

The Town of Millet Traffic Bylaw

Bylaw 2009/03

Bylaw No. 2009/03 TOWN OF MILLET

WHEREAS, the Municipal Council of the Town of Millet, in the Province of Alberta, has the authority to implement a Traffic Bylaw in accordance with the Traffic Safety Act and the Municipal Government Act, being Chapter T-6 and Chapter M-26 respectively of the Revised Statutes of Alberta, 2000, and amendments thereto; and

WHEREAS; the Municipal Council deems it necessary to provide such a Bylaw; and

NOW THEREFORE; the Council of the Town of Millet, in the Province of Alberta, duly assembled enacts the following;

101. This Bylaw may be cited as the “Town of Millet Traffic Bylaw”.

PART 1 – DEFINITIONS

1.
Bicycle “bicycle” means a cycle propelled by human power on which a person can ride, regardless of the number of wheels it has, and includes a vehicle that
 - a) may be propelled by muscular power,
 - b) is fitted with pedals that are continually operable to propel it.

2.
Boulevard “boulevard” means that part of a highway 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.
C.A.O. “C.A.O.” means the Chief Administrative Officer of the Town of Millet.

4.
Commercial Vehicle “commercial vehicle” means;
 - a) a truck, trailer or semi-trailer, except a truck, trailer or semi-trailer that is a public service vehicle or;
 - b) a truck, trailer or semi-trailer or any class of vehicle that by the regulations or by an order of the Alberta Motor Transport Board is exempted from being classified as a commercial vehicle, and includes;
 - c) a motor vehicle from which sales are made of goods, wares, merchandise or commodity, and
 - d) a motor vehicle by means of which delivery is made of goods, wares, merchandise or commodity to a purchaser or consignee thereof.

5.
Council “Council” means the Council of the Town of Millet.

6.
Curb “curb” means the actual curb or division point between that portion of the street intended for the use of vehicles and that portion intended for use of pedestrians.

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7.
Driver or Operator “driver” or “operator” means a person who drives or is in the actual physical control of the vehicle.
8.
Emergency Vehicle “emergency vehicle” means a Police, Peace Officer, Fire, Ambulance, or any other vehicle identified as an emergency response vehicle.
9.
Heavy Vehicle “heavy vehicle” means:
- a) a vehicle with or without load weighing five thousand (5000) kilograms or more, or exceeding eleven (11) meters in length or a vehicle commonly referred to as a truck tractor normally used for pulling trailers.
 - b) a vehicle with a trailer with or without load which exceeds five thousand (5000) kilograms in total weight or eleven (11) meters in total length.
 - c) Notwithstanding the foregoing, vehicles commonly known as “recreation vehicles”, being a vehicle or combination of a vehicle and trailer designed for vacation, camping or similar recreation purposes, shall not be deemed to be heavy vehicles.
10.
Highway “highway” means any thoroughfare, street, road, trail, avenue parkway, driveway, viaduct, lane, alley, square, bridge, causeway, trestleway, or other place, whether publicly or privately owned, any part of which the public is ordinarily entitled or permitted to use for the passage or parking of vehicles and includes:
- a) a sidewalk (including the boulevard portion of 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 lands between the fences or all the lands between the fence and the edge of the roadway as the case may be, but
 - d) does not include a place declared by the Lieutenant Governor in Council not to be a highway.
11.
Holiday “holiday” means a Sunday, a holiday as defined in the Interpretation Act of the Province of Alberta, and any day or portion that may be designated by the Mayor or so declared by the Council of the Town of Millet.
12.
Implement of Husbandry “implement of husbandry” means a vehicle designed and adapted primarily for agriculture, horticulture or livestock raising operations.

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13.
Intersection “intersection” means the area embraced within the prolongation or connection of
- a) the lateral curb lines or, if none;
 - b) the exterior edges of the roadway of two (2) or more highways which join one another at an angle whether or not one highway crosses the other.
14.
Laned Street “laned street” shall mean a street divided into two or more lanes for vehicular traffic.
15.
Licensed Gross Vehicle Weight “licensed gross vehicle weight” shall mean the gross weight for which a vehicle or truck vehicle is licensed or registered under the provisions of the Traffic Safety Act and/or The Motor Vehicle Administration Act for the province of Alberta.
16.
Loading Zone “loading or unloading zone” means a space on the vehicle portion of the highway, marked with a sign authorized by this Bylaw permitting the parking therein for the purpose of loading and unloading passengers, or merchandise.
17.
Median “median” means a physical barrier or area that separates traffic traveling in the opposite direction on a highway.
18.
Moped “moped” means a vehicle, regardless of the number of wheels it has, that;
- a) has a motor that is driven by electricity or has an engine displacement of not more than fifty (50) cubic centimeters;
 - b) has a minimum seat height of 650 mm, and;
 - c) does not have sufficient power to attain a speed greater than seventy (70) kilometers per hour on level ground within a distance of two kilometers from a standing start.
19.
Motorcycle “motorcycle” means a motor vehicle mounted on two (2) or three (3) wheels and includes those motor vehicles known to the trade as motor cycles and scooters but does not include an off-highway vehicle as defined in the Off-highway Vehicle Act.
20.
Motor Vehicle “motor vehicle” means;
- a) a vehicle propelled by any power other than muscular power, or;
 - b) a moped but does not include a bicycle, an aircraft, a tractor, whether equipped with rubber tires or not, an implement of husbandry or a motor vehicle that runs only on rails.

