

BYLAW NO. 1370/22

A BYLAW OF LACOMBE COUNTY IN THE PROVINCE OF ALBERTA RESPECTING THE USE OF HIGHWAYS UNDER THE DIRECTION, CONTROL AND MANAGEMENT OF LACOMBE COUNTY.

WHEREAS pursuant to the provisions of Section 18 of the *Municipal Government Act*, being Chapter M-26 of the Revised Statutes of Alberta, 2000 with amendments, a Municipal Council may pass bylaws respecting the direction, control and management of all roads within the municipality;

AND WHEREAS the Council of Lacombe County deems it necessary to provide for the direction, control and management of all roads within the County;

NOW THEREFORE the Council of Lacombe County in the Province of Alberta, duly assembled, hereby enacts the following:

1. TITLE

- 1.1. This Bylaw shall be known as the "Use of Roads Bylaw".

2. DEFINITIONS

- 2.1. "County" means the municipal corporation of Lacombe County or where the context permits, means the area within the municipal boundaries of Lacombe County.
- 2.2. "Controlled Space" means that portion of a highway or parking lot where parking is subject to charge and regulation in accordance with an applicable traffic control device.
- 2.3. "County Manager" means the Chief Administrative Officer of Lacombe County or designate.
- 2.4. "Cultivate" means to loosen or break up the soil.
- 2.5. "Dispose" includes discharging, dumping, throwing, dropping, discarding, or abandoning.
- 2.6. "Highway" has the same meaning as within the Traffic Safety Act, RSA 2000, c. T-6 and includes a "Road" as defined in the Municipal Government Act, RSA 2000, c M-26.
- 2.7. "Litter" means:
 - a) Rubbish, refuse, garbage, waste material, paper, packages, containers, bottles, cans, or any part thereof,
 - b) Any article, product, machinery, motor vehicle, building materials or other manufactured goods or part thereof, or
 - c) Trees, shrubs, manure, sewage, straw, hay, soil, gravel, rock, dead animals, or dead fowl.
- 2.8. "Municipal Tag" has the same meaning as within the Enforcement of Bylaws, bylaw 1373/22.
- 2.9. "Peace Officer" means:
 - a) a Police Officer,
 - b) a person appointed as a Peace Officer pursuant to the Peace Officer Act, S.A. 2006, c. P-3.5, or
 - c) a person appointed as a bylaw enforcement officer pursuant to the Municipal Government Act, RSA 2000, c M-26.

- 2.10. "Second Offence" means the penalty when any person contravenes the same provision of the Bylaw twice within a consecutive twelve-month period.
- 2.11. "Traffic Control Device" has the same meaning as within the Traffic Safety Act, RSA 2000, c. T-6 and includes any payment terminal erected for the use of a controlled space.
- 2.12. "Third Offence" means the penalty when any person contravenes the same provision of the Bylaw three times within a consecutive twelve-month period.
- 2.13. "Vehicle" has the same meaning as defined in the Traffic Safety Act, RSA 2000, c. T-6 and includes off-highway vehicles as defined in the Off-highway Vehicle Bylaw, Bylaw 1137/11.
- 2.14. "Violation Ticket" means as defined in the Provincial Offences Procedure Act, RSA 2000, c. P-34.

3. CONTROLLED PARKING SPACES

- 3.1. The County Manager may authorize parking spaces on any highway or in any parking lot to be designated as a controlled space and cause to be placed a traffic control device to regulate that space.
- 3.2. No person shall park or allow a vehicle to remain in a controlled space for longer than the period of time prescribed by a traffic control device.
- 3.3. The operator of a vehicle shall pay for the use of a controlled space in accordance with the instructions given on a traffic control device.
- 3.4. Where parking spaces have been marked, no person shall stop or park a vehicle at any place other than:
 - a) wholly within the controlled space; or
 - b) between the lines or markings indicating the limits of a single parking space.
- 3.5. No person shall park a vehicle:
 - a) where prohibited by a traffic control device; or
 - b) contrary to the instructions given by a traffic control device.
- 3.6. Immediately after parking a vehicle in a controlled space, the operator shall immediately follow the instructions given on a traffic control device for the use of that space.

4. DISABLED PARKING

- 4.1. Parking spaces for persons with disabilities shall be marked by signs posted by the County.
- 4.2. No person shall stop or park a vehicle in a parking space, or any part thereof, that is marked or designated for the use of persons with disabilities, unless:
 - a) the vehicle displays a placard or license plate issued or recognized by the Registrar for a person with a disability; and
 - b) the vehicle is operated by, or is being used to transport, a person with a disability.
- 4.3. Where, pursuant to Section 4.2., the Vehicle is identified by a placard for a person with a disability, the owner or operator shall have such placard visibly displayed while the vehicle is stopped or parked in a parking space designated for disabled parking.

