

BY-LAW #313-06

BEING A BY-LAW OF THE TOWN OF COALHURST, IN THE PROVINCE OF ALBERTA, PROVIDING FOR THE ESTABLISHMENT OF RULES AND REGULATIONS PERTAINING TO THE MOVEMENT OF VEHICLE AND PEDESTRIAN TRAFFIC;

WHEREAS pursuant to Section 7 of the Municipal Government Act, being Chapter M-26.1 of the Revised Statutes of Alberta, 2000, Council may pass By-Laws for purposes respecting transport and transportation systems, and;

WHEREAS pursuant to Section 13 (1) of the Traffic Safety Act, R.S.A. 2000, c. T-6, Council may make By-Laws for the regulation and control of vehicle, animal and pedestrian traffic within the municipality that are not inconsistent with the Act, and;

NOW THEREFORE, the Council of the Town of Coalhurst, in the Province of Alberta, duly assembled, **HEREBY ENACTS AS FOLLOWS:**

PART 1 - DEFINITIONS

101. This By-Law may be cited as "The Traffic By-Law".

102. In this By-Law, unless the context otherwise requires:

"ACT" means the Traffic Safety Act, R.S.A. 2000, c. T-6 and amendments thereto;

"ALLEY" means a narrow highway intended chiefly to give access to the rear of buildings and parcels of land;

"BOULEVARD" means the portion of highway between the curb lines or lateral lines of a roadway and the adjoining property lines, exclusive of the sidewalk; also that portion of a street between the curb lines or lateral lines of a divided roadway;

"CAO" means the Chief Administrative Officer of the Town of Coalhurst;

"COUNCIL" means the Council of the Town of Coalhurst;

"CROSS-WALK" means;

- (a) That part of a roadway at an intersection included within the connection of the lateral lines of the sidewalks on opposite sides of the highway measured from the curbs or, in the absence of curbs, from the edge of the roadway, or
- (b) Any part of a roadway at an intersection or elsewhere distinctly indicated for pedestrian crossing by signs or by line or other markings on the road surface;

“CURB” means the actual curb, if there is one, and if there be no curb in existence, shall mean the division of a highway between that part thereof intended for the use of vehicles and that part thereof intended for the use of pedestrians;

"HIGHWAY" means every thoroughfare, street, road, trail avenue, parkway, driveway, viaduct, lane, alley, square, bridge, causeway, or other place, whether publicly or privately owned, any part of which the public is ordinarily entitled or permitted to use for the passage of parking of vehicles within the Town of Coalhurst;

"IDENTIFICATION PERMIT" means a coloured symbol supplied by the CAO upon acceptance of application to the owner of a motor vehicle in relation to Section 704;

"MOTOR VEHICLE" means every vehicle propelled by any power other than muscular power except aircraft, tractors, whether equipped with rubber tires or not, implements of husbandry and such motor vehicles as run only upon rails;

“OFF-HIGHWAY VEHICLE” as defined in the Act means any motorized mode of transportation built for cross-country travel on land, water, snow, ice or marsh or swamp land or on other natural terrain and, without limiting the generality of the foregoing, includes, when specifically designed for such travel,

- (i) 4-wheel drive vehicles,
 - (ii) low pressure tire vehicles,
 - (iii) motor cycles and related 2-wheel vehicles,
 - (iv) amphibious machines,
 - (v) all terrain vehicles,
 - (vi) miniature motor vehicles,
 - (vii) snow vehicles,
 - (viii) minibikes, and
 - (ix) any other means of transportation that is propelled by any power other than muscular power or wind,
- but does not include
- (x) motor boats, or
 - (xi) any other vehicle exempted from being an off-highway vehicle by regulation;

“PARADE” or “PROCESSION” means any group of pedestrians (except military and funeral processions) numbering more than fifty marching, walking, running or racing on the roadway or on the sidewalk, or any group of vehicles (except military and funeral processions) numbering ten or

more.

"PARK" means to allow a vehicle (whether occupied or not) to remain in one place except:

- i When standing temporarily for the purpose of and while actually engaged in loading or unloading, or
- ii When standing in obedience to a Peace Officer or traffic control device.

"PASSENGER LOADING SPACE" means a space or section of highway marked with a sign or marking authorized by the Council, permitting parking therein for the period necessary to load or unload passengers;

"PEACE OFFICER" means a member of the Royal Canadian Mounted Police or a special constable or a member of the patrol division of the Department of the Solicitor General or a By-Law Enforcement Officer of the Town of Coalhurst;

"PEDESTRIAN" means a person afoot or a person in a wheelchair;

"PUBLIC HOLIDAY" means a day designated Sunday, a public holiday as defined in The Interpretation Act or a day proclaimed so by the Mayor or declared by the Council of the Town of Coalhurst;

"RECREATIONAL TRAILER" means a trailer of such design as to be intended as a temporary sleeping accommodation.

