

BYLAW 2021-09
TOWN OF BLACK DIAMOND

A BYLAW TO REGULATE TRAFFIC AND OTHER ACTIVITIES UPON HIGHWAYS WITHIN THE TOWN OF BLACK DIAMOND, IN THE PROVINCE OF ALBERTA.

WHEREAS, the *Municipal Government Act*, R.S.A. 2000, c. M-26, and amendments thereto, provides that a Council may pass Bylaws respecting the safety, health and welfare of people and the protection of people and property; and people, activities and things in, on or near a Public Place or place that is open to the public;

WHEREAS, the *Traffic Safety Act*, R.S.A. 2000, c. T-6, and amendments thereto, provides that a Council may make Bylaws for the regulation and control of Vehicles and pedestrian traffic;

AND WHEREAS, the Council deems it appropriate to regulate traffic and other activities upon Highways within the Town of Black Diamond;

NOW THEREFORE the Council of the Town of Black Diamond, in the Province of Alberta, duly assembled, hereby enacts as follows:

1. TITLE

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

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3. DEFINITIONS

- 3.1. “*Act*” means the *Traffic Safety Act*, R.S.A. 2000 T-6, as amended or substituted from time to time;
- 3.2. “*Alley*” means a narrow Highway intended chiefly to give access to the rear of buildings and parcels of land;
- 3.3. “*Bicycle*” means any device propelled by human power upon which any Person may ride and is fitted with pedals intended to be capable of propelling it regardless of the number of wheels it may have;
- 3.4. “*Boulevard*” means that part of a Highway in an urban area that
 - a) is not Roadway, and
 - b) is that part of the Sidewalk that is not especially adapted to the use of or ordinarily used by Pedestrians;
- 3.5. “*Bylaw*” means a Bylaw of the Town of Black Diamond;
- 3.6. “*Chief Administrative Officer*” or “*C.A.O.*” means the Person appointed by the Council of the Town of Black Diamond to carry out the power, duties and functions of the C.A.O. It may also mean a Person appointed to this position on an interim basis, or a Person to whom the C.A.O. has delegated their authorities to, in accordance with the Town of Black Diamond Chief Administrative Officer Bylaw;
- 3.7. “*Commercial Vehicle*” means a Vehicle operated on a Highway by or on behalf of a Person for the purpose of providing transportation but does not include a private passenger Vehicle;
- 3.8. “*Council*” means the Mayor and Councillors of the Town of Black Diamond;
- 3.9. “*Crosswalk*” means
 - a) that part 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 lines or by other markings on the road surface;
- 3.10. “*Curb*” means the actual Curb if there is one, or the division point between the Roadway and a Boulevard or Sidewalk;
- 3.11. “*Disabled Parking Placard*” means, for Alberta residents, a parking placard or license plate issued, by the Government of Alberta, to individuals who provide proper proof that they meet the requirements. Visitors to Alberta may use their valid (non-expired) parking placard from their home province, territory or country.
- 3.12. “*Disabled Parking Place*” means any parking place designated by
 - a) the C.A.O.; or
 - b) the property owner, tenant, occupant or Person in control of a private property,for the exclusive use of Persons with disabilities who operate or travel by Motor Vehicle.

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3.13. *“Driver” or “Operator”* means a Person who is driving or is in actual physical control of a Vehicle;

3.14. *“Emergency Vehicle”* means

- a) a Vehicle operated by a Peace Officer,
- b) a fire-fighting or other type of Vehicle operated by the fire protection service of a municipality,
- c) an ambulance operated by a Person or organization providing ambulance services,
- d) a Vehicle operated as a gas disconnection unit of a public utility, or
- e) a Vehicle designated by a regulation as an emergency response unit;

3.15. *“Highway”* means any thoroughfare, street, road, trail, avenue, parkway, driveway, viaduct, lane, Alley, square, bridge, causeway, trestleway 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) a Sidewalk, including a Boulevard adjacent to the Sidewalk,
- b) if a ditch lies adjacent to and parallel with the Roadway, the ditch, and
- c) if a Highway right of way is contained between fences or between a fence and one side of the Roadway, all the land between the fences, or all the land between the fence and the edge of the Roadway, as the case may be, but does not include a place declared by regulation not to be a Highway;

3.16. *“Intersection”* means the area embraced within the prolongation or connection of

- a) the lateral Curb lines, or
- b) if there are not any lateral Curb lines, the exterior edges of the Roadways, of two (2) or more Highways which join one another at an angle whether or not one Highway crosses the other;

3.17. *“Limited-speed Motorcycle”* or *“Moped”* means a motorcycle that

- a) has steering handlebars that are completely constrained from rotating in relation to the axle of only one wheel in contact with the ground,
- b) has a maximum speed of 70 km/h or less,
- c) has a minimum Driver’s seat height, when the Vehicle is unladen, of 650 mm, and
- d) does not have a structure partially or fully enclosing the Driver and passenger, other than that part of the Vehicle forward of the Driver’s torso and the seat backrest;

3.18. *“Maintenance Route”* means that portion of a Roadway that is signed, either permanently or temporarily, for the purpose of conducting maintenance activities by or on behalf of the Town, including but not limited to:

- a) snow management or snow removal activities,
- b) street cleaning, or
- c) any other activity that may be required on such Roadway;

3.19. *“Miniature Vehicles”* means a Motor Vehicle of less than standard size, that due to its novel size or characteristics might present a hazard to the Operator or other Persons. Such Motor Vehicles may include, but not be limited to, electric

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scooters, golf carts, motorized Skateboards, go-carts or personal transporters that do not qualify as Mobility Aids.

