

BYLAW 606/99  
TOWN OF ELK POINT

A BYLAW OF THE TOWN OF ELK POINT, IN THE PROVINCE OF ALBERTA, AUTHORIZING COUNCIL TO CONTROL AND REGULATE THE USE OF HIGHWAYS, SIDEWALKS, PARKING, TRAFFIC, PEDESTRIANS AND PUBLIC PLACES WITHIN THE TOWN OF ELK POINT.

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**PURSUANT** to the provisions of Section 7 of the Municipal Government Act being Chapter M-26.1 with amendments in force as of July 16, 1996 and amendments thereto, also Section 7 of the Highway Traffic Act, RSA 1980, Chapter H-7 with amendments in force as of September 1, 1996.

**NOW THEREFORE**, the Council of the Town of Elk Point, in the Province of Alberta, in session duly assembled, enacts as follows:

**SECTION ONE - SHORT TITLE:**

1.1 This Bylaw shall be known as the "Streets and Sidewalks Bylaw".

**SECTION TWO - DEFINITIONS:**

2.1 Unless specifically defined in this Bylaw, the definitions of the Highway Traffic Act shall apply.

2.2 "**Council**" shall mean the Council for the Town Of Elk Point.

2.3 "**Highway**" shall mean any thoroughfare, street, road, trail, avenue, parkway, driveway, viaduct, land, alley, square, bridge, causeway, trestle 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

i) includes

a) a sidewalk (including the boulevard portion of the sidewalk),

b) if a ditch lies adjacent to and parallel with the roadway, the ditch, and

c) 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.

2.4 "**Operator**" shall mean a person who drives or operates a vehicle or other modes of motorized transport as the owner thereof, or as an agent, employee or servant of the owner.

2.5 "**Person**" shall mean firms, corporations, owner, occupier, or lessee.

2.6 "**Peace Officer**" shall mean a member of the Royal Canadian Mounted Police and a Bylaw Enforcement Officer appointed pursuant to Section 555 (1) and (2) of the Municipal Government Act being Chapter M-26.1 with amendments in force as of July 15, 1996. and amendments thereto.

2.7 "**Storing**" shall mean and include the parking of any vehicle on any highway for a period in excess of 48 hours.

2.8 "**Town Manager**" shall mean the Town Manager for the Town Of Elk Point.

**SECTION THREE - PARKING:**

- 3.1 No person shall park, permit to be parked or left standing on any highway or public place for a period in excess of 48 hours.
  - 3.1.1 for the purpose of any provision of this bylaw restricting parking to a definite time limit, a vehicle shall be deemed to have remained stationary unless it has been moved at least through the nearest intersection.
- 3.2 No person shall park, permit to be parked, or left standing on any highway, any trailer or towable conveyance which has been detached from the vehicle which is used to draw it.
- 3.3 No person shall park, stop or permit the parking or stopping of a vehicle on either side of a highway, in front of, nor within 2 meters of a driveway, or a garage entrance entering into a highway.
- 3.4 No person shall park a commercial vehicle on a highway for the purpose of loading or unloading where such facilities are provided at the rear of the building.
- 3.5 Notwithstanding paragraph (3.4) above, the operator of a commercial vehicle may park or stop on a highway during the time freight or passengers are being loaded or unloaded from the vehicles for a maximum of twenty (20) minutes.
- 3.6 No person shall, except in the case of an emergency, park, permit to be parked or left standing on a highway, any vehicle for the purpose of repairing, greasing or otherwise servicing the vehicle.
- 3.7 No person shall park, permit to be parked or left standing, any vehicle used for the conveyance of flammable, explosive or other dangerous goods, whether loaded or unloaded, in any area zoned commercial, residential, institutional or recreational. When loading or unloading such vehicle shall be parked no closer than 60 meters to any Industrial building.
- 3.8 No person shall park or stop or permit the stopping or parking of any vehicle in any marked fire lane or other emergency entrance or exit.
- 3.9 No person shall park, permit to be parked or left standing any vehicle on private property without authority from the owner or person in lawful possession or control of the property.
- 3.10 No person shall park, permit to be parked or left standing any vehicle rated over 900 kg. nor more than 6 meters in length, in any area designed for angle parking.
- 3.11 No person shall park, permit to be parked or left standing any vehicle (including buses) rated over 900 kg. on any highway in any area zoned residential.
- 3.12 No person shall park, permit to be parked or left standing any vehicle on any highway or public property where signs prohibit parking.
- 3.13 No person shall park, permit to be parked or left standing any vehicle on any highway or public property during hours when parking is specifically prohibited by a traffic control device.
- 3.14 No person shall park, permit to be parked or left standing any vehicle to the left of the centre line on any highway.
- 3.15 No person shall park, permit to be parked or left standing any vehicle in the vicinity of a fire lane in such a manner as to restrict, hamper or obstruct firemen in the performance of their duties.