"ROADWAY" means that portion of the highway intended for vehicular traffic within the Town;

"SIDEWALK" means that part of a highway primarily intended for the use of pedestrians and includes the part lying between the curb line or edge of the roadway and the adjacent property line, whether or not paved or improved;

"TOWN" means the Corporation of the Town of Coalhurst or the area contained within, the corporate boundaries of the Town, as the context requires;

"TRAFFIC CONTROL DEVICE" means a parking meter, and sign, signal marking, or device placed or erected for the purpose of regulating, warning or guiding traffic;

"TRAFFIC CONTROL SIGNAL" means a traffic control device whether manually, electrically or mechanically operated by which traffic is directed to stop and to proceed;

"TRUCK LOADING SPACE" means a space or section of the highway marked for use for the loading or unloading of goods;

"VEHICLE" means a device in, upon or by which a person or thing may be transported or drawn upon a highway.

“VIOLATION TICKET” means where a Peace Officer or other authorized official of the Town of Coalhurst believes that any person has committed a breach of any of the Sections of this By-Law, they may cause a violation ticket to be served upon such person pursuant to Part 2_or Part 3_of the Provincial Offences Procedure Act, R.S.A. 2002, c. P-34

PART 2 - SPEED LIMITS

201. Pursuant to the provisions of the Traffic Safety Act, R.S.A. 2000, c. T-6 and amendments thereto, the maximum speed for the highways within the Town limits is Fifty (50) Kilometres per hour.
202. The Council shall cause signs to be posted indicating a greater or lesser speed than that prescribed by the Traffic Safety Act, R.S.A. 2000, c. T-6_or indicating that the prescribed speed limit has ceased to apply.
203. No person shall drive a motor vehicle, in any alley or highway intended chiefly to give access to the rear of buildings and parcel of land at a greater rate of speed than Twenty (20) Kilometres per hour.
204. The Council may by signs posted along a highway, fix a maximum speed limit in respect of any part of the highway under construction or repair or in a state of disrepair applicable to all vehicles or to any class or classes of vehicles while travelling over that part of the highway.
205. Notwithstanding Section 204, the Town Foreman, in the case of an emergency has the authority to temporarily reduce the speed limit for the safety of workers and shall report such action to the Council at the next regularly scheduled Council meeting.

PART 3 - TRAFFIC CONTROL DEVICES

301. Council may by resolution direct and may from time to time alter the location of such traffic control devices for the following purposes:
 - a. To divide the surface of a roadway into traffic lanes marked by solid or broken lines;
 - b. To prohibit "U" turns at any intersection;
 - c. To designate any intersection or other place on a highway as an intersection or place at which no left hand turn or right hand turn shall be made;
 - d. To designate as a one-way street any roadway or portion thereof;
 - e. To designate "School Zones" or "Playground Zones";
 - f. To designate truck routes;

- g. To set apart as through street any highway or part of a highway and to control entry to any highway by means of a "stop" sign or "yield" sign;
 - h. To designate a crosswalk upon any highway;
 - i. To designate parking stands for use of any particular class of vehicle;
 - j. To close or restrict the use of any highway, either as to the full width thereof or as to part of the width thereof with respect to any class or classes of vehicles or with respect to any class or classes of pedestrians;
 - k. To prohibit, restrict or regulate the parking of vehicles or any particular class of vehicles on any highway or other public place or any portion thereof during such hours as he may determine;
 - l. To designate and mark guide lines for angle or parallel parking on any highway or other public place or any portion thereof.
302. The CAO shall cause a record to be kept of the location of all traffic control devices which record shall be open to public inspection during normal business hours.
303. Notwithstanding any provision of the By-Law all traffic control devices placed, erected or marked in the Town of Coalhurst prior to the passing of the By-Law shall be deemed to be duly authorized traffic control devices until altered pursuant to the provisions of Section 301.
304. No unauthorized person shall place upon any highway or upon any structure abutting a highway any sign, mark or notice relating to parking or the use of the highway.
305. No unauthorized person shall remove, deface or alter in any way any traffic control device placed, erected or marked pursuant to this Bylaw.

