

**VILLAGE OF CLIVE
PROVINCE OF ALBERTA
BYLAW # 499-12**

WHEREAS the Traffic Safety Act, R.S.A. 2000 authorizes a municipal Council to pass Bylaws for the regulation and control of vehicle and pedestrian traffic, and

WHEREAS the Municipal Government Act, R.S.A. 2000 c. M-26.1 empowers a municipal Council to impose a fine for infractions of a Bylaw, and

NOW THEREFORE the Council of the Village of Clive, in the Province of Alberta, duly assembled enacts as follows;

PART I

100

SHORT TITLE

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

101

DEFINITIONS

The definitions contained in Section 1 of the Traffic Safety Act, R.S.A. 2000, c.T-6 and regulations thereunder shall apply to this Bylaw unless a contrary intention is specifically stated in this Bylaw. In this Bylaw, the following terms shall have the meanings shown:

- (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 developed as a highway;
 - (ii) is that part of the sidewalk that has not been adapted to the use of or ordinarily used by pedestrians;
- (c) "**Chief Administrative Officer**" means the Chief Administrative Officer for the Village of Clive appointed under Bylaw 408-96 of the Village or delegate;
- (d) "**Council**" means the Council of the Village of Clive;
- (e) "**Curb**" means the actual curb if there is one; if there is no curb in existence, it shall mean the division of a highway between the highway and the sidewalk or boulevard, as the case may be;
- (f) "**Dangerous Goods**" means dangerous goods for which placards are required by the Transportation of Dangerous Goods Control Act and Regulations;
- (g) "**Emergency Vehicle**" means fire fighting vehicles, public utility vehicles while actually being used in any emergency, police vehicles, ambulances, or a vehicle being used by a member of the Village work force or a medical doctor responding to an emergency call ;
- (h) "**Gross Vehicle Weight (GVW)**" means the aggregate weight of the unloaded vehicle and the weight of the load which that vehicle is licensed to carry and for the purpose of enforcing this Bylaw;
- (i) "**Heavy Vehicle**" means a vehicle, or a vehicle with a trailer attached;
 - (i) with or without a load of 6,500 kgs Gross Vehicle Weight or more, or
 - (ii) exceeding 6.3 m. (20.7ft.) in overall length, but
 - (iii) does not apply to Recreation Vehicles.
- (j) "**Highway**" means any thoroughfare, street, road, trail, avenue, parkway, driveway, viaduct, lane, alley, square, bridge, causeway, trestleway 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;
 - (i) a sidewalk (including the boulevard portion of the sidewalk),

- (ii) if a ditch lies adjacent to and parallel with the highway, the ditch, and
- (iii) if a highway right of way is contained between fences or between a fence and one side of the highway, all the land between the fences, or all the land between the fence and the edge of the highway, as the case may be, but does not include a place declared by the Lieutenant Governor in Council not to be a highway;
- (k) "**Holiday**" means any day officially proclaimed a holiday by any Federal, Provincial or Municipal authority, and which is in effect in the Village of Clive.
- (l) "**Land Use Bylaw**" means "Land Use Bylaw #494-10 of the Village of Clive;
- (m) "**Municipality**" means the Village of Clive;
- (n) "**Off -Highway Vehicle**" means an off-highway vehicle as defined in the Off-Highway Vehicle Regulation, A.R. 319/2002. (b. 223.8, 07/14/2003);
- (o) "**Parade**" or "**Procession**" with the exception of a military parade or funeral procession, means any group numbering more than twenty (20) and marching or walking in the street or any group of vehicles or combination of pedestrians and vehicles which together exceed more than ten (10);
- (p) "**Peace Officer**" means a member of the County of Lacombe Enforcement Services, Royal Canadian Mounted Police, or a Bylaw Enforcement Officer;
- (q) "**Recreation Vehicle**" means a vehicle or a combination of vehicle and a trailer designed to be used or intended for use as a shelter, and without restricting the generality of the foregoing, includes any motorhome, holiday trailer, camper, tent trailer or any bus or truck converted for use as a recreation vehicle;
- (r) "**Residential District**" means that part of the Village of Clive which is designated a Residential District, pursuant to the Village's Land Use Bylaw;
- (s) "**Time**" means either Mountain Standard Time or Mountain Daylight Saving Time, whichever is proclaimed to be in effect by the Province of Alberta;
- (t) "**Tractor**" means a truck with a short chassis and body used in combination with a trailer for the highway hauling of freight;
- (u) "**Village**" means the Village of Clive, a Municipal Corporation of the Province of Alberta, or the corporate limits of the Village of Clive, as the context requires.

