

**BY-LAW NUMBER 1447
TOWN OF INNISFAIL**

BY-LAW NUMBER 1447 OF THE TOWN OF INNISFAIL, IN THE PROVINCE OF ALBERTA, BEING A BYLAW TO RESCIND AND REPLACE THE INNISFAIL TRAFFIC BYLAW NUMBER 1346.

WHEREAS, the Provincial Government of Alberta gives the Municipalities the power to enact Bylaws according to the Municipal Government Act, Revised statutes of Albert 2000, Chapter M-26, Section 7 “A Council may pass Bylaws that are considered expedient and are not contrary to this or any other Act”;

AND WHEREAS, Section 7(i) of the municipal Government Act gives Municipalities the power to impose fines and penalties for infractions of their Bylaw;

AND WHEREAS, the Traffic Safety Act, reads “the Council of a Municipality may, with respect to a highway under its direction, control and management, make bylaws that are not inconsistent with this act;”

AND WHEREAS, the Council of the Town of Innisfail deems it necessary to rescind and replace Traffic Bylaw Number 1346 and amendments 1359, 1364, 1393, 1394, 1398, 1410, 1413, 1423 and 1427, with the following provisions not covered by any Act in force in the Province of Alberta;

NOW THEREFORE, the Municipal Council of the Town of Innisfail duly assembled in open Council enacts as follows:

Article A

“The provisions and regulations of the Traffic Safety Act as amended are hereby expressly incorporated into this Bylaw, including the following definitions”;

- (a) “CHIEF ADMINISTRATIVE OFFICER” means the Chief Administrative Officer or his delegate appointed for the Town of Innisfail, Alberta;
- (b) “COUNCIL” means the Council of the Town of Innisfail, Alberta;
- (c) “RECREATION VEHICLE” means a vehicle used or intended for use as a shelter, and without restricting the generality of the foregoing, includes any motorhome, holiday travel trailer, camper, tent trailer or any van, bus or truck converted for use as a recreation vehicle;
- (d) “TOWN” means the Town of Innisfail, a municipal corporation of the Province of Alberta or the corporate limits of the Town of Innisfail, as the context requires;
- (e) “TOWN EMPLOYEE” means a person hired by the Chief Administrative Officer or Council being part of a workforce for the Town, be it a permanent full time or part time employee.

Article B

“Any person who contravenes the provisions of the Traffic Safety Act or regulations thereof is guilty of an offence under this Act”;

Article C

“Except as expressly provided herein a person who is guilty of an offence under this Bylaw by virtue of a contravention of the provisions of regulations of the Traffic Safety Act is liable upon conviction to the penalties prescribed in the Traffic Safety Act”;

SECTIONS

1. No person shall park a vehicle upon any highway within the Town,
 - (a) in any truck loading space properly marked by sign(s) indicating the restrictions which may apply hereto, the exception being trucks properly parked in a loading zone and are unloading or loading;
 - (b) where the vehicle will in any way interfere with the use of a doorway intended and marked as a fire emergency exit from any building abutting the highway;
 - (c) in front of the entrance or exit to any fire hall, ambulance office or garage or hospital;
 - (d) in any space posted for taxi parking only, if the vehicle is not licensed to be a taxi by the Town;
 - (e) in any space where a sign, curb painting or pavement painting indicates that it is for exclusive use of persons with disabilities who display on their vehicles a handicap placard or license plate that is issued or recognized by the Province of Alberta;
 - (f) except for loading or unloading park any vehicle upon any lane, alley or public driveway in such a manner so as to cause an obstruction in the flow of traffic.
2. No person shall angle park on a highway any vehicle having an overall length of six (6) meters or over.
3. No person shall park a truck or truck-tractor having gross vehicle weight greater than 6,804 kg in any residential area within the Town longer than is reasonably necessary to load or unload the vehicle.
4. No person shall park or leave on any highway, within the Town, any trailer, whether designed for occupancy by persons or carrying of goods or equipment, unless the said trailer is attached to a vehicle by which it may be propelled or drawn and when so attached the trailer shall be deemed part of the vehicle and shall be subject to the regulations pertaining to the vehicle, unless otherwise authorized by order of the Chief Administrative Officer.
5. No person shall park a Recreation Vehicle upon a highway within the Town between October 1 and April 30 of the year;
6. No person shall park a Recreation Vehicle upon a highway within the Town between May 1 and September 30 of the year in such a manner that poses a traffic or safety hazard;
7. When permitted to park upon a highway, no person shall park a Recreation Vehicle in a manner that a portion thereof protrudes into a highway, lane, alley or sidewalk;
8. No person shall place or permit to be placed an electric extension cord across a sidewalk or driveway whereby any person, animal or vehicle may be in any way injured or damaged;
9. No person shall occupy or suffer or permit any other person to occupy a Recreation Vehicle upon a highway or public property unless such property is designated for use as a campground or areas designated by order of the Chief Administrative Officer.
10. No person shall drive nor park a vehicle upon any land owned by the Town for which the Town permits to be used as a playground, recreation area or public park, except on such a part as Council may designate by sign or signs for vehicular travel or parking.

