

TOWN OF DRUMHELLER**BY-LAW NO. 01-03****A By-law of the Town of Drumheller respecting the regulation and control of vehicle, animal and pedestrian traffic in the Town of Drumheller.**

WHEREAS the Highway Traffic Act, authorizes a municipality to regulate and control:

vehicle, animal and pedestrian traffic and parking on the streets and on other property within the municipality;

AND WHEREAS the Municipal Government Act allows a municipality to pass bylaws and delegate authority in respect to streets under it's direction, control, management and transport thereon;

NOW THEREFORE THE MUNICIPAL COUNCIL OF THE TOWN OF DRUMHELLER ENACTS AS FOLLOWS:

PART I**Short Title and Definition**

1. This By-law may be cited as the "Traffic By-law" of the Town of Drumheller.
2. In this by-law, unless the context otherwise requires:
 - (1) "Act" means the Highway Traffic Act, R.S.A. 2000, Chapter H-8 as amended or substituted from time to time;
 - (2) "alley" means a narrow highway intended chiefly to give access to the rear of buildings and parcels of land;
 - (3) "boulevard" means;
 - (a) that portion of a highway lying between the curb line of a highway and the adjacent property line, whether actually planted or improved or not, excepting that portion occupied by a sidewalk, and
 - (b) where there is no curb, that portion of highway lying between the portion of highway ordinarily travelled by vehicles and the adjacent property line, whether actually planted or not, excepting that portion occupied by a shoulder;
 - (3) "bus" means a bus as defined in the Motor Transport Act;
 - (4) "centre line" means;

- (a) the centre of a roadway measured from the curbs, or in the absence of curbs, from the edge of the roadway, or
 - (b) in the case of a highway designated by traffic control devices;
 - (i) as an offset centre highway, or
 - (ii) as a highway having a certain number of traffic lanes for traffic moving in a certain direction at all times or at specified times the line dividing the lanes for traffic moving in opposite directions, or
 - (c) in the case of a divided highway, that portion of the highway separating the roadways for traffic moving in opposite directions;
- (5) "Town" means the Town of Drumheller;
- (6) "CAO" means the person appointed from time to time by Council to act as "Chief Administrative Officer", or any officer appointed by Council to administer this by-law;
- (7) "commercial vehicle" means a commercial vehicle pursuant to the Motor Vehicle Administration Act;
- (8) "council" means the Council of the Town of Drumheller;
- (9) "crosswalk" means:
- (a) that portion of a roadway at an intersection included within the connection of the lateral line of the sidewalks on opposite sides of the highway measured from the curbs or, in the absence of curbs, from the edges of the roadway, or
 - (b) any part of a roadway at an intersection or elsewhere distinctly indicated for pedestrian crossing by signs or by line or by other markings on the road service;
- (10) "driver" means any person who drives, operates, or is in actual physical control of a vehicle, and the driver or rider of a horse;
- (11) "emergency vehicle" means a vehicle used:
- (a) for police duty,
 - (b) by a fire department,
 - (c) as an ambulance, or
 - (d) for purposes related to maintenance of a public utility of highway and designated as an emergency vehicle by the Town of Drumheller;

- (12) "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
- (i) includes:
 - (a) a sidewalk (including a boulevard portion thereof),
 - (b) where a ditch lies adjacent to and parallel with the roadway, the ditch, and
 - (c) 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,
 - (ii) does not include a place declared by the Lieutenant Governor in Council not to be a highway:
- (13) "implement of husbandry" means a vehicle designed and adapted exclusively for agricultural, horticultural or livestock raising operations;
- (14) "intersection" means the area embraced within the prolongation or connection of,
- (a) the lateral curb lines or, if none,
 - (b) the exterior edges of the roadways,
- of two or more highways which join one another at an angle whether or not one highway crosses the other;
- (15) "judge" means any judge of a competent court in the Province of Alberta or Justice of the Peace;
- (16) "lane" means alley
- (17) "loading zone" means a portion of a roadway adjacent to a curb designated for the exclusive use of vehicles for the loading or unloading of passengers or materials;
- (18) "maximum gross weight" means maximum gross weight as defined in the Regulations under the Motor Transport Act or in the regulations passed pursuant to the said Act;