PART 3(A) – PARADES AND PROCESSIONS

306. Any person desiring to hold a parade or procession within the Town of Coalhurst shall, at least 5 working days prior to the time they desire to hold the same, make application in writing to the CAO for a permit and in such application shall furnish to the CAO information with respect to the following, namely:
- 1) The name and address of the applicant, and if such applicant is an organization, the names, addresses and occupations of the executive thereof;
 - 2) The nature and object of such parade or procession;
 - 3) The day, date and hours during which same will be held;
 - 4) The intended route thereof;

- 5) The approximate number of persons who will take part therein;
 - 6) The approximate size, number and nature of flags, banners, placards or such similar things to be carried therein and particulars of signs, inspections and wording to be exhibited thereon; and such written application shall bear the signatures and addresses of the persons who will be in control of such parade or procession and who undertakes to be responsible for the good order and conduct thereof;
307. The CAO may issue a permit with or without conditions, or for any reason that appears to him/her proper, may refuse to issue a permit.
- In the case of a refusal, the applicant has a right of appeal to the Mayor who may
 - 1) Grant or refuse permission for the parade or procession, or
 - 2) Refer the matter to Council either with or without a recommendation thereon.
 - If an application for permission to hold a parade or procession is referred by the Mayor to Council, Council may:
 - 1) Grant permission without conditions;
 - 2) Grant permission with conditions; or
 - 3) Refuse permission.
308. Where a permit has been issued pursuant to Section (307) the CAO shall fix the hour and route of the parade or procession and give such directions to the applicants in regard to such parade or procession as in his/her opinion will prevent any unnecessary or unreasonable obstruction to the street or sidewalk and tend to prevent a breach of the peace and may erect or cause to be erected such temporary barriers or traffic control devices as he/she deems necessary.
- A copy of the permit will be forwarded to the Police, By-Law Enforcement Officer, Fire Chief, and Director of Operations
309. If any funeral procession is in process of formation or proceeding along any highway, any Peace Officer may regulate all traffic in the vicinity and all persons whether on foot or in vehicles, shall obey the order and direction of the Peace Officer so regulating traffic.
310. Before a funeral procession enters upon, crosses or turns into a highway designated and marked as a through traffic street by a stop sign the first vehicle in the funeral procession shall come to a complete stop in the manner required by this Bylaw and shall not drive the vehicle into the intersection until it is safe to do so.
311. No person driving any vehicle or riding or driving a horse shall drive or ride through, nor shall any pedestrian walk through the ranks of any military or funeral procession (the vehicles of which have their lights on), nor through the ranks of any other authorized parade or procession, or in any way obstruct, impede or interfere with the same.
312. No person shall take part in the organization or conduct of a parade or procession that forms up, attempts to form up or is carried on without a permit having been issued pursuant to Section (307).

313. No person shall fail or refuse to comply with the conditions set forth in the permit issued pursuant to Section (c).

PART 4 - FIRES

401. In case of a fire within the Town, any Peace Officer or member of the Fire Department may designate in any manner a line or lines near the location of the fire beyond which no member of the public shall pass, and no unauthorized person, whether on foot, on horse or in a vehicle shall cross such line or lines.
402. The Chief Officer of the Fire Department or any person acting under his instructions shall have the right to move or cause to be moved any vehicle which he may deem necessary to move or have moved for the purpose of carrying out any duty, work or undertaking of the Fire Department.

PART 5 - VEHICLES WITH LUGS

501. No person shall drive, propel or move on any highway any vehicle having metal spikes, lugs, cleats or bands projecting from the surface of the wheel or tire of such vehicle, or any vehicle having a caterpillar tread.

PART 6 - OFF-HIGHWAY VEHICLES

601. No person shall operate an off-highway vehicle on any portion of a highway, sidewalk or boulevard within the Town of Coalhurst except as permitted in the Act.
602. Notwithstanding Section 601, the operator of an off-highway vehicle may cross any highway, including the roadway, parking lane, boulevard or sidewalk portions thereof as the case may require, if:
- a. the operator stops the off-highway vehicle before entering on to the highway or portion thereof to be crossed,
 - b. all passengers disembark from the off-highway vehicle and any vehicle or thing attached thereto before he commences to cross,
 - c. the operator yields the right-of-way to all other vehicles and person on the highway, and
 - d. the operator crosses over the highway or portion thereof to be crossed by the most direct and shortest route of travel available to him/her.

PART 7 - HEAVY VEHICLES

701. For the purpose of Section 702, a "heavy vehicle" means a motor vehicle alone or together with any trailer, semi-trailer, or other vehicle being towed by the motor vehicle with a registration gross vehicle weight of 4 tonnes or more or exceeding 6 meters in total length. Notwithstanding the

above, a public passenger vehicle shall be deemed to be excluded from the definition of a "heavy vehicle" for the purpose of Section 702 while transporting passengers.

