

BYLAW NO. 430-16
PROVINCE OF ALBERTA
SUMMER VILLAGE OF WEST COVE

A BYLAW OF THE SUMMER VILLAGE OF WEST COVE, IN THE PROVINCE OF ALBERTA, TO REGULATE TRAFFIC AND HIGHWAY USAGE.

A Bylaw of the Summer Village of West Cove, in the Province of Alberta, to regulate traffic and highway usage in the Village.

WHEREAS the *Traffic Safety Act* authorizes a municipal council to pass bylaws pertaining to general traffic regulation in that municipality, which bylaws shall not be inconsistent with that Act;

AND WHEREAS Council deems it desirable to regulate traffic and related matters within the Summer Village of West Cove;

NOW THEREFORE the Municipal Council of the Summer Village of West Cove, duly assembled, hereby ENACTS AS FOLLOWS:

PART 1 SHORT TITLE

1 This Bylaw may be referred to as “The Traffic Bylaw”.

PART 2 PURPOSE

2 The purpose of this Bylaw is to regulate traffic and related matters within the Village.

PART 3 NON-APPLICATION OF BY-LAW

3 This Bylaw does not apply to Off-Highway Vehicles, which are regulated by an Off-Highway Vehicles Bylaw.

PART 4 DEFINITIONS

4 In this Bylaw:

- (a) “Alley” means a narrow Highway intended chiefly to give access to the rear of buildings and parcels of land;
- (b) “Boulevard” means that part of a Highway in an urban area that:
 - (i) is not Roadway or driveway, and
 - (ii) is that part of the Sidewalk that is not especially adapted to the use of or ordinarily used by Pedestrians;
- (c) “Bylaw” means a Village bylaw, including any amendments thereto;
- (d) “Bylaw Enforcement Officer” means an individual appointed as such in accordance with Bylaw 235-01, the “*Bylaw Officer Position Bylaw*” (as amended);
- (e) “Centre Line” means

- (i) the centre of a Roadway measured from the Curbs or, in the absence of Curbs, from the edges of the Roadway,
- (ii) in the case of a Highway,
 - (A) that is an offset centre Highway as designated by a Traffic Control Device, or
 - (B) that has a certain number of traffic lanes for traffic moving in a certain direction at all times or at specified times as designated by a Traffic Control Device,
 - the line dividing the lanes for traffic moving in opposite directions, or
- (iii) in the case of a divided Highway, that portion of the Highway separating the Roadways for traffic moving in opposite directions;
- (f) “Chief Administrative Officer” or “CAO” means the Village’s Chief Administrative Officer;
- (g) “Commercial Vehicle” means a Vehicle exceeding 5,000 kilograms and operated on a Highway by or on behalf of a Person for the purpose of conducting a business activity, including providing transportation, but does not include a private passenger Vehicle or a Village Vehicle;
- (h) “Council” means the Village’s municipal council;
- (i) “Court” means the Provincial Court of Alberta;
- (j) “Crossing” means a Curb, Sidewalk or Boulevard crossing constructed for the purpose of Vehicle access;
- (k) “Crosswalk” means:
 - (i) that part of a Roadway at an Intersection included within the connection of the lateral line of the Sidewalks on opposite sides of the Highway measured from the Curbs or, in the absence of Curbs, from the edges of the Roadway, or
 - (ii) any part of a Roadway at an Intersection or elsewhere distinctly indicated for Pedestrian crossing by signs or by lines or by other markings on the road surface;
- (l) “Curb” means the actual Roadway curb or, if there is no curb in existence, the division of a Highway between the Roadway and the Sidewalk or Boulevard, as the case may be;
- (m) “Disabled Persons Vehicle” means a Vehicle that displays a disabled placard or license plate that is issued or recognized by the Registrar of Motor Vehicle Services (or any Person who, on the directions of the Registrar, is acting on behalf of the Registrar of Motor Vehicle Services);
- (n) “Emergency Access Route” means a route or lane so designated to provide Emergency Vehicles with unencumbered access to adjacent or nearby areas;
- (o) “Emergency Vehicle” means:
 - (i) a Vehicle operated by a Peace Officer or police service as defined in the *Police Act* R.S.A. 2000, Ch.P-17 (as amended),

- (ii) a fire-fighting or other type of Vehicle operated by the fire protection service of a municipality,
 - (iii) an ambulance operated by a Person or organization providing ambulance services,
 - (iv) a Vehicle operated as a gas, power or water disconnection unit of a public utility, or
 - (v) a Vehicle designated by regulation as an emergency response unit;
- (p) “Fire Chief” means the person or Member appointed as head of the Village Fire Department, and if no person is so designated, the CAO;
- (q) “Government Vehicle” means any Vehicle that is owned or leased by a municipal, provincial or federal level of government;
- (r) “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 the public is ordinarily entitled or permitted to use for the passage or parking of Vehicles and includes:
- (i) a Sidewalk, including a Boulevard adjacent to the Sidewalk,
 - (ii) if a ditch lies adjacent to and parallel with the 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 provincial regulation not to be a Highway;
- (s) “Inoperable Vehicle” means a Vehicle that, in the opinion of a Peace Officer, is incapable of moving without repair;
- (t) “Intersection” means the area embraced within the prolongation or connection of
- (i) the lateral Curb lines, or
 - (ii) if there are not any lateral Curb lines, the exterior edges of the Roadways,
 - (iii) of 2 or more Highways which join one another at an angle whether or not one Highway crosses the other;
- (u) “Land Use Bylaw” means the Village *Land Use Bylaw* 417-16, as amended;
- (v) “Member” means any Person who is a duly appointed member of the Village Fire Department;
- (w) “Mobile Home” means a structure whether ordinarily equipped with wheels or not, that:
- (i) is constructed or manufactured to be moved from one point to another, and
 - (ii) is intended to be occupied by one or more Persons,
- but does not include a holiday Trailer or a Recreational Vehicle when the holiday Trailer or Recreational Vehicle is being used for *bona fide* recreational purposes;