PART II

GENERAL RULES FOR OPERATION OF VEHICLES

200

- (a) No vehicle operator shall drive or stand a vehicle upon a highway in such a manner as to block, obscure, impede or hinder traffic thereon. Where the obstruction is unavoidable due to mechanical failure, the operator will not be in breach of this section provided he promptly takes measures to clear the faulty vehicle from the highway.
- (b) No operator of any vehicle shall drive over any sidewalk or boulevard except at a permanent or temporary driveway.
- (c) No operator of any vehicle shall fail to obey a traffic control device.
- (d) Where an unprotected hose of the Fire Department has been laid down on any street or driveway for use at a fire or alarm of fire, no person shall drive any vehicle over such hose except with the consent of the Fire Department Official in command.
- (e) When repairs or alterations are in progress on or adjoining any highway and such work is being indicated by barricades or signs or by flagmen, no person shall disregard the warning given and every operator shall obey any signal of a flagman on duty at the site of the work.

- (f) No occupier of any premises shall permit the unrestricted flow of any water from such premises over any street, sidewalk, boulevard or alley.
- (g) No person shall place or permit to be placed an electrical cord across a sidewalk.

201 **UNINSURED VEHICLES**

Any vehicle parked on a highway must be registered and insured, as per the Traffic Safety Act, R.S.A. 2000 c.T-6.

202 **FUNERAL PROCESSION**

Despite Sections 34, 36 to 40, 53 and 54 of the Traffic Safety Act, any vehicle in a funeral procession, except the lead vehicle, may during daytime hours, enter an intersection without stopping if:

- (a) the headlamps of the vehicle are alight,
- (b) the vehicle is traveling immediately behind the vehicle in front of it so as to form a continuous line of traffic,
- (c) the passage into the intersection can be made in safety, and
- (d) the lead vehicle in the funeral procession is showing a purple flashing light.

203 **RULES FOR PARADES/CHARITY RUNS**

- (a) No person shall hold or take part in any parade or procession without first obtaining permission from the Chief Administrative Officer, subject to such terms and conditions as the Chief Administrative Officer deems advisable.
- (b) Any person desiring to hold a parade or procession within the Village shall at least 48 hours prior to the time they desire to hold the same, make application in writing to the Chief Administrative Officer.

PEDESTRIANS WATCHING

During such parade or procession all pedestrians not taking part therein shall be restricted to the use of the sidewalk area;

NOT TO OBSTRUCT

No parade or procession shall obstruct any highway for a longer period than is reasonably necessary.

204 **SPEED ON VILLAGE OWNED LAND**

No person shall drive a vehicle upon any part of the lands, parking lots and driving areas associated with the Soccer Field, Ball Diamond, Outdoor Rink Area and any other lands owned by the Village at a speed in excess of twenty (20) kilometres per hour, or in excess of any speed limit sign posted upon the above properties.

205 **VEHICLE RESTRICTIONS**

IDLING

- (a) No person shall allow the engine or motor of any stationary vehicle in a residential area or in any other area where prohibited by traffic control device to remain running for a period of time longer than twenty (20) minutes.
- (b) No person shall operate a vehicle on any highway in the Village in an overloaded condition and contrary to the axle loadings as cited in the regulations under the Commercial Vehicle Dimension and Weight Regulation, Alberta Regulation 315/2002 and amendments thereto.
- (c) No person shall drive, propel or move on any highway a vehicle having metal spikes, lugs, cleats or bands projecting from the surface of the wheels or tires of such vehicle or any vehicle having caterpillar treads.
- (d) No person shall drive or haul or park on or over any highway within the Village, any vehicle or other type of equipment or thing that causes or is likely to cause damage to the highway.
- (e) No person shall park any vehicle having an offensive odor in any residential area.

- (f) The Village of Clive Public Works Foreman may, when an emergency exists with regards to load restrictions on certain or any portion of a highway, ban said highway to the passage of heavy vehicles and erect signs governing load limits.
- (g) The Village of Clive CAO may, by policy, place load restrictions on certain or any portion of a highway and may determine the time period for said load restrictions.

206

TRUCK ROUTE

No person shall operate a **heavy vehicle** on any highway in the Village, except on a highway designated as a truck route as specified in “Schedule 1”.