3.20. "*Mobility Aid*" means a device used to facilitate the transport, in a normal seated orientation, or a person with a physical disability.

3.21. "*Motor Vehicle*" means

- a) a Vehicle propelled by any power other than muscular power, or
- b) a Limited-speed Motorcycle or a Moped,

but does not include a Bicycle, a Power Bicycle, aircraft, an implement of husbandry or a Motor Vehicle that runs only on rails;

3.22. "*Operator*" or "*Driver*" means a Person who is driving or is in actual physical control of a Vehicle;

3.23. "*Owner*" means the Person who owns a Vehicle and includes any Person renting a Vehicle or having the exclusive use of a Vehicle under a lease that has a term of more than 30 days or otherwise having the exclusive use of a Vehicle for a period of more than 30 days;

3.24. "*Parades*" or "*Processions*" means any group or train of Persons or Vehicles using the Highway within the Town for show or display, but shall not include any military or funeral Parade or Procession.

3.25. "*Park*" when prohibited, means allowing a Vehicle to remain stationary in one place, except

- a) while actually engaged in loading or unloading passengers, or
- b) when complying with a direction given by a Peace Officer or Traffic Control Device;

3.26. "*Parking Ban*" means a declaration by the C.A.O., based on road conditions or maintenance requirements, to restrict, for a specified period of time, the parking of Vehicles on specified Maintenance Routes;

3.27. "*Peace Officer*" means

- a) a member of the Royal Canadian Mounted Police,
- b) a Community Peace Officer, as appointed by the Solicitor General of Alberta,
- c) a Bylaw Officer, appointed by the Town to enforce Bylaws of the Town, or
- d) any other Peace Officer as defined by the *Traffic Safety Act*;

3.28. "*Pedestrian*" means

- a) a Person on foot, or
- b) a Person in or on a mobility aid,

and includes those Persons designated by regulation as Pedestrians;

3.29. "*Person*" means any:

- a) individual;
- b) proprietorship;
- c) corporation; or
- d) society;

3.30. "*Playground Zone*" means that portion of a Highway identified as a Playground Zone by a Traffic Control Device;

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- 3.31. "*Power Bicycle*" means a Bicycle equipped with an electric motor with maximum power of 500 watts and a top speed of 32 km/hr;
- 3.32. "*Public Place*" means any publicly owned park, parkway, Highway or square to which the public is permitted access, or a parking area designated for the public, by a business, government or institution;
- 3.33. "*Recreational Vehicle*" or "*RV*" means any type of live-in recreation Vehicle that is designed for travel and, without limiting the generality of the foregoing, includes the following:
 - a) travel Trailers;
 - b) truck campers;
 - c) fifth wheel Trailers;
 - d) motor homes and conversions;
 - e) fold-down camping Trailers;
- 3.34. "*Regulation*" means the *Use of Highway and Rules of the Road Regulation*, (A.R. 304/2002) made pursuant to the *Act*;
- 3.35. "*Restricted-use Vehicle*" or "*Off Highway Vehicle*" means a Vehicle – excluding a competition Vehicle, but including an all-terrain Vehicle designed primarily for recreational use – that
 - a) is designed to travel on not more than four wheels in contact with the ground, and
 - b) is not designed for use on public roads;
- 3.36. "*Roadway*" means that part of a Highway intended for use by vehicular traffic;
- 3.37. "*School Zone*" means that portion of a Highway identified as a School Zone by a Traffic Control Device;
- 3.38. "*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
 - a) the Curb line, or
 - b) where there is no Curb line, the edge of the Roadway, and the adjacent property line, whether or not it is paved or improved;
- 3.39. "*Skateboard*" means a non-motorized, wheeled device controlled or propelled by gravity or by the muscular energy of the rider, including roller skates, in-line skates, scooters, hover boards or other similar recreational devices; but does not include any Bicycle, unicycle, tricycle, wheelchair, mobility aid, baby or invalid carriage, or motorized device;
- 3.40. "*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 a direction given by a Peace Officer or Traffic Control Device;
- 3.41. "*Town*" means the corporation of the Town of Black Diamond;
- 3.42. "*Traffic Control Device*" means any sign, signal, marking or device placed, marked or erected under the authority of the *Act* for the purpose of regulating, warning or guiding traffic;

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3.43. “*Traffic Lane*” 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 include 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;

3.44. “*Trailer*” means a Vehicle so designed that it

- a) may be attached to or drawn by a Motor Vehicle or tractor, and
- b) is intended to transport property or Persons,

and includes any Vehicle defined by a regulation as a Trailer but does not include machinery or equipment solely used in the construction or maintenance of Highways;

3.45. “*Vehicle*” means a device in, on or by which a Person or thing may be transported or drawn on a Highway and includes a combination of Vehicles but does not include a mobility aid;

3.46. “*Violation Tag*” means a notice or tag in a form as approved by the C.A.O., issued by the Town allowing a voluntary payment option of a fine established under this Bylaw;

3.47. “*Violation Ticket*” means a ticket issued pursuant to Part II of the *Provincial Offences Procedures Act*, R.S.A. 2000, c. P-34, as amended and any regulations thereto.

4. TRAFFIC CONTROL DEVICES

4.1. The C.A.O. is hereby delegated the power to authorize the placing, erecting or marking of Traffic Control Devices at such locations as are considered necessary for controlling the Highways subject to its control and management, in accordance with section 13 of the *Traffic Safety Act*.

4.2. The C.A.O. is hereby delegated the power to authorize, by placement of Traffic Control Devices, the location of Playground Zones and School Zones.

4.3. The C.A.O. shall cause a record to be kept of the location of all Traffic Control Devices placed, pursuant to this section.