- (x) “Motorcycle” means a motor Vehicle, other than a moped, that is mounted on 2 or 3 wheels and includes those motor Vehicles known in the automotive trade as motorcycles and scooters;
- (y) “Municipal Violation Tag” means a Village-issued notice that alleges an offence and provides a person with the opportunity to pay an amount to the Village in lieu of prosecution for the offence;
- (z) “Off-Highway Vehicle” has the meaning outlined in the Village Off-Highway Vehicle Bylaw;
- (aa) “Obstruction” means an encroachment, excavation, structure or other obstacle, including a tree, shrub or hedge, that:
 - (i) interferes with or prevents the vision, passage, maintenance or use of Public Places by Vehicles or Pedestrians; or
 - (ii) interferes with or prevents the proper operation of a public work;
- (bb) “Operator” means a Person who drives a Vehicle or operates equipment as the Owner thereof, or as an agent, employee or servant of the Owner;
- (cc) “Over-Dimensional Vehicle” means any Vehicle that exceeds the maximum dimensions set out in the *Commercial Vehicle Dimension and Weight Regulation* A.R. 315/2002 (as amended);
- (dd) “Over-Weight Vehicle” means any Vehicle that exceeds the maximum weight set out in the *Commercial Vehicle Dimension and Weight Regulation* A.R. 315/2002 (as amended);
- (ee) “Owner” means the Person who owns a Vehicle and includes any Person renting a Vehicle or having the exclusive use of a Vehicle under a lease that has a term of more than 30 days or otherwise having the exclusive use of a Vehicle for a period of more than 30 days, or if the context dictates, a duly registered land titleholder;
- (ff) “Parade” means a procession or march that is:
 - (i) organized to entertain spectators, for display or inspection purposes, or to promote a cause or purpose, and
 - (ii) likely to block, obstruct, impede, hinder or otherwise interfere with Vehicle or Pedestrian traffic.
 - (iii) For the purposes of this Bylaw, a Special Roadway Event shall not be considered a Parade;
- (gg) “Park”, when prohibited, means the act of allowing a Vehicle to remain stationary in one place, except
 - (i) while actually engaged in loading or unloading passengers, or
 - (ii) when complying with a direction given by a Peace Officer or Traffic Control Device;
- (hh) “Parkland” means any developed or undeveloped property that is owned, controlled or maintained by the Village, is intended to be used by members of the public for recreation purposes, and is
 - (i) preserved as a natural area,

- (ii) designated or districted as park or park corridor land;
 - (iii) dedicated as municipal reserve, environmental reserve or a public utility lot property pursuant to the *Municipal Government Act* R.S.A. 2000, Ch.M-26 (as amended), or
 - (iv) a Boulevard contiguous with, partially within or fully within the property referenced under subsections (i), (ii) or (iii);
- (ii) "Peace Officer" means a Person employed for the purposes of preserving and maintaining the public peace, and includes:
 - (i) a member of the Royal Canadian Mounted Police;
 - (ii) A Community Peace Officer;
 - (iii) a provincially-appointed Special Constable, and
 - (iv) a Bylaw Enforcement Officer authorized to enforce this Bylaw in accordance with his or her appointment;
- (jj) "Pedestrian" means:
 - (i) a Person on foot; or
 - (ii) a Person in or on a mobility aid,
 - (iii) and includes those Persons designated by regulation as Pedestrians and for the purposes of this Bylaw, includes users of in-line skates, roller skates, skateboards and non-motorized scooters;
- (kk) "Person" includes any individual, corporation, society, association, partnership or firm, trustee, executor, administrator, or other legal representative;
- (ll) "Playground Zone" means that portion of a Highway identified as a playground zone by a Traffic Control Device;
- (mm) "Public Place" means any Highway, parkland, public bridge, Roadway, lane, footway, square, court, Alley or passage, whether a thoroughfare or not, and includes any open space to which the public have or are permitted to have access, whether by payment or otherwise, to Village land;
- (nn) "Recreational Vehicle" means a Vehicle designed or used for travel with temporary living accommodation for vacations or camping purposes;
- (oo) "Registrar" means the Registrar of Motor Vehicle Services and includes any Person who, on the directions of the Registrar, is acting on behalf of the Registrar of Motor Vehicle Services;
- (pp) "Roadway" means that part of a Highway intended for use by vehicular traffic, and for the purposes of this Bylaw, means Roadways within the Village;
- (qq) "Road Weight Committee" means the Committee established by Council to set vehicle weight restrictions on Roadways, seasonal or otherwise, and authorize road bans;
- (rr) "Schedule" means a schedule attached to and forming part of this Bylaw;

- (ss) "School Bus" means a motor Vehicle used primarily for transporting Persons to and from a school;
- (tt) "Sidewalk" means that part of a Highway especially adapted to the use of or ordinarily used by Pedestrians, and includes that part of a Highway between
 - (i) the Curb line, or
 - (ii) where there is no Curb line, the edge of the Roadway,
 - (iii) and the adjacent property line, whether or not it is paved or improved.
- (uu) "Small Car" means a passenger Vehicle having a wheel base of 270cm or less;
- (vv) "Special Class of Vehicle" means any of the following
 - (i) Small Cars,
 - (ii) Emergency Vehicles,
 - (iii) Transit Vehicles,
 - (iv) Tour buses,
 - (v) Limousines,
 - (vi) Funeral cars,
 - (vii) School Buses,
 - (viii) Disabled Persons Vehicles,
 - (ix) Motorcycles,
 - (x) Commercial Vehicles, or
 - (xi) Government Vehicles;
- (ww) "Special Roadway Event" means a competition, spectacle or event (including a block party or similar gathering) that takes place in whole or in part on a Highway and which may involve walking, running or the use or display of Bicycles, Motorcycles or Vehicles;
- (xx) "Stop" means
 - (i) when required, a complete cessation from vehicular movement, and
 - (ii) 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 a direction given by a Peace Officer or Traffic Control Device;
- (yy) "Street Furniture" includes every Curb, Sidewalk, utility pole, Traffic Control Device, waste receptacle, bus bench, bus or Taxi shelter, tree, plant, grass, utility service equipment or any other property authorized for placement on a Public Place by the Village;
- (zz) "Traffic Control Device" means any sign, signal, marking or device placed, marked or erected under the authority of this Bylaw for the purpose of regulating, warning or guiding traffic;

