

Village of Hines Creek Council Request for Decision (RFD)

Meeting:	Regular Council Meeting
Meeting Date:	March 12, 2019
Originated By:	Leanne Walmsley, Chief Administrative Officer
Title:	Unfinished Business – Traffic Control Bylaw No. 583-19
File:	0110

BACKGROUND/PROPOSAL:

Bylaw No. 583-19

A Bylaw of the Village of Hines Creek, in the Province of Alberta, for the purpose of regulating the use of highways under the direction, control, and management of the Municipality and the parking of vehicles on such highways and on privately owned property located within the Municipality

Attached is Traffic Control Bylaw No. 583-19 for Council's consideration.

DISCUSSION/OPTIONS/BENEFITS/DISADVANTAGES

COSTS/SOURCE OF FUNDING (if applicable)

RECOMMENDED ACTION:

That Council proceed with 1st reading of the Bylaw No. 583-19.

Initials show support- Reviewed by:	Manager:	C.A.O. <i>LW</i>
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BYLAW NO. 583-19

TRAFFIC BYLAW

A BYLAW OF THE VILLAGE OF HINES CREEK, IN THE PROVINCE OF ALBERTA, FOR THE PURPOSE OF REGULATING THE USE OF HIGHWAYS UNDER THE DIRECTION, CONTROL AND MANAGEMENT OF THE MUNICIPALITY AND THE PARKING OF VEHICLES ON SUCH HIGHWAYS AND ON PRIVATELY OWNED PROPERTY LOCATED WITHIN THE MUNICIPALITY

WHEREAS pursuant to section 13 of the *Traffic Safety Act* the council of a municipality may, with respect to highways under its direction, control and management, pass bylaws not inconsistent with the *Traffic Safety Act* respecting matters enumerated therein;

AND WHEREAS pursuant to section 14 of the *Traffic Safety Act* the council of a municipality may pass bylaws governing the parking of vehicles on privately owned property;

AND WHEREAS pursuant to section 108 of the *Traffic Safety Act* the council of a municipality may pass bylaws prescribing speed limits that are different from the speed limits established in that Act;

AND WHEREAS pursuant to section 7 of the *Municipal Government Act* the council of a municipality may pass bylaws for municipal purposes respecting the safety, health and welfare of people and the protection of people and property and the enforcement of bylaws;

NOW THEREFORE, the Council of the Village of Hines Creek, in the Province of Alberta, duly assembled, enacts as follows:

PART 1 - SHORT TITLE

1 This Bylaw may be cited as the "Traffic Bylaw".

PART 2 - INTERPRETATION AND APPLICATION

Definitions

2(1) In this Bylaw, words shall have the same meanings as in the *Traffic Safety Act*, and the regulations thereunder, except as otherwise defined below.

(2) In this Bylaw:

- (a) "**Boulevard**" means that part of a highway that is not a roadway and includes a ditch that forms part of a highway;
- (b) "**Chief Administrative Officer**" means the chief administrative officer of the Municipality, or his or her delegate;
- (c) "**Council**" means the municipal council of the Municipality;
- (d) "**Curb**" means the actual curb, if there is one, and if there is no curb in existence, it shall mean the edge of the roadway;
- (e) "**Heavy Vehicle**" means a Vehicle, or a Vehicle with a Trailer attached, that has a gross weight of 5,500 kilograms or more, with or without load, or exceeds 12 meters in overall length, excluding Recreational Vehicles;
- (f) "**Municipality**" means the municipal corporation of the Village of Hines Creek, and includes the geographical area within the boundaries of the Village of Hines Creek where the context so requires;
- (g) "**Municipal Tag**" means a tag or similar document issued by the Municipality pursuant to the *Municipal Government Act* that alleges a bylaw offence and provides a Person with the opportunity to pay an amount to the Municipality in lieu of prosecution for the offence;
- (h) "**Parade or Procession**" means a group of Vehicles, animals, pedestrians or combination thereof on a highway which is likely to block, obstruct, impede, hinder

or otherwise interfere with pedestrian or vehicular traffic, excluding a funeral procession;