- 3.16 The Department Of Public Works may erect or cause to be placed signs restricting or prohibiting parking for the purpose of maintenance or construction of highways or other Town property. Any person failing to comply with the provisions of these signs shall be guilty of contravening Section (3.13) or (3.14) of this bylaw.
- 3.17 No person shall park, permit to be parked or left standing any vehicle in a residential area other than on the frontage or flankage of the property so occupied by the owner of the vehicle for his residence.
- 3.18 No person shall park, permit to be parked or left standing any vehicle in excess of 900 kg. or which in itself or together with its trailer and or load exceeds 11 meters in overall length, except at such locations as have been designated by bylaw either by a sign or in writing, and except for the purpose of loading and unloading merchandise or commodities wherein the vehicle may be parked with signal lights flashing, for period not exceeding thirty (30) minutes.
- 3.19 No person shall park, permit to be parked or left standing any vehicle of any size loaded in full or part, with livestock of any type except to load or unload. Wherein the vehicle shall be parked with signal lights flashing, for a period not exceeding thirty (30) minutes.

#### **SECTION FOUR - IMPOUNDMENT OF VEHICLES:**

- 4.1 When a Peace Officer believes that a vehicle is parked in contravention of the [provisions of Section 3 of this bylaw, or when he/she deems emergency conditions require, the Peace Officer may remove or cause to be removed each vehicle to a place as designated by the Town, where it shall remain until claimed by the owner or his/her agent.
- 4.2 The owner of any vehicle impounded pursuant to Section 4.1 of this bylaw shall be required to pay the cost of moving the vehicle and any storage charges. Such charges shall be paid before the vehicle is released to the owner or his/her agent.
- 4.3 Any charges paid under 4.2 of this bylaw shall be in addition to any fine or penalty imposed in accordance with the penalty section of this bylaw.

#### **SECTION FIVE - PEDESTRIANS:**

- 5.1 No pedestrian shall cross any highway at any point other than a crosswalk, nor cross any highway between intersections, provided that the provisions of this section shall not relieve the operator of a vehicle nor the pedestrian from the duty to exercise due care.
- 5.2 A pedestrian crossing a highway at an intersection within, or upon a marked or unmarked crosswalk shall do so without loitering and in a manner which shall not unduly interfere with or obstruct the passage of vehicles on said highway.
- 5.3 No person shall stand on any highway, crosswalk or sidewalk on such a manner as to obstruct vehicular or pedestrian traffic, or in such a manner as to annoy any other person lawfully upon the said highway, crosswalk or sidewalk.
- 5.4 No person shall stand upon, or walk along a roadway for the purpose of soliciting a ride from the driver of any vehicle.
- 5.5 Pedestrians shall not race on any roadway or highway without permission from the Town Office which shall be for an event or parade.
- 5.6 Pedestrians shall not crowd or jostle other pedestrians in such a manner as to create or cause discomfort, disturbance or confusion.

- 5.7 Three or more persons shall not stand in a group or so near to each other on any highway, crosswalk or sidewalk as to obstruct the entrance to buildings or to obstruct or prevent other persons using such highway, crosswalk, or sidewalk, and after request has been made by any Peace Officer shall disperse and move away immediately.