- (aaa) "Trailer" means a Vehicle so designed that it
 - (i) may be attached to or drawn by a motor Vehicle or tractor, and
 - (ii) is intended to transport property or Persons,
 - (iii) and includes any Vehicle defined by Alberta Regulation as a trailer, but does not include machinery or equipment solely used in the construction or maintenance of Highways;
- (bbb) "Truck" means any Vehicle, other than a registered Disabled Persons Vehicle, Recreational Vehicle, or School Bus, that is
 - (i) greater than 11 metres in length, or
 - (ii) registered (in any jurisdiction) to operate at a maximum gross weight of 8000 kg or more.
 - (iii) For the purposes of this definition, a Truck's load or any attached or non- attached (but proximate) Trailer shall be included as part of the Truck;
- (ccc) "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 does not include a mobility aid. A Trailer attached to a Vehicle shall be deemed part of that Vehicle:
 - (i) for the purposes of determining or defining the Vehicle's weight, and
 - (ii) subject to sections 33, if the Vehicle is Parked on a Highway;
- (ddd) "Vendor Stand" means a structure advertising, displaying or containing goods or services for sale;
- (eee) "Village" means the Sumer Village of West Cove, a municipal corporation of the Province of Alberta, and includes, where the context so requires, the area contained within the boundaries of the Summer Village of West Cove;
- (fff) "Village Public Works Manager" means the individual designated by the CAO as the Village Public Works Manager, and if no person is so designated, the CAO or his or her delegate;
- (ggg) "Violation Ticket" means a violation ticket issued in accordance with the *Provincial Offences Procedure Act* R.S.A. 2000, c.P-34 (as amended).

PART 5 OVERARCHING AUTHORITY

- 5 Notwithstanding anything in this Bylaw, no Person shall act in contravention of:
- (1) the directions of a Peace Officer or a Member acting in the course of his or her employment duties; or
 - (2) in the absence of circumstances set out under subsection (1), a Traffic Control Device placed by or under the direction of the Village.
- 6 No Person other than a Peace Officer or a Member shall attempt to direct or regulate traffic or place anything resembling a Traffic Control Device other than with the permission of, and in accordance with any conditions imposed by, the Village Public Works Manager.

PART 6 RULES FOR THE OPERATION OF VEHICLES

Exemptions

- 7 Nothing in this Part shall apply to:
- (1) Emergency Vehicles or Operators of Emergency Vehicles acting in accordance with their official employment duties;
 - (2) Peace Officers or Members acting in accordance with their official employment duties; or
 - (3) a Person acting in accordance with:
 - (a) a Traffic Control Device; or
 - (b) notwithstanding the existence of a Traffic Control Device, the directions of a Peace Officer or Member, or the Village Public Works Manager.

Roadways

- 8 No Person shall operate a Vehicle within the Village except on a Roadway or, subject to the consent of the Owner, on private property.

Restricted Vehicle Operation

Trucks and Over-Dimensional/Over-Weight Vehicles

- 9 No Person shall operate, Stop or Park a Truck on a Highway within the Village except:
- (1) on the most direct and practicable route for the purpose of:
 - (a) delivering goods to, collecting goods from, or providing services at the premises of verifiable business customers,
 - (b) traveling to or from the municipally licensed business premises of the Owner of the Truck,
 - (c) traveling to or from a municipally licensed Vehicle servicing premises for the servicing or repairing of the Truck,
 - (d) accessing lodgings located in commercially-zoned areas of the Village; or
 - (e) in accordance with the written permission of the Village Public Works Manager.
- 10 Notwithstanding Section 9, no Person shall operate, Stop or Park an Over- Dimensional Vehicle or Over-Weight Vehicle within the Village unless that person first obtains:
- (1) a weight or size permit issued in accordance with the *Traffic Safety Act*, R.S.A. 2000, Ch. T-6; and
 - (2) written approval from the Village Public Works Manager to operate the Over-Dimensional Vehicle or Over-Weight Vehicle within the Village.
- 11 On demand, the Operator of an Over-Dimensional Vehicle or Over-Weight Vehicle shall:
- (1) produce for a Peace Officer a copy of the permit or approval referenced in subsection 10(1); or
 - (2) where the Village Public Works Manager has rendered an approval, recite to the Peace Officer a valid approval number.

Road Bans

12 The Village's Road Weight Committee, consisting of a quorum of Council, with the signing authority being vested in the Mayor and CAO, may issue road bans respecting a portion, or all, of the Roadways within the Village.

13 Except while operating:

- (1) a Vehicle having a gross weight (all axle total) of 5,000 kilograms or less;
- (2) a School Bus;
- (3) a rubber tired farm tractor that is not pulling a Trailer;
- (4) a Vehicle crossing a Highway;
- (5) a Government Vehicle, or a Vehicle operated on behalf of a government authority, that is engaged in testing or construction/maintenance activities on the Highway; or
- (6) an Over-Weight Vehicle that is the subject of a permit or authorization allowing the Over-Weight Vehicle's Operator to operate that Vehicle on a Highway subject to a Road Ban,

no Person shall operate a Vehicle on any Highway, or portion thereof, if the gross weight of any carrying axle of that Vehicle exceeds the weight as determined by the percentage of axle weight prescribed by the Village's Road Weight Committee, as amended from time to time.

Horse Drawn Vehicle

14 No Person shall operate or drive a horse drawn Vehicle with the Village except with the written permission of the Village Public Works Manager.

15 On demand, a Person operating or driving a horse drawn Vehicle within the Village shall produce to a Peace Officer a copy of the permission document referenced in Section 14.

Tracked Vehicle

16 Unless permission to do so has been granted by the Village Public Works Manager, no Person shall operate on a Roadway a Vehicle or Trailer having metal spikes, lugs, cleats, chains, or bands projecting from a tire or any part of the Vehicle or Trailer such that the projecting materials make contact with the Roadway surface while the Vehicle or Trailer is moving.