702. No person shall operate a heavy vehicle on a highway within the limits of the Town of Coalhurst other than a highway in the Town of Coalhurst which is designated as a truck route in Schedule "A" thereof, which Schedule is hereby incorporated into and made part of this By-Law.
703. The following shall not be deemed to be operating a heavy vehicle in contravention of Section 702 if the heavy vehicle is being operated on the shortest route between the premises by:
- a. persons delivering or collecting goods or merchandise to or from the premises of bona fide customers,
 - b. persons going to or from business premises of the owner of the heavy vehicle concerned,
 - c. persons going to or from premises for the servicing or repairing of the heavy vehicle,
 - d. persons pulling a disabled vehicle from a highway prohibited to heavy vehicles.
704. An Identification Permit shall be obtained from the CAO by:
- a. persons moving a house for which the necessary permission has been received by the CAO, upon the payment of a prescribed fee which will be set by resolution of Council.
705. The Identification Permit shall be placed on the lower left corner of the windshield for the vehicle to which it was issued and shall be visible at all times.
706. The application for an Identification Permit may be refused if all the requirements of this By-Law are not met or if there are outstanding taxes owing on the property to be moved.
707. No person shall utilize engine retarder brakes while operating heavy vehicles within the limits of the Town of Coalhurst.

PART 8 - MAXIMUM WEIGHTS

801. For the purposes of this Section "maximum weight" means:
- a. The maximum weight permitted for a vehicle and load pursuant to the official registration certificate issued by the Province of Alberta for such vehicles.
802. No person shall drive or have on the roadway a vehicle or combination of attached vehicles with a weight including or excluding any load thereon, in excess of maximum weight.
803. Wherever in his/her opinion, there is a contravention of Section 802, a Peace Officer may order the driver or other person in charge or control of a vehicle or combination of attached vehicles suspected of being on a roadway in contravention of such Section to take such vehicle or

combination of attached vehicles to the nearest adequate weight scale to determine the weight of such vehicle or combination of attached vehicles and load thereof. The weight slip or slips shall be given to the Peace Officer and may be retained by him/her, and if the weight of any loaded vehicle or combination of attached vehicles is in excess of maximum weight, the Peace Officer, in addition to any prosecution for contravention of Section 802, may require that any load or portion thereof in excess of maximum weight shall be removed before the vehicle or combination of attached vehicles is again taken upon a highway.

804. A weight slip given to a Peace Officer under Section 803 and submitted by him/her in evidence in court shall be prima facie proof of the authenticity of the weight slip and of the particulars thereon submitted in evidence and of the accuracy of the weight scale used.
805. A person driving or in charge or control of a vehicle or combination of attached vehicles suspected by a Peace Officer of being on a roadway in contravention of Section 802 shall, when requested by the Peace Officer, produce for such officer's inspection any official registration certificate or interim registration certificate for such vehicle or vehicles that may have been issued by the Government of the Province of Alberta showing the maximum weight of such vehicle or combination of attached vehicles.
806. Particulars obtained by a Peace Officer from a registration certificate produced to him/her under Section 805 and submitted by him/her as evidence in court shall be prima facie proof of the authenticity of such certificate and of the particulars thereon submitted in evidence.

PART 9 - PEDESTRIANS

901. No person or persons shall stand on any highway, crosswalk or sidewalk in such a manner as to:
- a. obstruct vehicular or pedestrian traffic,
 - b. annoy or inconvenience any other person lawfully upon such highway, crosswalk, or sidewalk,
 - c. obstruct the entrance to any building.
902. No person shall run upon a roadway in such a manner as to impede traffic.
903. No person shall stand upon or walk along a roadway for the purpose of soliciting a ride from the driver of any private vehicle.

PART 10 - PARKING

1001. The Council will designate properly marked portions of highways where parking is restricted to any particular class or classes of vehicles. No person shall park a vehicle other than a vehicle of such class or classes on the portion on the portion of a highway as marked.

1002. The Council may designate and cause to be properly marked portions of highways upon which parking is prohibited at any time. No person shall park where prohibited.
1003. The Council may designate portions of the highway for 15 minute to 20 minute parking of vehicles and cause the same to be properly marked by signs.
1004. No person shall park a vehicle on a portion of highway marked pursuant to Section 1003, for a time in excess of the period so marked.
1005. No person shall park a vehicle in an alley. Alleys, however, may be used for such period of time as may be reasonable necessary for the loading or unloading of passengers or goods from a vehicle, provided that the vehicle concerned in such loading or unloading of passengers or goods does not so obstruct the lane as to prevent other vehicles or persons from passing along such alley while the loading or unloading of passengers or goods is taking place.
1006. The Council may designate portions of the highway as a passenger loading or unloading space and may cause such space to be marked with a sign designating the area as a "loading zone".
1007. Except when actually taking on or discharging passengers, no person shall park or stand a vehicle for any period of time at a passenger loading zone, at a "no parking" area or in front of a main entrance, exit or doorway of a public building.
1008. The Council may designate and cause to be properly marked by signs, portions of the highway as truck loading or unloading spaces.
1009. No person shall park a vehicle in a truck loading or unloading space for a period of time longer than fifteen minutes.
1010. No person shall park any trailer (whether designed for occupancy by persons or for the carrying of goods and equipment), upon any highway unless 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 subject to the regulations pertaining to vehicles.
1011. Notwithstanding Section 1010, a person may park a recreational trailer upon a highway, for a period not to exceed 72 hours and for the purposes of loading and unloading only, during the months of June through September provided that in so doing no obstruction is caused to vehicular or pedestrian traffic.
1012. No person shall park any motor vehicle, bus or motor home, truck, engine, trailer or truck, of the gross vehicle weight of more than 4 tonnes or a length of more than 6 metres on any highway within the Town limits except for the purpose of loading or unloading such vehicles.
1013. No person shall park any vehicle upon any land owned by the Town of Coalhurst which the Town uses or permits to be used as a playground, recreation area or public park except in designated parking areas.

