

**VILLAGE OF HOLDEN
BY-LAW NO. 5-2006**

BY-LAW NO. 5-2006 BEING A BY-LAW OF THE VILLAGE OF HOLDEN IN THE PROVINCE OF ALBERTA FOR THE PURPOSE OF CONTROLLING TRAFFIC.

THE COUNCIL OF THE VILLAGE OF HOLDEN DULY ASSEMBLED ENACTS AS FOLLOWS:

PART 1

Definitions:

- 1. This By-law may be cited as “The Village of Holden Traffic By-law”.
In this By-law words shall have the same meaning as assigned to them in The Traffic Safety Act, being Chapter T-6 of the Revised Statutes of Alberta 2000 and the amendments and Regulations thereto and unless the context otherwise requires, the following words, terms, and expressions shall have these meanings assigned them:**
 - a. “Alley” shall mean a narrow highway intended chiefly to give access to the rear of buildings and parcels of land.**
 - b. “Boulevard” shall mean that portion of property owned by the Village of Holden lying between the curb, and the adjacent property line, or if there is a concrete walk, shall mean that portion of portion of property owned by the Village of Holden, lying between the curb and the concrete walk and between the concrete walk and the adjacent property line.**
 - c. “Curb” shall mean the actual curb, and if there is no curb, then it shall mean the division of a highway between that part thereof intended for the use of vehicles and that part intended for the use of pedestrians.**
 - d. “Designated no parking area” shall mean areas designated by Council of the Village of Holden or by the foreman of the Village of Holden as being areas where no parking is permitted and shall include areas where curbs have been painted yellow.**
 - e. “Double Parking” or any words or any expression of similar meaning or import shall mean the parking of a vehicle on a highway parallel to a vehicle parked beside a curb, or shall mean parking to the rear of any vehicle that is angle parked at the curb.**
 - f. “Highway” shall mean any thoroughfare, street, road, trail, avenue, parkway, driveway, viaduct, lane, alley, square, bridge, causeway, trestle way or other place or any part of any of them, whether publicly or privately owned, that the public is ordinarily entitled or permitted to use for the passage or parking of vehicles and includes:**
 - (i) A sidewalk, including a boulevard adjacent to the sidewalk;**
 - (ii) if a ditch lies adjacent to and parallel with the roadway, the ditch, and**
 - (iii) 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.**

- g. **“Parking area” shall mean that portion of any highway set apart by Council of the Village of Holden as a place where motor vehicles may be parked.**
- h. **“Person” shall include a corporation or partnership.**
- i. **“Public building” shall include every church, chapel, school, hotel, any apartment block not less than three (3) full stories in height above the surrounding ground level, theatre, moving picture cinema, public library, concert hall, or any building used for public resort or entertainment.**
- j. **“Recreation Vehicle” shall mean a vehicle used or intended for primarily recreational use, and without restricting the generality of the foregoing, includes any motor home, holiday trailer, trailer, camper, tent trailer, any van or bus converted for use as a recreation vehicle, boat trailer, ATV trailer, ski-do trailer or non-commercial utility trailer.**
- k. **“Street intersection”, or “Intersection” shall mean the whole area, situated between the prolongation of the boundary lines of two or more highways which join one another at an angle, and whether such highways cross each other or not.**
- l. **“Trailer” shall mean a vehicle so designed that it may be attached to or drawn by a motor vehicle and intended to transport property or persons.**
- m. **“Village” shall mean the Municipal Corporation of the Village of Holden.**
- n. **“Village council” or “Council” shall mean the Village council of the Municipal Corporation of the Village of Holden.**
- o. **“Bus” shall mean any vehicle other than a taxi, licensed by The Highway Traffic Board for the conveyance of passengers and includes school buses.**
- p. **“Barricade” shall mean any method by which a highway may be closed to the passage of vehicles and pedestrians, and includes lights, flares, sirens, notices, and structures.**

PART 11

Specified Duties of Pedestrians:

