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## A BYLAW OF THE SUMMER VILLAGE OF SUNDANCE BEACH FOR MATTERS RELATED TO THE CONTROL OF TRAFFIC

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**WHEREAS** Sections 7 (d) and (i) and Sections 8 (a) and (b) of the MGA (as defined below) authorize the council of a municipality to pass bylaws respecting transport and transportation systems;

**AND WHEREAS**, Sections 13 (1) and 13 (2) of the Traffic Safety Act (as defined below), provides that the council of a municipality may pass bylaws for the regulation and control of traffic;

**NOW THEREFORE**, the Council (as defined below), duly assembled, enacts as follows:

### 1. SHORT TITLE

1.1 This Bylaw shall be known as the "Control of Traffic Bylaw".

### 2. DEFINITIONS

2.1 Definitions used in this Bylaw, if not defined in this Bylaw, shall have the same meanings attributed to those definitions in the MGA.

2.2 In this Bylaw:

- a) **"Bylaw Enforcement Officer"** means (i) a person who is an employee of the Summer Village or a third party and who has been appointed to carry out the duties of enforcing its Bylaws, (ii) a person who is a community peace officer as defined under the *Peace Officer Act, Statutes of Alberta 2006, Chapter P-3.5* or (iii) a person who is a member of the Royal Canadian Mounted Police;
- b) **"CAO"** means the Chief Administrative Officer of the Summer Village;
- c) **"Costs"** means any and all costs, expenses and damages attributable to, resulting from or arising out of any contravention or breach of this Bylaw by any Person including, without limitation, (i) any repair costs or remediation costs applicable to Roads or Walkways, and (ii) any impounding costs, towing costs and storage costs applicable to the removal of any Motor Vehicle;
- d) **"Council"** means the Council of the Summer Village;
- e) **"MGA"** means the *Municipal Government Act, Revised Statutes of Alberta, 2000 Chapter M-26*;



- f) "**Municipal Tag**" means a ticket issued by the Summer Village pursuant to the MGA for breach of its Bylaws;
- g) "**Occupant**" means a Person, other than an Owner, who has the right to use and occupy a Private Property, in each case whether under a lease, tenancy, rental arrangement, easement, license, agency arrangement or otherwise;
- h) "**Owner**" means a Person who is a registered owner of a Private Property under the Land Titles Act, Revised Statutes of Alberta, 2000, Chapter L-4;
- i) "**Person**" means an individual and includes partnership, corporation, trustee, executor, joint venture, proprietorship, association, society and any other legal entity;
- j) "**POPA**" means the *Provincial Offences Procedure Act, Revised Statutes of Alberta, 2000 Chapter P-34*;
- k) "**Private Property**" means any land, buildings or property located in the Summer Village which is privately owned and to which members of the public do not have access as of right. For greater certainty, "Private Property" includes (i) land which is owned by the Sundance Beach Easement Holders Association and which certain members of the Sundance Beach Easement Holders Association have the right to use and occupy pursuant to a written easement agreement, (ii) public utility lots which are owned by the Summer Village and which certain residents of the Summer Village have the right to use and occupy pursuant to a written easement agreement, (iii) public utility lots which are owned by the Summer Village and which certain residents of the development known as "Sundance Estates" have a right to use and occupy pursuant to a written license agreement, and (iv) road allowances which are controlled by the Summer Village and which certain residents of the Summer Village have the right to use and occupy pursuant to a written license agreement;
- l) "**Public Property**" means any land, buildings or property located in the Summer Village which is owned by the Summer Village and to which members of the public have access as of right, or by express or implied invitation, whether on payment of a fee or not. For greater certainty, "Public Property" includes the Summer Village's community centre, garage and storage buildings and its parks and playgrounds but excludes Private Property;



- m) **"Road"** means (i) any road located within the Summer Village including, without limitation, the roads known as "Lakeshore Drive", "Sunset Boulevard", "Vine Avenue" and "Park Road", and (ii) the road known as "First Street" located at the western boundary of the Summer Village, but, for greater certainty, excluding the Walkways;
- n) **"Summer Village"** means the Summer Village of Sundance Beach;
- o) **"Traffic Safety Act"** means the *Traffic Safety Act, Revised Statutes of Alberta, 2000 Chapter T-6*;
- p) **"Violation Ticket"** means a ticket issued pursuant to Part 2 or Part 3, as applicable, of the POPA; and
- q) **"Walkways"** means (i) the roads located within the Summer Village and known as "Willow Road", "Poplar Road", "Birch Road", "Elm Road", "Spruce Road" and "Pine Road", and (ii) the paths located within the Summer Village between Lots 70 and 71, Lots 86 and 87 and Lots 103 and 104.

2.3 In this Bylaw, the definitions "Commercial Vehicle", "Emergency Vehicle", "Maximum Allowable Weight", "Motor Vehicle", "Off-Highway Vehicle", "Over-Dimensional Vehicle", "Pedestrian", "Traffic Control Device" and "Trailer" shall have the meanings attributed to those definitions in the Traffic Safety Act and its regulations.