- (19) “motor cycle” means a motor vehicle mounted on two or three wheels and includes those motor vehicles known to the trade as motor cycles, scooters and power bicycles;
- (20) “motor vehicle” means every vehicle propelled by any power, other than muscular power.
- (21) “parade” or “procession” means any group of pedestrians (excepting a military or funeral procession) numbering more than fifty persons and marching or walking in the street or on the sidewalk or any group of vehicles (excepting a military or funeral procession) numbering ten or more vehicles;
- (22) “park” means to allow a vehicle (whether occupied or not) to remain standing in one place, except:
- (a) when standing temporarily for the purpose of and while actually engaged in loading or unloading passengers, or
 - (b) when standing in obedience to a peace officer or traffic control device;
- (23) “parking lane” means that portion of a highway between a solid yellow line marked on the roadway and the nearest outer edge of the roadway;
- (24) “passenger loading or unloading space” means a space on a roadway marked with an authorized traffic device permitting parking therein which device shall indicate the permitted parking time and the time or times when the space is restricted to these purposes;
- (25) “peace officer” means a member of the Royal Canadian Mounted Police, or a Special Constable appointed by Alberta Justice, or any person authorized by the Chief Administrative Officer to direct or regulate traffic in the municipality;
- (26) “pedestrian” means a person afoot or a person in a wheelchair;
- (27) “private road or driveway” means a place in private ownership and used for vehicular traffic;
- (28) “recreational vehicle” means a vehicle or trailer that is designed, constructed and equipped, either temporarily or permanently, as a dwelling place, living abode or sleeping place, but does not include a vehicle so equipped if that vehicle, without such equipment, is or was also manufactured as a passenger car;
- (29) “roadway” means that portion of a highway intended for use by vehicular traffic;
- (30) “sidewalk” means that part of a highway especially adapted to the use of or ordinarily used by pedestrians, and includes that part of a highway between the curb line thereof (or the edge of the roadway, where there is no curb line) and the

adjacent property line, whether or not paved or improved;

(31) "stop" means:

- (a) when required, a complete cessation from vehicular movement, and
- (b) when prohibited, any halting even momentarily of a vehicle, whether occupied or not, except when necessary to avoid conflict with other traffic or in compliance with the directions of a peace officer or traffic control device;

(32) "time" means Mountain Standard Time wherever used herein;

(33) "traffic control device" means any sign, signal, marking or device placed, marked or erected under the authority of this Act for the purpose of regulating, warning or guiding traffic;

(34) "traffic control sign" means a traffic control device, whether manually, electrically or mechanically operated, by which traffic is directed to stop and to proceed;

- (35) "traffic land" means:
- (a) outside an urban area, a longitudinal division of a roadway into a strip of sufficient width to accommodate the passage of a single line of vehicles but does not mean a parking lane, and
 - (b) inside an urban area, a longitudinal division of a roadway into a strip of sufficient width to accommodate the passage of a single line of vehicles, whether or not the division is indicated by lines on the road surface;
- (36) "trailer" means a vehicle so designed that it may be attached to or drawn by a motor vehicle or tractor 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 road building machinery;
- (37) "truck" means a truck as defined in the Regulations under the Motor Transport Act;
- (38) "truck tractor" means a truck tractor as defined in the Regulations under the Motor Transport Act;
- (39) "truck loading or unloading space" means a space in a roadway marked with an authorized traffic control device permitting truck parking therein, which device shall indicate the permitted parking time and time or times when the space is restricted to these purposes;
- (40) "vehicle" means a motor vehicle.

PART II
Authority of the Police

3. The Non-Commissioned Officer in charge of the Drumheller Detachment of the Royal Canadian Mounted Police, or the Chief Administrative Officer may authorize such persons as they, or any of them deem necessary to direct or regulate traffic in the Town.
4. (1) Any peace officer is hereby authorized to remove or cause to be removed any vehicle, or implement of husbandry:
- (a) parked in contravention of this by-law, or
 - (b) where emergency conditions require, removal from a highway
- to a place designated by the CAO or his agent, where it will remain until claimed by the owner thereof or his agent.

- (2) (a) No impounded vehicle, or implement of husbandry, shall be released to its owner or his agent until the storage charges have been paid to the CAO or his agent,
- (b) Such impounding or storage charges shall be in addition to any fine or penalty imposed in respect on any violation of this by-law, or to any payment made in lieu of prosecution as provided for in Section 38.
- (c) If the vehicle or implement of husbandry has been impounded under emergency conditions the CAO may, in his discretion, waive payment of the storage charges and the Town shall assume the said charges.