EXEMPTIONS

Despite section 206, the following heavy vehicles are authorized to be operated on highways in residential areas;

- (a) Buses - Public Passenger vehicles being operated for the purpose of receiving or delivering passengers,
- (b) Emergency Vehicles - Any emergency vehicles being operated in the service of public interest or during an emergency,
- (c) Utility Vehicles - Public Utility vehicles being operated for the purpose of installing, servicing, or repairing public utilities,
- (d) Village Vehicles - Village owned vehicles being operated in the service of the Village,
- (e) Deliveries - Commercial vehicles delivering or collecting goods, provided that the most direct route, from a truck route, is used and such deliveries or collections are made between the hours of 7:00 A.M. and 11:00 P.M. on any one day, and
- (f) Recreation Vehicles.

208

ENGINE RETARDER BRAKES

No person shall operate engine retarder brakes on diesel powered vehicles within the Village limits.

209

FLASHING GREEN LIGHTS

- (a) Full-time or volunteer firefighters may carry on or in a vehicle, other than an emergency vehicle, a lamp that produces intermittent flashes of green light and may operate the lamp if the vehicle is proceeding to a fire or other emergency.
- (b) No person other than a full-time or volunteer firefighter shall operate a lamp that produces intermittent flashes of green light.
- (c) Nothing in this section shall be construed so as to permit a full-time or volunteer firefighter to operate a vehicle in contravention of Traffic Safety Act, Use of Highway and Rules of the Road or this Bylaw.

210

SPEED LIMITS

No person shall operate a vehicle on any highway within the Village of Clive in excess of the following speed limits;

- (a) Unless otherwise provided for in this Bylaw, the speed limit in the Village shall be fifty (50) kilometers per hour.
- (b) The speed limit in all alleys shall be twenty (20) kilometers per hour.
- (c) Playground Zones and School Zones shall be the same speed limit as set out in the TSA.

PART III**PARKING**

301

PARKING WITHIN SPACES

Any vehicle which exceeds 6.3 meters (20.6 feet) in length is prohibited from parking in an area designed for angle parking except for the purpose of loading or unloading goods from a commercial vehicle.

302

PARKING RESTRICTIONS

Unless required or permitted by this Bylaw or the Traffic Safety Act, or by a traffic control device, or in compliance with the directions of a peace officer or other authorized person, or to avoid conflict with other traffic, a driver shall not stop or park his vehicle:

Painted Curb

(a) On a highway adjacent to a curb or sidewalk that has been marked by being painted a solid colour;

Sidewalk

(b) On a sidewalk or boulevard;

Crosswalk

(c) On a crosswalk or on any part of a crosswalk;

Ambulance and Fire Lane

(d) On the entranceway or exit to any fire hall, ambulance entrance or parking areas designated for emergency vehicles or the vehicle parking of emergency response personnel;

Emergency Exit

(e) So it will in anyway interfere with the use of a doorway intended as an emergency exit from any building fronting or abutting the highway or any private property where signs are displayed.

Intersections

(f) At an intersection nearer than five (5) metres (16.4 feet) to the projection of the corner line immediately ahead or immediately to the rear except when the vehicle is parked in a space where a parking meter or other traffic control device indicates parking is permitted;

Stop/Yield

(g) Within five (5) metres (16.4 feet) upon any approach to any stop or yield sign;

Fire Hydrant

(h) Within five (5) metres (16.4 feet) of any fire hydrant, or when the hydrant is not located at the curb, within five (5) metres (16.4 feet) of the point on the curb nearest to the hydrant;

Crosswalk

(i) Within five (5) metres (16.4 feet) of the near side of a marked crosswalk;

Street Excavation

(j) Alongside or opposite any street excavation or obstruction when stopping or parking would obstruct traffic;

No Park Zone

(k) At any other place where a traffic control device prohibits stopping or parking, during such times as stopping or parking is so prohibited;

Edge or Curb

(l) On the highway side of a vehicle parked or stopped at the curb or edge of a highway;

Access

(m) Within 3 meters of an access to a garage, private road or driveway or a vehicle crossway over a sidewalk;

Cul-de-Sac

- (n) At any angle to the curb in a cul-de-sac unless that vehicle is parked in such a manner as not to interfere with the free flow of traffic in the cul-de-sac;

303 **TIME LIMIT PARKING**

No person shall park a vehicle for a longer period of time than that indicated on any sign placed in a parking area by authority of the Chief Administrative Officer. Where signs are not posted, the parking time limit shall be 72 hours.