- 2. **No person shall stand upon, or walk along a roadway for the purpose of soliciting a ride from a driver of any private vehicle.**
- 3. **Pedestrians shall not run or race upon a roadway.**

Parking:

- 4. **No vehicle operator shall drive or let stand a vehicle within the Village of Holden in such manner as to block, obstruct, impede or hinder traffic thereon: provided that if the obstruction is unavoidable due to mechanical failure, the operator will not be in breach of this section if he promptly takes measures to clear the faulty vehicle from the highway.**
- 5. **No person shall double park any vehicle upon any highway in the Village.**

6. **Where a vehicle parking space is marked out or designated by a sign or otherwise upon a highway, every driver of a vehicle using the same shall park such vehicle only within the limits of the space.**
7. **The Village Council may decide upon what highway a person may park a vehicle by angle parking and may cause the highways to be marked accordingly.**
8.
 - a. **All vehicles, when parked, shall be parked parallel except where otherwise authorized herein, or designated by street signs.**
 - b. **Every driver of a vehicle required to stop or park on a highway where no concrete curb is in existence, shall do so with the right hand side of the vehicle as close to the right hand edge of the highway as is practical**
9. **No person shall halt, or let stand or park a vehicle for any period of time whatsoever at the following locations on a highway, namely:**
 - a. **Nearer than 3 meters to any marked or unmarked crosswalk.**
 - b. **Upon any highway in front of any building being erected or repaired or if such parking will impede or obstruct traffic.**
 - c. **In any bus stop properly marked by the Village Council.**
 - d. **Where a vehicle would in any way interfere with the use of a doorway intended as a fire exit from any building abutting the highway.**
10. **Except when actually taking or discharging passengers, no person shall park or let stand a vehicle for any period of time in any designated no parking area, so designated by the Village Council.**
11. **No parking in lanes or alleys shall be permitted, but lanes or alleys may be used for the loading of passengers, or goods, from a vehicle if the free flow of vehicular or pedestrian traffic is not impeded.**
12. **No person shall park any recreation vehicle or trailer (whether designed for occupancy of persons or for the carrying of goods or equipment) upon any highway for more than 48 consecutive hours.**
13. **All vehicles exceeding one ton rating are prohibited from parking on 50th. Street, between 49th. Avenue and 50th. Avenue in the Village of Holden.**
14.
 - a. **No driver or person in charge of a vehicle, truck or trailer used for conveyance of fuel, oil, gasoline or other explosive material shall park or let stand such vehicle upon any highway.**
 - b. **No person shall park any vehicle used for the transportation of inflammable, explosive or corrosive substances near any adjoining property of any building or building thereon, unless the vehicle is parked at least 12 meters from the nearest adjoining building, and no closer than 15 meters from any public building except when actually engaged in discharging the said inflammable explosive or corrosive substance in the course of his employment.**
15. **No person shall park a vehicle or a vehicle with a trailer of any type attached thereto upon the highway in front of a residence or opposite to any residence if the overall length of the vehicle with the trailer exceeds 13 meters.**
16. **No person shall park any vehicle upon any land owned by the Village of Holden except on such part thereof as the Village Council may designate.**

17.
 - a. When a vehicle is parked in violation of any of the foregoing provisions of this part, the by-law enforcement officer may cause the vehicle to be removed to a place designated by the Village Council where it will remain impounded until claimed by the owner thereof or his agent.
 - b. The owner of any vehicle, truck or trailer so moved pursuant to the provisions of this section, shall, on demand, pay to the administrator of the Village of Holden the cost of moving the vehicle and any reasonable storage or other charges incurred, and no impounded vehicle shall be released to its owner or agent until such charges are paid, and the by-law enforcement officer notified thereof. Such charges shall be in addition to any fine or penalty imposed in respect of any such violation of any authorized voluntary penalty paid in lieu of prosecution in accordance with Section 36 herein.
 - c. The provisions of Sections 12, 14, and 15 shall not apply if the person(s) obtain written permission from the Village Administrator to park in contravention of the said sections, which permission in any event, shall not be for a period exceeding 24 hours.