PART III **Pedestrians**

5. Three or more persons shall not stand in a group or so near to each other on any highway or sidewalk as to obstruct or prevent other persons from using such highway or sidewalk and forthwith upon request by a peace officer shall disperse and move away.
6. No person shall stand, sit or lie on any highway or sidewalk in such a manner as to obstruct vehicular or pedestrian traffic or as to annoy or disturb any other person lawfully upon the highway or sidewalk.
7. No person shall sit, stand upon, or walk along, a roadway for the purpose of soliciting or solicit, a ride from the driver of any vehicle.

PART IV **Parking**

8. (1) The provisions of this by-law and the Highway Traffic Act relating to the parking of vehicles shall not apply to:
 - (a) trucks and commercial vehicles engaged in loading and/or unloading merchandise on or to premises where lane or alley deliveries are impractical and for which permission has been issued to the owner of such premises and/or truck or commercial vehicle by the CAO or his designate.
 - (b) to emergency vehicles.
- (2) Vehicles permitted under this section to curb load or unload may only park in a parallel position next to the curb.
9. (1) No person shall stop or park any vehicle, or implement of husbandry, on any highway in such a manner as to obstruct the passage of any vehicle.
- (2) No person shall stop or park any vehicle or implement of husbandry in any lane or alley which is twenty (20) feet (6.1 meters) in width or less without providing at least ten (10) feet (3.05 meters) of unimpeded passage on one side of the vehicle for:

- (a) the loading or unloading of goods or passengers from a commercial vehicle for a period not exceeding thirty (30) minutes or
 - (b) the loading or unloading of goods or passengers from a vehicle other than a commercial vehicle for a period not exceeding five (5) minutes.
- 10.
 - (1) No person shall stop or park any vehicle, or implement of husbandry, on any highway for a period in excess of seventy-two (72) hours.
 - (2) An owner or operator of a recreational vehicle for which the vehicle registration shows a Town of Drumheller address shall not park a recreational vehicle on a street in the Town:
 - (a) except in the area of the street immediately adjoining the owner or operator's place of residence, and
 - (b) for more than twenty-four (24) consecutive hours following which the owner or operator shall move the recreational vehicle to an off-street location for a period of not less than forty-eight (48) consecutive hours before the recreational vehicle may be parked again in the same area of the street immediately adjoining the owner or operator's place of residence.
 - (3) No owner or operator of a recreational vehicle shall park the recreational vehicle on any street in the Town in such a manner as to constitute a hazard to other persons using the street.
 - (4) No person shall park a truck having a maximum gross weight in excess of Six Thousand Kilograms (6,000kg.) on any highway within the Town except as otherwise provided in this by-law and except on the highway designated in Schedule C.
 - (5) Except as otherwise provided in this by-law, no person shall park a bus, other than a school bus, on any highway within the Town.
 - (6) Except as otherwise provided in this Bylaw, no person shall park a school bus on any highway within the Town, except that an owner or driver of a school bus may park a school bus in the immediate vicinity of their home unless otherwise directed by a Peace Officer as a consequence of a bona fide complaint by a directly affected person.
- 11.
 - (1) No person shall park or leave a vehicle, or implement of husbandry, on any highway in contravention of posted or erected traffic control devices.
 - (2) The owner of any vehicle or implement of husbandry, left parked in contravention of a snow removal or street cleaning traffic device, shall be charged with unlawful parking and the said vehicle may be removed by a peace officer pursuant to

Section 4 of this by-law.

