



**TOWN OF HIGH LEVEL
STREETS & SIDEWALKS BYLAW
BYLAW NO. 996-19**

WHEREAS the Council of the Town of High Level, in the Province of Alberta, deems it appropriate to enact a bylaw to control and regulate the use of highways, sidewalks and public places near them, the parking, traffic and pedestrians thereon the streets, highways and sidewalks;

AND WHEREAS the provisions of Sections 7, 8, and 18 of the Municipal Government Act, Chapter M26, Revised Statutes of Alberta 2000, c. M-26 (hereinafter referred to as “the Act), as amended, provides that a municipality may pass Bylaws safety, health and welfare of people and the protection of people and property; and the municipality has management and control of all roadways within the municipality; and,

AND WHEREAS, the provisions of Section 13(1) of the Traffic Safety Act, being Chapter T-6 of the Revised Statutes of Alberta, 2000, empower Council to pass Bylaws controlling and regulating the use of all highways, sidewalks and public places, and;

AND WHEREAS the Council of the Town of High Level deems it desirable that snow and debris be removed from streets and sidewalks owned and managed by the Town of High Level

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

Section 1 - Title

1. This bylaw may be cited as the “STREETS & SIDEWALKS BYLAW of the Town of High Level.”

Section 2 – Traffic Safety Act

2. Unless a word or term is specifically defined in this bylaw, the meaning, if any, ascribed in the Traffic Safety Act and the Interpretation Act shall apply and in the event of a conflict between the meaning ascribed in the Traffic Safety Act R.S.A. 2000 Chapter T-6 and that ascribed in the Interpretation Act, the former Act shall apply.

Section 3 – Definitions

3. (1) In this Bylaw
 - (a) “Council” means the municipal council of the Town duly assembled and acting as such;
 - (b) “Curb” means the concrete or asphalt edge of a roadway or the division point between the roadway and a boulevard or sidewalk;
 - (c) “Maximum weight” means the maximum weight of a vehicle as recorded on the official registration certificate or interim registration certificate for such vehicle issued by the Government of the Province of Alberta;
 - (d) “Maximum allowable weight” means the weight as determined by the number of tires multiplied by the carrying capacity of the tire size as set out by Traffic Safety Act R.S.A. 2000 Chapter T-6 and its regulations;
 - (e) “Peace Officer” means a member of the Royal Canadian Mounted Police, a Bylaw Enforcement Officer or a Peace Officer appointed pursuant to the provisions of the Peace Officer Act;
 - (f) “Private road or driveway” means a way or place in private ownership and used for vehicular traffic;
 - (g) “Right of way” means the right to immediate use of the street in priority to another vehicle or a pedestrian using or wanting to use the same street
 - (h) “Sidewalk” means the portion of a street set aside for the use of pedestrians whether or not the surface of such portion is covered with gravel, concrete, asphalt or other type of paving;

- (i) "Street furniture" includes every curb, sidewalk, pole, traffic sign, waste receptacle, tree, plant, grass or any other property belonging to the Town capable of being marked, defaced or damaged;
- (j) "Town" means the Town of High Level, a municipal corporation of the Province of Alberta, and includes the area contained within the boundaries of the Town where the context so requires.
- (k) "Roadway" means and includes any thoroughfare, street, road, trail, avenue, parkway, driveway, lane, alley, or other place owned or maintained by the Town, which the public is ordinarily entitled or permitted to use for the passage or parking of vehicles, and includes all the land from the property line on one side of said place to the property line on the opposite side of said place.
- (l) "Public vehicle" means a vehicle operated on a highway by or on behalf of a person for the transportation of
 - i. Passengers,
 - ii. Goods,
 - iii. The vehicle itself

But does not include a private passenger vehicle;

- (m) "Slow moving vehicle" means a public vehicle that is:
 - i. A piece of slow moving equipment or machinery,
 - ii. An animal drawn vehicle,
 - iii. A piece of machinery or equipment designed for use at speeds less than 40 kilometers per hour, or,
 - iv. A vehicle which is required to display an emblem indicating that such a vehicle is a slow moving vehicle pursuant to the Traffic Safety Act R.S.A Chapter T-6 and its regulations

Section 4 – Parking

- 4.
 - a. No operator or owner shall park, or stand or permit to be parked or left standing, any vehicle on any roadway or public place for any period longer than seventy-two (72) consecutive hours.