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21.
Off-highway vehicle “off-highway vehicle” means any motorized vehicle designated for cross-country travel on land, water, snow, ice, marsh or swamp land or on other natural terrain and without limiting the generality of the foregoing includes, when designed for such travel;
- a) 4-wheel drive or low pressure tire vehicles
 - b) Motorcycles and related 2-wheel vehicles
 - c) Amphibious machines’
 - d) All terrain vehicles
 - e) Miniature motor vehicles
 - f) Snow vehicles
 - g) Minibikes and,
 - h) Any other means of transportation which is propelled by any power other than muscular power or wind.
22.
Operator “operator” means a person who drives or is in actual physical control of a vehicle.
23.
Owner “owner” means;
- a) in the case of land, any person who is registered under the Land Titles Act as the owner of land, or;
 - b) in the case of property other than land, any person who is in lawful possession thereof, or
 - c) in the case of vehicles, “owner” includes any person renting a motor vehicle or having the exclusive use of it under a lease or otherwise for a period more than thirty (30) days.
24.
Parade or Procession “parade or procession” shall mean any group of pedestrians marching or walking on any street and numbering twenty-five (25) or more (except members of the Armed Forces) and/or of vehicles numbering seven (7) or more and proceeding under a common leadership (except funeral processions and military parades).
25.
Park “park” when prohibited, means allow a vehicle (whether occupied or not) to remain standing in one place, except;
- a) when standing temporarily for the purpose of and while actually engaged in loading or unloading passengers or;
 - b) when standing in obedience to a peace officer or traffic control device.
26.
Parking Lot “parking lot” means a lot or portion of a lot whether publicly or privately owned, any part of which the public is ordinarily entitled to use for the purpose of parking vehicles.
27.
Parking Stall “parking stall” means a portion of a street or parking lot indicated by markings as parking space for one vehicle.

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28.
Passenger Zone “passenger zone” means an area or space on a street established for the loading or unloading of passengers only.
29.
Peace Officer “peace officer” means;
a) a member of the Royal Canadian Mounted Police
b) a member of a municipal police service
c) a community peace officer
d) a bylaw enforcement officer
30.
Pedestrian “pedestrian” means a person afoot or a person in a wheelchair.
31.
Sign “sign” means a traffic control device as defined in Section 41.
32.
Skateboard “skateboard” means a device for coasting made of a board mounted on coasters or wheels, commonly called a “skateboard” or other wheeled conveyance.
33.
Tank “tank vehicle” means any vehicle other than railroad tank cars and boats, with a cargo tank mounted thereon or built as an integral part thereof used for the transportation of flammable liquids or hazardous chemicals. Tank vehicles include self-propelled vehicles, and full trailers and semi-trailers without motive power and with wheels carrying either part or the entire load.
34.
Time “time” means either Mountain Standard Time or Mountain Daylight Savings Time, whichever is proclaimed to be in effect by the Province of Alberta.
35.
Town of Millet “Town” means the Town of Millet.
36.
Traffic Control Device “traffic control device” means any sign, signal marking control or device placed marked or erected under the authority of the Traffic Safety Act, R.S.A. 2000, c. T-6 Division 3 Section 13 and Section 14 for the purpose of regulating, warning or guiding traffic.
37.
Traffic Control Signal “traffic control signal” means a traffic control device whether manually, electronically or mechanically operated, by which traffic is directed to stop and to proceed.

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38.
Trailer “trailer” means a vehicle so designated that it may be attached or drawn by a motor vehicle and intended to transport property or persons and includes any trailer that is designated, constructed and equipped as a dwelling place, living abode or sleeping place, whether permanently or temporarily, but does not include machinery or equipment used in the construction or maintenance of highways.
39.
Truck Tractor “truck tractor” means a truck that is designated primarily for drawing another vehicle and is not designed to carry any load other than part of the weight of the vehicle drawn and includes a vehicle that is designed to accommodate a 5th wheel coupling.
40.
Vehicle “vehicle” means a device in, on or by which a person or thing may be transported or drawn on a highway.
41.
Traffic Tag “traffic tag” means a municipal ticket in a form and with wording approved by the council of the Town of Millet and used in relation to bylaw offences.
42.
Violation Ticket “violation ticket” has the same meaning as in the Provincial Offences Procedure Act.

PART II – AUTHORITIES

201.
Exempt Class of Vehicles The Council may, by resolution, exempt any class of vehicles from such provisions of this Bylaw relating to parking and stopping as the Council may deem fit and under such conditions as the Council may impose, and may provide for the identification of such vehicles so exempted.
202.
Placing of Traffic Signs The Council may, by resolution, prescribe where traffic signs for controlling and regulating traffic in public places are to be located, and delegate to the C.A.O. the power to prescribe where traffic control devices are to be located with a record of such locations to be kept and which shall be open to public inspection during normal business hours.
203.
Designate Highways The Council may, by resolution, designate any highway as one to be divided into traffic lanes.
204.
Impounding of Vehicles Any Peace Officer appointed pursuant to the provisions of the Police Act being Chapter P-17 Revised Statutes of Alberta 2000 or bylaw enforcement officer appointed pursuant to Section 11.1 of the Municipal Government

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Act, being Chapter M-26 of the Revised Statutes of Alberta 2000, or Peace Officer appointed pursuant to the Peace Officer Act may cause a vehicle or trailer to be removed and taken to and stored in a suitable place in accordance with Section 77 of the Traffic Safety Act, R.S.A. 2000, c. T-6 and amendments thereto and all costs for removal and storage are a lien upon the vehicle or trailer.