11. (a) Notwithstanding any other provision of this Bylaw or any other Act the Chief Administrative Officer, Town Engineer or other person representing the foregoing may cause temporary movable signs to be placed on or near any portion of any highway within the Town prohibiting parking of any vehicle for the purpose of snow removal, street cleaning, flushing or road repair. Such signs shall be posted a minimum of twelve (12) hours prior to the commencement of such work being done;
- (b) When any road maintenance is designated to commence, or has commenced in any area in which regulatory movable parking signs have been posted in accordance with Section 11 (a), the owner of any vehicle in violation thereto may be charged and the vehicle may be removed at the owner's expense.
12. Where in the opinion of the Fire Chief, members of the R.C.M. Police, Municipal Law Enforcement, Town Engineer or any person acting in their stead deem it is necessary because of fire, storm, flood, disaster or any other emergency remove any parked vehicle the Council shall not be responsible or liable for any claim or demands whatsoever arising therefrom.

No fine shall be imposed if the vehicle was parked at this location before the emergency, only the removal charges should apply. If the vehicle was parked after the emergency a fine plus removal costs may be imposed.
13. Except for delivery of goods or materials, all vehicles rated over 15,000 kg. G.V.W. shall proceed through the Town by way of truck routes designated by Council and posted by signs.
14. No person shall park a vehicle in contravention of any sign in accordance with any such provision made by the Council.
15. No person shall drive a vehicle in an alley or laneway within the Town at a greater speed than 20 km/h. The penalty for contravening this section is governed by the Traffic Safety Act of Alberta.
16. No person shall angle park a vehicle in a cul-de-sac in such a manner that it restricts the safe movement of vehicular traffic.
17. Three or more persons shall not stand in a group or near each other on any highway, lane or sidewalk in such a manner as to obstruct the entrance to buildings or the free passage by other pedestrians on the sidewalk or in such manner which either annoys, disturbs, injures, endangers or detracts from the comfort, repose, health, peace or safety of other persons within the limits of this Town and every person shall forthwith disperse and move away after a request to move has been made by a Peace Officer, Special Constable or by any other person.

PARADES AND PROCESSIONS

18. For the purpose of this part, "parade" or "procession" means any group of pedestrians numbering more than fifty (50) or any group of vehicles numbering more than ten (10), (except military and funeral processions), moving along or using any highway.
19. Any person desiring to conduct a parade or procession within the Town shall, at least 48 hours prior to the time it is desired to conduct same, apply in writing to the Chief Administrative Officer for permission to conduct same and such application shall be signed by the applicant and contain the following information:
 - (a) the name and address of the application and, if it is an organization or corporation, the names and addresses of the executive thereof;
 - (b) the nature and purpose of such parade or procession,