Speed Restrictions

Roadways

17 Except as indicated elsewhere in this Bylaw, the speed limit on all Roadways shall be 30 km/hr.

Special Rules of Operation

Parking / Stopping

General Prohibitions

- 18 No Person shall Park a Vehicle on any portion of a Highway upon which Parking is prohibited by a Traffic Control Device.
- 19 No Person shall Stop a Vehicle on any portion of a Highway upon which Stopping is prohibited by a Traffic Control Device.
- 20 At no time shall a Person Park or Stop a Vehicle:
- (1) on a Sidewalk;
 - (2) within 5 meters of a Crosswalk;
 - (3) within 5 meters of a fire hydrant;
 - (4) such that the Vehicle impedes or obstructs the orderly flow of Vehicle or Pedestrian traffic including, without limitation, one-directional traffic in Alleys or elsewhere;
 - (5) such that the Vehicle impedes the operation of service vehicles, including those for garbage collection, waste water removal, or municipal maintenance;
 - (6) such that the Vehicle impedes access to Parkland, or land designated by a public authority other than the Village as park or reserve land;
 - (7) near a building such that the Vehicle interferes with the use of a doorway marked as a fire or emergency exit;
 - (8) on any portion of a Roadway marked as an Emergency Access Route or fire lane;
 - (9) in a Roadway maintenance or construction area unless the Vehicle is employed in the maintenance or construction work;
 - (10) on a Roadway such that any of the Vehicle's passenger side tires are greater than 50cm from the Curb or the edge of the Roadway, except where a Traffic Control Device indicates that angle Parking is required;
 - (11) upon Parkland, or land designated by a public authority other than the Village as park or reserve land;
 - (12) in a boat launch access area;
 - (13) in any place where a Traffic Control Device indicates that parking or stopping is restricted to a Special Class of Vehicle, except if that Vehicle qualifies as a member of such authorized Special Class of Vehicle;
 - (14) for any period in excess of the time duration authorized by a Traffic Control Device in any place where a Traffic Control Device indicates that parking or stopping is restricted to a specified time duration;
 - (15) in a Village-owned parking lot contrary to a Traffic Control Device; or
 - (16) on any portion of a Highway where a Traffic Control Device restricts parking thereon to residents unless the Vehicle displays on its front windshield a decal or permit indicating the Village Public Works Manager's authorization to Park on that portion of the Highway;

(17) on boulevards in front of parks or park gates/entrances.

21 Parking is permitted on accessible Boulevards for up to 72 hours except where such Parking would be otherwise in violation of another provision of this Bylaw.

Alley Parking

22 No Person shall Park a Vehicle in an Alley except while loading and unloading goods:

- (1) From a Commercial Vehicle; or
- (2) From a passenger Vehicle for a period not exceeding 15 minutes.

23 Notwithstanding section 22, no Person shall Park a Vehicle in an Alley such that the passage of other Vehicles through the Alley is obstructed.

Parking Space

24 Where a parking space is indicated on a Roadway surface, an Operator shall Park a Vehicle wholly within the limits of the parking space.

Disabled Person's Parking Space

25 No Person shall Stop or Park a Vehicle in a space marked by a Traffic Control Device as a disabled Person's parking space unless:

- (1) the Vehicle clearly displays a placard or license plate issued by or acceptable to the Registrar, which placard or license plate has been issued in reference to a disabled Person's use of the Vehicle; and
- (2) the disabled Person referred to in subsection (a) enters or exits the Vehicle while it is Stopped or Parked in the referenced parking space.

School Bus

26 No School Bus Operator shall Park a School Bus in a residential district (as described in the *Land Use Bylaw*) except:

- (1) while engaged in loading or unloading passengers, or
- (2) between 08:00 and 16:00 on a day that regular passengers attend classes, provided that the School Bus is no more than 12.8 meters in length.

Commercial Vehicles

27 No Commercial Vehicle Operator shall Park a Commercial Vehicle in the Village except:

- (1) where parked in an area designated by a Traffic Control Device as parking for Commercial Vehicles;
- (2) where written permission of the Village Public Works Manager has been obtained in advance, and where all terms and conditions outlined in such written permission are complied with; or
- (3) while actively engaged in the loading or unloading of passengers or goods and provided that all front and rear hazard lights are illuminated during such loading or unloading.

Recreational Vehicle

28 No Person shall Park a Recreational Vehicle on a Highway in a residential district (as described in the *Land Use Bylaw*) at a single location (or in proximity to that single location) for a period exceeding 24 consecutive hours.

Abandoned Vehicle

29 Except with the written permission of the Village Public Works Manager, no Person shall Park a Vehicle at a single location on a Highway (or in close proximity to that single location) for a period exceeding 72 consecutive hours.

Inoperable Vehicle

30 No Person shall Park an Inoperable Vehicle on any part of a Highway.

Repairs

31 No Person shall perform Vehicle maintenance or repair work on a Highway unless that work would normally be considered a minor emergency repair.

Trailer

32 No Person shall Park a Trailer on any portion of a Highway:

- (1) unless the Trailer is attached to a Vehicle that is mechanically capable of, and properly equipped for, towing the Trailer in a safe manner; and
- (2) in a residential district (as described in the *Land Use Bylaw*) at a single location (or in proximity to that single location) for a period exceeding 24 consecutive hours.

Mobile Home

33 No Person shall Park a Mobile Home in a Public Place except in an area designated by the Village as a Mobile Home site or park.

Private Property

34 No Person shall, without the permission of the Owner, occupant or agent in charge, Park a Vehicle on private land in contravention of a clearly marked, Village-authorized sign that:

- (1) prohibits or restricts parking thereon; and
- (2) makes reference to this Bylaw.

PART 7 RULES FOR PEDESTRIANS

General

35 No Pedestrian shall act in such a manner as to obstruct, interfere with or prevent the passage of vehicular or Pedestrian traffic along a Highway.

Hitchhiking

36 No Person shall hitchhike or stand upon or walk along a Highway for the primary purpose of soliciting gratuitous transportation from Operators of passing Vehicles.

In-Line Skates / Roller Skates / Skateboards / Non-Motorized Scooters

37 No Person shall use in-line skates, roller skates, a skateboard or a non- motorized scooter on a Highway or Sidewalk in a reckless manner or without yielding to other Pedestrian traffic;

38 No Person shall permit a Person under the age of 12 years to use in-line skates, roller skates, a skateboard or a non-motorized scooter on a Highway without wearing a commercially available safety helmet specifically designed for such use unless:

- (1) the wearing of a helmet would interfere with an essential religious practice of the Person using the in-line skates, roller skates, skateboard or non-motorized scooter; or
- (2) a valid certificate (producibile to a Peace Officer upon request) issued by a medical practitioner certifies that the Person using in-line skates, roller skates, skateboard or non-motorized scooter is, for the period stated in the certificate, unable for medical reasons to wear a safety helmet.