- b. No operator or owner shall leave parked, or permit to be left parked on any street, a trailer, whether designed for occupancy or load carrying, which has been detached from the vehicle which is used to draw it unless;
 - i. there are wheel chocks in front of and behind each wheel,
 - ii. It is parked in front of their own personal residence,
 - iii. It does not obstruct any other driveway or the natural flow of traffic or pedestrian traffic, and;
 - iv. It does not contravene any other municipal bylaw or provincial or federal act.
- c. No operator or owner shall cause a vehicle, or vehicle combination, to park upon any highway within the Town, when the maximum allowable weight exceeds 5,500 kilograms or when the total length exceeds 10 meters west of 97 Street, within the Town.
- d. No operator or owner shall park or permit the parking of a vehicle in any alley except temporarily for the purpose of loading or unloading delivery of goods, wares or merchandise
- e. No operator or owner shall park or permit the parking of any vehicle on a highway for the purpose of greasing, servicing, repairing or making installations to that vehicle except for emergency repair required for continued operation.
- f. No operator or owner shall park any vehicle used for the conveyance of inflammable, combustible, explosive, or other dangerous material whether loaded or unloaded in any area west of Highway 35, or within 15 meters of any building.
- g. No operator or owner shall park any vehicle in a posted Fire Lane access or in any other emergency entrance or exit, or within 5 metres from any fire hydrant.
- h. No operator or owner shall park on private property without authority from the owner or person in lawful possession or control of the property.
- i. No operator or owner shall park or stand, or permit to be parked or left standing, any vehicle on any roadway where signs prohibit parking.
- j. No person shall park or stop a vehicle contrary to a no parking sign or contrary to time constraints established by a no parking sign.
- k. No person shall park or stop a vehicle in a spot designated for an expecting mother person unless that person is actively showing as pregnant.
- l. No person shall park in a spot designated for a disabled person unless that vehicle is identifiable by a license plate or by a placard as a disabled person.
- m. No person shall park or stop a vehicle left of a centre lane.
- n. No person shall park or stop a vehicle on a sidewalk or boulevard.
- o. No person shall park or stop a vehicle on a marked crosswalk, or within one metre of a crosswalk.

- p. No owner or operator of a motor vehicle shall park or stop a motor vehicle;
 - i. Within an intersection other than immediately next to the curb in a 'T' intersection, unless otherwise posted;
 - ii. At an intersection nearer than 5 metres to the projection of the curb or edge of the roadway;
 - iii. Within 5 metres from the stop or yield sign.
- q. No owner or operator of a motor vehicle shall park or stop a motor vehicle on the roadway in any manner that would obstruct or impede the natural flow of traffic.
- r. Notwithstanding any other provision in this Bylaw, the employees of the Town may cause a temporary "No Parking Sign" to be placed on or near a roadway for roadway maintenance, construction or snow removal purposes at any time.
 - i. The Town shall provide a minimum of twelve (12) hours notice when erecting temporary no parking signs before they become enforceable.

Winter Parking Restriction

- 5. Effective November 1st to March 31st of each year a winter parking restriction is in effect within the Town. During this restriction;
 - a. Any vehicle obstructing snow removal operations may be removed at the discretion of any Designated Bylaw or Peace Officer of the Town without notification to the vehicle owner.
 - b. Temporary no parking signs may be erected on streets to indicate snow removal operations.
 - c. The Town is not liable for any damage caused to vehicles parked on a roadway by snow removal equipment, its operators, or tow truck operators.

Removal of Vehicles

- 6. A Peace Officer may cause any vehicle parked contrary to Section 4 or Section 5 of this bylaw to be removed from the roadway and placed in any place at the officer's discretion.
 - a. Any vehicle removed in accordance with this bylaw shall only be returned to the registered owner when all applicable fees respecting the tow, impound and municipal tags are paid.