- (c) the day and time such will be held,
 - (d) the intended route thereof,
 - (e) the approximate number of persons and vehicles that will be taking part,
 - (f) the approximate size, number, nature and wording of any signs, banners, posters, placards, flags and similar things to be displayed during such parade or procession
 - (g) the names, addresses and signatures of the persons who will be in control of such parade or procession and who undertake to be responsible for the good order and conduct thereof.
20. The Chief Administrative Officer may refuse to issue a permit to conduct a parade or procession, but in such event, the applicant may apply to Council for such a permit and the Council may, by resolution, direct the issue of such permit subject to the provisions of this Bylaw, or any other conditions Council may wish to impose.
21. During a parade or procession all pedestrians not taking part therein shall remain on a sidewalk.
22. Where any funeral or military procession is in the process of forming or proceeding along a highway, a Peace Officer may regulate all traffic in the vicinity and all persons, whether pedestrians, equestrians, or in a vehicle, shall obey the orders and directions of any Peace Officers so directing traffic.
23. Any vehicle in a funeral procession, except the lead vehicle, may during daylight hours, enter an intersection without stopping if:
- (a) the headlamps of the vehicles are alight;
 - (b) the vehicle is traveling immediately behind the vehicle in front of it so as to form a continuous line of traffic; and
 - (c) the passage into the intersection can be made in safety.
24. No person, whether pedestrian, equestrian or driver of a vehicle, except the driver of an emergency vehicle, shall move or ride or drive through the ranks of any military or funeral procession or any other authorized parade or procession, or shall in any way obstruct, impede or interfere with same.
25. Full time or volunteer firefighters may carry on or in a vehicle, other than an emergency vehicle, a lamp that produces intermittent flashes of green light and may operate the lamp if the vehicle is proceeding to a fire or other emergency.

USE OF STREET AND PUBLIC PLACES

26. No person shall permit any livestock, vehicle, bicycle, sleigh or other object to stand or be upon any highway, sidewalk or crossing within the Town so as to obstruct traffic thereon.
27. The owner, tenant or occupier of any land adjoining any highway, sidewalk or public place within the Town shall cause all trees, shrubs and bushes which overhangs signs, sidewalk, highway or public place to be trimmed, cut or removed, so as to prevent obstruction of signs, sidewalk, highway or public place to pedestrians and vehicles.
28. After being served notice to comply within 10 days, and after which failed to comply, the Town may take action to remedy the cutting, removal of trees, shrubs and bushes and recover the expense thereof to the owner, tenant or occupier of the land under the provisions of the Municipal Government Act.

29. No person shall dig up or carry away any earth, sand or gravel from any highway, or any property owned or allowed to be used by the Town, without first obtaining permission in writing from the Chief Administrative Officer to do so.
30. Any person placing or causing to be placed in or on any highway an obstruction shall remove or cause the removal of the obstruction as soon as reasonably possible after being notified by the Chief Administrative Officer. After failing to comply, the Chief Administrative Officer, with such assistance as is necessary, may remove or cause to be removed at the expense of the person causing or placing such obstruction on any such highway.
31. No person shall drive or haul on or over any highway, within the Town, any vehicle or other type of equipment or thing which does cause or is likely to cause damage to the highway.
32. No person shall tear down, remove or interfere with any signs, signals, barricades, flares or other things placed in accordance with the provisions and regulations as directed by Council.
33. No person shall sell by auction upon any highway or sidewalk within the Town, any article or thing whatsoever without the consent of the Chief Administrative Officer.
34. No person shall advertise any sale of any article or thing by blowing of horns, ringing of bells, crying, hollering or creating any other disturbances or noise upon any highway or sidewalk of the Town unless permission is first obtained from the Chief Administrative Officer or designate.
35. No person shall broadcast from a sound track or amplifying device outdoors without first obtaining a permit to do so from the Chief Administrative Officer.
36. No person shall post or exhibit any placard, playbill, poster, writing or picture, or write words or make or draw pictures that are indecent, tend to corrupt, demoralize or cause to be unsightly any wall or fence or elsewhere, on or adjacent to any highway.
 - (a) Any person or organization posting signs advertising garage sales, yard sales, sporting events, entertainment or political events, etc. shall remove such signs or posters within 24 hours of the conclusion of such event;
 - (b) All objects as described in Section 9, are subject to removal and immediate disposal by a Peace Officer or Town Employee without any notice or warning to the owner thereof.
37. No person or business shall display any goods for sale, offer any goods for sale, or sell any goods on a sidewalk unless it:
 - (a) permits or allows clear unobstructed pedestrian passage;
 - (b) is during operational business hours; and
 - (c) has duly signed a waiver of civil liability with the Town.
38. No person shall wash, or attempt to repair, upon any highway or near a highway, any vehicle, thereby depositing mud, oil or creating slush or ice upon any highway, sidewalk or public property.
39. The owner or occupier of any premises within Town shall remove and clear away all snow, ice, dirt or other obstruction from the sidewalk adjoining such premises within 24 hours of such snow, ice, dirt or other obstruction being deposited thereon. Failure to do so may result in Council or its designated officer to cause any work necessary to be done to remedy the situation with the cost of the work charged to the owner, lessee, occupier or agent.