4.4. A Peace Officer may authorize such Persons as deemed necessary to direct or regulate traffic.

4.5. No Owner or Operator of a Vehicle shall operate or Park a Vehicle in contravention of any Traffic Control Device within the Town.

5. PARKING

5.1. The C.A.O. shall authorize parking spaces as deemed necessary on any Roadway or Town-owned property, and shall cause such spaces to be marked for this purpose.

5.2. No Operator or Owner shall Park, or permit to be parked, any Vehicle in any portion of a Roadway in Town where parking is not allowed.

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5.3. No Owner or Operator of a Vehicle which:

- a) is not equipped in accordance with the *Act*; or
- b) is not in operable condition

shall cause or permit such Vehicle to be parked or left on any Roadway.

5.4. Neither section 5.2 or 5.3 applies to a Vehicle that has been parked because of a breakdown or other emergency, if the Owner or Operator can establish that immediate action has been taken to arrange for prompt removal of the Vehicle.

5.5. No Vehicle shall be parked on a Roadway for the purpose of servicing or repairing the Vehicle, unless in the case of a breakdown or emergency not allowing the Vehicle to be moved.

5.6. No Person shall leave a Vehicle unattended on a Highway while it is supported by a jack or similar device.

5.7. Parking on Roadways within the Town shall be parallel parking, except where signage indicates that angle parking is permitted or required.

5.8. Notwithstanding section 5.7, a Person may Park a motorcycle:

- a) at an angle, other than perpendicular, to the Curb or edge of the Roadway, and with
- b) any wheel of the motorcycle not more than 50 centimetres from the Curb or edge of the Roadway.

5.9. No Operator or Owner shall Park, or permit to be parked, any Vehicle on any Roadway or Public Place for a period of time in excess of the time permitted by the applicable Traffic Control Device.

5.10. In order to determine the time that a Vehicle has been parked in a location, a Peace Officer may place an erasable chalk mark on the tread face of the tire of the parked or stopped Vehicle, without such Peace Officer or other Person or the Town incurring any liability for doing so.

5.11. No Person shall remove an erasable chalk mark, placed according to section 5.10, while the Vehicle remains parked in the location where it was marked.

5.12. In order to determine the time which a Vehicle has been parked, a Peace Officer may place a sticker on the parked or stopped Vehicle without such Peace Officer or other Person or the Town incurring any liability for so doing.

5.13. No Person shall remove a sticker placed under section 5.12 while the Vehicle remains parked in the location where it was marked.

5.14. Unless otherwise permitted by a Traffic Control Device, the *Act*, the Regulation, this Bylaw or in compliance with a direction given by a Peace Officer, no Owner or Operator shall Stop or Park a Vehicle at the following locations:

- a) on a Sidewalk or Boulevard;
- 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) at an Intersection nearer than 5 metres 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;

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- e) in the case of an approach to a stop sign or yield sign, within 5 metres 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 5 metres 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) on any bridge or on the approach to any bridge;
- k) at any place where a Traffic Control Device prohibits stopping or parking, during the times stopping or parking is so prohibited;
- l) on the Roadway side of a Vehicle that is parked or stopped at the Curb or edge of the Roadway;
- m) 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, firemen, ambulance Drivers or assistants or rescue officers or volunteers;

5.15. No Owner or Operator shall Stop or Park a Vehicle in the entrance and block access to any fire hall, police station, an ambulance entranceway to its garage or to a healthcare facility.

5.16. No Operator shall Park any unauthorized Vehicle in any bus stop or zone, so designated by a sign.

5.17. Recreational Vehicles must not be parked on a Highway within the Town between November 1 and April 1 of each year, unless they are in the immediate process of loading or unloading.

5.18. No Operator or Owner shall Park any Trailer or detachable Recreational Vehicle upon any Highway within the Town, unless attached to a Vehicle by which it may be propelled or drawn and when attached, the said Trailer or Recreational Vehicle shall be deemed part of the Vehicle and subject to all regulations pertaining to Vehicles.

5.19. An Owner or Operator of a Recreational Vehicle shall not Park a Recreational Vehicle on a Roadway for a period of more than 48 consecutive hours.

5.20. No Owner or Operator shall permit a Recreational Vehicle or Trailer to be used as a residence or temporary residence while parked on a Highway within the Town.

5.21. No Operator or Owner shall Park, or permit a Vehicle to be parked, in an Alley, except when actively loading or unloading goods or passengers from the Vehicle.

5.22. No Operator or Owner shall Park, or permit a Vehicle to be parked, in such a manner, location or circumstances that it:

- a) blocks access to or impedes the use of an Alley by another Vehicle,
- b) blocks or impedes the use of a Sidewalk,
- c) is located in front of, or within one (1) metre of any refuse container or storage area located on any Alley,

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- d) is located in any marked fire lane,
- e) interferes with a doorway marked on the exterior as a fire or emergency exit from a building, or
- f) is located within three (3) metres of an electrical transformer.

5.23. No Owner or Operator shall Park or Stop or permit the parking or stopping of a Vehicle in a marked loading zone unless the Vehicle is actively engaged in loading or unloading:

- a) merchandise or other materials, for a period of time not exceeding 20 minutes; or
- b) a passenger, for a period of time not exceeding 10 minutes.

5.24. No Owner or Operator of a Vehicle shall Park or permit parking of the Vehicle on any private property that has been clearly marked as such by a sign or signs posted thereon without the prior permission of the property owner, tenant, occupant or other Person in control of the property.