- (i) **“Park”, “Parking”, or “Parked”** means to allow a Vehicle, whether occupied or not, to remain stationary in one place, except:
 - (i) when standing temporarily for the purpose of and while actually engaged in loading or unloading passengers, or
 - (ii) when complying with a direction given by a Peace Officer or Traffic Control Device;
- (j) **“Peace Officer”** means a member of the Royal Canadian Mounted Police, a Community Peace Officer whose appointment includes enforcement of the Municipality’s Bylaws, or a Bylaw Enforcement Officer appointed by the Municipality;
- (k) **“Person”** means any individual, firm, partnership, association, corporation, trustee, executor, administrator or other legal representative;
- (l) **“Recreational Vehicle”** means a Vehicle designed to provide temporary living accommodation for travel, vacation, or recreational use, and to be driven, towed or transported, some examples of which include, without restricting the generality of the foregoing, a motor home, holiday trailer, camper, tent trailer and any bus or truck converted to provide temporary living accommodation;
- (m) **“Street Furniture”** includes lamp posts, benches, waste bins, planters, bicycle racks, newspaper boxes or any other similar property placed on or adjacent to a highway;
- (n) **“Traffic Control Device”** means any temporary or permanent sign, signal, marking or device placed, marked or erected under the authority of this Bylaw for the purpose of regulating, warning or guiding traffic or governing Parking;
- (o) **“Trailer”** means a Vehicle so designed that it may be attached to or drawn by a Vehicle or implement of husbandry, and intended to transport property or persons, but does not include machinery or equipment used in the construction or maintenance of highways;
- (p) **“Vehicle”** means a device in, upon or by which a Person or thing may be transported or drawn upon a highway and includes a combination of Vehicles, but does not include a mobility aid;
- (q) **“Violation Ticket”** has the same meaning as in the *Provincial Offences Procedure Act*.

PART 3 - OPERATIONAL RESTRICTIONS

Maximum Speeds

- 3** A maximum speed in excess of or less than 50 kilometers per hour is hereby provided on the described portions of highway set out in Schedule “A”.

Compliance with Traffic Control Devices

- 4** No Person shall operate or Park a Vehicle in contravention of a Traffic Control Device.

Road Bans

- 5(1)** No Person shall operate a Vehicle on a highway that is subject to a road ban if the weight of the carrying axle or axle group of the Vehicle exceeds the specified percentage axle weight imposed by the road ban.
- (2)** Subsection (1) is subject to any provincial legislation exempting certain Vehicles from road bans or permitting an increased specified percentage of axle weight.

Funeral Processions

- 6** Any Person operating a Vehicle participating in a funeral procession, other than the lead Vehicle in the funeral procession, may, during daytime hours, drive the Vehicle into an intersection without stopping the Vehicle if:
- (a) the Vehicle's headlamps and warning lamps are alight,
 - (b) the Vehicle is travelling immediately behind the Vehicle in front of it in the funeral procession so as to form a continuous line of traffic,
 - (c) the lead Vehicle in the funeral procession is showing a purple flashing light, and
 - (d) the passage through the intersection can be made in safety.

Authorized Parades or Processions

- 7(1)** No Person shall organize, conduct or take part in any Parade or Procession unless a permit authorizing the Parade or Procession has been issued by the Chief Administrative Officer.
- (2)** No Person shall contravene any conditions of a permit issued by the Chief Administrative Officer or the provisions of this Bylaw governing Parades or Processions.
- (3)** Where the organizers or leaders of a Parade or Procession, or any Person, animal, Vehicle or equipment participating in the Parade or Procession, contravenes any conditions of a permit granted by the Chief Administrative Officer or the provisions of this Bylaw governing Parades or Processions, the permit holder, Person responsible for the contravention, or any or all of them are guilty of an offence.
- (4)** During an authorized Parade or Procession, all spectators shall remain on the sidewalk or edge of the roadway if there is no sidewalk.
- (5)** An application for a permit for a Parade or Procession may be made in writing to the Municipality and shall include:
- (a) a description of the proposed Parade or Procession and its purpose;
 - (b) the name of the Person or organization responsible for sponsoring and organizing the proposed Parade or Procession;
 - (c) the date and times of the proposed Parade or Procession; and
 - (d) details of the proposed route including a map with the proposed route indicated.

Engine Retarder Brakes

- 8** No Person shall use engine retarder brakes within the Municipality.

Vehicles with Loads

- 9(1)** No Person shall operate a Vehicle on a highway with any loose material on the exterior of the Vehicle.
- (2)** No Person shall operate a Vehicle containing any load on a highway unless the load has been secured to prevent any part of it from falling onto the highway.