- (a) In default of payment, Council may charge the costs against the land as taxes, and recover costs as such.
 - (b) The owner or occupier to be given 48 hour written advance warning by the Town prior to enforcement or charges by Town.
40. No person shall place or allow to be placed upon any street within the Town any snow, dirt, ice or other substance or obstructions from any place including a Town owned sidewalk, except in circumstances where private property does not feasibly allow it to be so deposited or placed as determined by Town Administration.

POWERS OF PEACE OFFICERS, PROSECUTIONS AND PENALTIES

“The provisions and regulations of the Provincial Offenses Procedure Act, as amended, shall apply to the provisions and enforcement of this Bylaw.”

41. Any Bylaw Enforcement Officer or Peace Officer is hereby authorized to remove or cause to be removed any vehicle or trailer:

- (a) parked in contravention of the provisions of this Bylaw
- (b) where emergency conditions may require such removal from a highway

Any vehicle may be removed to a place designated by Council where it will remain impounded until claimed by the owner thereof or his authorized agent.

42. Every Peace Officer or other person charged with the enforcement of any of the parking provisions of this Bylaw may place an erasable chalk mark on the tread face of a tire of any parked or stopped vehicle without incurring any liability for doing so.
43. No impounded vehicle shall be released to its owner or his agent until the impounding charge and removal charge of the vehicle has been paid. Such charges shall be in addition to any fine or penalty imposed in respect of any such violation, or to any payment made in lieu of prosecution as provided for in any provision of the Bylaw.
44. Where a vehicle is driven, used, parked or left in contravention of any provision of this Bylaw, the owner of the vehicle shall be deemed responsible for the contravention and liable to the penalty provided herein, unless he proves to the satisfaction of the Court trying the case that at the time of the contravention the vehicle was not being driven, used, parked or left by him or any other person with his express or implied consent.
45. A Traffic Violation Ticket or Tag shall be deemed to be sufficiently served:
- (a) if served personally on the accused; or
 - (b) if mailed to the last known address of the registered owner of the vehicle as recorded by the Alberta Motor Vehicles Branch or to the person concerned; or
 - (c) if attached to or left upon the vehicle in respect of which the offence is alleged to have been committed.
46. Nothing in this Bylaw shall:
- (a) prevent any person from defending a charge of committing a breach of this Bylaw;
 - (b) prevent a Peace Officer or other person from laying an Information or Complaint against a person whether or not such person has made a payment under the provisions of Section 3 of this part for a breach of any of the provisions of this Bylaw.

47. Where a person charged with an offence against the provisions of this Bylaw, being a person under the age of eighteen years, which person shall be in respect of such offence subject to the jurisdiction of the Alberta Provincial Youth Court as provided by the Youth Criminal Justice Act.
48. Every Peace Officer is hereby charged with the duty of enforcing the provision of this Bylaw.
49. Any person who contravenes any provision of this Bylaw is guilty of an offence and subject to penalties as per Schedule 'A'.
50. Except where otherwise specifically provided in this Bylaw, a person who is guilty of an offence under this Bylaw, for which a penalty is not otherwise provided shall be liable upon summary conviction to a fine of not more than one thousand (1,000) dollars and in default of payment shall be liable to imprisonment for a term not exceeding three (3) months.
51. Notwithstanding anything to the contrary expressed in the immediately preceding section, where a person is charged with an offence under this Bylaw and the presiding judge is of the opinion that the offence:
 - (a) was committed wholly by accident or misadventure and without negligence; and
 - (b) could not by the exercise of reasonable care or precaution have been avoided the judge may dismiss the charge.