1014. Where parking guidelines are visible on a roadway no driver shall park a vehicle except within the limits of the lines designating a parking stand.
1015. No person shall park his/her vehicle with the side thereof parallel to the curb or edge of the roadway when angle parking is permitted or **required by means of a sign or parking guidelines**.
1016. When a sign indicates that angle parking is permitted or required, a person may only park a vehicle with one front wheel not more than 500 millimeters from the curb or edge of the roadway.
1017. Except for a roadway designated as a cul-de-sac, all parking on any highway will be parallel parking unless specified by a traffic control device.
1018. Notwithstanding Section 1016 of this Part, no vehicle may be parked at an angle to the curb in a cul-de-sac unless that vehicle is parked in such a manner as not to interfere with the free flow of traffic in the cul-de-sac.
1019. No person shall park any vehicle in that part of a driveway which lies between curb or the travelled portion of the roadway and the property or lot boundary line which runs parallel to the said curb or travelled portion of a roadway
1020. No person shall parallel park a vehicle such that the right wheels exceed a distance of 500 millimeters from the right curb or edge of the roadway except in the case of a one-way highway where parking on either side is permitted.
1021. No person shall park a vehicle on a sidewalk, boulevard or median except, under special circumstances and by request to the Town, when authorized by the CAO.
1022. (1) The Council may establish, sign or otherwise designate such parking stalls or zones within the Town as Council deems necessary for the exclusive parking of vehicles bearing a valid disabled placard or license plate issued or recognized by the Registrar of Motor Vehicle Services.
- (2) The owner, tenant, occupant or person in control of private property within the Town to which vehicles driven by the public generally have access may designate parking spaces for the exclusive parking of vehicles bearing a valid disabled placard or license plate issued or recognized by the Registrar of Motor Vehicle Services. The signage and markings used to so designate such parking spaces shall be in a form similar to that approved and used by the CAO.
- (3) No person shall park or stop a vehicle which does not display a disabled placard or license plate that is issued or recognized by the Registrar of Motor Vehicle Services in a parking space clearly signed or otherwise designated pursuant to subsections 1 or 2 of this Section.
1023. Any person who is empowered to enforce the provisions of this By-Law is hereby authorized to place an erasable chalk mark on the tread face of the tire of a parked or stopped vehicle without that person or the municipality incurring liability for doing so.

1101. (1) In any case where by reason of any emergency or of any special circumstances which in the opinion of the CAO makes it desirable and in the public interest to do so, the CAO may:
- a. temporarily close in any area of the Town, any highway in whole or in part to traffic, or
 - b. temporarily suspend in any area of the Town, parking privileges granted by the provision of this or any other By-Law, and the CAO may for such period of time as he deems necessary to meet such emergency or special circumstances, take such measure for the temporary closing of such highway or the suspension of parking privileges and place barricades or post appropriate notices on or near the highway concerned as he may consider to be necessary in the circumstances.
- (2) The Town, after clearly posting or signing a roadway or public parking lot a minimum of twelve (12) hours prior may cause a roadway or public parking lot to be cleared of vehicles for the purpose of street cleaning, snow removal, parades or processions, or highway repair. In such cases, the Town may tow and impound vehicles blocking street cleaning, snow removal, parades or processions, or repair equipment at the vehicle owner's expense. All costs for the removal and storage are a lien upon the vehicle, which may be enforced in the manner approved by the Possessory Liens Act R.S.A. 2000 c. P-19.