Tracking Material

- 10(1)** No Person shall operate a Vehicle on a highway so as to track any earth, sand, gravel or other material on the highway.
- (2)** A Person tracking material contrary to subsection (1) shall, in addition to any penalty that may be imposed under this Bylaw, be liable to clean up or remove the material tracked upon the highway and if that Person fails to comply with this subsection the Municipality may clean up or remove the material at the expense of the Person tracking the material.

Spikes/Lugs Prohibited

- 11(1) Subject to subsection (2), no Person shall operate a Vehicle on a highway with spikes, lugs, cleats, bands or other items projecting from the surface of the wheel or tire.
- (2) Subsection (1) does not prohibit a Person from operating, on a highway, a private passenger vehicle that is equipped with studded tires that have been designed for normal use on paved roadways.
- (3) A Person operating a Vehicle contrary to subsection (1) shall, in addition to any penalty that may be imposed under this Bylaw, be liable for all costs incurred by the Municipality to repair any resulting damage.

Heavy Vehicle Route

- 12(1) No Person shall, unless expressly authorized by a permit issued pursuant to this Bylaw, operate a Heavy Vehicle on any highway within the Municipality other than a highway, or portion thereof that has been highlighted or otherwise identified on the map attached as Schedule "C" to this Bylaw.
- (2) Subsection (1) does not apply to a Heavy Vehicle that:
 - (a) is actively involved in the delivery or collection of goods or materials, provided that the most direct route possible is taken from the point of collection or delivery to the route that has been highlighted or otherwise delineated on the map attached as Schedule "C" to this Bylaw;
 - (b) is operated or under hire by the Municipality for snow removal, road building or maintenance, or maintenance of property under the ownership or control of the Municipality; or
 - (c) is an emergency services vehicle, including, without restriction, a fire truck or ambulance.

PART 4 - PARKING

Parking within Spaces

- 13 A Vehicle Parked on a highway in a location marked by lines or otherwise shall be parked wholly within the marked parking space.

Parallel Parking

- 14(1) A Vehicle Parked on a highway shall be parked with:
 - (a) the sides of the Vehicle parallel to the Curb, and
 - (b) the right hand wheels of the Vehicle not more than 50 centimeters from the right hand Curb;
- (2) Notwithstanding subsection (1), a motorcycle may be parked with:
 - (a) a wheel of the motor cycle not more than 50 centimeters from the Curb, and
 - (b) the motor cycle angled in the direction of travel authorized for the traffic lane that is adjacent to the lane on which the motor cycle is parked.
- (3) The parallel Parking provisions in this Part do not apply where angle Parking is permitted or required.

Prohibited Parking

- 15 Unless permitted or required by a Traffic Control Device, no Person shall stop or Park a Vehicle:
 - (a) on a highway adjacent to a Curb or sidewalk that has been marked by being painted in a solid colour;
 - (b) on a sidewalk or Boulevard;
 - (c) on a crosswalk or any part of a crosswalk, or within 5 meters of the near side of a crosswalk;

- (d) in any driveway, lane or other location designated as a fire lane, an emergency access zone or otherwise being for the use of emergency vehicles;
- (e) to the left of the center line of a highway facing oncoming traffic;
- (f) on a highway in a manner that blocks or obstructs:
 - (i) a doorway to a building; or
 - (ii) the approach to any fire station, police station, hospital or other place where emergency vehicles require regular access;
- (g) at an intersection within 5 meters to the projection of the Curb or edge of the roadway;
- (h) within an intersection other than immediately next to a curb in a "T" intersection;
- (i) within 5 meters of any approach to any stop or yield sign;
- (j) within 5 meters of any fire hydrant or, when the hydrant is not located at the Curb, within 5 meters of the point on the Curb nearest to the fire hydrant;
- (k) alongside or opposite any street excavation or obstruction when stopping or Parking would obstruct traffic;
- (l) at any other place where a Traffic Control Device prohibits stopping or Parking, during such times as stopping or parking is so prohibited;
- (m) on the roadway side of a Vehicle parked or stopped at the Curb or edge of a highway;
- (n) within 1.5 meters of an access to a garage, private road or driveway or a Vehicle crossway over a sidewalk;
- (o) at any angle to the Curb in a cul-de-sac unless that Vehicle is parked in such a manner so as not to interfere with the free flow of traffic in the cul-de-sac;
- (p) in an alley, unless the Vehicle is a commercial vehicle with hazard warning lights alight and in the process of loading or unloading of goods or passengers;
 - (i) Notwithstanding subsection (p), a commercial vehicle shall not be parked in an alley for more than 30 minutes; and
 - (ii) Nothing in subsection (p) permits a Person to park a Vehicle in an alley in a manner that blocks or obstructs the movement of traffic;
- (q) on any bridge or on any approach to a bridge;
- (r) at or near the site of any fire, accident or other emergency, if stopping or parking would obstruct traffic or hinder emergency vehicles or Peace Officers, firefighters, ambulance drivers or assistants or rescue officers or volunteers; or
- (s) in such a manner that may obstruct the safe movement of traffic and pedestrians using the roadway.