205.

Release of Impound

No impound vehicle or trailer shall be released to its owner or his agent until the impound charge and removal charge on the vehicle or trailer have been paid. Such charges shall be in addition to any fine or penalty imposed in respect of any such violation, or any payment made in lieu of prosecution as hereinafter provided.

206.

Placing Snow Signs

Notwithstanding anything contained herein, in snow removal or highway cleaning operations carried on by Town employees or their contractors, the Town may tow or remove vehicles or trailers from the highway being cleaned or from which the road is posted with signs at least twelve (12) hours prior to work commencing, and park same on an adjacent highway without impounding the vehicle or trailers.

207.

Removal of Obstructions

- a) Only Council may cause the removal of any unauthorized structure or other thing which projects into or obstructs the use of any highway, sidewalk or boulevard.
- b) The charges for removal and storage of any such structure or other thing shall be paid by the owner or other person responsible therefore, and shall be in addition to any fine or penalty imposed or any payment in lieu of prosecution under Schedule “B” of this Bylaw.

208.

Obstructing Trees

If the Council is satisfied that any tree, hedge or shrub heretofore or hereafter planted on private property, interferes with or obstructs the view of the driver of any vehicle, they may require the owner, by giving seven (7) days notice by registered mail, to remove, prune, trim or alter such tree, hedge or shrub, and if the owner does not eliminate the obstruction within seven (7) days, the Council may direct the work done, and full cost therefore be added to the property in the form of a tax.

209.

Penalties

- a) The penalty amounts specified in Schedule “B” of this Bylaw are hereby established as the penalties for offenses under this Bylaw.
- b) Specified penalties may be amended by the Council of the Town of Millet.

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210.
Violators Any person who violates the provisions of this Bylaw is guilty of an offence and liable to the penalties specified in this Bylaw.
211.
Violation Tickets A violation ticket may be issued by a Peace Officer, Police Officer or Bylaw Enforcement Officer to any person alleged to have committed an offence under this bylaw and the said violation ticket shall require the payment to be made as per the instructions on the violation ticket.
212.
Payment of Ticket A person to whom a traffic tag has been issued may pay the penalty therein specified within the time stated thereon.
213.
Prosecution Non-Payment Should a person not pay the penalty within the specified time and prosecution has been entered against him, he shall be liable on summary conviction to pay the minimum fine equal to the penalty stated in the said violation ticket, plus any costs or surcharges and in default of payment, imprisonment for a period not exceeding thirty (30) days.
214.
Impound Bicycles Notwithstanding any other penalty that may be provided by Bylaw, a Bylaw Enforcement Officer, Police Officer, or Peace Officer is hereby authorized to impound any bicycle and/or skateboard operated in contravention of the provisions of this Bylaw for a period not to exceed fourteen (14) days.
215.
Expense for Removal Any expense incurred by the Town for the removal of any obstruction on a highway placed thereon on contravention of this Bylaw may be recovered by distress upon the goods and chattels of the person by whom, or by whose direction, any obstruction is so placed in the same manner as if such expenses were taxes levied pursuant to the Municipal Taxation Act so recoverable.
216.
Serving Violation Tickets or Traffic Tags A violation ticket or traffic tag shall be deemed to be sufficiently issued and served if;
a) served on the accused personally, or
b) mailed to the address of the registered owner of the vehicle or property concerned, or to the person concerned, or
c) attached to or left upon the vehicle in respect of which the offence is alleged to have been committed.
217.
Defending Charge Nothing in Sections “Penalties” or “Serving Violation” Shall:

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- a) prevent any person from defending a charge of committing a breach of this Bylaw
- b) prevent any Peace Officer or other person from laying any information against any other person, whether or not such person has made a payment under the provisions of “Penalties” or “Serving Violation” for violation of any of the provisions of this Bylaw.

218.

Responsible for Moving

The Town of Millet will not be responsible for any impounding or towing charges levied against a vehicle removed from a highway or parking lot pursuant to this Bylaw.

219.

Chalk Marks

Chalk Marks of Tires Permitted

In enforcing the provision of this Bylaw, a Peace Officer or Bylaw Enforcement Officer is hereby authorized to place a chalk mark on the road face of the tire of a parked vehicle without that person or the Town incurring any liability for doing so.

220.

Owner Responsibility

Where a vehicle is driven, used, parked or left in contravention of any provision of this Bylaw, the owner or operator of the vehicle is responsible for contravention and liable to the penalty provided herein, unless he proves to the satisfaction of the Court trying the case that at the time of the contravention the vehicle was not driven, used, parked or left by him or by other person with his consent, expressed or implied.

221.

Traffic Tag

A traffic tag having a printed wording approved by the Council of The Town of Millet may be issued by a police officer, peace officer or bylaw enforcement officer to any person alleged to have committed an offence under this bylaw and the said traffic tag shall require payment to be made to the Town of Millet within 10 days in order to avoid prosecution for the offence

PART III – PEDESTRIANS

301.