PART 12 - MISCELLANEOUS OFFENSES

1201. Every person shall be guilty of an offence who:
- (a) Coasts on any highway on a sled, toboggan, skis, or roller blades which is being towed by a vehicle,
 - (b) Washes, repairs, or services a vehicle on or near any roadway, sidewalk, boulevard, or alley within the Town in a manner that allows water, slush, ice, mud, cement, refuse, debris, tar, oil, grease, antifreeze or other vehicle fluids to flow onto or enter upon the roadway, sidewalk, boulevard or alley, or enter any storm water system.
 - (c) Places or deposits, or allows the placement or deposit, of any object, refuse, building or other materials, dumpsters, snow, earth, sand, gravel, sod, or any other matter on a roadway, alley, sidewalk, or boulevard within the Town, excepting vehicles and materials for which specific permission has been granted by the CAO.
1202. No owner or occupant of private property in the Town shall allow hedges, shrubs, or trees, whether planted before or after the date of the passing of this By-Law, to grow or to remain at a greater height than one metre above the established elevation of the centre point of an intersection of highways at any place on such parcel of land at or adjacent to and within a distance of eight metres measured from the corner of the street intersection nearest to the parcel of land concerned.

1203. In the case of trees growing on any private property within the Town, whether planted before or after the date of the passing of the By-Law, the owner or occupant concerned shall trim the said trees in such a way that no branches or foliage of said trees shall be at a lesser height than 160 centimetres above the established elevation of the centre point of a street intersection at any place on such parcel of land at or adjacent to and within a distance of eight metres measured from the corner of a street intersection nearest to such trees.
1204. A Peace Officer may serve by registered mail a notice in writing upon any person required to comply with the provisions of Section 1202 and 1203 as the case may be.
1205. No owner or occupant of private property in the Town shall build, place, erect or continue the existence of fences, walls, or other objects on private property to or adjacent to and within eight metres from a street intersection when such fences, walls or other objects interfere with good visibility for safe traffic flow.
1206. A Peace Officer may serve by registered mail a notice in writing upon any person required to comply with the provisions of 1205.
1207. The notice in writing shall set forth:

- (a) A description of the land on or adjacent to which the remedial action is required;
- (b) The condition that is not in compliance with the Bylaw, including reference to the applicable provision of the Bylaw;
- (c) Remedial action required;
- (d) A deadline for compliance.

The person served with a notice pursuant to the provisions of 1204 and 1206 may appeal the notice in writing within 14 days of the issuance of the notice to the Municipal Subdivision and Development Appeal Board upon payment of the applicable fee.

1208. Any notice served pursuant to this Bylaw will be deemed to have been sufficiently served in the case of an offence if:
- (a) served personally upon the person to whom it is directed, or
 - (b) posted or left at a conspicuous location on the property or vehicle, or
 - (c) if mailed by regular or registered mail to the address of the person to whom the notice was directed, or to the owner of the private property involved using the address on record with the Town of Coalhurst, or to the registered owner of the vehicle using the address on record with the Alberta Motor Vehicle Branch.
1209. No person shall fail to satisfactorily comply with a notice issued pursuant to section 1204) or 1206

within the specified deadline.

1210. In default of the owner or occupant failing to comply with a notice from a Peace Officer an order of the Municipal Subdivision and Development Appeal Board pursuant to the provisions of 1204 and 1206, the Town may do the work, and where applicable do the work at the expense of the person in default.
1211. The expenses incurred by the Town for the work done, where applicable may be recovered with costs by action in any Court of competent jurisdiction or in a like manner as property taxes.

PART 13 - PENALTIES

1301. Except as otherwise provided in this By-Law, a person who is guilty of an offence under this By-Law or the regulations for which a penalty is not otherwise provided is liable to a fine of not less than Two Hundred Fifty (\$250.00) Dollars and of not more than Two Thousand Five Hundred (\$2,500.00) Dollars and in default of payment is liable to imprisonment for a term not exceeding 6 months or to imprisonment for a term not exceeding 6 months without the option of a fine.
1302. The levying and payment of any penalty, or the imprisonment for any period as provided for in this Bylaw shall not relieve a person from the necessity of paying any fees, charges, or costs for which he is liable under the provisions of this Bylaw.
1303. Any Peace Officer may impound and remove from a highway, street, alley, parking lot or other public place, a vehicle in respect of which charges have not been paid or of a vehicle parked in violation of a provision of the Bylaw and all costs of removal which may be enforced in the manner provided by the Possessory Liens Act R.S.A. 2000 c. P-19.
1304. If a vehicle is driven, used, parked or left in contravention of any provision of this Bylaw the owner of the vehicle is guilty of an offence and liable for the contravention and the penalty provided herein unless he proves to the satisfaction of the Magistrate trying the case that at the time of the contravention the vehicle was not driven, used, parked or left by him/her or by any other person with his/her consent, expressed or implied.

PART 14 - ISSUANCE OF TAGS OR VIOLATION TICKETS AND PAYMENT OF PENALTIES

1401. (a) Where any Peace Officer believes that a person has contravened any provision of this Bylaw he may serve upon
- (1) such person a Violation Ticket referencing the section contravened; or
 - (2) the registered owner of the motor vehicle a Violation Ticket referencing Section 160 (1) of the Act and the section of the Bylaw contravened

in accordance with the provisions of the *Provincial Offences Procedure Act* R.S.A. 2002 c. P-34.

