

BYLAW 7-2011

A BYLAW OF THE TOWN OF BRUDERHEIM IN THE PROVINCE OF ALBERTA, FOR THE PURPOSE OF REGULATING AND CONTROLLING THE PARKING OF VEHICLES WITHIN THE TOWN OF BRUDERHEIM.

WHEREAS, the Municipal Government Act, SA 1994, c.M-26.1, as amended, and the Highway Traffic Act R.S.A. 1980 c.H-7, as amended, provides that a Municipality may enact Bylaws for the regulation and control of Vehicle Parking; and

WHEREAS, the Town of Bruderheim deems it to be in the best interest of the residents of the Town of Bruderheim to regulate and control the Parking of Vehicles within the Town of Bruderheim;

NOW THEREFORE, THE COUNCIL OF THE TOWN OF BRUDERHEIM, in the Province of Alberta, duly assembled, and pursuant to the authority conferred upon it by the Highway Traffic Act, R.S.A. 1980 c.H-7, as amended, enacts as follows:

SECTION 1 – SHORT TITLE

1.1 This Bylaw may be cited as the Town of Bruderheim's "Parking Bylaw".

SECTION 2 – DEFINITIONS

2.1 "Chief Administrative Officer" means the Chief Administrative Officer for the Town of Bruderheim and whatever subsequent title may be conferred on that officer by Council or Statute.

2.2 "Commercial Vehicle" means any motor vehicle, trailer or semi trailer, used for the purpose of conducting a business activity except;

2.2.1 a truck, trailer or semi trailer that is a public service vehicle, or

2.2.2 a truck, trailer or semi trailer or any class of vehicle that by the regulations or by any order of the Alberta Motor Transport Board is exempted from being classified as a commercial vehicle,

and includes;

2.2.3 a motor vehicle from which sales are made of goods, wares, merchandise or commodity,

and;

2.2.4 a motor vehicle by means at which delivery is made of goods, wares, service, merchandise or commodity to a purchaser or consignee thereof.

2.3 "Council" means the Council of the Town of Bruderheim in the Province of Alberta.

2.4 "Town" means the Town of Bruderheim in the Province of Alberta.

2.5 "Bylaw Enforcement Officer" means a Bylaw Enforcement Officer appointed by the Council pursuant to the Municipal Government Act, SA 1994 c.M-26.1, as amended, to enforce the Town Bylaws, and includes a member of the Royal Canadian Mounted Police and, when authorized, a Special Constable.

2.6 "Dangerous Goods" means any product, substance or organism specified in the regulations or included by its nature in any of the classes listed in the regulations under the Transportation of Dangerous Goods Control Act, S.A. 1982, cT-6.5 as amended.

- 2.7 "Emergency Vehicle" means
- 2.7.1 a vehicle operated by a police force;
 - 2.7.2 a fire fighting or other type of vehicle operated by the fire protection service of the Town;
 - 2.7.3 an ambulance operated by a person or organization providing ambulance services;
 - 2.7.4 a vehicle operated as a gas disconnection unit of a public utility;
 - 2.7.5 a vehicle designated as an emergency response unit under the Highway Traffic Act, R.S.A. 1980 c.H-7, as amended.
- 2.8 "Fire or Emergency Lane" means all that portion of a Highway used to provide access to buildings, and so marked by signs stating "Fire or Emergency Lane".
- 2.9 "Heavy Vehicle" means a Vehicle, with or without a load, exceeding any one of the following:
- 2.9.1 12.5 metres in length;
 - 2.9.2 a maximum allowable weight of 5,500 kilograms;
- but does not include Recreation Vehicles.
- 2.10 "Highway" means any thoroughfare, street, road, trail, avenue, parkway, driveway, viaduct, lane, alley, square, bridge, causeway, trestle way, or other place, whether publicly or privately owned, any part of which the public is ordinarily entitled or permitted to use for the passage or parking of vehicles and includes:
- 2.10.1 a sidewalk (including the boulevard portion thereof)
 - 2.10.2 where a ditch lies adjacent and parallel with the roadway, the ditch and
 - 2.10.3 where 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 the Lieutenant Governor-In Council not to be a Highway.
- 2.11 "Highway Right of Way" means all of the land between the property line on one side of the Highway and the property line on the other side of the Highway for the length of the Highway.
- 2.12 "Holiday" means any day declared as such by Municipal, Provincial or Federal authority and includes Saturdays and Sundays.
- 2.13 "Identification Placard" means a placard issued by the Motor Vehicles Branch of the Department of Justice to identify a vehicle operated or used by a Disabled person.
- 2.14 "Lane" means all that portion of a Highway used to provide access to lands, in addition to the access provided by the street in front of the said lands.
- 2.15 "Owner" with respect to a vehicle means;
- 2.15.1 the person in whose name the vehicle is registered under the Motor Vehicle Administration Act; R.S.A. 1980, c.M-22.