Where to stand

A pedestrian waiting for a traffic control signal to change shall not stand on the highway.

302.

Groups Standing

No persons shall obstruct or prevent other persons using such highway or sidewalk and forthwith after a request has been made by a Peace Officer or other person duly authorized to do so shall disperse and move away.

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303.

Sitting on Road

No person shall stand, sit or lie on any highway in such manner as to obstruct vehicular or pedestrian traffic or as to annoy or incommode any other person lawfully upon the highway.

304.

Watching Parade

Nothing in Section “group standing” or “sitting on road” shall be construed as prohibiting the assembling of persons for the purpose of watching a parade or procession duly authorized by Council.

PART IV – PARKING

401.

Parking not permitted

- a) No driver of any vehicle shall park such vehicle in front of any school exit or entrance.
- b) No person shall park a motor vehicle adjacent to or alongside of a curb that is colored yellow, or signs designating “No Parking”.
- c) Unless specifically required or permitted by other provisions of this Bylaw or by a traffic control device, no person shall park or stand any vehicles;
 - i) on any highway or private property without the owners consent for a period of more than seventy-two (72) hours, or;
 - ii) in such manner as to obstruct the access to or exit from any building being used for public gatherings, or
 - iii) in such a manner as to interfere with the proper operations of any vehicle used by the Fire Department or other departments of the Town of Millet.

402.

No Parking over 6 meters

No person shall park any vehicle or trailer which singly or together exceeds 6 meters in overall length upon any highway within a residential area.

403.

No Parking over 7.5 meters

No person shall park any vehicle or combination of vehicles which singly or together exceed 7.5 meters in overall length in any area or zone where parallel parking is permitted, subject however to the proceeding prohibition regarding parking in residential areas.

404.

Leaving Horse Vehicles

No person shall leave any horse drawn vehicle unattended on any highway within the limits of the Town but shall leave such horse or horse drawn vehicle suitably tethered and protected from the weather in a suitable place.

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405.
Servicing Streets No person shall stand or park any vehicle on any highway for the purpose of servicing or repairing such vehicle except for emergency repairs.
406.
Washing Streets No person shall wash any vehicle on any street in such manner as to constitute a nuisance or hazard.
407.
Materials from Washing No person operating a garage business or any other business involving the repair or servicing or washing of motor vehicles shall permit water, oil, gasoline or grease arising from the washing, repairing or servicing of any motor vehicle to be deposited on or run onto any highway within the Town.
408.
Motor Running No person shall park any vehicle with motor running, in such a manner and such a location as to cause a nuisance.
409.
Occupying Stalls Where parking stalls have been marked on any highway, the driver shall park his vehicle between the lines or markings indicating the limits of a single stall, provided that where the vehicle or combination of attached vehicle and trailer exceeds the length of a single parallel parking stall the same may occupy two, but not more than two, parallel parking stalls.
410.
Loading/Unloading Except when actually loading or unloading goods from a vehicle, or actually picking up or discharging passengers, no person shall:
- a) park a vehicle in a loading or unloading zone, or
 - b) park on any portion of a highway marked by a “No Parking” sign.
411.
Parking in Lane No person shall park a vehicle in a lane, but lanes may be used for:
- a) the loading or unloading of goods from a commercial vehicle for a period not exceeding thirty (30) minutes, or
 - b) the loading or unloading of goods or passengers from a vehicle for a period not exceeding five (5) minutes;
- providing that the vehicle concerned in such loading or unloading of passengers or goods does not obstruct the lane as to prevent the free passage of other vehicles.
412.
Park Time Violation No person shall park a vehicle in excess of the time designated and marked on a sign posted for the purpose of restricting the time for parking a vehicle.

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413.
Double Ticketing After the issuance of a traffic tag pursuant to Section “Park Time Violation” when concerning a vehicle for first violation of Section “Park Time Violation”, hereof and a vehicle remaining parked in excess of the time permitted on the sign for a further period, then a second offence shall be deemed to have occurred and a further traffic tag may be issued for a second offence.
414. Section 412 shall not apply on a holiday
415.
Parking Private Land No person shall park a vehicle on private land which has been clearly marked as such by a sign erected by the owner, tenant, or other agent unless such person has obtained the permission of the owner, tenant, occupant or person in charge of the said private lands.
416.
Driving Park Areas Excepting only Town vehicles or Peace Officer vehicles or ambulances,
a) No person shall drive or park any motor vehicle upon any land owned or leased by the Town of Millet which the said town uses or permits to be used as a playground, boulevard, recreation area, public park, grassed land or cultivated land except on such part thereof as may be designated as a highway by signs permitting same.
b) No person shall drive or park any motor vehicle on any school field or grounds.
417.
Town Staff Parking a) No person, except a Town employee to whom a space is assigned, shall between 8 a.m. and 5 p.m., Monday to Friday inclusive, except holidays, park a vehicle in any parking space upon Town owned property where such space has been reserved for a vehicle operated by an employee of the Town.
b) No person shall be deemed to have violated Subsection a) unless the assigned space has been clearly marked “Reserved”.
418.
Parking Trailer No person shall park any trailer whether designed for occupancy by persons or for carrying of goods or equipment, upon any highway unless the said trailer is attached to a vehicle by which it may be propelled or drawn.
419.
Parked Contrary to Sign No person shall park a vehicle on a Town owned parking lot in contravention of the prohibitions stated on any sign placed in the said parking lot.
420.
Overnight Camping No overnight camping in any area other than a designated camping area unless prior authorization has been granted by the C.A.O. or designate.