5.25. Notwithstanding section 5.23, where the private property is used by or for:

- a) commercial or industrial purposes, or
- b) owned or operated by:
 - i. the Government of Canada,
 - ii. the Government of Alberta, or
 - iii. the Town of Black Diamond, and

where parking spaces or a parking area is provided for the parking of the Vehicles of customers or patrons or those Persons otherwise doing business with the property owner, tenant, occupant or other Person in charge of the property, and,

the space is clearly designated as:

- private or government property, and
- parking only for customers, patrons or other Persons doing business with the property owner, tenant, occupant or Person in charge of the property.

An Owner or Operator who, immediately after parking or leaving the Vehicle, is not a customer or patron or Person doing business with or using a facility or service supplied by the property owner, tenant, occupant or Person in charge of the land as indicated in the designation, unless having verbal or written permission from the said property owner, tenant, occupant or Person in charge, shall not Park or leave their Vehicle on or in the designated parking space or area.

5.26. A Person owning, occupying or in charge of private property providing parking, who observes that an Owner or Operator is in violation of the provisions of section 5.23 or 5.24 may report the violation to a Peace Officer, providing in writing:

- a) the name and address of the Person reporting the violation,
- b) the address of the land where the Vehicle is parked, and
- c) the license number of the Vehicle parked in violation.

5.27. A Peace Officer may cause any Vehicle parked on a Highway, parking lot, Public Place, or designated space in accordance with section 5.24, in violation of any

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provision of this Bylaw or Regulation, it may be removed and impounded and the cost thereof may be charged against the Owner or Operator of said Vehicle.

5.28. In lieu of, or in addition to, the removal and impounding of a Vehicle, a Peace Officer may place a Violation Tag upon the Vehicle parked in contravention of this Bylaw.

6. EXEMPTION FROM PARKING PROVISIONS

6.1. Notwithstanding any provision of this Bylaw, the provisions relating to the parking or stopping of Vehicles do not apply to:

- a) Emergency Vehicles;
- b) service Vehicles used in conjunction with the servicing of public utilities including, but not limited to, telephone or other communications systems, electric systems or natural gas systems;
- c) municipal and other government public works Vehicles;
- d) funeral cars; or
- e) towing Vehicles;

while any such Vehicle is being used in work that requires the Vehicle to be stopped or parked at that location.

6.2. Where the Owner or Operator of a Vehicle stops or parks pursuant to section 6.1 or contrary to other provisions of this Bylaw, they shall take due precautions to indicate the presence of such Vehicle on the Roadway while so stopped or parked.

6.3. Notwithstanding anything in this Bylaw, the C.A.O. 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 herein. Such 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.

7. PARKING BAN

7.1. The C.A.O. is authorized, when deeming it necessary to do so, to declare a Parking Ban by providing public notification of such Parking Ban. Unless for a matter of public safety, notification of a Parking Ban will be no less than 24 hours in advance of the Parking Ban being in effect.

7.2. A Parking Ban, declared pursuant to section 7.1, will be in effect:

- a) for the specified times; and
- b) on the specified Maintenance Routes as provided for in Schedule "A", as attached to this Bylaw;

as declared in the public notification, unless:

- c) sooner terminated; or
- d) further extended;

by a subsequent Parking Ban declaration.

7.3. No Person shall Park, or permit the parking of, any Vehicle on a Maintenance Route any time during a declared Parking Ban.

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- 7.4. A Peace Officer may cause any Vehicle parked on a Maintenance Route, during a Parking Ban declared pursuant to section 7.1 of this Bylaw, to be relocated or to be removed and impounded and any cost thereof may be charged against the Owner or Operator of said Vehicle.
- 7.5. In lieu of, or in addition to, the relocation or the removal and impounding of a Vehicle, a Peace Officer may place a Violation Tag upon the Vehicle parked in contravention of this Bylaw.

8. **TEMPORARY CLOSURES FOR CONSTRUCTION, MAINTENANCE, SPECIAL EVENTS, PARADES AND PROCESSIONS**

- 8.1. The C.A.O. is hereby authorized to temporarily close the whole, or any part, of a Highway at any time that a hazard may exist due to a construction or maintenance project.
- 8.2. The C.A.O. is hereby authorized to close or invoke necessary traffic calming measures on the whole, or any part, of a Highway at any time due to a Special Event approved by the Town, in accordance with EDEV-026, the Special Events Policy and Procedure.
- 8.3. Notwithstanding sections 8.1 and 8.2, approval may be required from Alberta Transportation to close the whole, or any portion, of Highway 7 or Highway 22 located within the Town.
- 8.4. The C.A.O. shall ensure that any temporary signage that limits parking on a specific Highway is installed no less than twenty-four (24) hours prior to the commencement of scheduled work. As much notice as possible will be provided for any emergent, unscheduled work, using any or all of the following methods:
 - a) the Town of Black Diamond website and social media platforms;
 - b) attaching a notice to the Vehicle prior to commencement of work;
 - c) contacting the Owner by telephone or by in-person visit.
- 8.5. The Town may temporarily suspend parking and loading privileges on the whole, or any part of a Highway to accommodate construction, road maintenance, or an approved special event by posting "No Parking" or other appropriate signage for the duration of time required to hold the event and any additional time required to clear the street before and after the event.
- 8.6. A Peace Officer may, at the Owner's expense, remove and impound or relocate any Vehicles parked in the designated area of work or on the designated route of an approved event, at the discretion of the Peace Officer.
- 8.7. No Person shall hold, or take part in, any Parade or Procession unless prior written approval has been first obtained from the Town, in accordance with EDEV-026, the Special Events Policy and Procedure.
- 8.8. The Operator of a Vehicle in the lead of a funeral Procession approaching an Intersection where a stop sign is posted, shall Stop the Vehicle and shall not drive the Vehicle into the Intersection until it is safe to do so. All following Vehicles may, during daylight hours, enter an Intersection without stopping if headlamps are alight and passage into the Intersection can be done safely.