- 2.15.2 any person renting a motor vehicle or having the exclusive use of it under a lease or otherwise for a period of more than thirty (30) days.
- 2.16 "Park" when prohibited, means allow a vehicle (whether occupied or not) to remain standing in one place; except
- 2.16.1 when standing temporarily for the purpose of and while actually engaged in loading or unloading passengers; or
- 2.16.2 when standing in obedience to a Bylaw Enforcement Officer or traffic control device.
- 2.17 "Private Property" means any property within the Town not owned by or occupied by the Government of Canada, Government of Alberta or by the Town, except for Parking on Private Property as defined in Section 5.1
- 2.18 "Recreational Vehicle" means a vehicle or trailer that is designed, constructed and equipped, either temporarily or permanently, as a temporary accommodation for travel, vacation, or recreational use and includes duly licensed travel trailers, motorized homes, slide-in campers, chassis-mounted campers, boats, all terrain vehicles, snowmobiles and tent trailers.
- 2.19 "Roadway" means that part of the Highway intended for use by vehicular traffic.
- 2.20 "Town of Bruderheim" means the Urban Service Area of Bruderheim as defined in the Bruderheim Municipal Development Plan.
- 2.21 "Stop" when prohibited means to allow a vehicle (whether occupied or not) to stop, to load or unload passengers, freight or goods.
- 2.22 "Trailer" means a vehicle so designed that it may be attached to or drawn by a motor vehicle and intended to transport property or persons and includes any trailer that is designed, constructed and equipped as a dwelling place, living abode or sleeping place, either permanently or temporarily, but does not include machinery or equipment used in construction or maintenance of Highways.
- 2.23 "Truck Loading Zone" means an area reserved expressly for Commercial Vehicle loading and unloading and signed accordingly.
- 2.24 "Vehicle" means a device in, upon or by which a person or thing may be transported or drawn upon a Highway.
- 2.25 "Violation Tag" means a ticket or similar document issued by the Bylaw Enforcement Officer pursuant to the Municipal Government Act, S.A. 1988, c.P-21.5, as amended and regulations thereunder.

SECTION 3 – PARKING ON RIGHTS OF WAY

- 3.1 No person shall park or permit to be parked, any vehicle for any period of time whatsoever in any of the following locations:
- 3.1.1 upon a Highway in front of, adjacent to or abutting any building, structure, place or premises, in the course of construction or repair, when such parking will impede or obstruct traffic;
- 3.1.2 in any truck loading zone properly marked by a sign indicating the restrictions which apply thereto, except a Commercial Vehicle lawfully engaged in loading or unloading goods.
- 3.2 Except when actually loading or unloading passengers, no person shall park a vehicle on any portion of a Highway marked by a "No Parking" sign.

- 3.3 Except for a breakdown, no person shall stop a vehicle on any portion of a Highway marked by a "No Stopping" sign.
- 3.4 No person shall park a vehicle in a lane unless a sign permits parking, but lanes other than designated Fire or Emergency lanes may be used for:
- 3.4.1 the loading or unloading of goods or passengers from a commercial vehicle for a period of time not exceeding thirty (30) minutes; or
- 3.4.2 the loading or unloading of goods or passengers from a vehicle other than a commercial vehicle for a period of time not exceeding fifteen (15) minutes, providing the that vehicle concerned in such loading or unloading of passengers or goods does not obstruct the lane as to prevent other vehicles or persons from passing along such lanes.
- 3.5 No person shall park or stop or permit a vehicle to be parked or stopped in a Fire or Emergency lane.
- 3.6 No person shall park or stop a vehicle in excess of the time designated and marked on a sign posted for the purpose of restricting the time for parking or stopping a vehicle.
- 3.7 No person shall park a vehicle in such a manner as to block entry or exit of a driveway.
- 3.8 After the issuance of a Violation Tag concerning a vehicle for a violation of Section 3.4 hereof, and a vehicle remains parked in excess of the time permitted on the sign for a further period, then a second offence shall be deemed to have occurred and a further Violation Tag may be issued for such second offence, and may be tagged for subsequent offences for being parked in excess of time permitted on the sign for such further periods of time as the vehicle remains parked.