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PART V – ZONES AND OPERATION OF VEHICLES

501.

Parking on Parade Route No person shall leave any vehicle on any highway which has been cleared or is about to be cleared for a parade provided that sufficient warning signs have been placed at the particular highway at least twelve (12) hours before such parade is to take place.

502.

Driving on Fire Hose Where an unprotected hose of the fire department has laid down on any highway or driveway for use at a fire or alarm of fire, no person shall drive any vehicle over such hoses except with the consent of a Peace Officer, Bylaw Enforcement Officer or Fire Fighter.

503.

Maximum Speed No person shall drive any vehicle at the rate of speed in excess of 25 km per hour;
a) on any lane;
b) in any parking lot

504.

Passing in School Zone No driver of any motor vehicle shall draw alongside of or pass or attempt to draw along side or pass any other motor vehicle traveling the same direction in any school zone or playground safety zone during the hours in which a speed limit of 30 km per hour is in effect.

505.

Loads Spilling No driver of any vehicle shall permit the load, or any part of the load of such vehicle to be spilled or discharged on a highway.

506.

Where a driver has permitted the load or any part of the load to spill, he shall promptly take measures to clean the material from the Highway, and where the driver fails to clean the Highway, the Town may clean the spillage from the Highway and all costs incurred shall be charged to the driver.

507.

Towing No person shall tow a motor vehicle or a vehicle on any street with a connection so arranged that the towing vehicle and the vehicle being towed are separated by a distance greater than two and a half (2.5) meters.

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PART VI – USE OF STREETS

601.

Deposit Material on Streets No person shall, without authorization from the Town, deposit any earth, rocks, trees, snow or other substances on any highway, sidewalk or boulevard within the Town, and if such deposits have been made without authorization and the Town removes same the expense therefore shall be chargeable to the person responsible which shall be in addition to any fine or penalty imposed or to any payment made in lieu of prosecution under the Bylaw.

602.

Driving Over Newly Painted Lines

A person shall not willfully drive or walk on or over a newly painted line on any highway which is indicated by signs, flags or other warning devices.

603.

Damaging Highways

No person shall drive on, or haul on or over, any hard surfaced or graveled highway in the Town of Millet, any tractor or motor vehicle or any type of equipment or building or thing which may in any way damage the said highway.

604.

Vehicles Driving Over sidewalks

No person shall drive a loaded truck or commercial vehicle over or upon any curb and gutter or sidewalk within the Town, unless and until such curb and gutter and or sidewalk has been suitably reinforced by timbers and or planks to ensure that no damage will occur to said curb and gutter or sidewalk.

605.

Authority of Town Technician

The C.A.O. or person appointed by him is hereby authorized to make provisions and regulations in times of emergencies and in areas where construction or repairs are being carried out, upon or near highways, relating to the control and regulation of traffic, and without restricting the generality of the foregoing, may:

- a) make provisions and regulations in order to temporarily close to traffic any highway or part thereof;
- b) suspend temporarily any parking privileges granted by this Bylaw;
- c) restrict the speed of vehicles;
- d) close any portion of highways to any special class of vehicles;
- e) make any other provisions and regulations as the Town may deem necessary.

The C.A.O. or person appointed by him is further authorized to cause signs, barricades, flares, or other things as he deems necessary, to be placed on a highway warning persons of any such regulations and provisions in effect and

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may delegate an employee of the Town to cause such signs, barricades, flares or other such thing to be so placed.

606.

Driving in Contravention Of Signs

No person shall drive a vehicle in contravention of any sign or signal placed in accordance with any provisions made by the C.A.O. or in contravention of any such provision or regulation.

607.

Removal of Traffic Control Devices

No person shall tear down, remove or interfere with any signs, signals, barricades, flares or other things placed in accordance with this section.

608.

Engine Retarder Brakes

Engine retarder brakes shall not be permitted to be used within the corporate limits of the Town.

PART VII – BICYCLES AND MOTORCYCLES

701.

Riding On Sidewalk

No person shall ride a bicycle, motorcycle or a motor vehicle on any sidewalk, except where expressly permitted to do so by this Bylaw. Children's bicycles or tricycles having a wheel diameter of less than fifty (50) centimeters are exempt from this Section.

702.

Skateboard

No person shall operate a skateboard on any sidewalk and/or highway.

PART VIII – VOLUNTARY PAYMENT VIOLATION TICKETS

801.

Violation Ticket

If a violation ticket is issued in respect of an offence, the violation ticket may;

- a) specify the fine amount established by this bylaw for the offence; or
- b) require a person to appear in court without the option of making a voluntary payment.

802.

Voluntary Payment

A person who commits an offence may:

- a) if a violation ticket is issued in respect of an offence; and
- b) if the violation ticket specifies the fine amount established by this bylaw for the offence; make a voluntary payment equal to the specified fine.

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803.

Traffic Tag

If a traffic tag is issued in respect of an offence the traffic tag must specify the fine amount established by this bylaw for the offence.

804.

Prosecution

If a person has been prosecuted for the offence or offences named in the violation ticket where the offence or offences is or are subject to a specified penalty or penalties and has been convicted of such offence or offences then the fine or fines imposed shall not be less than the original amount or amounts indicated on the said violation ticket.

