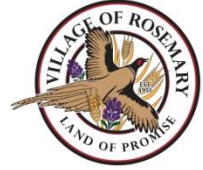


Village of Rosemary  
In the Province of Alberta



Bylaw No. 480-20  
Traffic Bylaw

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A Bylaw of the Village of Rosemary in the Province of Alberta for the purpose of regulating highway traffic.

**WHEREAS** the Council of the Village of Rosemary has the authority, under Section 191 of the Municipal Government Act, R.S.A. 2000, c-M26 and related amendments, to enact Bylaws not inconsistent with the Traffic Safety Act concerning highways under its' direction, control and management;

**NOW THEREFORE** pursuant to the Traffic Safety Act, R.S.A. 2000, c T-6 the Village of Rosemary enacts as follows:

**SECTION 1 – SHORT TITLE**

This Bylaw may be cited as the “Traffic Bylaw”.

**SECTION 2 – DEFINITIONS**

- (1) Wherever in the Bylaw the following terms are used, they shall have the meanings respectively ascribed to them in this section. Any terms not defined in this Bylaw shall have the meaning as defined in the *Traffic Safety Act* and the *Use of Highway and Rules of the Road Regulation (AR304/2002)*
- (2) Notwithstanding Section 2(1):
  - a) **“Act”** means the Traffic Safety Act, R.S.A. 2000, cT-6, as amended or replaced from time to time;
  - b) **“Bylaw”** means the Village of Rosemary Traffic Bylaw No.480-20 as maybe amended from time to time;
  - c) **“Chief Administrative Officer (CAO)”** means the Chief Administrative Officer of the Village of Rosemary regardless of any subsequent title that may be conferred on that officer by Council or statute, or his designate;
  - d) **“Commercial Vehicle”** means any vehicle:
    - i. From which sales are made of goods, ware, merchandise, or commodity to a purchaser thereof; or
    - ii. That is used for making delivery of goods, wares, merchandise, or commodity to a purchaser or consignee thereof;Except a vehicle that is either:
    - i. A public service vehicle; or

- ii. Of class that is exempt from being classified a commercial vehicle by the Regulation or by an order of Alberta Transportation
- e) **“Council”** means the Municipal Council of the Village of Rosemary;
- f) **“Driver or Operator”** means a person who drives or is in actual physical control of a vehicle.
- g) **“Emergency Vehicle”** means a motor vehicle used:
  - i. by a Fire Department;
  - ii. as an ambulance; or,
  - iii. by a Peace Officer
- h) **“Gross Vehicle Weight”** shall mean the aggregate weight of the unloaded vehicle and the weight of the load which that vehicle is licensed to carry for the purpose of enforcing this Bylaw. The terms “GVW”, “Gross Vehicle Weight”, “Licensed Mass”, “Licensed Maximum Gross Weight”, “Maximum Gross Weight”, and “Registered Weight” shall carry the same meaning;
- i) **“Heavy Truck”** shall mean a Motor Vehicle with a gross weight of six thousand five hundred (6500) Kilograms or more or exceeding eleven (11) metres in length.
- j) **“Highway”** means any thoroughfare, street, road, trail, avenue, parkway, driveway, viaduct, lane, alley, square, bridge, causeway, trestle way or other place or any part of any of them, whether publicly or privately owned, that the public is ordinarily entitled or permitted to use for the passage or parking of vehicles and includes a sidewalk, including a boulevard adjacent to the sidewalk, if a ditch lies adjacent to and parallel with the roadway, the ditch, and if a highway right of way is contained between fences or between a fence and one side of the roadway, all the land between the fences, or all the land between the fence and the edge of the roadway, as the case may be, but does not include a place declared by regulation not to be a highway as defined in the Act;
- k) **“Loading Zone”** shall mean that portion of a street adjacent to the curb or the side of street so designated for the exclusive use of vehicles loading or unloading of goods or passengers;
- l) **“Off-Highway Vehicle”** shall have the same meaning as “Off-Highway Vehicle” as defined in The Traffic Safety Act, R. | S.A. 2000, cT-6, as amended or replaced from time to time;
- m) **“Passenger Zone”** shall mean any space on a street designated for the loading or unloading of passengers only;
- n) **“Peace Officer”** means:
  - i. a member of the Royal Canadian Mounted Police
  - ii. a Community Peace Officer as appointed by the Solicitor General or Alberta and is under contract from another Municipality or;
  - iii. a Bylaw Officer as appointed by the Municipality to enforce bylaws of the Municipality.