304 **HANDICAP PARKING**

No person shall park a vehicle in a parking space where a sign, curb painting or pavement painting indicates that it is for the exclusive use of persons with disabilities who display on their vehicles a handicap placard or license plate that is issued or recognized by Province of Alberta.

305 **PARKING IN AN ALLEY**

No driver shall park in any alley, except a vehicle engaged in loading or unloading goods or passengers for a period of time not exceeding 120 minutes.

306 **PARKING HEAVY VEHICLES**

- (a) No person shall park a heavy vehicle, a tractor with or without a trailer of any type or any type of construction equipment:
- (i) within or abutting any area of the Village designated as a residential area in the Land-Use Bylaw.
 - (ii) on any highway other than that designated by the CAO for parking of such vehicles.

EXCEPTIONS

- (b) Subsection 306 shall not apply to:
- (i) Commercial vehicles while actually loading or unloading of goods, or
 - (ii) Construction equipment being used during construction or improvement of property, provided that such equipment is parked adjacent to the property where such work is being done.
- (c) No person shall park a heavy vehicle with the engine running for more than 10 minutes within any area of the Village designated as a commercial area in the Land Use Bylaw, between the hours of 11:00 p.m. and 7:00 a.m. of any day, unless written permission has been obtained.

307 **RECREATION VEHICLE PARKING**

- (a) Parking of recreation vehicles in residential areas is permitted;
- (i) From May 1 to October 1 recreation vehicles may be parked on a residential highway for a maximum of 72 hours .
 - (ii) From October 1 to April 30 recreation vehicles must be parked on private property on the side yard or rear yard only. Recreation vehicles and trailers parked on a property must be fully contained within the property. No portion of a recreation vehicle or trailer may be permitted to protrude into a public street, laneway or sidewalk.
- (b) No person shall park any recreational trailer upon any highway or public parking lot unless the said trailer is attached to a vehicle by which it may be safely and lawfully propelled or drawn along a highway. When attached to a motor vehicle the trailer is deemed to be part of the motor vehicle.
- (c) No person shall occupy any recreation vehicle or holiday trailer as a dwelling or sleeping place at any time while it is parked on a highway.
- (d) Recreation vehicles may not be permitted to park on a highway or public parking lot if at the discretion of a peace officer the recreation vehicle is considered a traffic or public safety hazard.

308

TRAILERS

No person shall park any trailer, whether designed for occupancy or for the carrying of goods and equipment, upon any highway or public parking lot unless said trailer is fully attached to a vehicle by which it may safely and lawfully be drawn along a highway. When attached to a motor vehicle the trailer is deemed to be part of the motor vehicle.

309

PARKING ON A HIGHWAY

- (a) When parking on a highway, a driver shall park his vehicle with the sides parallel to the curb edge of the highway, and with the right hand wheel thereof not more than 500 mm (19.7 in.) from the right hand curb or edge of the highway.
- (b) Where angle parking is permitted or required, a driver shall park his vehicle with one front wheel not more than 500 millimetres from the curb or edge of the highway and with its sides between and parallel to any two of the visible parking guidelines, or at an angle of between 30 and 60 degrees to the curb or edge of the highway where no parking guidelines are visible.

310

NO PARKING PLAYGROUND RECREATION AREA BUFFER STRIP

No person shall park or drive any vehicle upon any land owned by the Village of Clive which the Village uses or permits to be used as a playground recreation area, utility or public park, buffer strip, land held for resale, or any land in reserve, or on any boulevard except on such parts thereof clearly signed or otherwise authorized by the Village's Chief Administrative Officer or his appointed designate.

311

NO PARKING STREET MAINTENANCE

- (a) Despite any other provision in this Bylaw, the Chief Administration Officer may cause "No Parking Signs" to be placed on or near a highway for highway maintenance or construction purposes. The signs shall be erected 12 hours previous to the work being done.
- (b) When emergency snow removal, street cleaning or other work commences on the signed portion of the highway, then the owner of any vehicle parked 12 hours after the placement of the appropriate signs, shall be in contravention of this section. Vehicles remaining stationary during the 12 hour period mentioned in section (a) shall also be in contravention of this section. Vehicles in contravention may be towed at the owners' expense.