### 3. GENERAL INTERPRETATION

- 3.1 All schedules attached to this Bylaw form part of this Bylaw.
- 3.2 Headings or subheadings in this Bylaw are inserted for ease of reference and guidance purposes only and do not form part of this Bylaw.
- 3.3 Words in the singular include the plural and words in the plural include the singular.
- 3.4 Where this Bylaw cites or refers to any act, regulation, code or other bylaw, the citation or reference to the act, regulation, code or other bylaw includes any amendments thereto before or after the commencement of this Bylaw, and includes reference to any act, regulation, code or other bylaw that may be substituted in its place.
- 3.5 Each provision of this Bylaw is independent of, and severable from, all other provisions and if any provision is declared invalid or unenforceable



for any reason by a court of competent jurisdiction, all other provisions of this Bylaw remain valid and enforceable.

- 3.6 Nothing in this Bylaw relieves a Person from complying with any provision of any federal, provincial or municipal law or regulation or any requirement of any lawful permit, order or license.

#### **4. GENERAL**

- 4.1 No Person shall operate any Motor Vehicle or any Off-Highway Vehicle in any manner, or take or fail to take any action, in either case which contravenes the Traffic Safety Act or this Bylaw.
- 4.2 If, in the opinion of the CAO or the Bylaw Enforcement Officer, circumstances exist which threaten, or could reasonably be expected to threaten, public safety, then, so long as such circumstances continue to exist, the CAO or the Bylaw Enforcement Officer may:
- a) temporarily close any Road or Walkway or any portion thereof; and
  - b) temporarily suspend parking privileges on any Road, Walkway or Public Property or any portion thereof.
- 4.3 Nothing in this Bylaw shall apply to an Emergency Vehicle being operated by authorized personnel or a Motor Vehicle or an Off-Highway Vehicle being operated by the Bylaw Enforcement Officer while performing his or her duties.

#### **5. SPEED LIMITS AND TRAFFIC CONTROL DEVICES**

- 5.1 Unless indicated otherwise on a Traffic Control Device, no Person shall drive or operate a Motor Vehicle or an Off-Highway Vehicle in the Summer Village in excess of the posted speed limit.
- 5.2 The CAO shall have the authority to establish the locations of the Traffic Control Devices within the Summer Village from time to time.

#### **6. PARKING**

- 6.1 No Person shall park a Motor Vehicle, Off-Highway Vehicle or Trailer on a Road:
- a) in contravention of a Traffic Control Device;
  - b) in a manner which impedes the flow of traffic or Pedestrians;



- c) in a manner which blocks or obstructs any Road or Walkway or access to any Road or Walkway;
  - d) in a manner which blocks or obstructs the use of a driveway or entry/exit access area located on Private Property or Public Property;
  - e) in a manner which blocks or obstructs the view of a Traffic Control Device;
  - f) within five meters of any intersection, stop sign or yield sign;
  - g) within 10 meters of any barrier or barricade installed by or on behalf of the Summer Village on any Road or Walkway;
  - h) on the opposite side of a Road contrary to traffic flow; or
  - i) for a time period exceeding 72 hours.
- 6.2 No Person shall park a Motor Vehicle, Off-Highway Vehicle or Trailer on Private Property without the permission of the Owner or Occupant of such Private Property.
- 6.3 No Person shall park a Motor Vehicle, Off-Highway Vehicle or Trailer on Public Property:
- a) unless the Motor Vehicle, Off-Highway Vehicle or Trailer is parked in a designated parking area; or
  - b) unless such Person has obtained the prior written permission of the Summer Village.
- 6.4 No Person shall park a Motor Vehicle, Off-Highway Vehicle or a Trailer on a Walkway unless such Person has obtained the prior written permission of the Summer Village.

## **7. ROAD BANS and OVER-DIMENSIONAL VEHICLES**

- 7.1 The CAO shall have the authority to issue, from time to time, orders which establish the Maximum Allowable Weight for Commercial Vehicles on any Road. The CAO may set out in such orders any applicable exemptions to such orders.
- 7.2 Notwithstanding Section 7.1 above, the CAO or his/her designate may, from time to time, issue road permits and/or road use agreements, allowing an owner or operator of a Commercial Vehicle to exceed the



Maximum Allowable Weight for Commercial Vehicles on a Road for the time period specified in such permit and/or road use agreement. Any fees payable for such permit and/or road use agreement, and any terms and conditions applicable to such permit may be established by the CAO or his/her designate from time to time.

- 7.3 No Person shall drive or operate an Over-Dimensional Vehicle on any Road or Walkway unless such Person has obtained the prior written permission of the Summer Village.

## **8. PROTECTION OF ROADS, WALKWAYS AND TRAFFIC CONTROL DEVICES**

- 8.1 No Person shall drive or operate a Motor Vehicle on a Walkway unless such Person has obtained the prior written permission of the Summer Village.
- 8.2 No Person shall drive or operate a Motor Vehicle on a Road if the wheels or tires of such Motor Vehicle have metal spikes, lugs, cleats or bands projecting from such wheels or tires or if such Motor Vehicle has caterpillar treads unless, in each of such cases, the Person has obtained the prior written permission of the Summer Village.
- 8.3 No Person shall break up, dig up, make an excavation under or otherwise damage, alter or change, in any way, any Road or Walkway, or make excavation in or under any sidewalk or street for the purpose of building or otherwise, unless such Person has obtained the prior written permission of the Summer Village.
- 8.4 No Person shall move, alter, change, cover, deface or damage, in any way, any Traffic Control Device unless such Person has obtained the prior written permission of the Summer Village.