**SECTION SIX - SIDEWALKS:**

- 6.1 No person shall drive or park a motor vehicle, ride a horse, or drive, lead or allow any hoofed animal on, along or across a sidewalk or footpath.
- 6.2 No person shall shove, push, propel or ride any wheeled vehicle on or along a sidewalk in such a way as to interfere with pedestrians using the sidewalk.
- 6.3 Notwithstanding Section 6.1 a person may drive a motor vehicle across a sidewalk at a place where a sidewalk is crossed by a highway, where there is a prepared permanent crossing or where there is a temporary crossing constructed with the approval of the Superintendent Of Public Works, and the sidewalk protected to the satisfaction of the Superintendent Of Public Works.
- 6.4 No person shall damage, cut away, break, or remove portions from a gutter, curb or sidewalk to provide a crossing, or for any other reason without written permission from the Town.
- 6.5 No person shall construct or attempt to construct a sidewalk crossing by placing any object or material in any part of the highway or gutter.
- 6.6 No person shall place any object in a gutter for any purpose.
- 6.7 The owner or occupier of premises abutting a highway or sidewalk shall not construct, nor maintain if constructed, a gate or door so installed that its operation will obstruct free use of the highway or sidewalk.
- 6.8 No person shall place upon or across a sidewalk an electrical cord, hose or other similar object.
- 6.9 No person shall allow trees, hedges, shrubs, on private property within six (6) meters of a highway intersection, whether planted before or after the date of passing of this bylaw, to grow to a height greater than one (1) meter.
- 6.10 No person shall allow trees, hedges or shrubs to overhang a sidewalk lower than three (3) meters from the sidewalk.
- 6.11 Where a sidewalk which trees, hedges or shrubs have been allowed to overhang, is not removed as required in section 6.9 and section 6.10 of this bylaw, the town may undertake to remove said obstruction and recover the costs of such removal as a debt due the town or charge the same against the land adjoining the said sidewalk as taxes in respect to that land and recover the same as taxes due and owing.

**SECTION SEVEN - PROTECTION OF  
HIGHWAY SURFACES, SEWERS AND  
OTHER TOWN PROPERTY:**

- 7.1 No person shall direct, pour or place any foreign matter or object, or any liquid containing solid foreign matter, or any liquid considered to be flammable, combustible or otherwise dangerous, in or on any catch basin, portion of town highways, or any grating which leads or empties into the town sewer system.
- 7.2 No person shall rinse, wash or flush out the body of a vehicle used to transport sand, gravel, cement, concrete, dirt, clay or any other material, so as to allow the water carrying particles to empty into or onto a town highway, catch basin, gutter or any other property of the town.

- 7.3 No person shall train or exhibit a horse or other animal on any portion of a town highway, except where permitted under the "Parade" section of this bylaw.
- 7.4 No person shall drive, lead or herd animals on any portion of any town highways.
- 7.5 No person shall drive, operate, tow or otherwise allow to be moved upon a highway any vehicle having any kind of cleats, tracks or other device attached to wheels, or in place of wheels, which may cause damage to the highway surface.
- 7.6 No person shall operate a mechanical hoe, crane or other machine without protecting the highway surface from damage by stabilizer parts or other devices attached thereto.
- 7.7 No person shall injure, break, cut, or otherwise damage a highway, curb, gutter, sidewalk or any other town property.
- 7.8 Where a highway or other town property is damaged as described in subsections above, the town may undertake to repair the highway surface. Any costs incurred in such repair will be charged against the person deemed responsible or the owner of the vehicle responsible and shall be in addition to any summons or offence ticket issued for contravention of this bylaw.