SECTION 4 – PORTABLE "NO PARKING" SIGNS

- 4.1 Notwithstanding any other provisions of this Bylaw, the Town may cause portable "No Parking" signs to be placed on or near a Highway, and when so placed, such signs take precedence over all other Parking signs. Section 3.2 does not apply to signs erected pursuant to Section 4 of this Bylaw.
- 4.2 No person shall park, or leave parked, a vehicle on a Highway after the expiration of 24 hours from the time a sign or signs referred to in Section 4.1 have been placed, and until such sign or signs have been removed.
- 4.3 Any vehicle found on a Highway in contravention of Section 4.2 may be removed in accordance with Section 10.5 of this Bylaw.

SECTION 5 – PARKING ON PRIVATE PROPERTY

- 5.1 For the purposes of this Section, property located in the Town and owned or occupied by the Government of Canada, the Government of Alberta or by the Town shall be considered to be Private Property.
- 5.2 No person shall park a vehicle on Private Property which has been clearly marked as such by a sign or signs, as shown in Schedule "B" or similar, erected thereon without the prior permission of the owner, tenant, occupant or person in charge of the Private Property.
- 5.3 Notwithstanding the provisions of Section 5.2, where, on Private Property used for a Commercial or Industrial purpose or for a purpose of the Federal, Provincial or Municipal Government, parking space or spaces or a parking area is provided for the parking of the vehicles of persons who are customers, patrons of or are otherwise doing business with the owner, tenant, occupant or person in charge of the property, and the space is clearly marked as being:
- 5.3.1 Private Property, by a sign as shown in Schedule "B" or similar; and
- 5.3.2 set aside for parking only of vehicles of customers, or patrons doing business with the

owner, tenant, occupant or person in charge of the property; a person who is not immediately after parking or leaving the vehicle either a customer or patron or person doing business with the owner, tenant, occupant or person in charge of the property as indicated in the designation, unless he has verbal or written permission from the said owner, tenant, occupant or person in charge shall not park or leave his vehicle on the parking space, spaces or area so designated.

- 5.4 Any owner, tenant, occupant or person in charge of Private Property who is satisfied that a person is violating the provisions of Section 5.2 may report the violation to the Bylaw Enforcement Officer by providing the license number and location of the parked vehicle. A Person making such report shall give their name, address and phone number.
- 5.5 A vehicle parked in contravention of Section 5.2 or 5.3 may be removed pursuant to Section 10 of this Bylaw.
- 5.6 No person shall park any vehicle upon any land owned by the Town which the Town uses or permits to be used as a playground, schoolground, boulevard, recreation area or public park, except on such part thereof as may be designated by a sign or signs allowing vehicle parking.
- 5.7 No person other than the person to whom the space is assigned shall park any vehicle in a parking space on Town owned property, where such space has been reserved as indicated by signs.

SECTION 6 – PARKING OF TRAILERS

- 5.1 No person shall park any trailer upon any highway unless the 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 requirements set out in this Bylaw pertaining to vehicles unless otherwise authorized by order of the Council.
- 5.2 No person shall occupy or suffer or permit any other person to occupy a trailer or recreational vehicle upon a Highway or upon Town owned property, which has not been designated for trailer or recreational vehicle parking.
- 5.3 Notwithstanding the provisions of Section 6.2, a person may park and occupy a trailer or recreational vehicle upon Town owned property provided that written permission has been obtained from the Chief Administrative Officer of the Town or their designate.
- 5.4 An owner or operator of a vehicle and trailer or recreational vehicle shall not park the vehicle and trailer or recreational vehicle on a roadway for more than thirty-six (36) consecutive hours.
- 5.5 An owner or operator of a vehicle and trailer or recreational vehicle shall not be entitled to rely upon the provisions of Section 6.4 more than twice in any seven (7) day period commencing from the date that the vehicle and trailer or recreational vehicle is first observed to be parked in accordance with Section 6.4.
- 5.6 Notwithstanding Section 6.4 and 6.5, an owner or operator of a vehicle and trailer or recreational vehicle shall not park the vehicle and trailer or recreational vehicles or any part thereof on a roadway, Highway or Highway right-of-way if, in the opinion of the Bylaw Enforcement Officer, the vehicle and trailer or recreational vehicle constitutes an obstruction, presents a safety concern or otherwise impedes the progress of other users of the roadway, Highway or Highway right-of-way.