- o) **"Public Vehicle"** shall have the same meaning as "Private Passenger Vehicle" as defined in The Traffic Safety Act, R. |S.A. 2000, cT-6, as amended or replaced from time to time;
- p) **"Recreation Vehicle"** shall mean a vehicle or combination of a vehicle and trailer designated for vacation, camping or similar recreation purposes and shall include light trailers designed for hauling watercraft, snowmobiles, all-terrain vehicles, etc.;
- q) **"Regulation"** means the Use of Highway and Rules of the Road Regulation, (A.R. 304/2002) made pursuant to the Act.
- r) **"Roadway"** means that part of a highway intended for use by vehicular traffic.
- s) **"sidewalk"** means that part of highway especially adapted to the use of or ordinarily used by pedestrians, and includes that part of a highway between the curb line (or edge of the roadway, where there is no curb line) and the adjacent property line, whether or not paved or improved.
- t) **"skateboard"** means a wheeled device controlled or propelled by gravity or by the muscular energy of the rider, including roller skates, in-line skates, scooters or other similar recreational devices; but does not include any bicycle, unicycle, tricycle, wheelchair, mobility aid, baby or adult stroller.
- u) **"Stop"** means:
  - i. when required, a complete cessation from vehicular movement, and
  - ii. 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.
- v) **"traffic control device"** means any sign, signal, marking or device placed, marked or erected under the authority of this Bylaw for the purpose of regulating, warning or guiding traffic.
- w) **"trailer"** means a vehicle so designed that it may be attached to or drawn by a motor vehicle and intended to transport property or persons and includes any trailer that is designed, constructed and equipped as a dwelling place, living abode or sleeping place, either permanently or temporarily, but does not include machinery or equipment used in the construction or maintenance of highways.
- x) **"heavy truck route"** means the Heavy Truck Route and areas included in the Heavy Truck Route, shown and described in Schedule "B" of this Bylaw
- y) **"truck tractor"** has the same meaning as in the Commercial Vehicle Dimension and Weight Regulation AR 315/2002.
- z) **"vehicle"** means a device in, on or by which a person or thing may be transported or drawn on a highway.
- aa) **"violation tag"** means a notice or tag in a form as approved by the CAO, issued by the Municipality allowing a voluntary payment option of a fine established under this Bylaw. A

Violation tag may also be one used by an agency under contract to the Village.

- bb) **“violation ticket”** means a ticket issued pursuant to Part II of the Provincial Offences Procedures Act, RSA 2000, C P-34, as amended and any regulations thereto.

### **SECTION 3 - CHIEF ADMINISTRATIVE OFFICER AUTHORITY**

- (1) The Council of the Village of Rosemary hereby delegates to the Chief Administrative Officer power to prescribe where traffic control devices are to be located. The Council directs the Chief Administrative Officer to maintain a record of such locations and that record shall be made available to the public during normal office hours.
- (2) Without restricting the generality of the above subsection (3(1)), the Chief Administrative Officer is authorized to:
  - a) Designate playground zones, school zones, safety zones, passenger and loading zones and cause the same to be marked with signs or pavement marking or both;
  - b) Designate those intersections where right turns, left turns, U-turns, or any turns are prohibited and shall cause those intersections to be marked with signs;
  - c) Designate those areas where angle parking or parallel parking is permitted for a specified period of time or where parking is prohibited and shall cause those areas to be marked with signs, curb or pavement markings, or both;
  - d) 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;
  - e) Fix a minimum 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 vehicle while travelling on that street and shall cause such street to be marked by signs and other suitable warning devices;
  - f) Impose temporary weight restrictions on street as may be necessary to protect the surface of the streets;
  - g) Designate any street, avenue, or alley within the Village of Rosemary as a “No Parking Zone” for the purpose of grading, snow removal, maintenance and repair as required, or for the purpose of a parade or special event when authorized;
  - h) Authorize the holding of a parade or procession and shall provide a permit for same if he/she deems it in order. In the event the Chief Administrative Officer refuses to issue a permit for any reason, the applicants may apply to the Council who may, by resolution, direct the issue of such permit subject to the provisions of this Bylaw.