PART 8 PARADES AND SPECIAL ROADWAY EVENTS

Parade / Special Roadway Event

39 No Person shall cause to be held any Parade or Special Roadway Event without first obtaining the CAO's written permission.

40 Any Person wishing to obtain such permission to hold a Parade or Special Roadway Event shall, at least 30 days prior to the proposed event date, make application in writing to the CAO.

41 An application for permission to hold a Parade or Special Roadway Event shall include, in addition to any other information required, the name and address of the applicant (or, if the applicant is an organization, the names, addresses and positions of the organization's executive).

42 Any Person referenced in an application form submitted in accordance with this Section shall ensure that, where the CAO grants written permission to hold a Parade or Special Roadway Event, there is full compliance with all conditions imposed by the CAO, including, but not limited to, insurance and indemnity requirements.

PART 9 OBSTRUCTIONS

General

43 Except as otherwise provided for in this Bylaw, no Person shall place or cause to be placed an Obstruction of any kind upon or above a Public Place except with the Village Public Works Manager's written permission.

44 In addition to being subject to any other enforcement action, a Person who violates section 43 shall cause the immediate removal or rectification of the Obstruction upon being notified by the Village to do so.

45 If a Person fails to remove or rectify the Obstruction as required under section 44, the Village may cause the removal or rectification of the Obstruction.

46 Notwithstanding sections 44 and 45 above, if the Village Public Works Manager determines that an Obstruction creates an unsafe condition, the Village may immediately remove or rectify the Obstruction as the Village Public Works Manager deems appropriate.

47 Any costs incurred by the Village while acting in accordance with sections 45 and 46 above are debts owing to the Village by the Person placing or causing the Obstruction.

Vendor Stands

48 Except with the Village Public Works Manager's written permission, no Person shall:

- (1) Except as otherwise provided for in this Bylaw, advertise or sell goods or services upon a Public Place;
or
- (2) place a Vendor Stand upon any Public Place.

49 A Person who violates section 48 shall cease the sale of the goods or services or cause the immediate removal of the Vendor Stand upon being notified to do so by the Village. If a Person fails to remove a Vendor Stand as required, the Village may cause the Vendor Stand's removal.

50 Notwithstanding sections 48 or 49, if the Village Public Works Manager determines that a Vendor Stand creates an unsafe condition, the Village may immediately remove or alter the Vendor Stand as the Village Public Works Manager deems appropriate.

51 Any cost incurred by the Village while acting in accordance with sections 49 and 50 is a debt owing to the Village by the Owner of the Vendor Stand.

Storage of Obstructions / Vendor Stands

52 If appropriate, and if the Owner of an Obstruction or a Vendor Stand is ascertainable, the Village shall notify the Owner immediately of the Obstruction's or Vendor Stand's removal in accordance with sections 49 or 50.

53 An Obstruction or Vendor Stand removed shall be held in a storage facility unit until:

- (1) Claimed by the Owner or an agent of the Owner; and
- (2) The Village receives full payment of the amounts owing under section 51.

54 The Village shall not be responsible for the condition of the Obstruction or Vendor Stand once claimed in accordance with section 53.

55 Notwithstanding section 53, if a stored Obstruction or Vendor Stand is not claimed within 30 days of its removal, the Village may dispose of the Obstruction or Vendor Stand in any manner it deems appropriate.

56 Any cost incurred by the Village while acting in accordance with sections 53 to 55 is a debt owing to the Village by the Owner of the Obstruction or Vendor Stand, and if the Owner cannot be ascertained by the Person creating the Obstruction or placing the Vendor Stand.

Secured / Detached Loads or Materials

57 No Person shall operate a Vehicle carrying a load or pull a Trailer carrying a load unless the load is:

- (1) covered entirely by a tarpaulin or other covering device; or
- (2) where more appropriate, secured in such a manner as to prevent it from shifting or falling onto a Highway or adjacent land.

58 No Person shall permit or cause:

(1) any part of a Vehicle, Trailer or its respective load; or

(2) a Vehicle's engine or mechanical fluids,

to spill or become loose such that the referenced parts, load or fluids fall onto a Highway.

59 If any part of a Vehicle or Trailer or its respective load or mechanical fluid falls or spills onto a Highway, the Operator of the Vehicle or Trailer shall remove the dropped materials from the Highway immediately upon discovering or being notified of the same.

60 If an Operator fails to remove the material from the Highway as required under section 59, the Village may cause that removal.

61 Notwithstanding section 60, if the Village Public Works Manager determines that the dropped material creates an unsafe Highway condition, the Village may immediately remove the material from the Highway as the Village Public Works Manager deems appropriate.

62 Any cost incurred by the Village while acting in accordance with sections 60 and 61 is a debt owing to the Village by the Person contravening section 60 or the Owner of the Vehicle or Trailer.

PART 10 SIGNAGE PLACED ON HIGHWAYS

Definitions

63 In this Part:

- (a) "Development Permit" is as defined in the *Municipal Government Act* R.S.A. 2000, c. M-26;
- (b) "Election Sign" means signs in respect of federal, provincial, municipal, or school board elections;
- (c) "Garage Sale Sign" is a temporary Sign advertising a weekend residential sale event (located in a private garage, driveway or yard) where personal effects and chattels are the primary items of sale;
- (d) "Municipal Sign" means a sign erected by the Village for any municipal purpose;
- (e) "Open House Sign" means a temporary Sign that directs traffic to an open house event held at a residential sale property;
- (f) "Residential District" is as referenced or as defined in the *Land Use Bylaw*;
- (g) "Sign" is as defined in the *Land Use Bylaw*;
- (h) "Special Event Sign" means a Temporary Sign advertising:
 - (i) an upcoming event held by a non-profit group, or
 - (ii) an upcoming local sporting event;

Applicability

64 Except in compliance with this Part, or the Village's written permission, no Person shall place or cause to be placed on or in a Public Place any advertisement, legend, message or Sign of any kind.