Obstruction Offences

- 7. When an unprotected hose of the Town Fire Department or Town Public Works Department has been laid down on a roadway or a driveway, no person shall drive a

- vehicle over such a hose unless the person representing the Town at the scene has specifically allowed them to do so.
8. No owner or operator of a motor vehicle shall park or stop a motor vehicle 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, any member of the fire department, any member of an emergency medical service, or anyone assisting any of these persons.
 9. No person shall obstruct the duties of, interfere with or cause a disturbance to any High Level Public Works employee, any person contracted by the Town of High Level, any High Level Fire Department member, Peace Officer, Paramedic or any other emergency worker while they are working on or near any street, sidewalk, parking lot or alleyway.
 - a. A Peace Officer may detain any person contravening this section if necessary to prevent continuation of the offence
 10. No owner of a vehicle or person operating a vehicle shall stop a vehicle or permit a vehicle to be left upon a highway in such a manner as to block, obstruct, impede or hinder traffic thereon.
 11. No person shall conduct himself or herself or otherwise position himself or herself on a highway, roadway, alleyway or sidewalk in such a manner as to obstruct vehicular or pedestrian traffic or as to inconvenience any other person upon the highway.
 - a. Any person in contravention of this section may be detained or removed from the immediate area if necessary to prevent continuation of the offence using as much force as reasonably necessary.
 12. No person shall make or place an obstruction of any kind, in, upon, or above any highway.
 13. No person shall dump, place, spill, abandon, unload or push any dirt, ice, snow, gravel, asphalt, concrete, garbage, waste, or any other deleterious matter onto any highway which in any manner obstructs or impedes vehicular, pedestrian traffic or drainage.
 - a. Where waste or garbage has been deposited on a street or sidewalk from birds, animals or other wildlife as a result of waste not being secured properly in a waste receptacle, the Town may cause that waste or garbage to be cleaned without notice to the property owner of the adjoining property, at the property owners expense.
 14. No person shall park or place any item, snow, gravel or debris in such a manner that it obstructs with or interferes with the use of a fire hydrant, drain or any public utility.

Damage Offences

15. No person shall interfere with, break, cut or otherwise injure or damage a highway.

16. No person shall in any way damage, mark, or deface any street furniture on any highway or public place.
17. Any person operating a tracked, studded or cleated vehicle assumes full liability for any roadway damage that may occur.

Pedestrian Offences

18. No pedestrian utilizing a street, sidewalk, alley or highway shall obstruct, impede or interfere with the natural flow of traffic or flow of other pedestrians.
 - a. Any person found obstructing or impeding the flow of traffic or pedestrians may be detained or removed from the area if necessary to prevent the continuation of the offence
19. No pedestrian shall place, deposit or cause any form of waste or debris to be left on a street, sidewalk, alley, highway or any property adjacent to any one of those.

Sidewalk Clearing Offences

20. Every person who owns a property, other than a residential property, shall within twenty-four hours (24 hours) of the cessation of a snowfall, ensure that all snow and ice is removed from sidewalks adjoining that property.
 - a. Sidewalks adjoining residential properties shall be the responsibility of the Town of High Level to clear within 7 days of cessation of the last snowfall.
 - b. The Town of High Level may at their discretion cause snow or ice to be removed from any property subjected to this Section that fails to clear their sidewalk within 7 days of the cessation of the snowfall without notice to the property owner.
 - i. All property owners shall be liable for costs for any snow or ice removal conducted under Section 22(b) of this Bylaw by billable invoice or costs applied to the tax roll, pursuant to the Municipal Government Act of Alberta.
21. No person shall cause damage to streets or sidewalks by chipping, chiseling or removing snow or ice.
 - a. Any person responsible for damage may be liable for costs to repair the damage.
22. No person shall deposit snow or ice from their property, whether commercial or residential on a public street, roadway, alleyway or sidewalk unless;
 - a. It is within 24 hours of cessation of a snowfall;
 - b. The Town has not yet plowed the street, roadway, alleyway or sidewalk.
 - c. Depositing the snow or ice does not cause a safety hazard to the flow of traffic.

23. No person shall deposit or cause to be deposited snow or ice in any ditch, culvert end, catch basin or other area that will obstruct public drainage infrastructure.
24. Pursuant to the implementation of the Winter Parking Ban in Section 5 of this Bylaw, no person shall obstruct sidewalks with vehicles, equipment or electrical cords that may interfere with snow removal operations.
 - a. The Town of High Level assumes no responsibility for damage caused to vehicles, equipment, electrical cords or other items left on a sidewalk.
 - b. The Town of High Level assumes no responsibility to notify owners of vehicles, equipment, or electrical cords left on sidewalks.
25. No person shall deposit or cause to be deposited snow or ice in such a manner that it obstructs the access to, operation of, or visibility of any fire hydrant.
 - a. Any High Level Fire Department Officer, Peace Officer or Public Works employee may issue a notice to a person responsible for placing snow or ice in such a manner that contravenes this Section requiring the removal of the snow or ice in a specified timeframe.
 - b. Failing to comply with an order in this Section may result in the Town completing the order and the person responsible shall be liable for all costs on a Municipal Tag, or with the offence on a provincial offence notice with the costs incurred being the specified penalty.
 - c. Any order given to a property owner under this Section shall contain a detailed description of the action required, a time frame in which to complete the action and notice that failing to comply with the condition may cause the Town to complete the work at property owners expense.
26. A registered owner of land shall not permit any hedge, tree, shrub, fence, wall, structure or any other object on private property to fall within 12 inches of any sidewalk or roadway.
 - a. Any person who contravenes this section may be given an order in writing by Public Works employees requiring the remedy of a condition contrary to this Section.
 - b. Any order given to a property owner under this Section shall contain a detailed description of the action required, a time frame in which to complete the action and notice that failing to comply with the condition may cause the Town to complete the work at property owners expense.