**SECTION 4 – PARKING**

- (1) When parking a vehicle on a roadway where permitted, a person may only park a vehicle:
  - a) With:
    - i. the sides of the vehicle parallel to the curb or edge of the roadway, and
    - ii. the right wheels of the vehicle not more than 500 millimetres from the right curb or edge of the roadway, or,
  - b) in the case of a one-way highway where parking on either side is permitted, with
    - i. the sides of the vehicle parallel to the curb or edge of the roadway.
    - ii. the wheels that are the closest to a curb or edge of the roadway not more than 500 millimetres from that curb or edge, and
    - iii. the vehicle facing in the direction of travel authorized for the highway.
- (2) Notwithstanding section 4(1), a person may park a motorcycle:
  - a) at an angle, other than perpendicular, to the curb or edge of the roadway, and with
  - b) a wheel of the motorcycle not more than 500 millimetres from the curb or edge of the roadway.
- (3) Section 4(1) does not apply where angle parking is permitted or required.
- (4) A person driving a vehicle shall not, unless required or permitted by the Act, the Regulation, this Bylaw or by a traffic control device, or in compliance with a direction given by a Peace Officer, or to avoid conflict with other traffic, stop or park the vehicle at the following locations:
  - a) on a sidewalk;
  - b) on a crosswalk or on any part of a crosswalk;
  - c) within an intersection other than immediately next to the curb in a “T” intersection;
  - d) Within an intersection nearer than 5m to the projection of the corner property 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;
  - e) in the case of an approach to a stop sign or yield sign, within 5 meters from the stop sign or yield sign;
  - f) within 5 metres from any fire hydrant, or when the hydrant is not located at the curb, within 5m from the point on the curb nearest the hydrant;
  - g) within 1.5 metres from an access to a garage, private road or driveway or a vehicle crossway over a sidewalk
  - h) within 5 metres from the near side of a marked crosswalk;
  - i) alongside or opposite any street excavation or obstruction when the stopping or parking would obstruct traffic;
  - j) at any place where a traffic control device prohibits stopping or parking, during the times stopping or parking is so prohibited;
  - k) on the roadway side of a vehicle that is parked or stopped at the curb or edge of the roadway;
  - l) 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;

- m) if a highway is divided into 2 or more roadways by a boulevard, ditch or other physical barrier, on that portion of the highway that is to the left of the yellow line except in an emergency situation where the vehicle is disabled and it is not practicable to move the vehicle to the far right side of the highway.
- (5) No person shall park any school bus, commercial vehicle, truck tractor, or a combination of a truck tractor and trailer, weighing more than 6,500 Kilograms, or length of more than 6 metres, upon any highway except where such parking is expressly permitted, or in an Industrial or Commercial District as defined in the Village of Rosemary Land Use Bylaw, except for the purpose of loading or unloading such vehicle.
- (6) No person shall park a vehicle in an alley except when actively loading or unloading goods or passengers from the vehicle.
- (7) No person shall park any trailer, whether designed for occupancy or load carrying, on any highway unless such trailer is attached to a vehicle by which it may be propelled or drawn and when so attached, the trailer shall be considered a part of the towing vehicle and subject to any regulations pertaining to the vehicle.
- a) Notwithstanding Section 7, a trailer may be parked on the portion of the boulevard adjacent and parallel to the owner's property from May 1<sup>st</sup> to October 1<sup>st</sup> if:
    - i. there is adequate space available;
    - ii. the trailer is registered;
    - iii. the trailer is blocked from rolling;
    - iv. the trailer does not impede the view of intersections for vehicles or pedestrians; and
    - v. parking of the trailer does not contravene any other portion of this Bylaw
- (8) No person shall park or stand any recreational vehicle or trailer attached to a vehicle, on any highway within the Village for a period of more than 72 hours.
- (9) No person shall park or stop a motor vehicle in a disabled parking place unless:
  - a) that motor vehicle is visibly displaying a current disabled parking placard or license plate; and
  - b) unless they have with them or are picking up the person to whom such placard or license plate was issued.
- (10) No owner or operator of a vehicle shall park or permit parking of the vehicle on any private property posted by a sign or not without the prior permission of the owner, tenant, occupant, or person in control of the property.
- (11) No person shall park a motor vehicle in such a manner as to constitute a hazard to other persons using the highway.

- (12) No Farm or commercial vehicle over 6,500 kilograms shall be parked on any residential streets in the Village except when conducting normal business.
- (13) School buses shall only be parked and operated on bus routes approved by the CAO.
- (14) No person shall leave a vehicle unattended on a highway while it is supported by a jack or similar device.
- (15) No person shall leave the motor of a diesel motor vehicle running in a residential area for a period of time longer than twenty minutes.
- (16) No person shall leave any motor vehicle parked on a highway for a continuous period exceeding seventy-two (72) hour
- (17) When a vehicle is parked on any highway, parking lot or public place and is in violation of a provision of this Bylaw or Regulation, it may be removed and impounded and the cost thereof may be charged against the owner and/or operator of said vehicle.