805.

Refund of Payment

Where a person has paid the amount indicated on the traffic tag within the time limited in Section 221 and has been prosecuted for the offence in respect of which the violation ticket was issued then such persons shall upon the written request of the C.A.O. be entitled to a refund of the amount paid.

PART IX – METHOD OF PAYMENT OF OFFENCE TICKETS

901.

Payment of traffic tags

Where a traffic tag is issued for a breach of any provisions of this Bylaw, it may be paid in cash, cheque, or money order by:

- a) presenting the traffic tag and the amount of the fine indicated on the tag directly to the Town Office, during regular hours of operation, where an official receipt will be issued; if the tag is presented for payment within the specified period, a \$10.00 reduction in the fine amount will apply, or
- b) place the exact amount of the fine indicated on the traffic tag and mail the ticket and money to the address on the traffic tag. Where payment is made in this manner, no receipt will be issued, or
- c) place the exact amount of the fine indicated on the traffic tag in an envelope and mail it to the Town Office. Where payment is made in this manner no receipt will be issued.

PART X – SPECIAL CLASSES OF VEHICLES

1001.

Parked in Residential Area

No vehicle commonly referred to as truck tractors or having a licensed gross vehicle weight in excess of 5,000 kilograms, or longer than eleven (11) meters shall be parked on any residential street in any Residential Zone as defined by the Town of Millet Land Use Bylaw for a period longer than is required to take on or discharge cargo.

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1002.

Hazardous Chemicals

Except as provided for below, no person shall park a vehicle or trailer used for the conveyance of hazardous chemicals as defined by the Hazardous Chemicals Act, being chapter H-3, Revised Statutes of Alberta, 1980, on any highway in the Town of Millet.

This section shall not apply where a vehicle or trailer is obliged to be parked while making deliveries in the course of its ordinary business.

1003.

Parking Tank Vehicles

No person shall leave a tank vehicle unattended on any highway. This shall not prevent a driver from being absent from the truck in connection with the delivery of his load. During actual discharge of the liquid some responsible person shall be present at the vehicle. If the highway is well lighted at point of parking, the driver may stop for meals during the day or night.

1004.

Tank Vehicles- Flammable Liquids

Tank vehicles containing flammable liquids shall not be parked out of doors at any one point for longer than one hour except off the highways, and at least fifteen (15) meters from any public institutions or residential building.

1005.

Heavy Vehicle Routes

The Council may, from time to time, establish routes to be followed by heavy vehicles or trucks or any classification or classifications thereof, when traversing a street or streets within the Town, as set out in Schedule "A" attached hereto and being part of this Bylaw.

1006.

Heavy Vehicles to Follow Truck Routes

Whenever a route has been established under Section 1005 hereof for any particular classification of vehicle, no person shall drive or park a vehicle of that classification on any other street or streets within the Town except:

- a) When so directed or authorized by a Peace Officer.
- b) When following posted directional signs or directions of a flagman indicating that the truck route or portions thereof have been closed for purposes of maintenance, construction or repairs.

1007.

Heavy Vehicles Route Exemptions

The following shall not be deemed to be operating a vehicle in contravention of Section 1006, if the vehicle was being operated on the most direct and practicable route between the premises or location concerned and the nearest truck route:

- a) person operating a tow truck for the purpose of towing or pushing a disabled vehicle from a highway prohibited to heavy vehicles.
- b) persons driving a public passenger vehicle

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- c) persons driving a vehicle owned by or actually in the service of the Town.
- d) persons delivering or collecting goods or merchandise to or from the premises of bonafide customers.

1008.

Removal of Parked Vehicles Causing Obstructions

- a) Any Peace Officer or any other designated officer may remove or cause the removal of any vehicle that is unlawfully parked, placed, left or kept on any street, lane, public parking place and deal with same in accordance with the provisions of this Bylaw.
- b) The said vehicle so removed shall be driven or towed to a place, or one of the places designated by the Town for storage of such vehicles. The Town shall not be liable for any damages sustained by the vehicle during the removal or towing operation.
- c) The owner or the operator of the vehicle shall be liable for the cost of removal and storage of such vehicles, which costs shall be paid by either of them before the vehicle shall be released. The Town shall not be liable for any damage sustained by the vehicle while it is in storage.
- d) Provided that if the said vehicle so removed has not been claimed by its owner, the operator or person in charge thereof at the time of removal, or within seventy-two (72) hours of the time of such removal, a notice in Form "A" included in this section setting out the name of the registered owner, make, year, type, serial number and license number for the current year of the said vehicle, the date of removal, and the place of storage shall be served by personal service or by mailing said notice by prepaid registered mail to the last known address of the registered owner of the vehicle as it may appear on the register kept pursuant to the Traffic Safety Act, R.S.C 2000 for the then current year and if within thirty (30) days from the date of posting by registered mail, the said owner has not claimed his vehicle and paid the costs of removal and storage, the said vehicle shall be sold by way of private sale or public auction and the proceeds of such sale shall be applied first to the costs of removal, storage and sale and the balance if any, shall be forfeited and form part of the revenue of the Town.
- e) Provided further that if the vehicle does not bear the then current year license plate and its owner thereof is otherwise unknown, the notice in Schedule "C" with necessary amendments shall be inserted in a local newspaper once a week for two consecutive weeks and if within thirty (30) days from the date of the last publication the said vehicle has not been claimed and the costs of removal and storage and

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advertising paid, the same shall be sold as hereinafter provided in Subsection d).