12. (1) Notwithstanding anything to the contrary herein expressed, the Council may, by resolution, on application, issue a permit to any person for a particular stall, stand or space on any highway within the Town for the exclusive use of the said person for the parking of vehicles.
- (2) The prohibitory provisions of this by-law relating to parking shall not apply to a permit holder for such a stall other than the provisions contained in 11 (2).
- (3) Every application for such a stand, stall or space shall be in writing and shall be accompanied by a deposit in cash sufficient in amount to defray the cost of purchase and installation of such traffic devices as the Council may deem necessary to protect the exclusive use and enjoyment of such assigned stand, stall or space.
- (4) Any permit holder using such a stand for a taxi business shall pay in advance an annual rental therefore at a rate set by Council.
- (5) No unauthorized person shall park any vehicle in any stand, stall or space for which a permit has been issued under this bylaw.
13. (1) No unauthorized person shall park a vehicle, or implement of husbandry in such a manner that any part of the vehicle is within three (3) meters of the centre line of the highway whether or not such centre line is marked on the highway, PROVIDED that the foregoing shall apply only to highways where the portion thereof intended for vehicular traffic is fifteen (15) meters or more in width.
- (2) No owner or operator of a vehicle shall park the vehicle on any street in the Town in such a manner as to constitute a hazard to other persons using the street.
14. Where a vehicle parking space is marked out or designated upon a highway, every driver using the same shall park such vehicle wholly within the limits of the said space.
15. No person shall park any trailer upon any highway unless the said trailer is attached to a vehicle by which it may be propelled or drawn and when so attached the trailer shall be deemed to be part of the vehicle and subject to the provisions of this bylaw pertaining to vehicles.
16. (1) Except as otherwise directed by a traffic control device, no person shall park a vehicle, or implement of husbandry, other than parallel to the curb or edge of the roadway and with the right hand wheels thereof not more than five hundred (500) millimetres from the right hand curb or edge of the roadway.
- (2) In the case of a one-way highway where parking on either side is permitted, the wheels closest to the curb or edge of the roadway shall be not more than five hundred (500) millimetres from that curb or edge and with the vehicle facing the

direction of travel authorized for that highway.

17. Unless otherwise required or permitted by this by-law or by a traffic control device, or in compliance with directions of a peace officer, no person shall stop or park a vehicle, or implement of husbandry:
- (a) on a sidewalk or boulevard, or
 - (b) on a crosswalk or any part of a crosswalk, or
 - (c) within an intersection, or
 - (d) at an intersection nearer than five (5) meters to the projection of the corner property line immediately ahead or immediately to the rear, except when his vehicle is parked in a space where a parking meter or other traffic control device indicates parking permitted, or
 - (e) within five (5) meters upon the approach to any stop sign or yield sign, or
 - (f) within five (5) meters of any fire hydrant, or when the hydrant is not located at the curb, within five (5) meters of the point on the curb nearest the hydrant, or
 - (g) within two (2) meters of an access to a garage, private road or driveway, or a vehicles crossway over a sidewalk, or
 - (h) within five (5) meters of the near side of a marked crosswalk, or
 - (i) alongside or opposite any street, excavation or obstruction when stopping or parking would obstruct traffic, or
 - (j) on any bridge or on the approach thereto, or
 - (k) at any other place where a traffic control device prohibits stopping or parking during such times a stopping or parking is so prohibited, or
 - (l) on the roadway side of a vehicle parked or stopped at the curb or edge of a roadway, or
 - (m) on private land whereupon a prohibitory sign regarding parking has been erected unless such person has first obtained the permission of the owner, tenant, occupant, or person in charge of the said private land, or
 - (n) on land owned by the Town and used as a playground, recreation area or public park, or
 - (o) on space reserved for Town employees, or
 - (p) in a space designated as a taxi cab stand and allotted to a company or as an

open taxicab space unless the vehicle be a taxicab, and if the space be designated for a particular taxicab company belonging to the said particular taxicab company, or

- (q) No Vehicle or combination of Vehicles used for the conveyance of dangerous goods or hazardous materials as defined pursuant to the Dangerous Goods Transportation and Handling Act shall park:
- (i) in a Residential Area, unless the area is designated as a parking area for Vehicles used to convey dangerous goods; and
 - (ii) this section shall not apply where a Vehicle or combination of Vehicles is obliged to be parked while making deliveries in the course of its ordinary business and has a warning notice clearly displayed while parked.

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SPEED OF VEHICLES

18. No person shall drive a vehicle, or implement of husbandry on
- (1) any alley or lane within the Town at a speed greater than fifteen (15) kilometres per hour.
 - (2) Unless otherwise posted the maximum speed limit within the Town of Drumheller corporate limits is 50 kilometres per hour with the exception of Section 18 (1).