#### **SECTION 5 – EXEMPTION FROM PARKING PROVISIONS**

- (1) Notwithstanding anything elsewhere contained in this bylaw the provisions relating to stopping or parking of vehicles do not apply to:
  - a) emergency vehicles;
  - b) service vehicles used in conjunction with the servicing of public utilities including telephone systems, electrical systems, natural gas systems; or
  - c) Municipal and other Government Public Works vehicles.
- (2) Notwithstanding anything in this Bylaw, the CAO may issue a permit exempting a vehicle for any period of time and from such provisions of this bylaw pertaining to stopping or parking vehicles as may be specified therein, which permit shall not be valid unless attached to the inside of the vehicle in respect of which it is issued so as to be clearly legible from outside thereof.

#### **SECTION 6 – PARADES AND PROCESSIONS**

- (1) No person shall hold or take part in any parade or procession unless prior written approval has been first obtained from the CAO.
- (2) Notwithstanding subsection 6(2), a funeral procession does not require written approval.
- (3) A person driving in a funeral Procession, other than the lead Vehicle, may proceed through a stop sign or other Traffic Control Device during daylight hours without stopping if:
  - a) the Vehicle's hazard 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 into the intersection can be made in safety.
- (4) No person shall break into the ranks of or disrupt a Parade, Procession or Special Event.

## SECTION 7 – PEDESTRIANS, SIDEWALKS

- (1) No person shall run or race on any highway or sidewalk in a manner that is distracting or dangerous to other people. This section shall not apply to any organized or authorized road race that has been approved by the Village.
- (2) No person shall:
  - a) throw any dangerous objects, stones, refuse, litter, snowballs or other objects onto or over any highway;
  - b) use any bow and arrow or catapult or other similar mechanism on any highway;
  - c) set off or throw any fireworks or thing of like nature onto or over any highway or other public place without a permit authorizing such use by the Village; or
  - d) set fire to any combustible material or light a bonfire on any highway;
- (3) No person shall climb any railing or fence or tree or any post, pole or structure lawfully erected on or adjacent to a street, unless they have proper authority to do so.
- (4) No person shall pull down, deface or destroy any sign, board or notice lawfully placed on or adjacent to any street.
- (5) No person shall leave, store or deposit or permit to accumulate on any street or sidewalk any article or thing that may be dangerous or in any way interfere with the proper use of the street or sidewalk or interrupt the free flow of vehicular or pedestrian traffic, nor shall any waste paper, debris, or things be left on any street, alley, highway, sidewalk or public place in the Village.
- (6) No person shall coast, toboggan or ski on any highway.
- (7) A person operating a bicycle on a sidewalk shall:
  - a) yield the right of way to pedestrians;
  - b) use a bell or other audible signal before overtaking and passing a pedestrian; and
  - c) not operate the bicycle in a reckless manner.
- (8) A person may draw, push or propel:
  - a) a two-wheeled cart or other similar personal grocery carrier;
  - b) a baby carriage, skateboard, in-line skate or other similar wheeled vehicle, a child cart, a wheeled device for carrying a child or disabled individual, powered or manual wheelchair or;
  - c) a child's tricycle or child's bicycle with training wheelson or along a sidewalk in such a way as to not interfere with other pedestrians using the sidewalk.



- (9) No person shall ride a horse or any other animal upon a sidewalk or boulevard.
- (10) No person shall place any electric cord, hose, ropes, and pipe or like obstruction above or across a sidewalk or boulevard.
  - a) Power chords are exempt when hanging over the sidewalk during the winter months for the purpose of having a motor vehicle plugged in.
- (11) Skateboards may be used or operated on or at any public place unless such activity is prohibited by a sign posted with such restriction or prohibition. Operation of skateboards in or on a public place is subject to the following conditions:
  - a) the use of skateboards does not damage the public place, and
  - b) the use of skateboards does not unnecessarily impede or endanger pedestrians.
- (12) A person may, in such a way as to not injure or unduly interfere with any other person lawfully using the sidewalk, use a power driven device that is sufficiently light and of such construction that it will not injure the surface of the sidewalk, to remove snow, ice, dirt or other foreign matter from any portion of the sidewalk for which he is responsible pursuant to the provisions of this bylaw.