THIS BYLAW SHALL COME INTO EFFECT ON THE THIRD AND FINAL READING.

READ A FIRST TIME IN OPEN COUNCIL THIS _____ DAY OF _____ 2006

READ A SECOND TIME IN OPEN COUNCIL THIS _____ DAY OF _____ 2006

**READ A THIRD TIME IN OPEN COUNCIL AND FINALLY PASSED THIS _____ DAY
OF _____ 2006.**

MAYOR

CHIEF FINANCIAL OFFICER

Bylaw # 1447

Schedule "A" - Penalties

	Offence	Penalty	2nd Penalty
Section 1(a)	Park in loading zone	50.00	100.00
Section 1(b)	Park front of entrance / exit to emergency doorway	75.00	150.00
Section 1(c)	Park front of entrance / exit of fire hall, ambulance office, garage or hospital	75.00	150.00
Section 1(d)	Park in marked taxi stall	30.00	
Section 1(e)	Park in posted handicap stall	50.00	110.00
Section 1(f)	Cause obstruction in alley, lane driveway	50.00	110.00
Section 2	Angle park vehicle over 6m. + long	50.00	125.00
Section 3	Park over 6804 kg vehicle weight in residential area	100.00	210.00
Section 4	Park detached trailer on street	50.00	100.00
Section 5	Park recreation vehicle on highway between October 1 and April 30	50.00	100.00
Section 6	Park recreation vehicle on highway between May 1 and September 30 posing traffic safety hazard	50.00	100.00
Section 7	Portion of recreation vehicle protruding onto highway, lane, alley or sidewalk	50.00	100.00
Section 8	Place or permit placing extension cord on sidewalk or driveway	75.00	150.00
Section 9	Occupy or permit person to occupy recreation vehicle while parked on highway	75.00	150.00
Section 10	Park on Town property (playground, park)	250.00	Court
Section 11(b)	Owner parked in temporary 'No Parking' area	50.00	110.00
Section 13	Fail to use posted truck route – vehicle 15,000 kg GVW	150.00	300.00
Section 14	Park contrary to sign	50.00	110.00
Section 15	Speed over 20 km/h in alley	As per Traffic Safety Act	
Section 16	Angle park in cul-du-sac restricting safe movement of vehicular traffic	75.00	150.00
Section 17	Three + persons blocking sidewalk or entrance to building or being a nuisance	45.00	110.00
Section 21	Fail to remain on sidewalk during parade or procession	25.00	70.00
Section 24	Drive through, obstruct, impede or interfere with military, funeral or authorized parades	150.00	300.00
Section 26	Obstructing traffic	170.00	350.00
Section 27	Owner, tenant fail to trim, cut or remove overhanging trees, shrubs or bushes which caused obstruction to signs, sidewalk or highway	75.00	150.00
Section 29	Dig or remove soil / gravel from Town property without permission	100.00	200.00
Section 30	Fail to remove obstruction from highway	115.00	300.00
Section 31	Drive vehicle / equipment causing damage to highway	150.00	300.00
Section 32	Remove / interfere with signs, signals, barricades, flares or other things	230.00	500.00
Section 33	Sell by auction on highway or sidewalk without authority	50.00	100.00
Section 34	Advertise sale by blowing horn, ring bells, crying, hollering or by other disturbance or noise without authority	25.00	70.00
Section 35	Broadcast from soundtrack or amplifier outdoors without permit	35.00	70.00
Section 36	Exhibit material on wall / fence or elsewhere that is indecent, corrupt, demoralizing or unsightly	100.00	Court
Section 36(a)	Failure to remove signs, garage / yard sales, events after 24 hours of event	75.00	Court
Section 37	Goods for sale (1),impede pedestrians (2), past business hours (3), fail to sign waiver	50.00	100.00
Section 38	Wash / repair vehicle on highway	50.00	150.00
Section 39	Failure to remove snow / debris from sidewalk after 24 hours of snowfall	50.00	110.00
Section 40	Littering of streets	115.00	300.00