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- 8.9.** A funeral Procession is exempted from the provisions of section 8.7, but organizers may contact the Town for traffic assistance if deemed necessary.
- 8.10.** No Owner or Operator of a Vehicle, nor any Person riding or driving a horse, shall drive or ride through a military or funeral Procession, nor through the ranks of any Parade or Procession authorized by the Town.

9. DISABLED PARKING

- 9.1.** The C.A.O. is hereby authorized to establish parking zones as deemed necessary, for the exclusive use of disabled Persons who operate or travel by Vehicle.
- 9.2.** The C.A.O. shall approve the signs or other forms of markings to be used in designating Disabled Parking Places.
- 9.3.** The property owner, tenant, occupant or Person in control of private property may designate any number of parking spaces on that private property for the exclusive use of disabled Persons who operate or travel by Motor Vehicle, by marking each designated space with a sign in a form similar to that approved by the C.A.O.
- 9.4.** No Person shall Park or Stop a Motor Vehicle in a Disabled Parking Place unless that Motor Vehicle is visibly displaying a current Disabled Parking Placard or license plate and unless they have with them or are picking up the Person to whom such pass or license plate was issued.

10. SPEED LIMITS

- 10.1.** The C.A.O. is authorized to post signs at any required locations to indicate the maximum speed within the Town for any Highway.
- 10.2.** The C.A.O. may, by posting signs along a Highway, fix a maximum speed limit in respect of any part of the Highway under construction or repair, or in a state of disrepair applicable to all Vehicles, or to any classes of Vehicles while travelling over that part of the Highway.
- 10.3.** Unless otherwise posted, the maximum speed limit is 50 kilometres per hour.
- 10.4.** No Person shall drive a Motor Vehicle in or on any Alley at a speed greater than 15 km/hr.
- 10.5.** Pursuant to section 107(5) of the *Act*, the prescribed hours during which a Playground Zone is in effect in the Town shall begin at 7:30 a.m. and end at 9:00 p.m. daily, during which time, no Operator shall drive a Motor Vehicle at a speed greater than 30 km/hr.
- 10.6.** Pursuant to section 107(3) of the *Act*, the prescribed hours during which a School Zone is in effect in the Town shall begin at 7:30 a.m. and end at 9:00 p.m. on any day on which school is held, during which time, no Operator shall drive a Motor Vehicle at a speed greater than 30 km/hr.

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11. BICYCLES, SKATEBOARDS AND USE OF SIDEWALKS

- 11.1.** 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 Town.
- 11.2.** No Pedestrian shall cross any Highway at any point other than an Intersection or Crosswalk. For the purposes of this section, Highway shall not include an Alley.
- 11.3.** No Person shall stand on a Roadway for the purpose of soliciting a ride from the Operator of any Vehicle within the Town.
- 11.4.** 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, slingshot, catapult or any 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 Fire Chief or their delegate;
 - d)** set fire to any combustible material or light a bonfire on any Highway.
- 11.5.** No Person shall pull down, deface or destroy any sign, board or notice lawfully placed on or adjacent to any Roadway.
- 11.6.** No Person shall break, injure, dig up or destroy the earth, trees or grass on any Boulevard or other Public Place, or plant any plants other than grass thereon without permission from the C.A.O.
- 11.7.** Property owners, tenants, occupants or Persons in charge of any property must maintain any Boulevard adjoining the said property in a clean and sightly manner, including removal of litter and grass maintenance.
- 11.8.** Any Person occupying a parcel of land adjacent to a Sidewalk, shall remove any accumulation of snow or ice on all Sidewalks adjacent to the property, within 24 hours of deposit.
- 11.9.** The occupant of any property adjacent to a Roadway shall not deposit, or cause to be deposited, any snow or ice into a Roadway.
- 11.10.** The Town may, after the expiration of the 24 hour period pursuant to section 11.8 of this Bylaw, remove and clear away all snow and ice required to be removed by subsection 11.8 and charge expenses thereby incurred to the property owner or occupant of the property. In the event of non-payment of said expenses within 30 days, such expenses shall be charged against the property, in accordance with section 553(1) of the *Municipal Government Act*.
- 11.11.** No Person shall coast, toboggan or ski on any Highway.
- 11.12.** Unless the context requires otherwise, a Person operating a Bicycle on a Roadway has all the same rights, and is subject to all the rules that any Vehicle Operator has under this Bylaw.
- 11.13.** 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

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- c) not operate the Bicycle in a reckless manner or interfere with a Pedestrian lawfully on or using a Sidewalk.

11.14. 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 invalid; or
- c) a child's tricycle or child's Bicycle with training wheels;

on or along a Sidewalk in such a way as to not interfere with other Pedestrians using the Sidewalk.

11.15. No Person shall ride a horse or any other animal upon a Sidewalk or Boulevard.

11.16. No Person shall place any electric cord, hose, ropes and pipe or like obstruction above or across a Sidewalk or Boulevard.

11.17. No Person shall operate a Skateboard on any portion of the Roadway.

11.18. Skateboards may be used or operated on a Sidewalk or on or in 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 interfere with or endanger Pedestrians.