**SECTION 8 – PARKS, PUBLIC PLACES**

- (1) No person shall drive a motor vehicle, off-highway vehicle, horse-drawn vehicle or ride a horse or other animal upon any public park except along routes provided for that purpose. The CAO may permit certain vehicles in any of the aforementioned locations for the purpose of maintenance, public security or special events.

**SECTION 9 – CONSTRUCTION, EXCAVATING, BUILDING**

- (1) No person shall break, tear up or remove any planking, pavement, sidewalk, curbing, gravel or other road surface or make excavation in or under any sidewalk or roadway for the purpose of building or otherwise, without first having obtained permission from the CAO to do so and such permit being granted, the work shall be carried out under the direction of the CAO. The CAO shall inspect all such work being done and, upon termination of the work, all materials shall be replaced, and any damages made good by the parties concerned. Such work shall be carried out as expediently as possible and without unnecessary delay. Furthermore, any person or party to whom permission has been granted to carry out any work of the foregoing nature, shall be liable for any or all accidents or damages that may occur to any person or property by reason thereof, and shall keep and maintain such lights, barricades or watchman or other precautions to safeguard and protect the public from injury or loss, and shall be responsible for costs incidental to the same.

**SECTION 11 – SNOW, ICE, AND DUST**

- (1) All persons within the Village shall remove and clean away, as soon as possible and in any case within 24 hours, all snow, ice, dirt or debris and other obstructions from the sidewalk adjacent to the premises owned or occupied by them.

**SECTION 12 – MOTORIZED AND OFF HIGHWAY VEHICLES**

- (1) No person shall operate any off-highway vehicle on a highway or park within the Village unless they have been given authorization from the CAO and:
  - i. the Off-Highway Vehicle is registered and insured;
  - ii. the operator is using the most direct out of the Village;
  - iii. the Off-Highway Vehicle is being used in a safer manner;
- (2) The CAO may authorize the operation of off highway vehicles within the Village for the purpose of maintenance, public security, or special events.
- (3) The CAO may authorize the operation of motorized vehicles within areas designated as parks or urban reserve within the Municipality for the purpose of maintenance, public security, or special events.

**SECTION 13 – SPEED LIMITS**

- (1) The speed limit for all streets and avenues throughout the Village of Rosemary shall be 40 km/hour, unless otherwise posted.
- (2) No person shall exceed 40 km/hour on any street or avenue in the Village of Rosemary when operating a motor vehicle.
- (3) No person shall drive a motor vehicle in or on any alley exceeding 20 km/hour.
- (4) In designated Playground Zones within the Village of Rosemary, no person shall drive a motor vehicle at a greater speed than 30 km/hour between the hours of 7 am and 9 pm.

**SECTION 14 – VEHICLES WITH LUGS**

- (1) No person shall drive, propel or move on any highway any vehicle having metal spikes, lugs, cleats or bands projecting from the surface of the wheel or tire of such vehicles or any vehicle having a stud tractor tread. Studded snow tires are exempted.

**SECTION 15 – GENERAL PROVISIONS**

- (1) No person shall:
  - a) allow the growth of trees or shrubs on private property that shall in any way obstruct the visibility of a traffic control device;
  - b) allow trees, hedges or shrubs on private property within 5 (five) meters of a street intersection, whether planted before or after the date of the passing of this Bylaw, to grow to such a height or width that good visibility for safe traffic flow is thereby interfered with, or
  - c) allow trees or hedges to grow in a manner so as to overhang a sidewalk or highway thereby obstructing the sidewalk or highway, pedestrians or vehicles.
- (2) If a person is directed by a Peace Officer to take corrective actions when in contravention of Section 15(1) and fails to carry out such direction within seven days, the Village may take the

necessary actions to correct the contravention, and if the cost of such work is not paid on demand by the owner or occupant of the property in question, the Village may recover the expense of such work with costs by action in any court of jurisdiction or may charge the expense of the work as taxes against such property.

- (3) A person shall not build, place, erect, or allow to continue in existence a fence, wall, or structure, other than a building on private property adjacent to and within 5 meters from an intersection to a height greater than one meter.
- (4) If contrary to the provisions of subsection 15(3) any such fence, wall or structure other than a building, is erected beyond the maximum height allowed by the said subsection the Peace Officer, or other employee of the Village may order the person who built, placed, erected or who is responsible for the continuing existence of the fence, wall or other object to remove or reduce the height of same. The person responsible therefore shall forthwith, at his own expense, remove or reduce the height of the fence, wall or other structure to the maximum height allowed by Subsection 15(3). If the person responsible for the same neglects or refuses to reduce the height as required the Village may remove or reduce the height of same and may charge the cost thereof to the person on whose land said fence, wall or structure exists, and the Village may recover said cost by action in a court of competent jurisdiction, or may charge said cost as taxes against the subject property.
- (5) The maximum height provided in Subsection 15(3) shall be measured from the top of the curb where there is a sidewalk or from the level of the crown of the roadway where there is no sidewalk.