Parking Reserved for Disabled Persons

- 16** A Vehicle shall not be Parked on a highway in any location identified as being reserved for the use of Persons with disabilities unless the Vehicle:
- (a) displays a valid disabled placard or license plate issued or recognized by the Registrar of Motor Vehicles; and
 - (b) is being used for the transportation of a Person with a disability.

Heavy Vehicle Parking

- 17** No Person may Park a Heavy Vehicle in a location adjoining residential property, except:

- (a) commercial vehicles with the hazard warning lamps alight and in the process of loading or unloading goods; or
- (b) construction equipment being used during construction or improvement of property, provided that the equipment is parked adjacent to the property where the work is being done.

Recreational Vehicle Parking

- 18(1)** No Person shall Park a Recreational Vehicle on a highway unless it is Parked in a location completely adjoining the Recreational Vehicle owner's residence as shown in the records of the Motor Vehicle Registry and then only between May 1 and October 15.
- (2)** A Recreational Vehicle Parked pursuant to subsection (1):
 - (a) shall not be Parked for more than 72 consecutive hours; and
 - (b) shall be removed to an off-highway location for at least 48 consecutive hours before it may be Parked again on a highway.
- (3)** No Person shall occupy a Recreational Vehicle Parked on a highway.

Parking in Recreational Areas

- 19** No Person shall Park a Vehicle on any land owned or controlled by the Municipality and which the Municipality uses or permits to be used as a playground, recreation area, public park, or campground except in a developed parking lot or other area specifically designated for the Parking of Vehicles.

Private Property with Public Access

- 20(1)** No Person shall Park a Vehicle on privately owned property to which Vehicles driven by members of the public generally have access unless the permission or authorization of the owner of the property or Person having possession or control of the property has been given for such Parking.
- (2)** Subsection (1) applies only where the privately owned property has been clearly identified as having restrictions on Parking.
- (3)** A Vehicle on privately owned property to which Vehicles driven by members of the public generally have access Parked in contravention of any specific restrictions on Parking identified for the location is presumed to be Parked without the permission or authorization in subsection (1).

Private Property without Public Access

- 21(1)** No Person shall Park a Vehicle on privately owned property to which Vehicles driven by members of the public generally do not have access, but on which the owner of the property or a Person having possession or control of the property may Park or otherwise keep Vehicles, unless the permission or authorization of the owner of the property or Person having possession or control of the property has been given for such Parking.
- (2)** Subsection (1) applies only where the privately owned property has been clearly identified as having restrictions on Parking.

Abandoned Vehicle

- 22(1)** No Person shall abandon a Vehicle on a highway.
- (2)** Without restricting the generality of subsection (1), a Vehicle that is left standing in one location on a highway for more than 72 consecutive hours is deemed to have been abandoned at that location.

Highway Maintenance

- 23(1)** The Chief Administrative Officer may cause temporary "No Parking" signs to be placed on or near a highway for maintenance or construction purposes.

- (2) The owner of a Vehicle which remains Parked in an area where Parking has been prohibited pursuant to subsection (1) for a period of 12 hours subsequent to the placement of the appropriate signs shall be in contravention of this section.

Trailers

- 24 No Person shall Park any Trailer on a highway unless the Trailer is attached to a Vehicle by which it may be propelled or drawn. When so attached, the Trailer will be deemed to be part of the Vehicle it is attached to for the purposes of this Bylaw.

Vehicles on Jacks

- 25 No Person shall leave a Vehicle unattended on a highway if the Vehicle has been placed on a jack or similar device and:
- (a) one or more of the wheels have been removed from the Vehicle; or
 - (b) part of the Vehicle is raised off of the ground.