65 This Part shall not apply to Municipal Signs or Signs that are posted, placed or erected in accordance with a contractual arrangement between the Village and another party.

General

66 Notwithstanding any other provision of this Part, no Person shall place or cause to be placed:

- (1) a Sign such that it may interfere with, be confused with, detract from or be placed on a Traffic Control Device, Municipal Sign or other municipal device;
- (2) a Sign such that it is within 5m of a fire hydrant or other emergency use equipment;
- (3) a Sign such that it interferes with the safe or orderly movement of Pedestrians or Vehicles, or sight lines set out under any Bylaw or otherwise by the Village;
- (4) on a Roadway or on a median within the Roadway, a Sign;
- (5) on a Highway, a Sign that is self-illuminated or employs the use of electricity;
- (6) on or within a Vehicle or Trailer located on a Highway, a Sign;
- (7) on a Highway, a Sign whose height exceeds the maximum building height allowed in any adjacent Village district (as indicated by the *Land Use Bylaw*); and
- (8) on a Highway, a Sign unless that Sign is located no less than 30.5m from any Intersection.

Rules for Signs Permitted on Highways

Developer Marketing Sign

67 With the Village Public Works Manager's written permission, a Developer Marketing Sign may be placed on a Boulevard in a Residential District if the Developer Marketing Sign:

- (1) is located in a subdivision or development that is subject to a subsisting development agreement issued by the Village;
- (2) is Self-Supported;
- (3) does not exceed 3m^2 in Sign Area;
- (4) does not exceed 3m in Sign Height; and
- (5) is separated by at least 10m from another Developer Marketing Sign.

Development Directional Sign

68 With the Village Public Works Manager's written permission, a Development Directional Sign may be placed on a Boulevard in a Residential, Commercial or Industrial District (excluding a Mixed Commercial District, Boardwalk District, Institutional Facilities District and Integrated Care Community District) if the Development Directional Sign:

- (1) is Self-Supported;
- (2) does not exceed 1.5m^2 in Sign Area; and
- (3) does not exceed 3m in Sign Height.

69 Notwithstanding section 68, no Person shall place or permit to be placed a Development Directional Sign without first obtaining a Development Permit authorizing the placement of that Development Directional Sign.

Election Sign

70 An Election Sign may be placed on a Boulevard if the Election Sign:

- (1) is posted:
 - (a) with respect to municipal and school elections, only between 12:00 noon on nomination day and 24 hours after the closing of polling stations, and
 - (b) with respect to provincial and federal elections, only between 12:00 noon on the day when an election writ is handed down and 24 hours after the closing of polling stations; and
- (2) is not located within any Village-owned or occupied facility, or on or within any property upon which that facility is situated.

Garage Sale Sign

71 A Garage Sale Sign may be placed on a Boulevard in a Residential District if the Garage Sale Sign:

- (1) is Self-Supported;
- (2) does not exceed 0.6m in width;
- (3) does not exceed 1m in Sign Height; and
- (4) is posted no more than 24 hours prior to the advertised event and no more than 24 hours following the advertised event.

Open House Sign

72 An Open House Sign may be placed on a Boulevard in a Residential District if the Open House Sign:

- (1) is Self-Supported;
- (2) does not exceed 0.6m in width;
- (3) does not exceed 1m in Sign Height; and
- (4) is posted no more than 24 hours prior to the advertised event and no more than 24 hours following the advertised event.

Special Event Sign

73 With the Village Public Works Manager's written permission, a Special Event Sign may be placed on a Boulevard if the Special Event Sign is Self-Supported.

74 A Special Event Sign:

- (1) shall not exceed 1.5m² in Sign Area;
- (2) shall not exceed 1.5m in Sign Height; and
- (3) shall not be posted any more than 24 hours prior to the advertised event and any more than 24 hours following the advertised event.

Special Enforcement Provisions

75 For the purposes of the enforcement of this Part, the individual, business or organization referred to on a Sign shall be presumed to be the Person who placed the Sign.

76 In addition to pursuing any other remedy referenced under this Bylaw, the Village may cause to be immediately removed and/or impounded any Sign where:

- (1) the Sign interferes with Village maintenance operations;
- (2) the Sign is in a state of disrepair;
- (3) safety concerns or emergency conditions require the Sign's removal; or
- (4) the Sign is placed in contravention of a provision of this Part.

77 A Sign removed under section 76 shall be held in a storage facility until:

- (1) claimed by an individual, business or organization referenced on the Sign; and
- (2) the Village receives full payment of the amounts owing under section 80.

78 The Village shall not be responsible for the condition of the Sign at the time it is claimed in accordance with section 77(1).

79 If an impounded Sign is not reclaimed within 30 days of the individual, business, or organization (as referenced under section 75) being notified of the Sign's removal, the Village may dispose of the sign in any manner it deems appropriate.

80 Any cost incurred by the Village while acting in accordance with this section is a debt owing to the Village by the individual, business or organization referenced on the Sign.

PART 11 REMOVAL OF SNOW, ICE, DEBRIS FROM SIDEWALKS AND HIGHWAY

81 No Person shall wash a Vehicle upon or so near to a Highway as to result in the creation of excess deposits of mud, slush, ice or other debris upon the Highway.

82 A Person who violates section 81 shall cause the immediate removal of such excess debris upon being notified to do so by the Village.

83 If a Person fails to remove the excess debris as required under section 81, the Village may cause that removal at the Person's expense.

PART 12 MISCELLANEOUS PROVISIONS

Littering

84 No Person shall dispose of any refuse or place any substance or thing within a Public Place except in designated disposal or recycle receptacles, or as authorized in accordance with this or any other Bylaw, provincial enactment or federal enactment.

Interference with Public Property

85 No Person shall deface, damage, climb or interfere with any Street Furniture, emergency protection equipment, or any other Village utility system or work located within a Public Place.

Engine Retarder Brakes

86 No Person shall use engine retarder brakes within the Village.

PART 13 AUTHORITY OF THE FIRE CHIEF

Emergency Access Routes

87 In addition to acting in accordance with the authority held by his or her office, and the authority specifically granted elsewhere in this Bylaw, the Fire Chief may prescribe all Emergency Access Routes.