11.19. Every Person Skateboarding, roller-skating, in-line skating, or riding a scooter upon a Sidewalk shall:

- a) yield the right of way to the Pedestrians;
- b) when passing a Pedestrian, or other Person on the Sidewalk, use care and control required to ensure the safety of a Pedestrian or other Person;
- c) stay at a reasonable distance from other Persons using a Sidewalk; and
- d) give an audible signal within a reasonable time prior to overtaking a Pedestrian.

11.20. Every Person under the age of 16, who, while riding a Bicycle shall wear a CSA approved helmet.

11.21. A parent or guardian shall ensure that any Person under the age of 16, who is under their supervision, who while riding a Bicycle, is wearing a CSA approved helmet.

12. PARKS AND PUBLIC PLACES

12.1. No Person shall drive a Motor Vehicle, Restricted-use Vehicle, horse-drawn Vehicle or ride a horse or other animal:

- a) upon any baseball diamond, football field or other sports arena;
- b) in any area designated as a park, in accordance with the Town's Parks Bylaw (Bylaw 16-03), or
- c) in or on a Public Place

except along routes provided for that purpose.

12.2. Notwithstanding section 12.1, the C.A.O. may permit certain Vehicles or animals in any of the prohibited locations for the purpose of maintenance, public security or special events.

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12.3. The Driver or other Person in charge of any horse-drawn Vehicle on a Highway or in or on a Public Place shall remain up on such Vehicle while it is in motion or shall walk beside the horse drawing such Vehicle.

13. RESTRICTED-USE or OFF-HIGHWAY VEHICLES

13.1. No Person shall operate any Restricted-use Vehicle:

- a)** on a Highway,
- b)** in or on any areas designated as parks, by the Town of Black Diamond Parks Bylaw (Bylaw 16-03 as amended or replaced),
- c)** on school grounds,
- d)** on private property without permission,
- e)** on lands designated as urban reserve within the Town.

13.2. The C.A.O. may authorize the operation of Motor Vehicles or Restricted-use Vehicles within the Town for the purpose of maintenance or public security.

13.3. A Peace Officer who, on reasonable and probable grounds, believes that an offense under section 13.1 of the Bylaw has occurred, may seize and detain any Restricted-use Vehicle in respect of which the offense was committed for a period of 30 days.

13.4. When seizure and detainment occur, the Owner of the Restricted-use Vehicle shall be responsible for all towing, storage and other associated fees.

14. AUTHORITY OF PEACE OFFICERS

14.1. 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.

14.2. 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.

14.3. Every Person shall comply with any Traffic Control Device, 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.

14.4. Every Peace Officer is, and is deemed to be, duly authorized and entitled to place a sticker or an erasable chalk mark on the tread surface of the tire of a parked or stopped Vehicle without that Peace Officer or the Town incurring any liability for doing so, in order to enforce the parking provisions of this Bylaw.

14.5. Every Peace Officer is hereby authorized to remove or cause to be removed, any Motor Vehicle, Recreational Vehicle or Trailer:

- a)** operated or parked in contravention of any provision of this Bylaw, or
- b)** where emergency conditions may require such removal from a Highway. Such Vehicle may be relocated to a place designated by the Peace Officer, where it will remain until removed by the Owner, or such Vehicle may be removed and

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impounded and the cost thereof may be charged against the Owner or Operator of said Vehicle.

14.6. No impounded Vehicle shall be released to its Owner until any applicable impound charges and removal charges on the Vehicle have been paid to the agent authorized to remove and impound the Vehicle; such charges may be in addition to any fine or penalty imposed in respect of any violation of this Bylaw. The Town of Black Diamond is not responsible for any costs or damages incurred for the removal or impounding of any Vehicle.

15. PENALTIES

15.1. Any Person who contravenes any provision of this Bylaw by:

- a)** Doing any act or thing which the Person is prohibited from doing; or failing to do any act or thing the Person is required to do; is guilty of an offence.
- b)** Where there is a specified penalty listed for an offence in Schedule "B" to this Bylaw, that amount is the specified penalty for the offence.
- c)** Any Person who is convicted of an offence pursuant to this Bylaw is liable on summary conviction to a fine not exceeding \$10,000.00.
- d)** Nothing in this Bylaw shall be construed as curtailing or bridging the right of the Town to obtain compensation or to maintain any action for loss of or damage to property from or against the Person or Persons responsible.

16. VIOLATION TAGS AND VIOLATION TICKETS

16.1. Where a Peace Officer believes that a Vehicle, Trailer or Recreational Vehicle is parked in contravention of this Bylaw, the Peace Officer may:

- a)** Place a Violation Tag on the Vehicle, Trailer or Recreational Vehicle; or send a Violation Tag to the registered Owner of the Vehicle, Trailer or Recreational Vehicle by ordinary mail.
- b)** A Violation Tag shall be in a form approved by the Town and shall state:
 - i.** the licence plate of the Vehicle or Trailer;
 - ii.** the offence;
 - iii.** the appropriate penalty for the offence as specified in Schedule "B" of this Bylaw; and
 - iv.** that the penalty shall be paid within twenty-one (21) days of issuance of a Violation Tag.

16.2. Any payment for a Violation Tag, received by the Town Office within seven (7) days of issuance, shall receive a twenty (20) percent reduction of the fine indicated on the Violation Tag.

16.3. If a Person who is responsible for a contravention of a provision of this Bylaw pays the specified penalty amount within the times and in the manner set out on the Violation Tag, payment will be accepted in lieu of prosecution.