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OPERATION OF VEHICLES

19. (1) Except when otherwise directed by a peace officer every driver and pedestrian shall obey any applicable traffic control device.
- (2) Notwithstanding anything in this by-law, every driver and pedestrian shall obey the directions of any peace officer directing traffic.
- (3) Where all or any of the lights of a traffic control device are not operating properly or are not operating at all, every driver and pedestrian shall use the roadway in the vicinity of the traffic control device with caution.
- (4) When repairs or alterations are in progress on or adjoining any highway in the Town and such work is indicated by a traffic control device(s) or by a flagman, no person shall disregard the warning thereby, and shall obey any signal of a flagman on duty at the site of the work.
- (5) Where any vehicle is engaged in such highway repairs or alterations, within an area controlled by a flagman the provisions of this bylaw relating to the operation

and parking of a vehicle shall not apply to such a vehicle.

20. Where an unprotected hose of the Town Fire Department has been laid down on a highway, no person shall drive over such a hose except with the consent of the Town Fire Department official in charge at such place.
21.
 - (1) No person shall operate a vehicle having a gross weight in excess of eight thousand (8,000) kilograms on wheels, rollers or otherwise over or upon any paved highway in the Town, save upon those highways designated as a Provincial Highway and those highways designated in Schedule "E".
 - (2) Council, by resolution, may from time to time amend, vary, enlarge, reduce or delete the said Schedule "C" and Schedule "E".
 - (3) Subsection (1) shall not apply to any vehicle in the Town for the purpose of loading, unloading, or securing repairs or services.
 - (4) Where a vehicle is permitted to operate in excess of eight thousand (8,000) kilograms as defined in subsection (1), in no case shall a person operate a vehicle or combination of vehicles over or on any highway within the Town in excess of their licensed axle weight as defined in the Provincial Public Vehicle Dimension and Weight Regulation without obtaining a permit from the Town prior to the operation of the overloaded vehicles.
 - (5) Council, by resolution, may impose posted weight restrictions (road bans) from time to time.
22. A driver of a vehicle shall not at any time use the vehicle on any roadway to push more than one other vehicle, nor shall two or more drivers on any roadway use their vehicles together to push any other vehicle.
23. Whether traffic at an intersection is controlled by traffic control signals or not and notwithstanding any traffic control signal indication to proceed, a driver of a vehicle shall not drive the vehicle onto an intersection or a marked crosswalk unless there is on the roadway upon which the driver intends to proceed sufficient space to accommodate his vehicle without obstructing the passage of other vehicles or pedestrians.
24.
 - (1) The driver of a vehicle in the lead of a funeral procession shall obey all traffic control devices as well as directions given by a peace officer.
 - (2) Notwithstanding other provisions of this bylaw vehicles in a funeral procession, other than a lead vehicle may, during daylight hours, enter an intersection without stopping, if
 - (a) the headlights of the vehicle are alight,
 - (b) the vehicle is travelling immediately behind the vehicle in front of it so as to form a continuous line of traffic, and

- (c) the passage into the intersection can be made in safety.
- (3) No driver shall:
 - (a) break through the ranks of a military or funeral procession, or
 - (b) break through the ranks of any authorized parade or procession.
- 25. (1) A person shall not leave parked on any highway any self propelled type of vehicle which cannot be moved under its own power.
- (2) Subsection (1) does not apply to a vehicle which has been left parked because of a breakdown or other emergency if the person in charge or control of such vehicle can establish that he has taken immediate action to arrange for the removal of such vehicle.
- 26. (1) The owner of a motor vehicle for which a certificate of registration has been issued under the provisions of the Highway Traffic Act of Alberta is guilty of an offence and liable for any violation of the provisions of this by-law in connection with the motor vehicle unless the owner proves to the satisfaction of the Judge trying the case that at the time of the offence the motor vehicle was not being driven or parked or stopped by him or by any other person with his consent, express or implied.
- (2) Notwithstanding subsection (1), if the owner was not at the time of the offence driving the motor vehicle, he is not, in any event, liable to imprisonment.
- 27. Upon any person being charged with an offence under the provisions of this bylaw, if the Judge trying the case is of the opinion the offence was committed wholly by accident or misadventure and without negligence, and could not by the exercise of reasonable care or caution have been avoided, the Judge may dismiss the case.
- 28. A person other than the owner or driver of a vehicle shall not remove any notice or tag placed on or affixed to the vehicle by a peace officer or other person employed by the Town in the course of his duties.
- 29. (1) For the purpose of this section "maximum weight" means the maximum weight of a vehicle as defined in Section 21.
- (2) Unless he has first obtained a permit as provided in Subsection (6) of this section, a person shall not drive or have on a street a vehicle or combination of attached vehicles with a weight, including or excluding any load thereon, in excess of maximum weight.
- (3) Wherever in his opinion there is a contravention of Subsection (2) of this section, a peace officer may order the driver or other person in charge or control of a vehicle or combination of attached vehicles suspected of being on a street in contravention of such subsection, to take such vehicle or combination of attached vehicles to the nearest adequate weight scale to determine the weight of such