Enforcement

27. Any person who contravenes a provision of this Bylaw is guilty of an offense.
28. Any Peace Officer may enforce every provision of this Bylaw.
29. Any Public Works employee tasked with supervisory, managerial or administrative duties may issue and enforce orders as provided in the specified sections of this Bylaw.

- a. Public Works employees shall not undertake any other enforcement action other than the production, service and execution of administrative orders as provided in the specific sections of this Bylaw.
30. Any person who contravenes a provision of this bylaw may be;
- a. Served a municipal tag charging a person with a specified penalty for the offence,
 - b. Served a provincial offence ticket charging a person for an offence pursuant to the Provincial Offences Procedures Act of Alberta.
 - c. Charged for an offence on a long form information charge.
 - d. Issued an administrative order where the bylaw provides.
31. Where no accused is identifiable for an offence, the registered owner of the concerned vehicle, or the registered owner of a property affecting the adjoining street or sidewalk, as the case may be, is liable for the offence.
32. Any person who fails to pay a municipal tag within the time-frame specified may be subjected to having the offence served on another form of prosecution.
33. Where payment for an offence on a municipal tag is received, the Town shall accept payment in lieu of prosecution of the offence by any other means.

Penalties

34. Any person who contravenes or disobeys, or refuses or neglects to obey, any provision of this Bylaw by:
- a. Doing any act or thing which he/she is prohibited from doing herein, or;
 - b. Failing to do any act or thing he/she is required to do herein;
- is guilty of an offence and is liable on summary conviction to a fine not less than Three Hundred Dollars (\$300.00) and in the event of failure to pay any fine levied to imprisonment for a period of not less than seven (7) days and not exceeding sixty days.
35. Where a person commits an offence and is served an offence notice or municipal tag, unless otherwise specified, in addition to any impoundment or costs to remedy a condition, the specified penalties shall be;
- a. In the case of a Section 4 & 5 Parking Offence, \$ 115.00.
 - b. In the case of a Section 7-14 Obstruction Offence, \$310.00.
 - c. In the case of a Section 15-16 Damage Offence, \$287.00.
 - d. In the case of a Section 18-19 Pedestrian Offence, \$ 115.00.
 - e. In the case of a Section 21-26 Sidewalk Offence, \$287.00.

Service of Documents

- 36. A Voluntary Payment Tag or an Order to remedy any condition shall be deemed to be sufficiently served:
 - a. If served personally on the accused, or
 - b. If mailed via ordinary or registered mail to the last known address of the registered owner of the vehicle concerned; or to the person concerned; or
 - c. If attached to or left upon the vehicle in respect of which the offence is alleged to have been committed, or
 - d. Affixed to the presumed main entrance to a property of the concerned residence,
 - e. Left with a person who appears or is confirmed to be at least 18 years of age at the concerned address.

Severability

- 37. If any provision of this Bylaw is deemed beyond the authority of a Municipality to enact by a Provincial Court, that provision shall be deemed nullified independent of the other provisions and the remainder of this Bylaw shall remain fully enforceable.

Enforceability & Repeals

- 38. This bylaw shall come into force immediately upon the third and final reading.
- 39. When this bylaw comes into force, bylaws 861-08 and all amendments as well as bylaw 473-84 and all amendments are hereby repealed.

READ A FIRST TIME this 23rd day of September 2019.

READ A SECOND TIME this 28th day of October 2019.

READ A THIRD AND FINAL TIME this 9th day of December 2019.

SIGNED AND PASSED this 11th day of December 2019.

(Original signed) _____

MAYOR

(Original signed) _____

MUNICIPAL SECRETARY