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- 16.4.** If payment, referred to in Section 16.3, is not made within twenty-one (21) days of issuance of the Violation Tag, and in the manner set out on the tag, a Violation Ticket may be issued to the registered Owner of the Vehicle, Trailer or Recreational Vehicle in accordance with the *Provincial Offences Procedures Act*, R.S.A. 2000, c. P-34.
- 16.5.** Nothing in this Section shall:
 - a)** prevent any Person from exercising their right to defend any charge of committing a breach of any section of this Bylaw;
 - b)** prevent any Peace Officer, in lieu of serving a Violation Tag, from issuing a Violation Ticket to an Owner or Operator pursuant to the *Provincial Offences Procedures Act*, R.S.A. 2000, c. P-34; or
 - c)** prevent any Peace Officer from issuing a Violation Ticket requiring the court appearance of the defendant, pursuant to the provisions of the *Provincial Offences Procedures Act*, R.S.A. 2000, c. P-34, or from laying an information instead of issuing a Violation Ticket.
- 16.6.** A Person other than the Owner or Operator of a Vehicle shall not remove any Violation Tag or notice placed on or affixed to a Vehicle by a Peace Officer in the course of their duties.
- 16.7.** No Person other than a Peace Officer shall place a Violation Tag on any Vehicle.
- 16.8.** Where a contravention of this Bylaw is of a continuing nature, further Violation Tags may be issued by a Peace Officer provided that no more than one Violation Tag is issued for each day that the contravention continues.
- 16.9.** In order to determine the time which a Vehicle, Trailer or Recreational Vehicle has been parked, a Peace Officer may attach a sticker or place an erasable chalk mark on the tire of the parked or stopped Vehicle, Trailer or Recreational Vehicle without such Peace Officer, or the Town, incurring any liability for so doing; and
- 16.10.** No Person shall remove a sticker or an erasable chalk mark placed under section 16.9 while the Vehicle, Trailer or Recreational Vehicle remains parked in the location where it was marked.

17. GENERAL

- 17.1.** It is the intention of the Council of the Town of Black Diamond that each section of this Bylaw should be considered as being separate and severable from all other sections. Should any section or part of this Bylaw be found to have been improperly enacted, then such section or part shall be regarded as being severable from the rest of this Bylaw and that the Bylaw remaining after such severance shall be effective and enforceable.
- 17.2.** Within the text of this Bylaw:
 - a)** Use of a pronoun or determiner which indicates one gender shall include all genders unless the context requires otherwise, and
 - b)** Use of the singular shall include the plural and the plural shall include the singular, as the context requires.

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- 17.3. The Town is not required to enforce this Bylaw. In determining whether to enforce this Bylaw, the Town may take into account any practical concerns, including the available budget and personnel resources.
- 17.4. No action for damages shall be taken or allowed against the Town or any Person acting in good faith under the authority of this Bylaw in respect of the relocation, removal, destruction, sale or other disposal of any Vehicle or Trailer impounded pursuant to this Bylaw.

Bylaws 02-09 and 17-04 and any amendments thereto are repealed in their entirety.

This Bylaw will take force and effect upon third and final reading and signing thereof.

READ A FIRST TIME this 16th day of June A.D. 2021.

READ A SECOND TIME this 16th day of June A.D. 2021.

READ A THIRD AND FINAL TIME this 18th day of August A.D. 2021.