## **SECTION 16 – OPERATING RESTRICTIONS**

- (1) Where an unprotected hose of the Fire Department has been laid down on any street or driveway, no person shall drive any vehicle over such hose except with the consent of the Fire Department Official in command.
- (2) Notwithstanding any Traffic Control Device, no person shall drive a Vehicle into an intersection unless the condition of traffic is such that the person may do so in safety and without impeding the passage of other Vehicles or Pedestrians.
- (3) No Owner or operator shall:
  - a) drive on or along a roadway a motor vehicle with the box or body filled with sand, gravel, rocks, earth or other material without the load being contained to the motor vehicle by means of a tarp, straps, net, or other securement device.
  - b) drive on or along a roadway a motor vehicle with a box or body filled with sand, gravel, rocks, earth or other loose material, whether similar or dissimilar unless the box ledges, side boards and vehicle chassis has been cleaned of loose material and the load distributed in such a manner that no portion of the material can escape upon a Village highway or land in the vicinity of the highway;

- c) drive on or along a highway a motor vehicle with or without a trailer with either the box of the motor vehicle or the trailer filled with refuse unless the refuse is completely covered and secured by a tarpaulin or other covering; or
  - d) drive a motor vehicle with or without a trailer and allow refuse or any other goods or materials to escape or be scattered upon a highway or land in the vicinity of the highway.
- (4) No person shall apply or engage engine retarder brakes on any vehicle in any part of the Village.
- (5) A person must not make, continue, or allow to be made or continued any objectionable noise from a motor vehicle.
- (6) In determining what constitutes objectionable noise from within or outside a motor vehicle consideration may be given, but are not limited to:
- a) a motor vehicle engine or exhaust system when such noises or sounds are loud, roaring or explosive;
  - b) a motor vehicle horn or other warning device except when authorized by law;
  - c) a motor vehicle operated in such a manner that the tires squeal;
  - d) a load or tow of a motor vehicle which causes a banging, clanking, squealing, or other like noise or sound due to improperly secured load or equipment, or inadequate maintenance;
  - e) a radio, television, tape player or other sound playback device, amplification equipment, or a musical instrument, which can easily be heard by a person outside the motor vehicle.
- (7) If objectionable noise is caused by or emanates from a motor vehicle parked on a highway, that motor vehicle is illegally parked, and an owner of a motor vehicle may be liable for any contravention of this section.
- (8) Section 16(5) does not apply to persons participating in a properly authorized parade, special event, or operating emergency vehicles.
- (9) No person shall paint, chalk, stencil or mark any advertisement, legend, or sign of any kind on any highway, alley, pavement, or sidewalk within the Village without authorization from the CAO.

## **SECTION 17 – HEAVY TRUCK ROUTES**

- (1) No person shall operate a Heavy Truck on a Roadway other than a Heavy Truck Route unless the Heavy Truck is being operated on the most direct route between the following premises or locations and the nearest Heavy Truck Route:
- a) providing services to, delivering goods to, or collecting goods from the premises of a bona fide customer;
  - b) going to or from a storage depot for the Heavy Truck in respect to which a development Permit has been issued;
  - c) moving a building from one location to another, for which all necessary Permits have been issued by the Village;
  - d) going to or from premises for the servicing or repairing of the Heavy Truck; or

- e) pulling a disabled Motor Vehicle from a Roadway other than a Heavy Truck Route.
- (2) Notwithstanding any other provision in this Bylaw relating to the Parking of Vehicles no person shall Park a Heavy Truck on any Highway unless:
- a) the person is actively engaged in loading or unloading goods or merchandise at the premises of a bona fide customer and the Heavy Truck is moved from the location promptly after the loading or unloading has occurred; or
  - b) such Parking is permitted by a Traffic Control Device, the erection of which is authorized by the CAO.