312

ABANDONING A VEHICLE

- (a) No person shall abandon a vehicle on a highway;
- (b) No person shall abandon a vehicle on public or private property without the express or implied consent of the owner or person in lawful possession or control of the property.

72 HOUR LIMIT

- (c) A vehicle left standing, at a location referred to in subsection (1) or (2), for more than 72 consecutive hours shall be deemed to have been abandoned at that location for the purposes of section 4.1 of the Vehicle Seizure and Removal Regulation, the Traffic Safety Act.

EXCEPTION

- (d) Where the abandonment or obstruction is unavoidable due to mechanical failure the operator will not be in breach of this section provided he promptly takes measure to clear the faulty vehicle from the highway.
- (e) Nothing in this section shall be construed as to allow parking contrary to other provisions of the Bylaw.

313

VEHICLE ON JACK

No person shall leave a vehicle unattended on a highway while it is supported by a jack or similar device.

314

DANGEROUS GOODS

- (a) The operation of a vehicle or trailer used in the conveyance of dangerous goods shall be restricted to 50th Street.
- (b) Parking of vehicles or trailers carrying dangerous goods is restricted to 50th Street.
- (c) No person shall park a vehicle or trailer carrying dangerous goods for a longer period of time than two (2) hours.
- (d) No person shall park a vehicle or a trailer used for or designed for the conveyance of dangerous goods nearer than fifteen (15) meters from a building likely to contain persons and such vehicle shall have a warning notice clearly displayed.

315

SERVICING

No person being in charge or control of a garage, service station, radio shop or other premises where repairs or installations are made on vehicles for compensation shall leave or cause or permit to be left on any street a vehicle which is left in his possession for carrying out the repairs or making installations or for any other purpose whatsoever.

PART IV**USE OF STREETS AND PUBLIC PLACES**

401

LITTERING

No person shall place, deposit, or throw in any alley, laneway, highway or parking lot, except in garbage receptacles, any paper, cardboard, glass or other litter.

402

CARRYING WASTE MATERIALS

Operators of vehicles and trailers used for the purpose of carrying waste materials and refuse must adequately enclose, secure or cover the waste material and refuse to prevent any portion of the load from falling or blowing onto any highway or any public or private property.

403

PETROLEUM PRODUCTS

No person shall allow any leaked, spilled or otherwise emitted fuel, solvents, other petroleum based products, effluent, deleterious material or waste of any kind or any other liquids including water, to be leaked, spilled or otherwise emitted onto any highway from any vehicle or trailer, or from any container located on the vehicle or trailer.

In addition to a penalty, any person who allows any leaked, spilled or otherwise emitted fuel, solvents, other petroleum based products, effluent, deleterious material or waste of any kind or any other liquids must have the material or waste cleaned up and disposed of in a safe manner within 24 hours of spillage. Failure to do so may result in the Chief Administrative Officer ordering the Village or its agents to clean up the spillage with said costs of clean up and/or repair payable by the registered owner of the vehicle or trailer.

404

VEHICLES

- (a) No person shall wash, service or repair a vehicle on any highway, sidewalk, or boulevard.
- (b) No person shall wash, repair or service a vehicle near any highway, sidewalk or boulevard within the Village in a manner that allows soap suds, mud, cement, refuse, debris, tar, oil, grease, antifreeze or other vehicle fluids to blow onto or enter the highway, sidewalk or boulevard or enter any sewer system or storm water system.
- (c) No person shall park a vehicle on a highway or public parking lot within the Village that, due to the state of the vehicle, results in mud, cement, refuse, tar, oil, grease, antifreeze or other vehicle fluids being deposited upon the highway or public parking lot or enter a sewer system or storm water system.