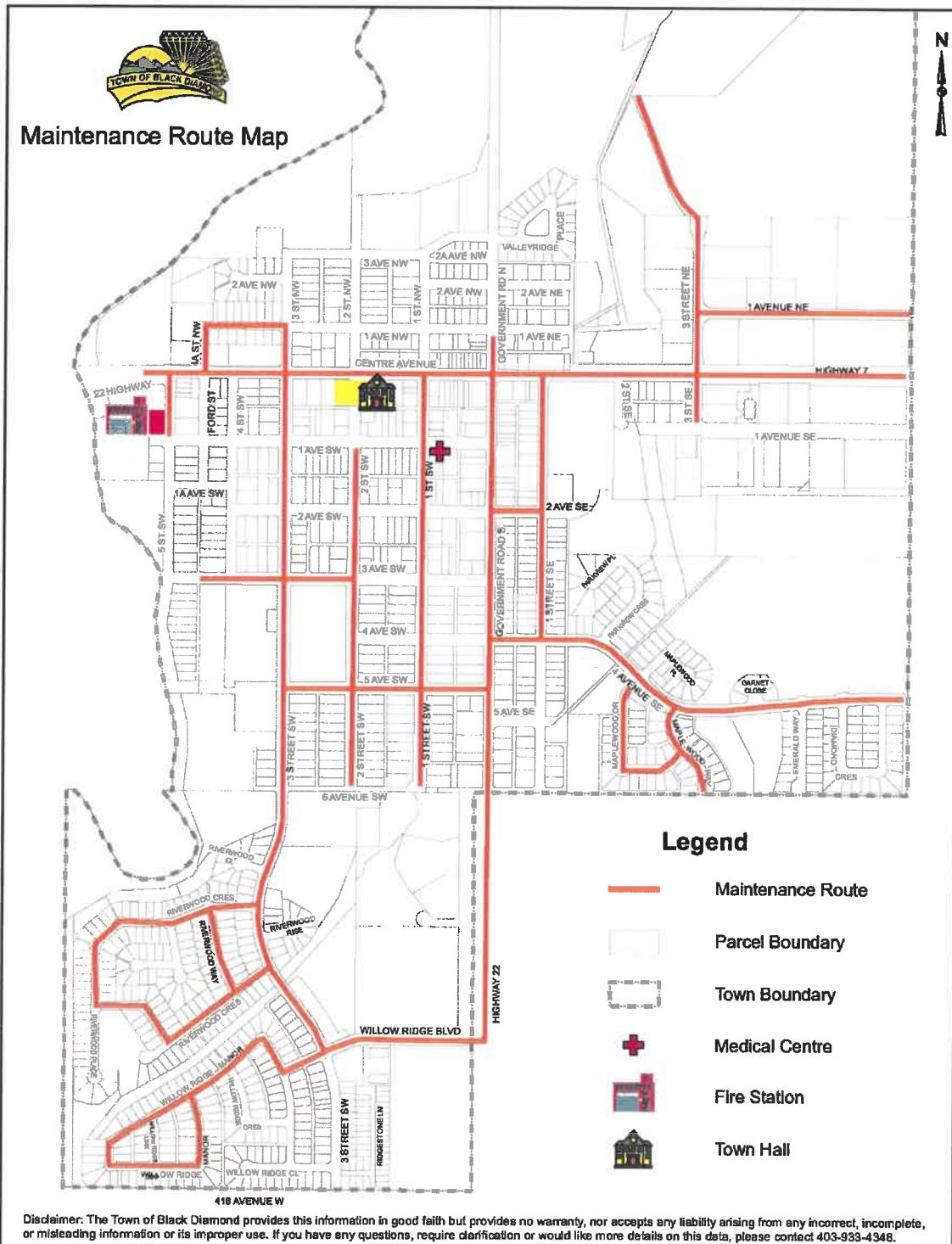
V. Luttschack
MAYOR

Veron Staples
LEGISLATIVE SERVICES MANAGER

August 23, 2021
Date signed

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SCHEDULE "A"
MAINTENANCE ROUTE



Disclaimer: The Town of Black Diamond provides this information in good faith but provides no warranty, nor accepts any liability arising from any incorrect, incomplete, or misleading information or its improper use. If you have any questions, require clarification or would like more details on this data, please contact 403-933-4348.

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SCHEDULE “B”
PENALTIES

<u>Section</u>	<u>Offence</u>	<u>Fine</u>
4.5	Park in contravention of a Traffic Control Device	\$75.00
5.2	Park a Vehicle where not allowed	\$75.00
5.3	Inoperable Vehicle parked on Roadway	\$250.00
5.5	Service/repair Vehicle on a Roadway	\$200.00
5.6	Leave Vehicle unattended on a jack	\$350.00
5.7	Angle Park where prohibited	\$115.00
5.8	Improperly parked motorcycle	\$50.00
5.9	Park longer than permitted by Traffic Control Device	\$75.00
5.14	Improper parking	\$75.00
5.15	Park or Stop Vehicle blocking access to any fire hall, police station, ambulance entry or healthcare facility	\$250.00
5.16	Park or Stop in marked bus zone	\$75.00
5.17	Park Recreational Vehicle on Highway between November 1 and April 1	\$115.00
5.18	Unattached Recreational Vehicle on Highway	\$150.00
5.19	Park a Recreational Vehicle on a Roadway for more than 48 consecutive hours	\$115.00
5.20	Use of Recreational Vehicle as residence on a Highway	\$200.00
5.21	Park Vehicle in Alley	\$115.00
5.22(a)	Vehicle blocking or impeding use of Alley	\$75.00
5.22 (b)	Block or impede use of Sidewalk	\$75.00
5.22(c)	Parking in front of or within 1m of refuse container or storage area located on an Alley	\$75.00
5.22(d)	Park in a marked fire lane	\$75.00
5.22(e)	Park causing interference with fire or emergency exit doors	\$75.00
5.22(f)	Park within 3 metres of an electrical transformer	\$75.00
5.23	Park improperly in a loading zone	\$75.00
5.24	Park on private property without permission	\$200.00
5.25	Park in designated space without permission	\$200.00
7.3	Park or permit parking during declared Parking Ban	\$150.00
8.7	Hold or take part in unauthorized Parade or Procession	\$75.00
8.8	Funeral Procession proceeding when unsafe	\$250.00

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SCHEDULE “B”
PENALTIES

8.10	Drive or ride through authorized Procession or Parade	\$250.00
9.4	Park in a Disabled Parking Place	\$250.00
10.3 – 10.6	Exceeding Speed Limits	Refer to TSA
11.1	Run or Race on Highway in a manner to distract	\$250.00
11.2	Pedestrian crossing Highway other than at Intersection or Crosswalk	\$75.00
11.3	Stand on Road to solicit a ride	\$150.00
11.4	Throw objects, Use bow & arrow, Throw fireworks, Set fire over/on Highway	\$150.00
11.5	Destroy or deface sign	\$150.00
11.6	Damage Boulevard or vegetation	\$250.00
11.7	Fail to maintain Boulevard	\$75.00
11.8	Fail to remove snow or ice from Sidewalk	\$150.00
11.9	Deposit, or cause to be deposited, snow or ice onto Roadway	\$250.00
11.11	Coast, toboggan or ski on Highway	\$50.00
11.13	Improper operation of a Bicycle on a Sidewalk	\$115.00
11.15	Ride horse/animal on Sidewalk or Boulevard	\$100.00
11.16	Obstruct a Sidewalk or Boulevard	\$100.00
11.17	Operate a Skateboard on a Roadway	\$50.00
11.18	Operate Skateboard where prohibited/damage Public Place/impede or endanger Pedestrians	\$100.00
11.19	Skateboard on Sidewalk in a reckless manner	\$115.00
11.20	Youth Bicycle/Skateboard without CSA approved helmet	\$50.00
11.21	Parent/Guardian fail to ensure child is wearing CSA approved helmet	\$50.00
12.1	Drive or ride unauthorized in a park or Public Place	\$250.00
12.3	Fail to control horse-drawn Vehicle	\$300.00
13.1	Operate a Restricted-use Vehicle in Town	\$300.00