SECTION 7 – DANGEROUS GOODS

- .1 No person shall park on a Highway a vehicle or trailer used for the conveyance of Dangerous Goods unless authorized by a sign.
- .2 No person shall park a vehicle or trailer used for the conveyance of Dangerous Goods nearer than;
- 7.2.1 one hundred and fifty (150) metres from any building designed or used for residential, institutional or assembly occupancies; or
- 7.2.2 twenty (20) metres from any other building

- 7.3 Section 7.2 shall not apply where a vehicle or trailer is obliged to be parked while being loaded or unloaded or while being used as an "on-site" fuel source in the course of its ordinary business, provided the vehicle or trailer has a warning notice or notices clearly displayed.

SECTION 8 – DISABLED PARKING

- 8.1 No person shall park a vehicle in a parking space designated for the exclusive use of disabled persons unless such vehicle has clearly displayed an Identification Placard, and is at that time being operated by or transporting the person to whom the Identification Placard has been issued or has a Disabled Parking License Plate.

SECTION 9 – EXEMPTIONS FROM PARKING PROVISIONS

- 9.1 Notwithstanding anything elsewhere in this Bylaw, the provisions relating to parking of vehicles do not apply to:

- 9.1.1 Emergency Vehicles;
- 9.1.2 Vehicles used in conjunction with the servicing of Highways, trails, parks and public utilities including water and sewer systems, telephone systems, electric systems and cablevision systems;
- 9.1.3 funeral cars being operated by a funeral director, during a funeral;
- 9.1.4 towing service vehicles;

while any such vehicle is being used in work requiring it to be stopped or parked.

SECTION 10 – TRUCK PARKING WITHIN THE TOWN

- 10.1 No person shall park a vehicle on a Highway or any part of the Highway Right-Of-Way within the Town between the hours of 7:00p.m. in any one day and 7:00a.m. of the next succeeding day, if the overall length of the vehicle or vehicle with trailer exceeds eight (8) meters.
- 10.2 No person shall park a vehicle or vehicle with trailer exceeding ten (10) meters in length or two Point six (2.6) meters in width on a Highway or any part of a Highway Right of Way in the Town, Other than in an area designated by a sign for such purposes.
- 10.3 No person shall park a heavy vehicle on a Highway or any part of the Highway Right-of-Way Within the Town unless such parking is authorized by a sign or signs.
- 10.4 The provisions of Sections 7.1 and 7.2 and 7.3 shall not prohibit vehicles from parking on any Highway within the Town for the purpose of loading or unloading goods to or from premises Abutting such Highway provided that the vehicle or vehicle with trailer attached shall have all Front and rear hazard lights illuminated.

SECTION 11- REMOVAL OF VEHICLES

- 11.1 A Bylaw Enforcement Officer is hereby authorized to remove and impound or cause to be removed and impounded any vehicle parked in contravention of this Bylaw.
- 11.2 No impounded vehicle shall be released to its owner or his agent until the impounding charge and removal charge against the vehicle has been paid.
- 11.3 The impounding charge and removal charge shall be in addition to any fine or penalty imposed by the provisions of this Bylaw.
- 11.4 Where a vehicle is impounded or stored pursuant to this Section, and is not claimed within thirty (30) days of its removal, it may be disposed of in accordance with the provisions of the Motor Vehicle Administration Act, R.S.A. 1980 c.M-22, as amended.
- 11.5 Notwithstanding anything herein contained, where portable "No Parking" signs are placed on or

near a Highway by the Town, its employees, servants, agents or representatives, removal of vehicles may be required. The Town, its employees, servants, agents or representatives may tow such vehicles at the expense of their owner and park the same on an adjacent Highway without impounding the vehicles, after the expiration of twenty-four (24) hours from the time the "No Parking" signs are erected.

SECTION 12 – PENALTIES

- 12.1 Any person who contravenes any provision of this Bylaw is guilty of an offence and is liable to penalty as set out in Schedule "A" herein.