- 405 **ELECTRICAL EXTENSION CORD**
No person shall place, or permit to be placed an electrical extension cord across a sidewalk or driveway whereby any person, animal, or vehicle may be in any way injured or damaged.
- 406 **EARTH, ROCKS, AND TREES**
No person shall, without authorization from the Village, deposit any earth, rocks, trees or other substances or objects on any highway, sidewalk or boulevard within the Village and if such deposits have been made without authorization and the Village removes the same, the expense therefore shall be chargeable to the person responsible, which shall be in addition to any fine or penalty imposed by this Bylaw.
- 407 **SIGNS / NOTICES**
Any sign, notice or other object placed on or beside a Village Highway or upon abutting public lands, including boulevards and sidewalks shall be liable to a fine, removal and immediate disposal by the Village without any notice or warning to the owner thereof.
- (a) Garage Sale Exemption
Garage Sale signs are permitted provided they are taken down immediately following the sale date.
- 408 **SNOW, ICE DEBRIS ICE BUILD-UP**
(a) All persons within the Village shall remove or cause to be removed any snow, ice, debris or other materials from any sidewalk adjoining the property owned or occupied by them; such removal is to be completed within 48 hours of the time when the snow, ice, dirt or other obstruction was formed or deposited thereon.
- (b) No person shall remove snow, ice dirt, debris or other material from any sidewalk by causing such material to be placed upon any other portion of the highway.
- (c) No person shall place or permit to be placed any snow, ice, dirt, debris or other material removed from private property onto the highways or other public places of the Village.
- (d) If water drips from an awning, eavestrough or any other area of a building and depositing upon a highway or sidewalk, the owner or occupier of the premises shall clean the sidewalk or highway portion thereof to prevent ice from forming.
- 409 **EXPENSES CHARGED**
The Village may, after the 48 hours, remove and clear away all snow, dirt, debris and any other material required to be removed by Section 408 and recover the expense thereof to the owner or occupant under the provisions of the Municipal Government Act.
- 410 **AT A FIRE**
No person shall pass beyond a point designated by a Peace Officer or a member of the Fire Department near the location of a fire.
- 411 **SIDEWALK OBSTRUCTIONS**
No person shall place any goods, wares, merchandise, or any other articles upon a sidewalk or highway for display or sale outside of a shop warehouse or building so as to obstruct pedestrian or vehicular traffic unless authorized by the Chief Administrative Officer.
- 412 **PEDESTRIANS**
(a) No person shall conduct himself or otherwise position himself on a highway in such a manner as to obstruct vehicular or pedestrian traffic or inconvenience any other person upon the highway.
- (b) No person shall stand in a group of 3 or more persons or so near to each other on any highway as to obstruct the entrance to buildings or to obstruct or

prevent other persons using such highway and forthwith after a request has been made by a Peace Officer or other person duly authorized so to do, the persons shall disperse and move away.

413

HITCH HIKING

No person shall stand upon or walk along a highway for the purpose of soliciting a ride from the driver of any vehicle.

414

OFF-HIGHWAY VEHICLES

No person shall operate an off-highway vehicle within the Village except as provided in this section.

- (a) An owner operator of an off-highway vehicle may travel on a highway for the purpose of;
 - i) a direct route of travel from the owner's residence using the shortest route to areas outside of the Village's corporate limits,
 - ii) a direct route of travel from outside the Village's corporate limits to a pre-determined destination within the Village, or
 - iii) loading or unloading an off-highway vehicle from or onto a trailer or vehicle or into a building or property;
- (b) Peace Officers, or employees of the Village are authorized to operate off-highway vehicles on any highway within the Village while performing their official duties.
- (c) A person who is granted permission by the Chief Administrative Officer is authorized to operate an off-highway vehicle within a route and period of time specified.

PART V**MISCELLANEOUS**

501

PARK BENCHES

No person shall climb or interfere with any street furniture, trees, protection system or any other utility system of the Village.

502

SIGN DAMAGE OR REMOVAL

- (a) No person shall willfully remove, throw down, deface or alter, damage or destroy a traffic control device placed, marked or erected on a highway.
- (b) No person shall tear down, remove or interfere with any barricades or notice of closing or suspension, erected or posted under the authority of this Bylaw.

503

OBSTRUCTION OF TRAFFIC CONTROL DEVICE

No person shall erect, build, or allow the growth of trees, shrubs or of anything that shall in any way obstruct the visibility of a traffic control device.

504

OVERHANGING TREES SHRUBS

- (a) The owner, tenant or occupier of any land adjoining any highway or public place in the Village of Clive shall cause all trees, shrubs and bushes which overhang on the sidewalk or alley of the street, lane or public place to be properly trimmed and cut back, so as to prevent obstruction on the sidewalk, highway or public place to pedestrians or vehicles such that no branches project over a sidewalk at an elevation of less than 225 cm (7.5 ft.) or over a roadway or alley at an elevation of less than 412 cm (13.5 ft.).
 - (i) The Chief Administrative Officer may require any person concerned to comply with the provisions of subsection 504 (a) herein, within ten (10) days of being notified to do so. If the person fails to comply with such notice, the Chief Administrative Officer may direct employees or agents of the Village to enter upon the private property to carry out the necessary work and may charge the cost of so doing against the person in default.
- (b) No person shall plant trees, hedges or shrubs on any boulevard without prior approval from the Chief Administrative Officer.