#### **SECTION 18 – PARKING OF VEHICLE TRANSPORTING DANGEROUS GOODS**

- (1) No vehicle or combination of vehicles used for the transportation of dangerous goods as defined pursuant to the Dangerous Goods Transportation and Handling Act shall park;
- a) within the Village of Rosemary, unless in an area that is designated as a parking area for vehicles used to transport dangerous goods;
  - b) notwithstanding subsection 18(1)(a), a vehicle or combination of vehicles may be parked in a prohibited area while making deliveries in the course of its ordinary business and has its placards clearly displayed in accordance with the Dangerous Goods Transportation and Handling Act.

#### **SECTION 19 – PEACE OFFICER AUTHORITY**

- (1) In case of fire or other emergency, or in order to expedite traffic or safeguard pedestrians, Peace Officers are hereby authorized to direct traffic in such manner as they deem necessary, whether or not in conformity with the provisions of this Bylaw.
- (2) In case of fire or other emergency, if no Peace Officer is present, officers of the fire department are hereby authorized to direct traffic in such manner as they deem necessary, whether or not in conformity with the provisions of this bylaw.
- (3) Every person shall comply with any traffic signal or direction of a Peace Officer or of any officer of the fire department in the case of a fire or other emergency.
- (4) Every Peace Officer is, and is deemed to be, duly authorized and entitled to place an erasable chalk mark on the tread surface of the tire of a parked or stopped vehicle without that Peace Officer or the Village incurring any liability for doing so, in order to enforce the parking provisions of this bylaw.

#### **SECTION 20 – PENALTIES AND VEHICLE REMOVAL**

- (1) Any person who contravenes any provision of this Bylaw is guilty of an offence and is liable on summary conviction to a fine not more than TEN THOUSAND DOLLARS (\$10,000.00) and not less than FIFTY DOLLARS (\$50.00).

- (2) Where a Peace Officer believes that a person has contravened any provision of this Bylaw, or of sections 44 through 49 of the Regulation, he/she may serve upon:
  - a) such person a violation ticket referencing the section contravened; or
  - b) the registered owner of the motor vehicle a violation ticket referencing section 160(1) of the Act and the section of the Bylaw or Regulation contravened;
  - c) in accordance with the provisions of the Provincial Offences Procedure Act, R.S.A. 2002, c. P-34.
- (3) The levying and payment of any penalty as provided for in this Bylaw shall not relieve a person from the necessity of paying any fees, charges or costs for which he is liable under the provisions of this Bylaw.
- (4) The specified penalty payable in respect of a contravention of a provision of this Bylaw is as provided for in Schedule "A" of this Bylaw.
- (5) The specified penalty payable in respect of a contravention of a parking provision of the Regulation is as provided for in the Procedures Regulation(A.R. 233/1989) made pursuant to the Provincial Offences Procedures Act R.S.A. 2000, C. P-34, and must include the required Victims of Crime Act surcharge.
- (6) The levying and payment of any penalty, or the imprisonment for any period as provided for in this Bylaw shall not relieve a person from the necessity of paying any fees, charges or costs for which he is liable under the provisions of this Bylaw.
- (7) In accordance with section 77 of the Traffic Safety Act, a Peace Officer may tow and impound any vehicle found to be parked in contravention of the provisions of this Bylaw or the parking provisions of the Regulation, and such vehicle shall not be released from impoundment before the costs of impoundment, towing and storage have been paid.
- (8) Notwithstanding section 20(2), in lieu of prosecution, a Peace Officer may issue a violation tag, in a form as approved by the CAO, referencing the section of the Bylaw or Regulation contravened, to the alleged offender, or to the registered owner of any vehicle involved in a contravention of this Bylaw of the parking provisions of the Regulation.
- (9) Service of any such violation tag shall be sufficient if it is:
  - a) personally served;
  - b) served by regular mail; or
  - c) placed on or attached to the vehicle involved in the contravention of this Bylaw of the parking provisions of the Regulation.
- (10) No person, other than the owner or driver of a vehicle, shall remove a violation tag placed on or attached to such vehicle by a Peace Officer in the course of his/her duties.

- (11) No person shall willfully obstruct, hinder or interfere with a Peace Officer, a Bylaw Enforcement Officer or any other person authorized to enforce and engaged in the enforcement of the provisions of this Bylaw.

**SECTION 21 – GENERAL**

- (1) It is the intention of the Council of Rosemary that each provision of this Bylaw should be considered as being separate and severable from all other provisions. Should any section or provision of this Bylaw be found to have been improperly enacted, then such section or provision shall be regarded as being severable from the rest of this Bylaw and that the Bylaw remaining after such severance shall remain effective and enforceable.
- (2) It is the intention of the Council of Rosemary that all offences created pursuant to this Bylaw be construed and considered as being strict liability offences.