SECTION 13- VIOLATION TAGS

- 13.1 A Bylaw Enforcement Officer is hereby authorized and empowered to issue a Violation Tag to any person who the Bylaw Enforcement Officer has reasonable grounds to believe has contravened any provision of this Bylaw.
- 13.2 A Violation Tag may be issued to such person:
- 12.2.1 either personally; or
 - 12.2.2 by attaching it to the vehicle in respect of which an offence is alleged to have been committed; or
 - 12.2.3 by mailing a copy to the owner at his last known post office address.
- 13.3 A person other than the owner or operator of a vehicle shall not remove any Violation Tag placed on or affixed to the vehicle by the Bylaw Enforcement Officer in the course of his duties.
- 13.4 The Violation Tag shall be in a form approved by the Chief Administrative Officer and shall state:
- 12.4.1 the name of the person;
 - 12.4.2 the offence;
 - 12.4.3 the appropriate penalty for the offence as specified in Schedule "A" of this Bylaw;
 - 12.4.4 any other information as may be required by the Chief Administrative Officer.
- 13.5 Where a Violation Tag is issued pursuant to this Bylaw, the person to whom the Violation Tag is issued may, in lieu of being prosecuted for the offence, pay to the office specified on the Violation Tag the penalty specified in the Violation Tag.
- 13.6 Nothing in this Bylaw shall prevent a Bylaw Enforcement Officer from immediately issuing a Violation Tag.

SECTION 14 – VIOLATION TICKET

- 14.1 In those cases where a Violation Tag has been issued and if the penalty is not paid within the prescribed time period then a Bylaw Enforcement Officer is hereby authorized and empowered to issue a Violation Ticket pursuant to either Part II or Part III of the Provincial Offences Procedure Act, S.A. 1988 c.P-21.5, as amended.
- 14.2 Notwithstanding Section 13.1 of this Bylaw, a Bylaw Enforcement Officer is hereby authorized and empowered to immediately issue a Violation Ticket pursuant to either Part II or Part III of the Provincial Offences Procedure Act, S.A. 1988 c.P-21.5, as amended, to any person who the Bylaw Enforcement Officer has reasonable grounds to believe has contravened any provisions of this Bylaw.

SECTION 15 – SEVERABILITY PROVISION

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

SECTION 16 – EFFECTIVE DATE


16.1 This Bylaw shall come into effect of third and final reading.

Read a first time this 6th day of July, 2011

Read a second time this 17th day of August, 2011

Read a third time this 17th day of August, 2011


MAYOR


ADMINISTRATION

SCHEDULE "A"

SECTION	OFFENCE	PENALTY
3.1.1	Parking in front of a building under construction	\$35.00
3.1.2	Parking in a Truck Loading Zone	\$35.00
3.2	Parking where there is a "No Parking" sign	\$35.00
3.3	Parking in a "No Stopping" zone	\$35.00
3.4	Parking illegally in a Lane	\$35.00
3.4.1 (2)	Parking in excess of time limits	\$35.00
3.5	Parking or stopping in a Fire or Emergency Lane	\$75.00
3.6	Parking in excess of posted time limits	\$35.00
3.7	Parking so as to block access to a driveway	\$35.00
4.2	Parking when portable "No Parking" signs are in place	\$35.00
5.2	Unauthorized parking on Private Property	\$35.00
5.6	Unauthorized parking on Town Property	\$35.00
5.7	Unauthorized parking in a reserved parking space on Town property	\$35.00
6.1	Parking of trailer without motor vehicle	\$35.00
6.1	Leaving removable camping accommodation on Highway	\$35.00
6.2	Occupying a trailer on a Highway	\$35.00
6.4	Parking a vehicle and trailer or recreational vehicle in excess of 36 hours	\$35.00
5.6	Parking a vehicle and trailer or recreational vehicle that constitutes an obstruction, presents a safety concern, or otherwise impedes traffic	\$35.00
7.1	Parking a vehicle used for hauling Dangerous Goods in a highway	\$75.00
7.2	Parking a vehicle used for hauling Dangerous Goods near a building	\$135.00
3.1	Parking in a space designated for parking of vehicle of Disabled person	\$100.00
10.1	Parking over length vehicle in Town between certain hours	\$35.00
10.2	Parking oversized vehicles in an area of Town not designated by signs	\$35.00
10.3	Parking a heavy vehicle in a residential area in Town	\$35.00
13.3	Remove a Violation Tag from other person's vehicle	\$75.00

SCHEDULE "B"

PRIVATE PROPERTY

**NO UNAUTHORIZED
PARKING**

FINE FOR VIOLATION

TOWN OF BRUDERHEIM PARKING BYLAW

Note: All spaces between rows are 25mm unless otherwise noted.

Note: All dimensions are in millimetres

PRIVATE PROPERTY

**NO UNAUTHORIZED
PARKING**

FINE FOR VIOLATION

TOWN OF BRUDERHEIM PARKING BYLAW

Note: All spaces between rows are 15mm unless otherwise noted.