505

BICYCLES

- (a) Every person operating a bicycle on a highway shall in so far as they are applicable, comply with the provisions and requirements of the Traffic Safety Act except:
- (i) When otherwise instructed by any applicable traffic control device or,
 - (ii) When otherwise directed by a Peace Officer.
- (b) No person shall ride a bicycle in an unsafe manner on any sidewalk within the Village, and shall yield to pedestrian traffic.

506

RESTRICTED AREAS

No person shall ride, coast or propel any cart, sled, toboggan, skis, ice skates, roller skates, roller blades or skate boards or any other similar device in an unsafe manner on any sidewalk within the Village of Clive.

507

ROLLER BLADES/ SKATE BOARDS

- (a) Every person operating a skate board within Clive's corporate limits shall in so far as they are applicable, comply with the provisions and requirements of the Skateboard Bylaw #462-04.
- (b) No person shall ride a skateboard or other wheeled conveyance in a manner which creates a nuisance in, on or near a public place or place of business.

508

SEIZE/ IMPOUND

A peace officer may seize any bicycle, skateboard or other wheeled conveyance that is operated, parked or left in contravention of this By- Law and such bicycle or skateboard may be impounded for a period not exceeding thirty (30) days.

510

STORAGE FEE

- (a) A bicycle or skateboard that has been impounded may be redeemed by the owner at the end of the impound period upon payment to the Village of a storage fee of \$10.00.
- (b) A storage fee shall not apply when a bicycle or skateboard has been stolen and is being claimed by the owner.

511

UNCLAIMED BICYCLES AND SKATEBOARDS

Any bicycle or skateboard which has been impounded and not redeemed by the owner within 60 days of the date of the expiration of the period of impoundment shall become the property of the Village.

PART VI**AUTHORITY OF MUNICIPAL OFFICIALS**

601

TRAFFIC CONTROL DEVICES

- (a) The Chief Administrative Officer is hereby authorized to:
- (i) prescribe the location and placement of every traffic control device and traffic signal in the Village and shall keep a record of such locations and placements and such records shall be available to the public for inspection during normal business hours.
 - (ii) designate crosswalks upon any highway and to cause same to be marked with signs, or lines painted on the surface of the highway.
 - (iii) designate any highway intersection or other place on a highway as a place at which no left hand turn or no right hand turn or both, shall be made, and shall cause the said place to be signed, barricaded, or otherwise restricted.
 - (iv) designate any intersection or place on a highway, including a place where a railway right-of-way crosses a highway, as a place where U-turns are prohibited and shall cause same to be marked with signs prohibiting U-turns.

- (v) designate any area as one in which parking privileges are temporarily suspended in whole or in part to traffic and shall cause such are to be marked with signs.
 - (vi) designate any highway as one to be divided into traffic lanes of such number as is considered proper and shall cause such lanes to be marked with solid and/or broken lines painted on the road surface.
 - (vii) designate "School Zones" and "Playground Zones" and shall cause such zones to be marked by signs posted along the highway, or by markings on the pavement or by signs or lights or both, posted or suspended over the highway.
 - (viii) designate any street as one which is closed temporarily in whole or in part and shall cause such street to be marked by signs or suitable warning devices.
 - (ix) fix a maximum speed limit in respect of any part of a street under construction or repair or in a state of disrepair applicable to all vehicles or any class of vehicles while traveling on that street and shall cause such street to be marked by signs and other suitable warning devices.
 - (x) is hereby authorized to designate any boulevard upon which parking is permitted and shall cause signs, permitting such parking, to be erected thereon.
 - (xi) determine the format of the violation tags, notices and other forms required to administer the Bylaw.
- (b) When the Chief Administration Officer has approved of any highway or a part of a highway being designated for one way traffic, the Chief Administrative Officer shall cause the same to be marked with signs. Despite any other provision in this Bylaw, the Chief Administration Officer may cause moveable signs to be placed on or near a highway.