Garage and Service Stations

- 26 No Person in control of a garage, service station, Vehicle accessories store, stereo shop or other premises where repairs or installations are made on Vehicles for compensation shall Park, or permit to be parked on any highway a Vehicle that is left in the Person's possession for the carrying out of repairs, installations or for any other purpose.

PART 5 - USE OF STREETS AND SIDEWALKS

Littering

- 27 No Person shall place, cause to be placed or permit to be placed any litter, refuse, substance or thing of any kind on any highway.

Unauthorized Signs

- 28(1) No Person shall place, cause to be placed or permit to be placed a sign, notice or other object upon a highway or upon abutting public lands, without proper authority or a permit issued by the Chief Administrative Officer.
- (2) For the purposes of subsection (1), any individual or corporation referred to on a sign, whether directly or indirectly, is presumed to have placed the sign or caused or permitted the sign to be placed.

Vehicle Fluids

- 29 No Person shall drain lubricating oils or any fluids associated with the operation of a Vehicle upon a highway.

Extension Cords

- 30 No Person shall place, cause to be placed or permit to be placed, an electrical extension cord across a sidewalk, Boulevard or driveway in a manner which, in the opinion of a Peace Officer, may pose a hazard to Persons or property.

Material on Sidewalks/Roadways

- 31 No Person shall place, cause to be placed or permit to be placed any earth, sand, gravel, grass, leaves, snow, ice, debris or other materials upon any sidewalk or roadway.

Fires and Emergency Site Management

- 32(1) No Person shall pass beyond a point designated by a Peace Officer or a member of the Fire Department.
- (2) No Person shall drive a Vehicle over any fire hose unless directed to do so by a Peace Officer or a member of the Fire Department.

Sidewalk Obstructions

- 33 No Person shall place, cause to be placed or permit to be placed any goods, wares, merchandise, or any other articles upon a highway outside of a shop, warehouse, or building so as to obstruct pedestrian or vehicular traffic.

Pedestrians

- 34(1) No Person shall stand or be in any other position on a sidewalk so as to obstruct the entrance to a building.
- (2) No Person shall stand or be in any other position on a highway so as to obstruct pedestrians or Vehicles using the highway.
- (3) Where a Peace Officer has reasonable grounds to determine that a Person is in contravention of subsection (1) or (2), the Peace Officer may direct that Person to disperse immediately and any Person receiving such a direction from a Peace Officer that fails to immediately comply with that direction shall be guilty of an offence.
- (4) Subsections (1) and (2) do not apply to Persons participating in or assembled to watch a Parade or Procession for which a permit has been issued pursuant to this Bylaw.

Street Furniture

- 35 No Person shall climb upon, interfere with, damage, deface, remove, alter or destroy any Street Furniture.

Damage to Traffic Control Devices

- 36 No Person shall climb upon, interfere with, damage, deface, remove, alter or destroy a Traffic Control Device.

Highway Obstructions

- 37 No Person shall cause or permit any building, structure, fixture, road, tree, shrub, hedge, fence, sign, notice, advertising device, light or other object on property they own or occupy to:
- (a) cause a drifting or accumulation of snow on a highway;
 - (b) damage a highway;
 - (c) obstruct the vision of pedestrians or drivers of Vehicles on a highway; or
 - (d) create a hazard or obstruction to vehicular or pedestrian traffic on the highway.

PART 6 - MISCELLANEOUS

Permits

- 38(1) The Chief Administrative Officer may issue permits in relation to activities governed by this Bylaw on such terms and conditions as the Chief Administrative Officer deems appropriate.
- (2) A Person to whom a permit has been issued pursuant to this Bylaw and any Person carrying out an activity otherwise regulated, restricted or prohibited by this Bylaw pursuant to such permit, shall comply with any terms or conditions forming part of the permit and shall produce the permit to a Peace Officer upon request.
- (3) A Person shall not make any false or misleading statement or provide any false or misleading information to obtain a permit pursuant to this Bylaw.
- (4) If any term or condition of a permit issued pursuant to this Bylaw is contravened or if a false or misleading statement or false or misleading information was provided to obtain the permit, in addition to any other remedy available to the Municipality, the Chief Administrative Officer may immediately cancel the permit.
- (5) The onus of proving a permit has been issued in relation to any activity otherwise regulated, restricted or prohibited by this Bylaw is on the Person alleging the existence of such a permit on a balance of probabilities.