Loading Zones:

18.
 - a. No person shall park any vehicle in any space designated as a loading zone, unless the vehicle is being loaded or unloaded by those persons for whose use the said loading zone is designated.
 - b. Any space set aside by the Village Council as a loading zone shall be marked by a sign to be paid for by the applicant and such sign shall conform with the villages specifications.

Private Parking:

19. No person shall park or leave any vehicle on private property that has been clearly marked as such by a sign erected by the owner or his agent unless such person has obtained the permission of the owner, tenant, occupant or person in charge of the said property.

Operation of Vehicles:

20. Except as provided below, no person shall drive a vehicle on any highway of the Village of Holden at a speed greater than 50 kilometers per hour:
 - a. The driver of an ambulance, fire equipment, police vehicle, or utility vehicle, or gas or power vehicles may in an emergency exceed the speed limit.
 - b. No person shall operate a vehicle in a lane or alley within the Village of Holden at a speed greater than 20 kilometers per hour.
 - c. The general maximum speed limit of 50 kilometers per hour shall not apply wherever authorized highway signs order a lesser speed or permit a greater speed; in such cases every driver shall obey the speed limit fixed by the signs.
21. No person shall drive across any boulevard or sidewalk of the Village of Holden except at proper and lawful vehicular crossings provided for the passage of vehicles.

22. Every person shall be guilty of an offence who rides a bicycle on any sidewalk in the Village. The term “bicycle” shall not include any children’s type sidewalk bicycle having an overall wheel diameter of less than 51 centimeters, or a bicycle equipped with outrigger wheels while the rider is learning to ride the said bicycle.
23. Every person driving a vehicle shall be guilty of an offence under this Section who fails to yield the right of way to any pedestrian lawfully on the highway.

Truck Routes, Weight Restrictions and Permit to Move Certain Vehicles:

24. a. For the purposes of this section, unless the context otherwise requires the expression, “HEAVY VEHICLE” means:
 - i. A motor vehicle with or without load, weighing five tons or more or exceeding 9 meters in total length.
 - ii. A motor vehicle which alone or together with any trailer, semi-trailer or other vehicle being towed by the motor vehicle exceeds the manufacturer’ rated capacity of one ton.
 - iii. Any vehicle or combinations of vehicles which exceed 9 meters in length.
 - iv. The Village Foreman may, when an emergency exists, ban any highway to the passage of heavy vehicles and erect signs governing limits regardless of exemptions which may exist from time to time.
25. a. Heavy vehicles are hereby restricted from entering 50th Avenue between 48th Street and 54th Street and 49th Avenue between 48th Street and 50th Street.

Exemption From Offences In Certain Cases:

26. No person shall be convicted of an offence under Section 25 if he proves to the satisfaction of the Court trying the case that:
 - i. He was pulling or towing a motor vehicle disabled by an accident or otherwise from a highway prohibited to heavy vehicles.
 - ii. He was driving a public passenger vehicle in respect of which the owner holds a subsisting certificate from The Highway Traffic Board of the Province of Alberta, and the owner also holds the written consent from the Village Council to drive and operate the public passenger vehicle upon the highway upon which it is operated. For the purpose of this section, “public passenger vehicle” shall include a school bus.
 - iii. He parked his vehicle on 50th Avenue between the lanes immediately to the east and west of 50th street.
 - iv. He parked his vehicle on 49th Avenue between the lanes immediately to the east of 50th Street.