1009.

Disabled persons

- a) The CAO or his designate is hereby delegated the authority to establish parking places on public property, that the public is ordinarily entitled to use for the passage or parking of vehicles, for the exclusive use of persons with disabilities who display on their vehicles a handicap placard or license plate that is issued or recognized by the Solicitor General
- b) No person shall park a vehicle in a parking place marked for the use of persons with disabilities, on public or private property that the public is ordinarily entitled or permitted to use for the passage of vehicles unless:
 - i) the vehicle displays a handicap placard or license plate that is issued or recognized by the Solicitor General, and
 - ii) The vehicle is operated by or being used to transport a disabled person
- c) A vehicle parked contrary to this section may be tagged, or impounded and removed, without any liability to the Town of Millet, by any Peace Officer or the owner of the property

1010.

Emergency Access

In any place whether public or privately owned where a traffic control device indicates that parking there is restricted to emergency vehicles or is marked as an emergency access route, no person shall:

- a) park any vehicle other than an emergency vehicle, or
- b) in any way block the area marked as an Emergency Access Route, or
- c) A vehicle parked contrary to this section may be tagged and/or impounded and removed by any Peace Officer without any liability to The Town of Millet.

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PART XI – OFFENCES – OFF HIGHWAY VEHICLES

1101.
Off -highway Vehicle operation No person shall operate a vehicle on or in any land within the Town of Millet.
1102. No owner of an off-highway vehicle shall allow anyone to operate the vehicle on or in any land within the Town of Millet.
1103. No person shall operate an off-highway vehicle on a sidewalk or boulevard.
1104.
Helmets No person shall operate an off-highway vehicle within the corporate limits of the Town unless the operator and passengers are wearing safety approved helmets.
1105.
Under 14 years No person under the full age of fourteen (14) years shall operate an off-highway vehicle in the corporate limits of the Town of Millet.
1106. No person who is an owner or in care and control of an off-highway vehicle shall allow any person under the full age of fourteen (14) years to operate an off-highway vehicle within the corporate limits of the Town of Millet.
1107.
Permitted operation An owner of an off-highway vehicle may operate the vehicle on a highway for the purpose of loading or unloading providing the loading or unloading is done directly in front or as close as possible to the owner's residence.
1108. A person who can lawfully operate an off-highway vehicle may operate the vehicle within the corporate limits of the Town only on the most direct route from a residence to the nearest exit from the Town to a location of legal off-highway use providing the vehicle is operated as follows:
- a) travel at a speed less than (20) twenty kilometers per hour
 - b) does not drive or operate the vehicle on parkland
 - c) travels in rear lanes only, except where there is no lane, then on the most right portion of a highway
 - d) an off-highway vehicle shall yield right of way to all other users of the road including pedestrians
 - e) an off-highway vehicle shall not be operated between the hours of 10:00 PM and 7:30 AM (2200hrs. and 0730hrs.)
 - f) an off-highway vehicle operator does so at his/her own risk and the Town does not warrant any area of the Town suitable for off-highway vehicle use.

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1109.

Exception

The provisions of this Bylaw shall not apply to a Peace Officer, employee of the Town or an employee of a School Board operating a vehicle in the performance of a duty.

1110.

Onus

Where an off-highway vehicle is used in contravention of this Bylaw, and the operator or driver cannot be identified, the owner of the vehicle shall be responsible for the contravention.

- a) "Owner" in this section means the registered owner as listed on a certificate of registration
- b) if the vehicle is unregistered than the owner as listed on a bill of sale or other document accepted as proof of ownership.

1111.

Seizure

A Peace Officer may seize and impound any off-highway vehicle, for a maximum of thirty (30) days, at the owner's expense, that is subject of an offence under this Bylaw if the Peace Officer believes on reasonable and probable grounds that the seizure and impoundment is necessary to prevent a continuation of an offence.

PART XII – PENALTIES

1201.

A person to whom a violation ticket has been issued may pay the penalty therein specified within the time stated thereon.

1202.

Except as otherwise provided herein, any person violating any of the provisions of this Bylaw or any other person responsible for such violation shall be liable on summary conviction before a Provincial Judge or any Justice of the Peace having jurisdiction therein, to a penalty not exceeding five hundred dollars (\$500.00) exclusive of costs, or in case of non-payment of fine and costs imposed to imprisonment for any period not exceeding sixty (60) days unless such fine and costs, including the costs of committal are sooner paid.

1203.

If any person is in default in doing any matter or thing directed by this Bylaw to be done, the matter or thing may be done by the Town at the expense of the person in default and the Town may recover the expenses thereof with costs by action in any Court of competent jurisdiction.

1204.

Unless otherwise provided all penalties related to this Bylaw shall be as prescribed and set out in Schedule "B" attached hereto and forming part of this Bylaw. The penalties for any offences not covered by Schedule "B" to this Bylaw shall be as prescribed by the appropriate sections of the Traffic Safety Act and the related schedules of the Provincial Offences Procedure Act.