vehicle or combination of attached vehicles and any load carried thereon. The weight slip or slips shall be given to the peace officer and may be retained by him, and if the weight of any loaded vehicle or combination of attached loaded vehicles is in excess of maximum weight, the peace officer, in addition to any prosecution for contravention of

subsection (2) hereof, may require that any load or portion thereof in excess of maximum weight shall be removed before the vehicle or combination of attached vehicles is again taken upon a street.

- (4) A weight slip given to a peace officer under subsection (3) of this section and submitted by him in evidence in Court shall be prima facia proof of authenticity of the weight slip and of the particulars thereon submitted in evidence, and of the accuracy of the weigh scale used.
 - (5) A person driving or in charge or control of a vehicle or combination of attached vehicles suspected by a peace officer of being on the street in contravention of subsection (2) of this section, shall when requested by the peace officer produce for such officer's inspection any official registration certificate for such vehicle or vehicles that may have been issued by the Government of the Province of Alberta, showing the maximum weight of such vehicle or combination of attached vehicles.
 - (6) Notwithstanding the other provisions of this section, a person may apply to the Town for a permit or road use agreement to allow on a street a vehicle or combination of attached vehicles with a weight in excess of maximum weight. Such a permit or road use agreement may be issued under the hands of the CAO for such purposes and for such periods as may be set out therein or the Town may refuse to grant a permit but for any such refusal there shall be an appeal to the Council.
30. (1) Except as otherwise provided in subsection (2) of this section or unless he has first obtained a permit as provided in subsection (3) of this section, a person shall not drive or have on a street a vehicle or combination of attached vehicles with any dimension, including or excluding any load thereon, greater than the following:
- (a) width – three (3) meters;
 - (b) height (from road surface) – 4.15 meters;
 - (c) length (total length of vehicles or combination of attached vehicles) - twenty (20) meters.
- (2) The maximum width of three (3) meters referred to in subsection (1) of this section does not apply to road construction or road maintenance equipment except that if the maximum width of such equipment is in excess of three (3) meters, there shall be conspicuously displayed, at the extreme edge of the equipment, flags during daylight hours and lights at other times.

- (3) Notwithstanding other provisions of this section, a person may apply to the Town for a permit to allow on a street a vehicle or combination of attached vehicles with one dimension or more in excess of the maximum dimensions referred to in subsection (1) of this section. Such a permit may be issued under the hand of the CAO, for such purposes and for such periods as may be set out therein or the Town may refuse to grant a permit but for any such refusal there shall be an appeal to the Council.
31. Every person shall be guilty of an offence against this bylaw who:
- (1) Rides on or permits any other person to ride on the bumper, fender, or other external part of a motor vehicle including the box of a truck.
 - (2) Applies or engages engine retarder brakes on any truck in any part of the Town.
32. (1) No person shall allow trees, hedges, or shrubs on private property within five (5) meters of a highway, whether planted before or after the date of the passing of this bylaw, to grow to such a height that good visibility for safe traffic flow is hereby interfered with.
- (2) The CAO may require any owner, tenant or other person having control of the property, to comply with the provisions of subsection (1) hereof within ten (10) days of being notified to do so. If the person fails to comply with such notice the CAO may direct employees or agents of the Town to enter upon the private property to carry out necessary work and may charge the cost of so doing against the said property.
- (3) (a) No person shall erect, cause to be erected, built or placed or continue in existence after the date of the passing of this by-law any fence, wall or other object on private property within five (5) meters of a highway intersection if the said fence, wall or other object interferes or will interfere with good visibility for safe traffic flow.
- (b) Where a person is required to remove or reduce in height, a fence, wall or other object in existence prior to the passing of this bylaw, he shall be reimbursed by the Town for the cost of so doing.
- (4) Nothing contained in this section shall affect the liability of any person to prosecution for breach of this section.
33. (1) No person shall place any sign, notice or structure upon a Town highway, boulevard or upon allotting Town property, including public walks, unless authorized by the CAO to do so.
- (2) Any sign, notice or other object placed on or beside a Town highway or upon

allotting public lands, including boulevards shall be liable to removal and immediate disposal by the Town without any notice or warning to the owner thereof.