Signs to be Placed and Maintained:

27. **The Village Council or Village Foreman may have appropriate signs placed and maintained wherever necessary on the highways of the Village to indicate to drivers of heavy vehicles, the highways restricted to the use of heavy vehicles.**
28. a. **No person shall drive, propel or move on any highway any vehicle, heavy machinery, tractor or threshing machine, having metal spikes, lugs, cleats, or bands projecting from the surface of the wheel or tire of such vehicles, or any vehicle having a caterpillar tread, or any heavy vehicle in a restricted area, unless and until a special permit has been issued pursuant to Subsection (b) of this Section.**
- b. **Any person desiring to obtain a permit required by the proceeding Subsection shall make application to the Chief Administrative Officer of the Village of Holden, setting out the nature of the vehicle to be moved, the name of the maker thereof, the style of wheels and of any projections thereto, origin and destination of route, and such further information as the Chief Administrative Officer may require. Such application shall also contain an agreement by the applicant to pay all damages caused to the highway or any works made or done over upon or under same as result of the operation and conveyance or movement of the vehicle or machinery mentioned in the permit. The Chief Administrative Officer may specify the route to be taken, the precautions required to protect the highway along the route (including the laying down of planks to protect pavement or crosswalks or timbering to protect bridges or culverts), and the hours during which the movement shall take place and such other conditions that he deems necessary for the protection of the highways and any works done or made over or under same, but such specifications shall be considered minimum requirements and shall not take away any responsibilities of the application for damage as aforesaid.**

EXEMPTION:

- c. **This part shall not apply to a vehicle owned by or in the service of the Village and being actually used in the service of the Village.**
29. a. **In any case where by reason of any repairs, maintenance or emergency or of any special circumstances which in the opinion of the Village Council or the Village Foreman makes it desirable and in the public interest to:**
- i. **temporarily close in any area of the Village a highway in whole or in part to traffic, or;**
- ii. **temporarily suspend in any area of the Village parking privileges granted by the provisions of this or any other by-law;**
- The Council or the Village Foreman may, for such repairs, maintenance or emergency or any special circumstances, take such measures for the temporary closing of such highway or the suspension of parking privileges and place barricades or post appropriate notices near the highway concerned as either may consider to be necessary in the circumstances.**

- b. **No person shall park a vehicle or cause a vehicle to enter upon any portion of a highway in the Village upon which the movement or parking of vehicles has been prohibited by this section.**
 - c. **No person shall:**
 - i. **tear down, remove or interfere with any barricades or notice of closing or suspension erected or posted under authority of this section.**
 - ii. **do anything in contravention of any notice posted under authority of this section.**
 - d. **The by-law enforcement officer of the Village of Holden may move or cause to be moved any vehicle, truck or trailer parked in violation of the provisions of this section to a location or place on a highway where the parking of such vehicle, truck or trailer is permitted.**
 - e. **The owner of any vehicle, truck or trailer moved pursuant to the provisions of this Section shall in, addition to any fine or penalty, pay on demand to the Chief Administrative Office of the Village the cost of moving such vehicle, truck or trailer, and any other reasonable storage or other charges incurred prior to the release of the said vehicle, truck or trailer to him**
- 30. This part shall not apply to a vehicle owned by or in the service of the Village and being actually used in the service of the Village, or an ambulance or police vehicle or firefighting equipment.**
- 31. In the case of fire within the Village, the by-law enforcement officer, or officer in charge of the fire brigade of the Village, may designate in any manner, a line or lines near the location of the fire beyond which no member of the public shall pass, and no person, whether on foot, on a bicycle, on horse, or in a vehicle, shall cross such line or lines.**
- 32. Every person shall be guilty of an offence under this by-law who:**
- a. **allows any part of his load to fall and remain on the highway.**
 - b. **parks upon any highway any vehicle displayed for sale.**
 - c. **operates a loudspeaker or loud hailer or public address system within the limits of the Village of Holden without first having obtained written permission from the Village of Holden or the by-law enforcement officer.**
 - d. **washes a motor vehicle or drains a radiator of a motor vehicle upon a highway**
 - e. **drains a crankcase or deposits oil on any highway.**
- 33. The driver of a vehicle shall not overtake and pass nor attempt to pass another vehicle traveling in the same direction at any intersection except at intersections where traffic is regulated by police officers or automatic control signals.**
- 34. a. No owner occupant of a parcel of land in the Village of Holden shall allow hedges, shrubs, vegetation, fence, wall, or other structure planted or erected before or after the date of the passing of this by-law to grow or to remain at a greater height than 1 meter above the established elevation of the center point of an intersection of highways at a place on such parcel of land at or**

adjacent to and within a distance of 5 meters measured from the corner of a intersection of the highways nearest to the parcel of land concerned.