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PART XIII – TRANSITIONAL

1301. Where proceedings for an offence against this Bylaw were commenced before the coming into force of this Bylaw, the offence shall, after the coming into force of this Bylaw, be dealt with, inquired into, tried and determined in accordance with this Bylaw, and any penalty, forfeited or punishment in respect of that offence shall be imposed as if this Bylaw had not come into force, but where, under this Bylaw, forfeited or punishment in respect of the offence is reduced or mitigated in relation to the penalty, forfeited or punishment that would have been applicable if this Bylaw had not come into force, the provisions of this Bylaw relating to penalty, forfeiting and punishment shall apply.

Where proceedings for an offence against this Bylaw are commenced after the coming into force of this Bylaw the following provisions apply, namely:

- a) the offence, whenever committed, shall be dealt with inquired into, tried and determined in accordance with this Bylaw;
- b) if the offence was committed before the coming into force of this Bylaw, the penalty, forfeiture of punishment to be imposed upon conviction for that offence shall be the penalty, forfeiture of punishment authorized or required to be imposed by this Bylaw or by the law that would have applied if this Bylaw had not come into force, whichever penalty, forfeiture or punishment is the least severe; and
- c) if the offence is committed after the coming into force of this Bylaw, the penalty, forfeiture or punishment to be imposed upon conviction for that offence shall be the penalty, forfeiture of punishment authorized or required to be imposed by this Bylaw.

PART XIV– MARGINS

1401. Notations and words in the margin of this Bylaw are for convenience only and do not form part of this Bylaw.

PART XV – REPEAL OF CONFLICTING BYLAWS

1501. By-law No. 94/14 and By-law Number 88/13 and amendments to are hereby repealed.

PART XVI - SEVERABILITY

1601. Should any provision of this Bylaw be invalid, then such invalid provision shall be severed and the remaining Bylaw shall be maintained.

The Town of Millet Traffic Bylaw

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PART XVII – EFFECTIVE DATE

1701. This Bylaw to take effect on the final reading thereof.

READ for a first time this 15th day of July, 2009.

READ for a second time this 15th day of July, 2009.

READ for a third and final time this 15th day of July, 2009.

David Gursky, Mayor

Ryan Maier, Chief Administrative Officer

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SCHEDULE “A”

A “Schedule” referred to in Section 1005 of Bylaw 2009/03 establishing the routes to be followed by heavy vehicles or trucks or any classification or classifications thereof, when traversing the streets within the Town:

- a) Along Highway No. 2A from the northly limit of the Town to the southerly limits of the Town (50th street throughout the Town)
- b) Along 45th Avenue from the westerly limit of the Town to the easterly limits of the Town
- c) Along 49th street from the southerly limit of the Town to Midland Rd.
- d) Along 46th Avenue to the east of 49th street
- e) Along 56 St. from 45th Avenue to the southerly limits of the Town
- f) Along 47th Avenue, 48th Avenue, 49th Avenue, 50th Avenue, and 51st Avenue, all from 50th street to the alley west of 50th street.

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SCHEDULE "B"

Section No.	Description	Penalty
<u>PART III - PEDESTRIANS</u>		
301	Where to stand	\$ 30.00
302	Groups Standing	\$ 50.00
303	Sitting on road	\$ 50.00
<u>PART IV - PARKING</u>		
<u>PART V - ZONES OF OPERATION OF VEHICLES</u>		
<u>PART VI - USE OF STREETS</u>		
	All fines these sections	\$ 75.00
<u>PART VII - BICYCLES AND MOTORCYCLES</u>		
701	Riding on sidewalk	\$ 50.00
702	Skateboard	\$ 40.00
<u>PART X - SPECIAL CLASSES OF VEHICLES</u>		
1001	Park in residential area	\$ 100.00
1002(1)	Hazardous Chemicals	\$ 200.00
1002(3)	Parking tank vehicles	\$ 100.00
1002(4)	Tank vehicles containing flammables	\$ 200.00
1004	Truck off truck route	\$ 100.00
1007	Disabled parking	\$ 100.00
1008	Emergency Access Route	\$ 150.00
1008	Block Emergency Access Route	\$ 150.00
<u>PART XI – OFFENCES – OFF HIGHWAY VEHICLES</u>		
1103	OHV in a park	\$ 200.00
1104	Owner allow operation of OHV	\$ 200.00
1105	OHV on a sidewalk or Blvd	\$ 100.00
1106	Fail to wear helmet	\$ 75.00
1107	Under 14 years	\$ 50.00
1108	Owner allow person under 14 years	\$ 100.00
1110	Operate contrary to rules in Town	\$ 200.00

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SCHEDULE "C"

TOWN OF MILLET

Form "A" – Section 1008 – BYLAW 2009/03

Notice of Intention of Sell

TO:

(Name of Registered Owner)

(Address)

Make: _____ Year: _____ Type: _____

Serial Number: _____ License Number: _____

Take Notice that your vehicle above described was removed from a highway within the Town of Millet because it constituted an offence contrary to Section _____ of Bylaw 2009/06 on the _____ day of _____ 20____, and is presently stored at _____.

Further, take notice that unless you pay the cost of removal and storage within thirty (30) days from personal service of this notice upon yourself or thirty (30) days from the days from the day of posting of this notice by registered mail, your vehicle shall be sold and the proceeds applied to the said costs of removal, storage and sale, and the balance shall form part of the revenue of the Town of Millet.

Dated this _____ day of _____, 20____, A.D., THE TOWN OF MILLET

PER: _____