- (3) No person shall place, direct or lay any cord or other medium capable of conducting an electrical current on or across any portion of any Town sidewalk, street, easement or right-of-way.
 - (4) Notwithstanding subsection (3), a person may place or direct any cord or other medium capable of conducting an electrical current above any Town sidewalk, providing the said cord or medium is at a height of not less than seven (7) feet above such sidewalk and is firmly fastened to solid objects at the height of seven (7) feet on both sides of the sidewalk.
- 34.
- (1) No person shall wash or permit a vehicle to be washed upon a highway or so near a highway so as to result in water, mud, slush, or ice upon the highway or any public sidewalk.
 - (2) No person shall drain the radiator of a vehicle upon a highway so that the contents of the radiator fall upon the highway.
 - (3) No person operating business premises to which entry or exit for vehicles is made by a crossing located between the highway curb and the private property line shall permit water, mud, slush, ice or icy or frozen snow to remain on the sidewalk or highway portion of such crossing, but shall keep the same clear of all substances as may be or become a hazard to pedestrians.
- 35.
- (1)
 - (a) No person shall hold or take part in any parade or procession without their first having obtained from the CAO a permit for the parade or procession to be held.
 - (b) Every member of a parade or procession and the organization and leaders thereof shall be guilty of an offence for each and every violation of this section.
 - (2) Any person desiring to hold a parade or procession within the Town of Drumheller shall at least 48 hours prior to the time they desire to hold the same make application in writing to the CAO and in such application shall furnish to the CAO information with respect to the following, namely:
 - (a) The name and address of the applicant, and if such application is an organization, the names, addresses, and occupations of the executive thereof;
 - (b) The nature and object of such parade or procession;
 - (c) The day, date and hours during which same will be held;
 - (d) The intended route thereof;

- (e) The approximate number of persons who will take part therein;
 - (f) The approximate size, number and nature of flags, banners, placards or such similar things to be carried therein and particulars of signs, inscription and wording to be exhibited thereon; and such written application shall bear the signatures and addresses of the persons who will be in control of such parade or procession and who undertake to be responsible for the good order and conduct thereof;
- (3) The CAO is hereby authorized to issue permits for parades or processions. The CAO may for any reasons which appear to him proper, refuse to issue a permit but in the event of such refusal the applicants concerned may apply to Council therefore and Council may by resolution or otherwise direct the issue of such permit subject to the provisions of this bylaw.
- (4) The CAO shall fix the hour and route of the parade or procession and give such directions to the applications in regard to such parade or procession as in his opinion will prevent any unnecessary and unreasonable obstruction to the highway and tend to prevent a breach of the peace, and the CAO shall make the necessary arrangements for the proper policing of the highway in connection with such parade or procession.
- (5) During such parade or procession all pedestrians not taking part herein shall be restricted to the use of the sidewalk and it shall be the duty of the police to keep all pedestrians on and restrict them to the use of the sidewalk.

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TRAFFIC CONTROL DEVICES

36. (1) The CAO is hereby authorized to place and maintain or cause to be placed and maintained such traffic control devices as he deems and may deem advisable.
- (2) The design, make, shape, height and place of erection of such traffic control devices shall be determined by the CAO.
- (3) The CAO shall maintain in his office or at such place as he shall advise, records indicating the place of erection of all traffic control devices in the Town and such records shall be kept available for public review.
37. In any prosecution under this bylaw, existence of a traffic control device is prima facia proof that the device was properly designated and erected by the proper authority without other or further proof thereof.
38. (1) A notice commonly called a "traffic tag" and having printed wording approved by the CAO may be issued by a peace officer to any person alleged to have breached any provision of this bylaw.
- (2) Such Notice shall require the payment to such person as the Council may designate and the amount of such payment shall be determined by the nature of

the violation, the amount of such penalty being set forth in Schedules A, B, & D.