PART VII

PENALTIES AND ENFORCEMENT

701

TOWING

Any peace officer of the Village is hereby authorized to remove and impound, or cause to be removed and impounded, any vehicle or trailer;

- (a) parked on any highway when in contravention of any provision of this Bylaw,
- (b) that is not registered under the TSA, or
- (c) that is interfering with snow removal or other public works being carried on by the Village.

702

IMPOUNDMENT AND RELEASE OF VEHICLES

Any vehicle impounded under this Section may be released to the owner or his agent upon proof that any costs imposed for towing and/or storage have been paid. No impounded vehicle shall be released to its owner or agent until payment of the costs incurred for the removal of the vehicle, storage of the vehicle and administration is received by the Village of Clive or its agent. Such charge shall be in addition to any fines or penalty imposed in respect of any such violation or to any payment made in lieu of prosecution as provided for in this Bylaw.

703

VIOLATION TAG & VIOLATION TICKET

A Notice of Form commonly called a Violation Tag may be issued by a peace officer to any person who contravenes any provision of this Bylaw, and served as per Section 704, and the Tag shall require the payment to the Village for the specified amount for that particular breach of this Bylaw.

- (a) A Violation Tag issued pursuant to this Bylaw shall be in a form approved by the Chief Administrative Officer and shall state;
 - (i) The name of the person

- (ii) The offence
 - (iii) The appropriate penalty for the offence as specified in “Schedule 2”
 - (iv) The time period in which the specified penalty must be paid in order to avoid prosecution for the alleged offence, and
 - (v) Any other information as may be required by the Chief Administrative Officer
- (b) Where the Violation Tag has been issued and the penalty specified on the Violation Tag has not been paid within the prescribed time as set out in Section 705, the Peace Officer is hereby authorized and empowered to issue a Violation Ticket.
 - (c) A Peace Officer is authorized and empowered to immediately issue a Violation Ticket to any person who the Peace Officer has reasonable and probable grounds to believe is responsible for a contravention of this Bylaw.
 - (d) 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.

704

DEEMED SERVED

- (a) A Violation Tag shall be deemed to be sufficiently served:
 - (i) if served personally on the accused, or
 - (ii) if mailed to the address of the registered owner of the vehicle concerned, or the person concerned, or
 - (iii) if attached to or left upon the vehicle in respect of which the offence is alleged to have been committed.
- (b) Nothing in this Bylaw shall prevent any person from defending a charge of committing a breach of this Bylaw.

705

VOLUNTARY PAYMENT

- (a) Where a Violation Tag has been issued pursuant to this Bylaw, the person to whom the Violation Tag has been issued may pay the appropriate penalty as provided in “Schedule 2” within 20 days and the Village shall accept payment in lieu of prosecution for the offence.
- (b) Where a Violation Ticket has been issued;
 - (i) The person to whom the Violation Ticket has been issued may plead guilty by making a voluntary payment in respect to the summons by delivering to the Provincial Court, on or before the initial appearance date, the Violation Ticket together with an amount equal to the specified penalty for the offence as provided for in a Schedule “2” of this Bylaw.
 - (ii) When a clerk of the Provincial Court records the receipt of a voluntary payment, the act of recording constitutes acceptance of the guilty plea and constitutes the conviction and imposition of a fine in the amount of the specified penalty.

705

GENERAL PENALTY

Except as otherwise provided herein, every person who contravenes any provision of this Bylaw is guilty of an offence, and shall be liable on Summary Conviction to a fine of not less than twenty-five (\$25.00) dollars or more than five hundred (\$500.00) dollars.

706

SPECIFIED PENALTIES

Every person who contravenes any provision of this By-Law, as enumerated in Schedule "2" here in, is guilty of an offence and shall be liable on Summary Conviction to the penalty specified therein for such offence.

PART VIII GENERAL

- 801 It is the intention of the Council that each separate provision of this Bylaw shall be deemed independent of all other provisions, and if any provision of this Bylaw be declared invalid, all other provisions shall remain valid and enforceable
- 802 Schedules 1 and 2 attached hereto shall form part of this Bylaw.
- 803 Village of Clive Traffic Bylaw being #417-98, including all amendments thereto, is hereby repealed.
- 804 This Bylaw shall come into full force and effect on the date it is finally passed by Council.

INTRODUCED AND GIVEN first reading this 13th day of November, A.D. 2012.

GIVEN second reading this 10th day of December, A.D. 2012.

GIVEN third and final reading this 10th day of December, A.D. 2012.

Mayor

Municipal Administrator