shall not form part of this Bylaw.
- b) Where this Bylaw refers to another Act, bylaw, regulation or agency, it includes reference to any Act, bylaw, regulation or agency that may be substituted therefore.
- c) All the schedules attached to this Bylaw shall form a part of this Bylaw.
- d) This bylaw is gender-neutral and, accordingly, any reference to one gender includes the other.

## **3. Storage**

- a) No driver of a vehicle shall store a vehicle or permit a vehicle to be stored upon a highway.

## **4. Obstruction of highways**

- a) No driver of a vehicle shall stop a vehicle or permit a vehicle to be left upon any highway in such a manner to block, obstruct, impede or hinder traffic on the highway.
- b) Notwithstanding Section 8(1), where the obstruction caused by a vehicle is unavoidable due to mechanical failure, that person will not be in breach of Section 8(1) 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.
- c) Subject to Section 4(6) no person shall make or place an obstruction of any kind or permit any obstruction to be made or placed in, upon or above any highway unless authority has been granted by the Council.

- d) Every person who fails to obtain or to comply with the provisions of Section 8(3) above shall be guilty of an offence and shall, in addition to any other penalty, cause the removal of the obstruction within twenty-four hours of being notified to do so by the SVBB. After the expiration of the twenty-four hour period, the SVBB 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.
- e) Notwithstanding Section 4, where an obstruction of any kind exists in, upon or about any highway, and in the opinion of Council, creates an unsafe condition, the SVBB shall be entitled to take such measures as are required for the protection of life or property.
- f) The SVBB assumes no responsibility for damage either to the property that is causing obstruction, or the property that is abutting the highway when work is being done pursuant to Sections 4(d) or 4(e).

## **5. Parking in Lanes**

- a) No driver of a vehicle shall park a vehicle or permit a vehicle to be parked in a lane unless a traffic control device otherwise permits such parking for the following purposes:
  - a. the loading or unloading of goods from a truck; or
  - b. the loading or unloading of goods or passengers from a vehicle other than a truck.
- b) Notwithstanding Section 6(1) above, no driver of a vehicle while loading or unloading passengers or goods shall park a vehicle or permit a vehicle to be parked in such a manner as may obstruct the passage of other vehicles in the lane.
- c) No driver of a vehicle shall park a vehicle on a highway that is leaking engine or transmission fluids or fluids of any type.
- d) No person shall leave a vehicle unattended on the lane if the vehicle has been placed on a jack or a similar device and:
  - a. one or more wheels have been removed from the vehicle; or
  - b. part of the vehicle is raised;
- e) No driver of a vehicle shall stop or park a vehicle in an area designated by signs as a fire lane.
- f) No person, except in the case of a breakdown or other emergency not allowing the vehicle to be moved, shall stand or park a vehicle on the lane for the purpose of servicing or repairing the vehicle.

## **6 Trailers**

- a) No driver shall park any trailer, or permit any trailer to be parked upon any highway within the SVBB unless the trailer is attached to a vehicle by which it may be propelled or drawn; when the trailer is attached it shall be deemed to be part of the vehicle to which it is attached, and shall be subject to the regulations pertaining to vehicles.
- b) No person shall occupy or permit any other person to occupy a trailer upon a highway or upon property owned or controlled by the SVBB unless property has been designated by the SVBB for use as a campground.
- c) No driver shall park or permit any trailer to be parked in a manner which obstructs any sidewalk, highway or pathway.

## **7 Removal or Impoundment of Vehicles**

- a) Any Peace Officer is authorized to remove or cause to be removed any vehicle or trailer:
  - a. parked in contravention of a provision of this Bylaw; or
  - b. where emergency conditions exist making removal of the vehicle or trailer desirable.
- b) Any vehicle or trailer removed pursuant to Section 19(1) may be removed to an impound lot where it will remain impounded until claimed by the owner.
- c) Unless the CAO agrees, no impounded vehicle or trailer shall be released to its owner until all removal and impounding charges have been paid to the Summer Village and/or the towing/impound company.
- d) All charges for removal and/or impounding shall be in addition to any fine or penalty in respect of any violations pursuant to this Bylaw.

## **8. Owner Liable**

- a) If a vehicle or trailer is involved in an offence referred to in this Bylaw, the owner of that vehicle or trailer is guilty of an offence.
- b) Subsection (1) does not apply if the owner of the vehicle or trailer satisfies the Court that the owner did not park the vehicle or trailer, and that the person who parked the vehicle or trailer did so without the owner's express or implied consent.

## **9. Penalties**

- a) Any Person who contravenes any provision of this Bylaw by:
  - a. doing any act or thing which the Person is prohibited from doing; or
  - b. failing to do any act or thing the Person is required to do; is guilty of an offence.

- b) Where there is a specified penalty listed for an offence in Schedule "A" to this Bylaw, that amount is the specified penalty for the offence.
- c) Where there is a minimum penalty listed for an offence in Schedule "A" to this Bylaw, that amount is the minimum penalty for the offence.
- d) Any Person who is convicted of an offence pursuant to this Bylaw is liable on summary conviction to a fine not exceeding \$10,000.00.
- e) Nothing in this Bylaw shall be construed as curtailing or bridging the right of the SVBB to obtain compensation or to maintain any action for loss of or damage to property from or against the person or persons responsible.