- (b) The specified penalty payable in respect of a contravention of a provision of this Bylaw is as

provided for in Schedule “B” of this Bylaw, said Schedule being hereby incorporated into and made part of this Bylaw.

- (c) Notwithstanding subsection (a) of this section, a Peace Officer may issue a Parking Violation Tag or Breach of Bylaw Notice, in a form approved by the CAO, referencing the section of the Bylaw contravened, to the alleged offender, or to the registered owner of any vehicle involved in a contravention of this Bylaw.
 - d. Service of any such notice or tag shall be sufficient if it is:
 - i personally served
 - ii served by regular or registered mail
 - iii attached to the vehicle in respect of which the offence is alleged to have been committed.
 - e. The penalty payable to the Town in respect of a contravention of this Bylaw, to be indicated on any such Parking Violation Tag or Breach of Bylaw Notice issued, is as provided for in Schedule “B” of this Bylaw. Upon payment to a person authorized by the Town Council to receive such payment, an official receipt for the payment shall be issued. and such payment shall be accepted in lieu of prosecution.
 - f. Where payment of the penalty for a tag or notice issued for breach of any of the sections of this Bylaw is received within the time allowed for payment by a person authorized by the Town to receive such payment, such payment shall be accepted in lieu of prosecution.
 - g. If the person upon whom any such tag is served fails to pay the required sum within the time limit, the provisions of this section for acceptance of payment in lieu of prosecution do not apply.
 - h. Nothing in this Section shall:
 - i Prevent any person from exercising his right to defend any charge of committing a breach of any of the provisions of this By-Law.
 - ii Prevent any Peace Officer in lieu of serving a Violation Ticket, notice or tag or any other person from laying information or a complaint against another person for committing a breach of any of the sections listed in the said Schedules, or
 - iii Prevent any person from exercising any legal right such person may have to lay information or complaint against any other person (whether such other person has made a payment under the provisions of this By-Law or not) for a breach of any of the sections listed in the said Schedules.
 - i. Where any person has made payment pursuant to the provisions of this section and is prosecuted for the offence in respect of which such payment has been made, such payment shall be refunded.
1402. No person other than the owner or driver of a vehicle shall remove any Violation Ticket, notice or tag placed on or fixed to such vehicle by a Peace Officer in the course of his/her duties.

1403. No person shall willfully obstruct, hinder or interfere with a Peace Officer or any other person authorized to enforce and engaged in the enforcement of the provisions of this Bylaw.

PART 14 - SEVERABILITY

1501. It is the intention of the Town Council that each separate provision of this By-Law shall be deemed independent of all other provisions herein and it is further the intention of the Town Council that if any provisions of this By-Law be declared invalid all other provisions thereof shall remain valid and enforceable.

PART 16 - REPEAL

1601. By-Law #248-98 and By-Laws #284-02 and #287-02 that amend By-Law #248-98 of the Town of Coalhurst are hereby repealed.