## **9. OFF-HIGHWAY VEHICLES**

- 9.1 No Person shall drive or operate an Off-Highway Vehicle on a Road if the wheels or tires of such Off-Highway Vehicle have metal spikes, lugs, cleats or bands projecting from such wheels or tires or if such Off-Highway Vehicle has caterpillar treads unless, in any of such cases, the Person has obtained the prior written permission of the Summer Village.
- 9.2 A Person may operate an Off-Highway Vehicle on a Road or a Walkway provided that:
- a) such Off-Highway Vehicle is operated at the sole risk of such Person;



- b) such Off-Highway Vehicle is operated in compliance with this Bylaw and with the parts of the Traffic Safety Act applicable to such Off-Highway Vehicle; and
- c) without restricting the generality of Section 9.2(a) above, such Off-Highway Vehicle is registered in accordance with the Traffic Safety Act and is equipped with operating lights and brake lights.

## **10. FINES AND ENFORCEMENT**

- 10.1 A Person who contravenes any provision of this Bylaw is guilty of an offence pursuant to this Bylaw.
- 10.2 A Bylaw Enforcement Officer is duly authorized to impound and remove from a Road or Public Property, a Motor Vehicle in violation of the provisions in this Bylaw and all Costs incurred in doing so shall be the responsibility of the owner of such Motor Vehicle.
- 10.3 In the case of an offence that is of a continuing nature, a contravention constitutes a separate offence in respect of each day, or part of a day, on which it continues and a Person guilty of such an offence is liable to a fine in an amount not less than the amount established in accordance with section 10.4 below for each separate offence.
- 10.4 Any Person who is guilty of an offence under this Bylaw is liable for a fine not less than the amount established in Schedule A and not more than \$10,000. The fine amounts in Schedule A are established for use in Municipal Tags and Violation Tickets (which offer a voluntary payment option).
- 10.5 With respect to an offence under this Bylaw, a Bylaw Enforcement Officer may issue a Municipal Tag or a Violation Ticket specifying the amount of the fine established in accordance with Section 10.4 above.
- 10.6 When a Municipal Tag is issued, the amount of the fine indicated therein may be paid in accordance with the Municipal Tag in lieu of prosecution.
- 10.7 When a Violation Ticket is issued with a specified penalty, the amount of the fine indicated therein may be paid in accordance with the Violation Ticket in lieu of prosecution.
- 10.8 Nothing in this Bylaw shall preclude a Bylaw Enforcement Officer from issuing a Violation Ticket for a mandatory court appearance to any Person who contravenes any provision of this Bylaw.



- 10.9 Nothing in this Bylaw shall preclude a Bylaw Enforcement Officer from laying charges under any alternate governing legislation.
- 10.10 Any Person who contravenes or breaches any provision of this Bylaw shall pay to the Summer Village upon demand any Costs attributable to, resulting from or arising out of such contravention or breach including, without limitation, any Costs required to repair or remediate any damage caused by such contravention or breach. If such Person is an Owner and if such Person fails to pay such Costs upon demand, then the Summer Village may charge such Costs as taxes due and owing in respect of any Private Property owned by such Person.

## 11. REPEAL

- 11.1 This Bylaw shall replace Bylaw Nos. A25 (Traffic Devices) P7-168 (Parking and Traffic Control Bylaw), A35 (Road Bans, Vehicle Weight Restrictions and Road Protection), P27 (Road Bans, Vehicle Weight Restrictions and Road Protection), A40 (Traffic Bylaw) and A43 (Regulation and Control of Traffic Devices) and Bylaws Nos. A25, P7-168, A35, P27, A40 and A43 are hereby repealed.

## 12. COMING INTO FORCE

- 12.1 This Bylaw shall come into full force and effect upon final passing.

**READ** a first time this 20<sup>th</sup> day of May, 2020.

**READ** a second time this 20<sup>th</sup> day of May, 2020

**READ** a third and final time this 24<sup>th</sup> day of June, 2021.

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Peter Pellatt, Mayor  
Summer Village of Sundance Beach

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June Boyda, Chief Administrative Officer  
Summer Village of Sundance Beach





**SUMMER VILLAGE OF SUNDANCE BEACH  
BYLAW 2021-06**

**Schedule A**

Section	First Offense	Second and subsequent Offense	Additional
5 - Speed	As prescribed in the Traffic Safety Act		
6 - Parking	\$50	\$100	Plus Costs
7 - Road Bans	\$200	\$400	Plus Costs
8 - Protection of highways	\$200	\$400	Plus Costs
9 - Off-Highway Vehicles	As prescribed in the Traffic Safety Act		