5. EXCEPTIONS

5.1. Sections 3 and 4 of this Bylaw shall not apply to:

- a) any person performing work of an emergency nature for the preservation or protection of life, health or property, but the onus shall be on the person performing the work to show that that the work was of an emergency nature;
- b) any act of maintenance or repair being carried out by employees or contractors of Lacombe County
- c) any act of emergency maintenance or repair being carried out by employees or contractors of a private utility;
- d) the operation of emergency equipment for any emergency vehicle;
- e) a Peace Officer engaged in performing their duty; or
- f) any activity within the sole jurisdiction of the Government of Canada or the Province of Alberta.

5.2. The County Manager may authorize the parking of a vehicle or may exempt a vehicle or class of vehicles from the parking provisions of this bylaw.

6. USE OF HIGHWAYS

6.1. No person shall dispose of, or cause to be disposed of, any litter on a highway.

6.2. No person shall cultivate, or cause to be cultivated, a highway or any portion thereof.

6.3. No person shall remove, cut, or otherwise destroy trees or shrubs located on a highway.

6.4. No person shall remove any soil, sand, or gravel from a highway.

6.5. No person shall grade, ditch, or otherwise change the contour of a highway.

6.6. No person shall deposit snow upon the traveled portion of a highway.

6.7. No person may wash or clean equipment or vehicles on any portion of a highway.

6.8. No person shall install a fence or other physical structure on a highway.

6.9. No person shall install an approach on a highway.

6.10. No person shall install drainage works or facilities on a highway.

6.11. No person shall install a sign on a highway.

6.12. No person shall damage, deface, destroy, remove, or tamper with a traffic control device, or sign.

6.13. Notwithstanding anything hereinbefore contained the County Manager may issue a permit to a person authorizing any of the actions or things prohibited within Sections 6.1. to 6.12. inclusive of this Bylaw.

7. OFFENCE

7.1. Any person who contravenes this bylaw is guilty of an offence and liable on summary conviction as outlined in "Schedule B".

7.2. If a vehicle is involved in a contravention of this bylaw, the owner of that vehicle is guilty of an offence and liable on summary conviction as outlined in "Schedule B".

8. MUNICIPAL TAG

8.1. A Peace Officer is hereby authorized and empowered to issue a Municipal Tag to any person the Peace Officer has reasonable and probable grounds to believe has contravened any provision of this Bylaw.

8.2. For the purposes of this bylaw, the Municipal Tag shall state:

- a) the offence,
- b) date and time of the offence,
- c) location of the offence,
- d) the name and address of the offender if ascertainable,
- e) any vehicle license plate number and jurisdiction of issue if involved,
- f) The Peace Officer's name and appointment number,
- g) the appropriate penalty for the offence as in Schedule "A" of this Bylaw, and
- h) that the penalty shall be paid within thirty (30) days of the issuance of the Municipal Tag.

9. VIOLATION TICKETS

9.1. a Peace Officer is hereby authorized and empowered to immediately issue a Violation Ticket pursuant to Part II of the *Provincial Offences Procedure Act*, to any person who the Peace Officer has reasonable grounds to believe has contravened any provision of this Bylaw.

10. SEVERABILITY PROVISION

10.1. Should any provision of this Bylaw be invalid, then such invalid provision shall be severed, and the remaining Bylaw shall be maintained.

11. REPEAL OF BYLAW

11.1. Bylaw No. 1074/08 is hereby repealed.

12. EFFECTIVE DATE

12.1. This Bylaw shall take effect as and from third and final reading.

Received first and second readings, and by unanimous consent of the Councillors present, a third reading and finally passed this ___ day of _____, 20__.

Reeve

County Manager

SCHEDULE "A"
MUNICIPAL TAG

	<u>PENALTIES</u>	<u>SECTION</u>
First Offence	Fine amount of \$75.00	3.1. – 3.6.
	Fine amount of \$150.00	4.1 – 4.3.
Second Offence	Fine amount of \$150.00	3.1. – 3.6.
	Fine amount of \$300.00	4.1 – 4.3.
Third Offence	Fine amount of \$300.00	3.1. – 3.6.
	Fine amount of \$600.00	4.1 – 4.3.
First Offence	Fine amount of \$300.00	6.0. – 6.12.
Second Offence	Fine amount of \$1000.00	6.0. – 6.12.
Third Offence	Fine amount of \$2500.00	6.0. – 6.12.

SCHEDULE "A"
MUNICIPAL TAG

	<u>PENALTIES</u>	<u>SECTION</u>
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	Fine amount of \$300.00	4.1 – 4.3.
Second Offence	Fine amount of \$300.00	3.1. – 3.6.
	Fine amount of \$600.00	4.1 – 4.3.
Third Offence	Fine amount of \$600.00	3.1. – 3.6.
	Fine amount of \$1,200.00	4.1 – 4.3.
First Offence	Fine amount of \$1000.00	6.0. – 6.12.
Second Offence	Fine amount of \$2500.00	6.0. – 6.12.
Third Offence	Fine amount of \$5000.00	6.0. – 6.12.