

IMPORTANT NOTICE

Town of Black Diamond



OFFICE CONSOLIDATION

This document is consolidated into a single publication for the convenience of users. The official Bylaw and all amendments thereto are available from the Legislative Services Manager and should be consulted in interpreting and applying this Bylaw. In case of any dispute, the original Bylaw(s) must be consulted.

For easy reference the amending Bylaw Numbers are listed with a brief description.

Printed by the Legislative Services Manager, by the authority of Town Council.

Bylaw 02-09

Traffic Bylaw

Office Consolidation

Office Consolidated Version dated: April 5, 2017

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Includes Amending Bylaws:

Bylaw #	Description/Purpose	3rd Reading Date
17-04	Add def. for "Playground Zone", "School Zone", set effective hours in Playground Zones and School Zones	April 5, 2017 {effective date: June 30, 2017}

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**BEING A BYLAW OF THE TOWN OF BLACK DIAMOND, IN THE
PROVINCE OF ALBERTA, TO CONTROL AND REGULATE
VEHICLE, ANIMAL AND PEDESTRIAN TRAFFIC IN THE TOWN OF
BLACK DIAMOND**

WHEREAS the Highway Traffic Act authorizes a municipality to regulate and control vehicle, animal and pedestrian traffic and parking on the streets and on other property within the municipality;

AND WHEREAS the Municipal Government Act allows a municipality to pass bylaws and delegate authority with respect to streets under its direction, control and management and transport thereon;

NOW THEREFORE, the Council of the town of Black Diamond, in the Province of Alberta, enacts as follows:

1. This Bylaw may be cited as the “Black Diamond Traffic Bylaw”

2. DEFINITIONS

- 17-04
- (1) In this bylaw:
 - (a) “Act” means the *Traffic Safety Act*, R.S.A. 2000, c. T-6 as amended or substituted from time to time;
 - (b) “Alley” means a narrow highway intended chiefly to give access to the rear of buildings and parcels of land and is a street for the purposes of this bylaw;
 - (c) “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:
 - (i) may be propelled by muscular or mechanical power;
 - (ii) is fitted with pedals that are continually operable to propel it;
 - (iii) weighs not more than 35 kilograms;
 - (iv) has a motor that produces not more than 750 watts and that is driven by electricity or has an engine displacement of not more than 50 cubic centimeters;
 - (v) has no hand or foot operated clutch or gearbox driven by the motor that transfers the power to the driven wheel; and
 - (vi) does not have sufficient power to enable it to obtain a speed greater than 35 kilometres per hour on level ground within a distance of 2 kilometres from a standing start.

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- (d) “Block” means that portion of a street, which lies between two other streets neither of which is an alley nor which both intersect the first named street.
- (e) “Boulevard” means, in an urban area, that part of a highway that
 - (i) is not a roadway, and
 - (ii) is that part of the sidewalk that is not especially adapted to the use of or ordinarily used by pedestrians.
- (f) “Business Section” means all areas designated as central business highway commercial, light industrial and general industrial as defined in the Town of Black Diamond Land Use Bylaw.
- (g) “Commercial Loading Zone” means a portion of a street set aside adjacent to a curb designated for the exclusive use of commercial vehicles for the loading or unloading of materials and includes an area designated as such.
- (h) “Commercial Vehicle” means a motor vehicle as defined in the Highway Traffic Act.
- (i) “Council” means the Council of the Town of Black Diamond.
- (j) “Crosswalk” means:
 - (i) That part of a roadway at an intersection included within the connection of the lateral lines of the sidewalks on the opposite sides of the highway measured from the curbs or, in the absence of curbs, from the edges of the roadway; or
 - (ii) And part of a roadway at an intersection or elsewhere distinctly indicated for pedestrian crossing by lines or by other markings on the road surface.
- (k) “Curb” means the concrete or asphalt edge of a roadway or the division point between the roadway and a boulevard or sidewalk.
- (l) “Double Parking” or any words or any expressions of similar meaning or impart means the parking of a vehicle on a highway parallel to a vehicle parked beside the curb or shall mean parking to the rear of any vehicle that is angle parked at the curb.
- (m) “Downtown Core” means any road, street, thoroughfare or sidewalk as outlined on the map (Schedule G) which is attached to and forms part of this bylaw.
- (n) “Emergency Vehicle” means a motor vehicle used:
 - (i) For Police Duty;
 - (ii) By a Fire Service;
 - (iii) As an Ambulance; or
 - (iv) For purpose relating to maintenance of a public utility and designated as an emergency vehicle under S. 17.1 of the Act.

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- (o) “Fire Lane” means an access route for fire department vehicles required by the Alberta Building Code for fire fighting purposes and marked by signage as a fire lane.
 - (p) “Handicap Loading Zone” means a portion of a street set aside adjacent to a curb designated for the exclusive use of vehicles for the loading and unloading of handicapped passengers and includes an area designated as such.
 - (q) “He” means he/she as applicable
 - (r) “Heavy Vehicle” is defined as follows: a vehicle with or without a load, exceeding any of the following:
 - (i) Three axles
 - (ii) A designed gross vehicle weight of 5,500 kilograms.
 - (s) “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
 - (i) Includes
 1. A sidewalk (including the boulevard portion of the sidewalk),
 2. If a ditch lies adjacent to and parallel with the roadway, the ditch, and
 3. 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 fence and the edge of the roadway, as the case may be;
- But**
- (ii) does not include a place declared by the Lieutenant Governor in Council not to be a highway.
 - (t) “His” means his/hers as applicable.
 - (u) “Holiday” means a Holiday as defined in the Interpretation Act and includes a day or portion of a day proclaimed by the Mayor of the Town or by Council as a Civic Holiday;
 - (v) “Loading Zone” includes a public loading zone, handicap loading zone, commercial loading zone, and a passenger loading zone or any of them, as the context requires.
 - (w) “Maximum Weight” means:
 - (i) 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; or
 - (ii) If there is no such Official Registration Certificate or Interim Registration Certificate for the vehicle, then the combined weight of the vehicle and the heaviest load shall

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be in accordance with the Alberta Motor Transport Board Regulations.