PART 7 - AUTHORITY OF MUNICIPAL OFFICIALS

Authority of the Chief Administrative Officer

- 39** Without restricting any other power, duty or function granted by this Bylaw, the Chief Administrative Officer is authorized to:
- (a) carry out any inspections to determine compliance with this Bylaw;
 - (b) take any steps or carry out any actions required to enforce this Bylaw;
 - (c) take any steps or carry out any actions required to remedy a contravention of this Bylaw;
 - (d) establish areas where activities restricted by this Bylaw are permitted;
 - (e) establish forms for the purpose of this Bylaw;
 - (f) establish the criteria to be met for a permit pursuant to this Bylaw;
 - (g) issue permits and licenses with such terms and conditions as are deemed appropriate;
 - (h) prescribe the location and placement of any Traffic Control Device in the Municipality and keep or cause to be kept a record of such locations and placements;
 - (i) impose road bans on any highway and designate the period of time that the road bans are in effect;
 - (j) temporarily close any highway for the purpose of repairs, maintenance or other valid reason or in the case of an emergency;
 - (k) cause moveable signs to be placed on or near a highway;
 - (l) designate school zones and playground zones and cause such zones to be marked by the appropriate Traffic Control Device;
 - (m) designate crosswalks upon any highway, and may cause them to be marked with signs or lines painted on the surface of the highway;
 - (n) designate any area as one in which Parking privileges are temporarily suspended in whole or in part to traffic and cause the area to be marked with Traffic Control Devices;
 - (o) designate any Boulevard upon which Parking is permitted and cause Traffic Control Devices permitting such Parking to be erected; and
 - (p) delegate any powers, duties or functions under this Bylaw to an employee or contractor of the Municipality.

PART 8 - AUTHORITY OF PEACE OFFICERS

Chalking Tires

- 40** In order to determine the time period over which a Vehicle has been Parked in a location, a Peace Officer may place an erasable chalk mark on the tread face of the tire of a Parked Vehicle, or use any other reasonable method capable of determining the time period over which a Vehicle has been Parked, without the Peace Officer incurring any liability relating thereto.

Towing

- 41(1)** A Peace Officer may cause any Vehicle to be removed and impounded when the Vehicle is parked in contravention of this Bylaw or where emergency conditions require that the Vehicle be removed.
- (2)** Any Vehicle removed pursuant to subsection (1) may be moved to:

- (a) a nearby highway; or a towing companies impound lot.
 - (b) a place designated by the Municipality where it will remain impounded until claimed by its owner.
- (3) Any Vehicle impounded pursuant to subsection (2) (b) may be released to its owner upon payment of any costs imposed for towing and storage.
- (4) Where a Vehicle is impounded pursuant to subsection (2)(b) and is not claimed within thirty (30) days of its removal, the Vehicle may be disposed of in accordance with the provisions of the *Traffic Safety Act* and the regulations thereunder.

Municipal Tags

- 42(1)** A Peace Officer is hereby authorized and empowered to issue a Municipal Tag to any Person who the Peace Officer has reasonable and probable grounds to believe has contravened any provision of this Bylaw.
- (2) A Municipal Tag may be served:
- (a) personally to the accused;
 - (b) mailed to the address of the registered owner of the Vehicle concerned, or the Person concerned; or
 - (c) attached to or left upon the Vehicle with respect of which the offence is alleged to have been committed.
- (3) The Municipal Tag shall be in a form approved by the Chief Administrative Officer and shall state:
- (a) the name of the Person to whom the Municipal Tag is issued, if known;
 - (b) a description of the offence and the applicable Bylaw section;
 - (c) the appropriate penalty for the offence as specified in Schedule "B" of this Bylaw;
 - (d) that the penalty shall be paid within fourteen (14) days of the issuance of the Municipal Tag in order to avoid prosecution; and
 - (e) any other information as may be required by the Chief Administrative Officer.
- (4) Where a contravention of this Bylaw is of a continuing nature, further Municipal Tags may be issued by a Peace Officer, provided that no more than one Municipal Tag shall be issued for each day that the contravention continues.
- (5) A Person to whom a Municipal Tag has been issued may pay the penalty specified on the Municipal Tag and if the amount is paid on or before the required date, the Person will not be prosecuted for the offence.
- (6) Nothing in this Bylaw shall prevent a Peace Officer from immediately issuing a Violation Ticket.