**SECTION EIGHT - OBSTRUCTING:**

- 8.1 No person shall stop a vehicle or permit a vehicle to remain standing on a highway so as to prevent free movement of all other vehicular and pedestrian traffic.
- 8.2 No person shall place any obstruction upon any portion of any highway, curb or gutter.
- 8.3 No person shall, for the purpose of construction, park, leave, stand or leave standing, any mobile construction machine, trailer or building materials, on any portion of a highway or sidewalk without prior written consent from the town.
- 8.4 Where a Peace Officer believes an obstruction exists in contravention to Section eight (8) of this bylaw, he/she may remove or cause to be removed such obstruction to a place designated by the town until claimed by the owner or his/her agent.
- 8.5 The owner, or person responsible for the obstruction removed pursuant to Section 8.4 of this bylaw, shall be required to pay the costs of such removal and reasonable storage charges and such charges shall be paid before release of impounded property.
- 8.6 Any charges paid under Section 8.5 of this bylaw shall be in addition to any fine or penalty imposed in accordance with the penalty section of this bylaw.

**SECTION NINE - BREAKING OF  
HIGHWAY SURFACES AND  
EXCAVATING ON TOWN PROPERTY:**

- 9.1 No person shall break up, tear, or make any excavations on a highway or upon other town property without first obtaining written permission from the town's Superintendent Of Public Works.
- 9.2 When a person receives permission from the town to excavate town property, he/she must:
  - 9.2.1 erect adequate fences or barriers to prevent vehicles or pedestrians from being injured by the presence of a hole or excavation or by machinery being used,
  - 9.2.2 provide warning signs for daylight hours and warning lights at night on or in front of barricades or fences,

- 9.2.3 provide the hole or excavation with sufficient support or shoring as required by Occupational Health & Safety.
- 9.2.4 confine the hole or excavation to minimum possible dimensions.
- 9.3 Where a person excavates on land adjoining or in close proximity to town property, he/she shall be required to conform to Section 9.2 of this bylaw.
- 9.4 Where a person, with permission, excavates on town property he/she shall:
  - 9.4.1 indemnify and save harmless the town from and against all loss or damage claims arising from incidents involving said excavation or equipment used during excavation,
  - 9.4.2 restore and repair all and any portion of highway or other town property to the satisfaction of the town's Superintendent Of Public Works.

**SECTION TEN - BARRICADES,  
FENCES AND WARNING DEVICES:**

- 10.1 Where a barricade, fence, warning or other sign, warning flag, warning light or other warning device is placed upon a highway or a sidewalk by the town or an employee or agent thereof, or by any other person acting pursuant to the provisions of this bylaw for the purpose of:
  - 10.1.1 restricting the length or weight of vehicles, or the type of vehicles to be used, directing the manner or by what classes of vehicles or pedestrians the highway may be used, regulating the times and manner in which the street may be used, providing the direction the vehicular or pedestrian traffic may travel, closing or restricting the use of the highway either partly or wholly and indicating the route to be followed as a detour to the highway,
  - 10.1.2 indicating to or warning the public of any condition on the highway to which public attention should be directed, whether such condition constitutes a danger, a hazard, an inconvenience, or otherwise,or
  - 10.1.3 prohibiting or restricting the use of a part of the travelled portion of the highway, the sidewalk or the border thereof while such portion is being or has recently been constructed, reconstructed, repaired, surfaced, or otherwise treated so that the immediate use thereof will injure the highway, sidewalk, border or the surface thereof,
  - 10.1.4 unless a person has the authority of the town, he/she shall not tamper or interfere with, knock down, remove or change the position or location of such barricade, fence, sign, flag, light or other directional or warning device.
- 10.2 No person shall in any way interfere or tamper with a light, fire pot, reflector or other device whether similar or dissimilar placed on or near a highway to warn or advise persons using the highway of any condition to which it is necessary or desirable to call public attention, whether such condition constitutes a hazard or danger or otherwise.
- 10.3 No person shall deface, destroy, knock down, remove, cover or otherwise interfere with any sign, warning device, direction device or control device erected or maintained under this or any other bylaw of the town, or the authority of town Council.

**SECTION ELEVEN - PARADES:**

- 11.1 No person shall march, join or participate in a parade or procession unless the town has issued a permit for such procession or parade.