- b. In the case of trees growing on any parcel of land within the Village, whether planted before or after the date of the passing of this by-law, the owner or occupant concerned shall trim the said trees in such a way that no branches or foliage of said trees shall be a lesser height than 2 meters above the established elevation of the center point of a intersection of highway at any place on such parcel of land at or adjacent to and within a distance of 5 meters measured from the corner of an intersection of the highways nearest to such trees.
- c. The Village Council may require any person concerned to comply with the provisions of Subsections (a) and (b) of this section, as the case may be, within 10 days, and in case the person so notified fails to comply with such notice within the time therein limited, the Village Council may direct employees or agents of the Village to enter upon the parcel of land concerned and carry out the work necessary to comply with the provisions of said Subsections (a) and (b) of this section and charge the costs of such work against the person in default.

35. The Village Council may from time to time designate and cause the erection and marking of crosswalks, traffic control lights and signals, stop signs, yield-right-of-way signs, no parking signs, angle parking signs, parallel parking signs, designated parking areas, truck route signs, school zone signs, playground signs, speed limit signs, and all other signs of barricades or any other erections necessary for the enforcement of this by-law.

Onus of Proof:

36. a. A notice or form, hereinafter called a traffic tag, having printed a wording approved by the Village Council may be issued by the by-law enforcement officer appointed by the Council, to any person charged with a breach of any provisions of this by-law, and the said notice shall require payment to official or officials as the Village may designate the fine or penalty specified for the offence. The Village will provide an official receipt when payment is made.

General Penalty:

- a. A person, who is guilty of an offense under this by-law for which a penalty is not provided, is liable to a fine of \$100.00.
- b. Whenever a traffic tag is issued, the sum payable shall be paid in lawful Canadian currency within a period of Fourteen (14) days from the date of issuance, and if payment is made within the time limit, such payment shall be accepted in lieu of prosecution.
- c. A traffic tag shall be sufficiently served if served:
 - i. in the usual manner according to the law;
 - ii. by handing the notice to the person concerned or by mailing such notice to the address of the registered owner of the vehicle in respect of which the offence has been committed.

- d. If the person concerned fails to pay the amount specified with respect to the offence within 14 (Fourteen) days of issuance, then the right granted to the vehicle owner of settling the alleged offence without Court appearance shall no long apply, unless otherwise provided for by the Village Council, and if the person is convicted of the alleged offence, the fine imposed shall not be less than the original amount payable on the notice as issued, plus the costs of prosecution.
- e. Nothing in this section shall prevent any person from exercising his right to defend any charge under this by-law.

37. The by-law enforcement officer from time to time appointed in the Village of Holden is hereby charged with the duty of enforcing the provisions of this by-law.

THIS BY-LAW REPEALS ALL PREVIOUS BY-LAWS OF THE VILLAGE OF HOLDEN DEALING WITH TRAFFIC.

Read a first time this 18th. day of September 2006

Read a second time this 18th. day of September 2006

MAYOR _____

CHIEF ADMINISTRATIVE OFFICER _____

Read a third time and duly passed in open council this 16th. day of October 2006.

MAYOR _____

CHIEF ADMINISTRATIVE OFFICER _____

**BY-LAW NO. 5-2006
SCHEDULE A – BY-LAW FINES**

OFFENCE	SECTION	AMOUNT
Trailer parking for more than 48 consecutive Hours	12	\$100.00
Parking Vehicle exceeding one ton rating	13	\$100.00
Parking in a Loading Zone	18	\$100.00
Heavy vehicles restricted from entering 50th. and 49th. Avenue	25	\$100.00