Violation Tickets

- 43(1)** Where a Municipal Tag has been issued and the penalty specified on the Municipal Tag is not paid within the prescribed time, a Peace Officer is hereby authorized and empowered to issue a Violation Ticket.
- (2) Notwithstanding subsection (1), a Peace Officer may immediately issue a Violation Ticket to any Person whom the Peace Officer has reasonable and probable grounds to believe has contravened any provision of this Bylaw.
- (3) A Violation Ticket issued with respect to a contravention of this Bylaw shall be served upon the Person responsible for the contravention in accordance with the *Provincial Offences Procedure Act*.
- (4) Subject to the *Provincial Offences Procedure Act* and the regulations thereunder, if a Violation Ticket is issued in respect of an offence, the Violation Ticket may:

- (a) specify the fine amount established by this Bylaw for the offence in Schedule "B"; or
 - (b) require a Person to appear in court without the alternative of making a voluntary payment.
- (5) A Person who commits an offence may:
- (a) if a Violation Ticket is issued in respect of the offence; and
 - (b) if a Violation Ticket specifies the fine amount established by this Bylaw for the offence;
- make a voluntary payment equal to the specified fine.
- (6) When a clerk records in the Court records the receipt of a voluntary payment pursuant to this Bylaw and the *Provincial Offences Procedure Act*, the act of recording receipt of that payment constitutes acceptance of the guilty plea and also constitutes a conviction and the imposition of a fine in the amount of the specified penalty.

PART 9 - PENALTIES

Offence

- 44 A Person who contravenes or fails to comply with any provision of this Bylaw is guilty of an offence and is liable to a fine in an amount not less than that established in this Part and not exceeding \$10,000.00.

Specified Penalties

- 45 Without restricting the generality of section 44, the fine amounts established for use on Municipal Tags and Violation Tickets if a voluntary payment option is offered are as set out in Schedule "B".

Owner Liable

- 46(1) In this Part "owner" includes any Person registered as an owner at the Motor Vehicle Registry.
- (2) If a Vehicle is involved in an offence under this Bylaw, the owner of that Vehicle is guilty of an offence.
- (3) Subsection (2) does not apply if the owner of the Vehicle satisfies the court that, at the time that the Vehicle was involved in an offence:
- (a) in the case of a Vehicle that was in motion,
 - (i) the owner of the Vehicle was not driving the Vehicle, and
 - (ii) no other Person was driving the Vehicle with the owner's expressed or implied consent,

and
 - (b) in the case of a Vehicle that was Parked,
 - (i) the owner did not Park the Vehicle, and
 - (ii) no other Person Parked the Vehicle with the owner's expressed or implied consent.
- (4) An owner who is guilty of an offence under subsection (2) is not liable to imprisonment in respect of that offence or in respect of a default of a fine imposed in respect of that offence.

PART 10 - GENERAL

Severability

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

Bylaw Schedules

48 Schedules "A", "B" and "C" attached hereto shall form part of this Bylaw.

Effective Date

49 This Bylaw takes effect upon being passed.

READ a first time this ___ day of _____, 2019.

READ a second time this ___ day of _____, 2019.

READ a third time this ___ day of _____, 2019.

SIGNED AND PASSED this ___ day of _____, 2019.

Hazel Reintjes, Mayor

Leanne Walmsley, Chief Administrative
Officer

SCHEDULE "A" – SPEED LIMIT EXCEPTIONS

A Playground Zone has been established within the Village of Hines Creek on 2nd Avenue between 9th and 10th Street, and the speed limit is 30km/h

A School Zone has been established within the Village of Hines Creek on Government Road between 3rd Avenue West and 4th Avenue West, and the speed limit is 30 km/h

SCHEDULE "B" – SPECIFIED PENALTIES

Section	Infraction	Penalty	
		Municipal Tag	Violation Ticket
Part 3 – Operational Restrictions	All Sections	\$500.00	\$1,000.00
Part 4 – Parking	All Sections except 16, 17, 18 and 24	\$100.00	\$250.00
Section 16	Parking reserved for disabled person Violation	\$350.00	\$700.00
Section 17	Heavy Vehicle Parking Violation	\$250.00	\$500.00
Section 18	Recreational Vehicle parking violation	\$100.00	\$250.00
Section 24	Trailer Parking Violation	\$50.00	\$100.00
Part 5 - Use of Streets and Sidewalks	All Sections except 32	\$100.00	\$250.00
Section 32	Violation concerning fires and emergency site management	\$500.00	\$1,000.00

SCHEDULE "C" - HEAVY VEHICLE ROUTE