This Bylaw shall come into full force and effect upon third and final reading, and Village of Rosemary Bylaw 425/11 and all amendments thereto are hereby repealed upon this Bylaw coming into effect.

READ a first time in Council this 3<sup>rd</sup> day of March 2020.

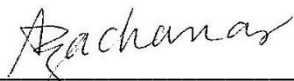
READ a second time in Council this 23 day of March 2020.

READ a third time in Council and passed by this 23 day of March 2020.



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Bill Marshall, Mayor



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Sharon Zacharias, Chief Administrative Officer

**TRAFFIC BYLAW**  
Schedule "A"

Section	Offence	Penalty
4(1)	General	\$50
4(2)	Improperly Parked Motorcycle	\$50
4(5)	Parking of Commercial Vehicles	\$50
4(6)	Park in alley	\$50
4(7)	Unattached Trailer	\$100
4(8)	Park or stand any recreational vehicle or trailer attached to a vehicle for longer than 72 hours	\$50
4(9)	Park in disabled parking without permit	\$250
4(10)	Park on private property	\$75
4(11)	Parking causing a hazard	\$100
4(12)	Commercial Vehicle including Farm truck parked on street	\$50
4(13)	School bus off bus route	\$50
4(14)	Vehicle on jack stand left unattended	\$50
4(15)	Diesel vehicle parked running more than 20 minutes	\$50
4(16)	Vehicle left on highway for a continuous period exceeding 72 hours	\$100
6(1)	Parade, race, or run without permission	\$250
6(2)	Funeral procession proceed when unsafe	\$250
7(1)	Run or Race on Highway in a manner to distract	\$250
7(2)(a)	Throw any dangerous objects onto or over any highway	\$150
7(2)(b)	Use any bow and arrow or catapult or other similar mechanism on a highway	\$150
7(2)(c)	Set off or throw fireworks over any highway	\$150
7(2)(d)	Set fire to any material or light a bonfire on any highway	\$150
7(3)	Climb on railing, fence, tree, post, poll, structure adjacent to a Highway	\$50
7(4)	Destroy/Deface a sign	\$250
7(5)	Damage Boulevard or Vegetation	\$250
7(6)	Unsafe Storage on Highway/Sidewalk/Public Place	\$150
7(7)	Toboggan/Ski on a Highway	\$100
7(8)	Using bicycle on sidewalk unsafely	\$100
7(10)	Ride Horse/Animal on Sidewalk or Boulevard	\$100
7(11)	Obstruct Sidewalk or Boulevard	\$100
7(12)	Prohibited use of a skateboard	\$50
7(12)(a)	Use of skateboard damaged public area	\$100
7(12)(b)	Use of skateboard impede/endangered pedestrians	\$100
8(1)	Drive where prohibited	\$250
9(1)	Unlawful construction	\$500
11(1)	Fail to remove snow, ice, debris	\$150
12(1)	Operate Off Highway Vehicle in a park	\$250
13(3)	Speeding in an alley: Refer to s.108(1) and s.115 of the Traffic Safety Act (TSA)Penalties: Provincial Offences Procedure Act/Regulation: Part 28	Refer to TSA
14(1)	Operate vehicle with spikes or lugs	\$150
15(1)	Vegetation Obstruct Visibility/Pedestrians	\$150
15(3)	Fence over one meter within 5m of Intersection	\$150



15(6)	Vegetation Overhang Sidewalk, Highway Etc	\$150
16(1)	Drive over fire hose	\$250
16(2)	Enter intersection unsafe	\$250
16(3)(a)	Unsecured load	\$150
16(3)(b)	Operate vehicle with loose objects on the sideboards, chassis, box ledge	\$150
16(3)(c)	Load without a tarp	\$150
16(3)(d)	Cargo scatters onto Highway	\$250
16(4)	Use of engine retarder brakes	\$250
16(5)	Objectionable noise from vehicle	\$250
16(9)	Paint on Street or Pavement Without Permission	\$250
17(1)	Operate Heavy Vehicle off Heavy Truck Route	\$250
18(1)(a)	Park vehicle with dangerous goods where prohibited	\$250
19(3)	Fail to obey directions of Peace Officer or Fire fighter	\$250

**TRAFFIC BYLAW**  
**Heavy Truck Route (Illustrated in Brown)**  
Schedule "B"