Delegation

88 Unless otherwise restricted by provincial legislation, the Fire Chief may delegate his or her authority under this Bylaw to another individual as he or she deems fit.

PART 14 AUTHORITY OF THE VILLAGE PUBLIC WORKS MANAGER

General

89 In addition to acting in accordance with the authority held by his or her office, and authority specifically granted elsewhere in this Bylaw, the Village Public Works Manager may:

- (1) restrict Vehicle access along a Roadway where, in the Village Public Works Manager's opinion, the volume, speed or nature of traffic thereon is inconsistent with the intended safety and convenience of the Roadway provided that existing Vehicle access to properties adjacent to the Roadway is not entirely terminated;
- (2) designate any Intersection or other place on a Roadway as a place where left or right-hand turns shall be restricted, prohibited or mandatory;
- (3) designate any Intersection or place on a Roadway, including a place where a railway right of way crosses a Highway, as a place where U- turns are prohibited;
- (4) divide a Roadway into multiple traffic lanes;
- (5) designate Crosswalks, and playground zones;
- (6) designate construction zones;
- (7) declare temporary Roadway closures at any time that a construction or maintenance project on or adjacent to the Roadway may create a hazard;
- (8) set speed limits on Roadways that are restricted for use during Parades or Special Roadway Events, or Roadways that are under construction or repair, or in a state of disrepair;
- (9) designate portions of a Roadway where Parking is prohibited, restricted to Special Classes of Vehicles, or limited to a period of time;
- (10) restrict Vehicle weight or Vehicle and carried load weight on Roadways; and
- (11) prohibit or restrict movement of Vehicles from a private driveway onto a Roadway or from a Roadway onto a private driveway.

90 Where appropriate, actions taken in accordance with section 89 shall be marked by the conspicuous placement of Traffic Control Devices.

License of Occupation / Encroachment Agreement

91 The Village Public Works Manager may grant a license of occupation or an encroachment agreement, or execute a caveat in reference to the same, that permits the occupation of or encroachment upon a Public Place.

Traffic Control Devices

92 The Village Public Works Manager shall prescribe the location of Traffic Control Devices.

93 The Village shall maintain an accessible public record of all Traffic Control Devices authorized by the Village Public Works Manager pursuant to this Part.

Permits

94 The Village Public Works Manager may, in writing, alter, suspend or revoke a permit issued by his or her office in accordance with this Bylaw if it is determined that:

- (1) the permit was issued in error;
- (2) the permit was issued based on incorrect information supplied to the Village;
- (3) the permit issued is in violation of any other Bylaw or resolution; or
- (4) circumstances exist whereby the Village Public Works Manager, acting reasonably, determines that the permit should be altered, suspended or revoked.

Delegation of Authority

95 The Village Public Works Manager may delegate his or her authority under this Bylaw to another individual as he or she deems fit.

PART 15 ENFORCEMENT

Temporary Notices/Markings

96 A Peace Officer may, in enforcing this Bylaw, place temporary and removable markings or notices on any Vehicle or Trailer being investigated in relation to a contravention of this Bylaw.

Removal and Impoundment of Vehicle

97 A Peace Officer may cause to be removed and/or impounded any Vehicle that is Parked in contravention of a provision of this Bylaw.

98 Notwithstanding that the Vehicle may be Parked in compliance with this Bylaw, a Peace Officer or a Member may cause to be removed and/or impounded any Vehicle Parked on a Highway where emergency conditions require the Vehicle's removal from the Highway.

99 A Peace Officer or a Member shall notify the Owner of a Vehicle in the event of the Vehicle's removal in accordance with section 97 or 98.

100 Any Vehicle removed under section 97 or 98 shall be delivered to an impound facility where it will remain impounded until claimed by the Owner or in accordance with applicable provincial laws.

Offence

101 A person who contravenes any provision of this Bylaw is guilty of an offence.

102 When a Vehicle is operated or Parked or Stopped in contravention of any provision of this Bylaw, the Owner shall be deemed to have committed the corresponding offence.

Continuing Offence

103 In the case of an offence that is of a continuing nature, a contravention of a provision of this Bylaw constitutes a separate offence with respect to each day, or part of a day, during which the contravention continues, and a person guilty of such an offence is liable to a fine in an amount not less than that established by this Bylaw for each such separate offence.

Fines and Penalties

104 A Person who is guilty of an offence under this Bylaw is liable:

- (1) to a fine as prescribed in Schedule A; or
- (2) on summary conviction, to a fine not exceeding \$10,000.00 or to an order of imprisonment for not more than 1 year, or both.

Municipal Violation Tag

105 A Peace Officer may issue, with respect to an offence under this Bylaw, a Municipal Violation Tag specifying the fine amount established by this Bylaw.

106 Where a Municipal Violation Tag is issued, the fine amount indicated thereon may be paid as directed in lieu of prosecution.

Violation Ticket

107 A Peace Officer may issue, with respect to an offence under this Bylaw, a Violation Ticket:

- (1) specifying the fine amount established by this Bylaw; or
- (2) requiring an appearance in court without the option of making a voluntary payment.

108 Where a Violation Ticket specifies a fine amount, a voluntary payment equal to the specified fine amount may be made as directed.

PART 16 GENERAL

Power of the Chief Administrative Officer

109 Without restricting any other power, duty or function granted by this Bylaw the CAO may:

- (1) Carry out any inspections to determine compliance with this Bylaw;
- (2) Take any steps or carry out any actions required to enforce this Bylaw;
- (3) Take any steps or carry out any actions required to remedy a contravention of this Bylaw;
- (4) Establish investigation and enforcement procedures with respect to residential, commercial, industrial or other types of property and such procedures may differ depending on the type of property in question;

- (5) Establish forms for the purpose of this Bylaw; and
- (6) Delegate any powers, duties or functions under this Bylaw to an employee or contractor of the Village.

Severability

110 Should any provision of this Bylaw be invalid, then such provision shall be severed and the remainder of the Bylaw shall remain in force.

Number and Gender References

111 All references in this Bylaw will be read with such changes in number and gender as may be appropriate according to whether the reference is to a male or female Person, or a corporation or partnership.

Liability

112 The Village, any Designated Officer or any Person who inspects any Property under this Bylaw, or any Person who performs any work on behalf of the Village to remedy a contravention of this Bylaw is not liable for any damages caused by the inspection, the work or disposing of anything to complete the work set out in the order.