PART 17 - COMMENCEMENT DATE

1701. This By-Law comes into force upon the date of the passing of the third and final reading thereof.

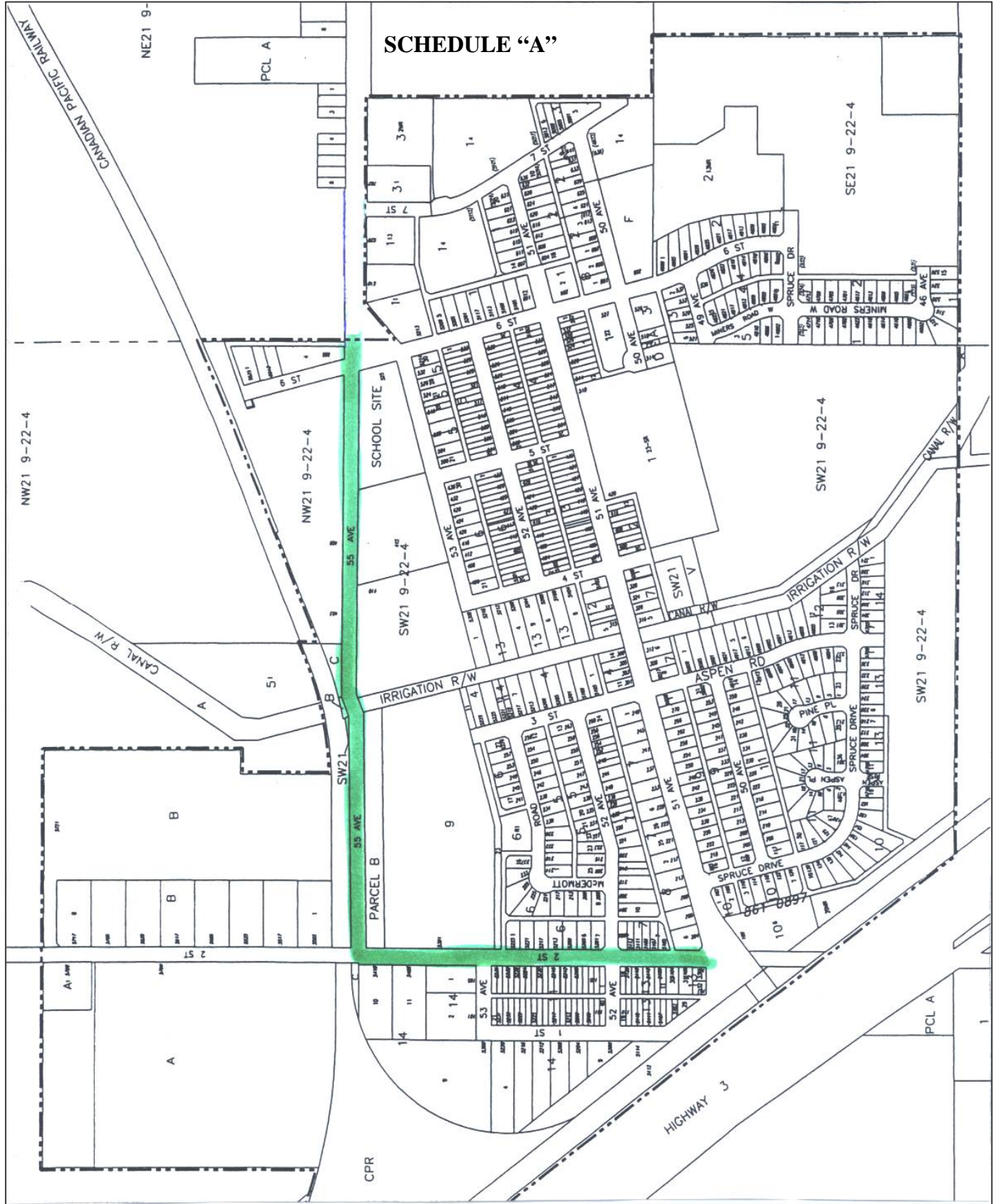
READ A FIRST TIME THIS 4th DAY OF APRIL, 2006

READ A SECOND TIME THIS 4th DAY OF APRIL, 2006

READ A THIRD TIME AND FINALLY PASSED THIS 4th DAY OF APRIL, 2006

MAYOR

CHIEF ADMINISTRATIVE OFFICER



SCHEDULE “B”

Section	Description	Penalty
304	Placing unauthorized traffic control device	\$ 100.00
305	Alter or deface a traffic control device	\$ 100.00
(313)	Crossing through procession or parade	\$ 100.00
(314)	Take part in parade or procession without permit	\$ 50.00
(315)	Fail to comply with conditions of parade permit	\$ 50.00
401	Crossing a Fire Line	\$ 150.00
501	Use of lugs on highway without permit	\$ 150.00
601	Non-permissible use of Off-Highway Vehicle	\$ 50.00
702	Heavy vehicle off truck route	\$ 150.00
707	Use of engine retarder brakes in Town limits	\$ 100.00
901	Obstructing vehicular or pedestrian traffic	\$ 50.00
902	Causing impediment to traffic	\$ 50.00
903	Hitch-hiking	\$ 50.00
1001	Parking in a restricted area	\$ 50.00
1002	Parking when prohibited	\$ 50.00
1004	Parking over time limit	\$ 30.00
1005	Parking in an alley	\$ 50.00
1007	Parking in a passenger loading zone	\$ 30.00
1009	Parking in a truck loading zone	\$ 30.00
1010	Parking an unattached trailer on highway	\$ 50.00
1012	Parking an oversized vehicle	\$ 50.00
1013	Parking on public land	\$ 75.00
1014	Parking outside designated lines	\$ 30.00
1015	Not angle parking when required	\$ 50.00
(1016)	Improper angle parking	\$ 50.00
(1017)	Not parking parallel when required	\$ 30.00
1018	Parking causing interference in cul-de-sac	\$ 30.00
1019	Improper parking on driveway	\$ 30.00
(1020)	Improper parallel parking	\$ 50.00
(1021)	Parking on sidewalk or boulevard	\$ 50.00
(1022.3)	Unauthorized parking in disabled parking zone	\$ 75.00
1201(a)	Coast on highway	\$ 30.00
1201(b)	Releasing non-permissible material	\$ 50.00
1201(c)	Placing non-permissible object or material	\$ 50.00