- (3) Service of any notice or tag shall be sufficient if it is:
 - (a) personally served, or
 - (b) served by mail, or
 - (c) attached to the vehicle in respect of which an offence is alleged to have been committed.
 - (4) Upon production of any such "notice" or "tag" within seven (7) days from the date of service thereof, together with payment of the sum required under the appropriate Schedule, an official receipt shall be issued, and, subject to the provisions of subsection (4) and (5), such payment shall be accepted in lieu of prosecution.
 - (5) If the person upon whom any such notice or tag is served fails to pay the required sum within the time designated, the provisions of Section 38 of payment in lieu of prosecution do not apply and the provisions of Section 39 shall apply.
 - (6) Nothing contained in this bylaw shall:
 - (a) prevent any person from exercising his right to defend any charge of committing a breach of any of the sections of this by-law;
 - (b) prevent any peace officer, in lieu of serving a notice or tag, or any other person, from laying any information or complaint against any other person for committing a breach of any of the sections of this bylaw.
 - (c) prevent any person from exercising any legal right such person may have to lay any information or complaint against any other person (whether such other person has made a payment under the provisions of this bylaw or not) for a breach of any of the sections of this bylaw.
39. Any person violating any of the provisions of this by-law shall be liable on summary conviction before a Provincial Court Judge having jurisdiction therein, to a penalty not exceeding Five hundred (\$500.00) Dollars exclusive of costs or in case of non-payment of fine and costs imposed to imprisonment for any period not exceeding sixty (60) days unless such fine and costs, including the costs of committal, are sooner paid.
40. If any person is in default in doing any matter or thing by this bylaw directed to be done, the matter or thing may be done by the Town at the expense of the person in default and the Town may recover the expenses thereof with costs, by action in any court of competent jurisdiction on in like manner as municipal taxes.

41. If, by reason of the breach or non-observance by any person of any provisions of this bylaw, any expense has been incurred by the Town for or in connection with the moving or storage of a vehicle or obstruction moved from a street, public place, civic or private parking lot or private property, the amount of the expense so incurred shall be added to the amount of any fine imposed in respect of such breach or non-observance or added to the amount of a payment made in lieu of prosecution pursuant to Section 38 of this bylaw, and the person concerned shall be required to pay the amount of such expense in addition to the fine, penalty, or payment made in lieu of prosecution, as the case may be.

AUTHORITY OF TOWN COUNCIL

42. Wherever in this bylaw Council has delegated certain powers to any person or persons, Council, notwithstanding such delegation, may also exercise any of such powers.
43. A peace officer or person directed by him to effect removal of a vehicle pursuant to this bylaw, may if it be necessary, forcibly unlock a door of the vehicle and release the brake, put the vehicle in neutral gear, or do such thing as may reasonably be required to facilitate the removal of such vehicle.

Save where previous bylaw is repealed.

Bylaws 653, 687, 7-74, 33-81 and 24-00 are hereby repealed.

READ a first time this 7th day of April, A.D. 2003.

READ a second time this 7th day of April, A.D. 2003.

READ a third time and finally passed this 7th day of April, A.D. 2003.

PAUL AINSCOUGH
MAYOR

RAY ROMANETZ
CHIEF ADMINISTRATIVE OFFICER

SCHEDULE TO BY-LAW NO. 01- 03

- SCHEDULE "A" (\$50.00) A breach or non-observance of any provision of this bylaw relating to the parking or operation of motor vehicles.
- SCHEDULE "B" (\$50.00) A breach or non-observance by a pedestrian of the provisions of this bylaw.
- SCHEDULE "C" #9 Highway commencing at the northerly Town limits thence southerly along Bridge Street across the Red Deer River Bridge and thence southerly along 2nd Street West across the Canadian National Railway tracks to the intersection of the said 2nd Street West with South Railway Avenue thence easterly along South Railway Avenue to 5th Street East thence southerly along 5th Street East to the Southerly Town limits and vice versa.
- SCHEDULE "D" A breach or non-observance of Section 21 (1) of this bylaw shall result in a fine of not less than \$100.00 for each 500 kilograms overweight.
- SCHEDULE "E"
- 6th Avenue S.E. west of Highway 9
 - 2nd Street S.E. between Highway 9 and 7th Avenue S.E.
 - Service Road south of 11th Avenue S.E. adjacent to Highway 9 (west side)
 - Premier Road
 - 9th Street S.W.
 - Elgin Close
 - Elgin Hill Road
 - Grove Place
 - Centre Street (Rosedale)
 - Refer to attached Map entitled Schedule "E"