Enforcement of this Bylaw

113 The Village is not required to enforce this Bylaw. In deciding whether to enforce this Bylaw, the Village may take into account any practical concerns, including available municipal budget and personnel resources.

Bylaw Coming into Effect

114 This Bylaw takes effect on the final passing thereof and, on such final passing, Bylaws 401-15, 250-04, and 249-04, are hereby repealed.

READ A FIRST TIME IN COUNCIL	THIS 15 th DAY OF December, 2016
READ A SECOND TIME IN COUNCIL	THIS 15 th DAY OF December, 2016
READ A THIRD TIME IN COUNCIL	THIS 15 th DAY OF December, 2016

SUMMER VILLAGE OF WEST COVE

Ren Giesbrecht
Mayor

Wendy Wildman
Chief Administrative Officer

SCHEDULE A

TO TRAFFIC BYLAW 430-16

Offence	Section	Specified Penalty (Dollars)
PART 5		
Failing to obey directions of a Peace Officer or Member	5(1)	300
Failing to obey a Traffic Control Device	5(2)	200
Unauthorized direction of traffic or unauthorized placement of a Traffic Control Device	6	300
PART 6		
Operating a Vehicle off the Roadway	8	100
Operating/Stopping/Parking Truck where prohibited	9	350
Failure to obtain permit for operation of Over-Dimensional/Over-Weight Vehicle	10(1)	350
Failure to obtain approval for operation of Over-Dimensional/Over-Weight Vehicle	10(2)	350
Failure to produce permit and approval or recite permit and approval number	11(1), 11(2)	150
Operating a Vehicle contrary to Road Ban	12	350
Illegal operation of horse drawn Vehicle	14	150
Failure to produce permission document re: operation of horse drawn Vehicle	15	100
Operating tracked Vehicles on Roadway	16	150
Parking contrary to Traffic Control Device	18	80
Stopping contrary to Traffic Control Device	19	80
Parking/Stopping on a Sidewalk;	20(1)	80
Parking/Stopping within 5 meters of a Crosswalk	20(2)	80
Parking/Stopping within 5 meters of a fire hydrant	20(3)	80
Parking/Stopping Vehicle impeding traffic	20(4)	80
Parking/Stopping Vehicle impeding operation of service vehicles	20(5)	80
Parking/Stopping Vehicle impeding access to Parkland, park, or reserve land	20(6)	80

Offence	Section	Specified Penalty (Dollars)
Parking/Stopping Vehicle impeding use of fire or emergency exit	20(7)	80
Parking/Stopping within an Emergency Vehicle access route/fire lane	20(8)	120
Parking/Stopping in maintenance/construction area	20(9)	80
Improper parallel Park	22(10)	80
Parking/Stopping Vehicle on Parkland, reserve land	20(11)	80
Parking/Stopping Vehicle in a boat launch area	20(12)	80
Parking/Stopping in a place restricted to a Special Class of Vehicle	20(13)	80
Parking/Stopping in excess of time limit	20(14)	80
Parking/Stopping in Village Parking Lot contrary to traffic control device	20(15)	80
Parking a Vehicle on a Highway restricted to resident parking	20(16)	80
Unauthorized parking in Alley	22	80
Obstructing passage through Alley	23	80
Failure to Park wholly within parking space	24	60
Parking/Stopping in disabled Person's parking space	25	120
Unauthorized parking of School Bus in residential district	26	100
Unauthorized Parking of Commercial Vehicle	27	100
Recreational Vehicle parked in residential district for more than 24 consecutive hours	28	100
Vehicle parked in excess of 72 consecutive hours	29	100
Parking an Inoperable Vehicle	30	100
Performing non-emergency maintenance/repair work on a Highway	31	120
Unattached Trailer parked on Highway, or Trailer parked on Highway while attached to a mechanically incapable towing Vehicle	32(1)	120
Trailer parked in residential district for more than 24 consecutive hours	32(2)	120
Mobile Home illegally parked in Public Place	33	200

Offence	Section	Specified Penalty (Dollars)
Parking on private property without authorization	34	80
PART 7		
Pedestrian obstructing/preventing traffic passage	35	100
Hitchhiking	36	100
Reckless use of in-line skates, roller skates, skateboard or non-motorized scooter.	37	100
Permitting a child to use in-line skates, roller skates, skateboard or non-motorized scooter without a proper safety helmet	38	100
PART 8		
Unauthorized holding of Parade/Special Roadway Event	39	550
Failing to comply with Parade/Special Roadway Event permit	42	550
PART 9		
Placing an Obstruction in a Public Place without authorization	43	250
Failing to remove Obstruction	44	250
Advertising/selling goods or services in a Public Place without authorization	48(1)	150
Placing a Vendor Stand on a Highway without authorization	48(2)	150
Failing to cease advertising/sale of goods/services or failing to remove Vendor Stand	49	250
Failing to tarp or secure a load	57	150
Material falling onto Highway	58	250
Failure to remove material from Highway	59	150
PART 10		
Advertisement, legend, message or Sign placed on or in Public Place contrary to Part 10	65	150
Sign interfering with Traffic Control Device or Municipal Sign	67(1)	150
Sign within 5m of fire hydrant or other emergency use equipment	67(2)	150
Sign interfering with Pedestrian/Vehicle traffic or sight lines	67(3)	150
Sign on Roadway or median	67(4)	150
Self-illuminated/electric Sign on Highway	67(5)	150
Prohibited sign on motor vehicle	67(6)	150
Sign exceeding prescribed maximum building height	67(7)	150

Offence	Section	Specified Penalty (Dollars)
Sign too close to an intersection	67(8)	150
Developer Marketing Sign not in compliance	68	150
Development Directional Sign not in compliance	69	150
Election Sign not in compliance	71	150
Garage Sale Sign not in compliance	72	150
Open House Sign not in compliance	73	150
Special Event Sign not in compliance	74,75	150
PART 11		
Washing Vehicle so as to create excess debris on Highway	82	100
Failure to remove excess debris from Highway	83	100
PART 11		
Littering	85	250
Interfering with other public property	86	250
Use of engine retarder brakes	87	150