#### **10. Violation Tags and Violation Tickets**

- a) Where a Peace Officer believes that a vehicle or trailer is parked in contravention of this Bylaw, he may:
  - a. place a violation tag on the vehicle or trailer; or
  - b. send a violation tag to the registered owner of the vehicle or trailer by ordinary mail.
- b) A violation tag shall be in a form approved by the SVBB and shall state:
  - a. the license plate of the vehicle or trailer;
  - b. the offence;
  - c. the appropriate penalty for the offence as specified in Schedule "A" of this Bylaw;
  - d. that the penalty shall be paid within twenty two (22) days of issuance of the violation tag.
- c) If a person who is responsible for a contravention of a provision of this Bylaw pays the specified penalty amount within the times and in the manner set out on the tag, such payment will be accepted in lieu of prosecution.
- d) If payments referred to in subsection c) are not made within the times and in the manner set out on the tag, a Violation Ticket may be issued to the registered owner of the vehicle or trailer in accordance with the *Provincial Offences Procedures Act, R.S.A. 2000, c. P-34*.
- e) Nothing in this Section shall:
  - a. prevent any person from exercising his right to defend any charge of committing a breach of any Section of this Bylaw; or
  - b. prevent any Peace Officer, in lieu of serving a tag, from issuing a Violation Ticket to a person or owner pursuant to the *Provincial Offences Procedures Act, R.S.A. 2000, c. P-34*.
  - c. from issuing a violation ticket requiring the court appearance of the defendant, pursuant to the provisions of the *Provincial Offences Procedure Act, R.S.A. 2000, c. P-34*, or from laying an

information instead of issuing a violation ticket.

- f) A person other than the owner or operator of a vehicle shall not remove any tag or notice placed on or affixed to a vehicle by a Peace Officer in the course of his duties.
- g) No person other than a Peace Officer shall place a tag on any vehicle.
- h) 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 is issued for each day that the contravention continues.

**11. Severability**

- a) If any Section or parts of this Bylaw are found in any court of law to be illegal or beyond the power of Council to enact, such Section or parts shall be deemed to be severable and all other Section or parts of this Bylaw shall be deemed to be separate and independent there from and to be enacted as such.

Read the first time this 15<sup>th</sup> day of November, 2014

Read the second time this 21 day of February, 2015

Read the third time and passed this 18<sup>th</sup> day of April, 2015

Mayor

Chief Administrative Officer

**SCHEDULE "A"**  
**Penalties for violations**

| Section | Offence                                | Specified<br>Penalty | Minimum<br>Penalty |
|---------|----------------------------------------|----------------------|--------------------|
| 7(1)    | Store vehicle on highway               | \$200.00             | \$120.00           |
| 8(1)    | Stowed vehicle obstruct/hinder traffic | \$200.00             | \$120.00           |
| 8(3)    | Place obstruction on highway           | \$250.00             | \$150.00           |
| 13(1)   | Park in lane                           | \$75.00              | \$45.00            |
| 13(2)   | Obstruct vehicles in lane when stowed  | \$150.00             | \$90.00            |
| 14(1)   | Park contrary to traffic control       | \$75.00              | \$45.00            |
| 14 10)  | Unattended vehicle on jack             | \$200.00             | \$120.00           |
| 1 11)   | Park in fire lane                      | \$200.00             | \$120.00           |
| 14(13)  | Repair/service vehicle on highway      | \$200.00             | \$120.00           |
| 15(1)   | Trailer unattached on highway          | \$75.00              | \$45.00            |
| 15 21   | Live in trailer on highway             | \$100.00             | \$60.00            |
| 15 31   | Trailer obstruct highway/sidewalk/path | \$100.00             | \$60.00            |

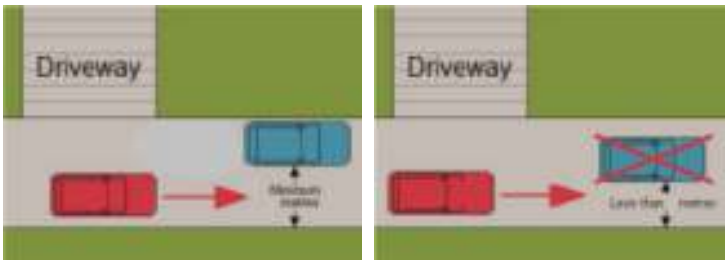


## EXHIBIT 1

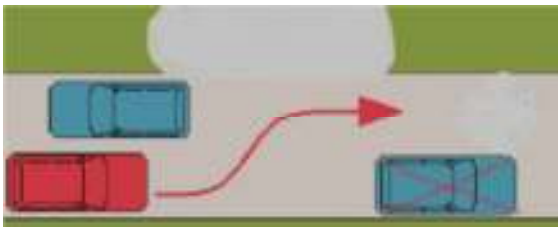
Certain parking restrictions are in effect whether or not “No Parking”, “No Stopping”, or “No Parking in Lane” signs are in place. Except to avoid a collision, to obey a traffic control device, or to obey the directions of a traffic control person, a motorist must not stop their vehicle in a position which leaves less than 6 metres of travelled road width or unduly restricts the flow of traffic.



**Parking Across from Driveway:** Vehicles should not park across from driveways in lanes as it will obstruct the ingress to and egress from driveways.



**Minimum Travel Width:** In a lane, a minimum travel width of 6 metres must be maintained between the parked vehicle and the East lane boundary to allow vehicles to pass.



**Parking on Opposite Sides of the Lane:** Parking in lane must be on owner property side maintaining the minimum clear lane width.