- (x) “Objectionable Noise” means a loud noise, an unnecessary noise, a noise which annoys, disturbs, injures or endangers the comfort, repose, health, peace or safety of others.
- (y) “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,
 - (i) 4-wheel drive or low pressure tire vehicles;
 - (ii) motor cycles and related 2-wheel vehicles,
 - (iii) amphibious machines,
 - (iv) all terrain vehicles,
 - (v) miniature motor vehicles,
 - (vi) snow vehicles,
 - (vii) minibikes, and
 - (viii) any other means of transportation that is propelled by any power other than muscular power or wind,

but does not include

- (ix) motor boats, or
- (x) any other vehicle exempted from all of the provisions of the Off-Highway Vehicle Act RSA by the regulations;
- (z) “Operator” means a person who drives or is in actual physical control of a vehicle.
- (aa) “Owner” includes any person renting a motor vehicle or having the exclusive use of it under a lease or otherwise for a period of more than 30 days.
- (ab) “Parade” means a procession or march organized for the purpose of entertainment of spectators, display, inspection or promotion of a cause or purpose.
- (ac) “Park” means to allow a vehicle (whether occupied or not) to remain standing in one place except:
 - (i) When standing temporarily for the purpose of and while actually engaged in loading or unloading passenger; or
 - (ii) When standing in obedience to a Peace Officer or traffic control device.
- (ad) “Parking meter” means a device for the computation of time that a vehicle may be parked in a metered space.
- (ae) “Peace Officer” means any member of the Royal Canadian Mounted Police, a member of a municipal police service, a Special Constable.

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- (af) “Person” shall include an individual, partnership or corporation.
- (af.01) “Playground Zone” means that portion of a highway identified as a playground zone by a traffic control device.
- (ag) “Public Building” means any church, chapel, college, school, convent, hospital, house, any apartment block, theatre, moving picture theatre, public library, concert hall, or any building used for public resort or entertainment.
- (ah) “Public Works Supervisor” means a person hired by the Town of Black Diamond as outlined in the town policy manual.
- (ai) “Roadway” means that part of a highway intended for use by vehicular traffic.
- (aj) “Safety Zone” means a space designated by a marking or a device placed upon the surface of a highway dividing the highway for traffic moving in opposite directions and intended as a pedestrian area.
- (aj.01) “School Zone” means that portion of a highway identified as a school zone by a traffic control device.
- (ak) “Sidewalk” means that part of a highway especially adapted to use of or ordinarily used by pedestrians, and includes that part of the highway between the curb line (or edge of the roadway, where there is no curb line) and the adjacent property line, whether or not improved.
- (al) “Special roadway event” means an event or competition, taking place in whole or in part on a roadway involving walking, running, or the use of bicycles, motorcycles, cars or other vehicles.
- (am) “Stop” means:
 - (i) When required, a complete cessation of vehicular movement; and
 - (ii) When prohibited, any halting, even momentarily, of a vehicle whether occupied or not except when necessary to avoid conflict with other traffic or in compliance with the direction of a Peace Officer or a traffic control device.
- (an) “Street” means any public thoroughfare for movement of vehicles and pedestrians and where the context so requires includes the whole of the place between the boundaries of the street and includes an alley.
- (ao) “Town” means the Town of Black Diamond.
- (ap) “Town Manager” means the Town Manager as appointed by the Council of Black Diamond.
- (aq) “Traffic” means pedestrians, animals, or vehicles while using the street for the purpose of travel.
- (ar) “Traffic control device” means a parking meter, a sign, a signal, a traffic island, marking or a device marked or erected

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under the authority of the Act or of this Bylaw for the purpose of regulating, warning or guiding traffic.

- (as) “Traffic control signal” means a traffic control device whether manually, electricity or mechanically operated by which traffic is directed to stop and to proceed.
 - (at) “Traffic tag” means:
 - (i) A parking tag referred to in clause (w) of Subsection (1) of section 16 of the Act; or
 - (ii) A tag authorized by the Provincial Offences Procedures Act_ and issued pursuant to Section 21(3) of this Bylaw.
 - (au) “Trailer” means a vehicle so designed that it may be attached to or drawn by a motor vehicle and intended to transport property or persons and includes any trailer that is designed constructed and equipped as a dwelling place, living abode or sleeping place, either permanently or temporarily, but does not include machinery or equipment used in the construction or maintenance of highways.
 - (av) “vehicle” means a device in, on or by which a person or thing may transported or drawn on a highway.
2. Words which have been defined in the Act have the same meaning when used in this Bylaw unless otherwise defined in Subsection (2) or the context expressed otherwise.

3. TRAFFIC CONTROL

- 1. A Peace Officer may authorize such persons as deemed necessary to direct or regulate traffic.
- 2. Notwithstanding anything to the contrary contained in this or any Bylaw a Peace Officer may operate a bicycle while on duty on any mall, sidewalk, footpath, walkway, boulevard or other public place where the use of bicycles by the general public is prohibited or restricted.

4. TRAFFIC CONTROL DEVICES

- 1. The Town Manager is hereby delegated the power to prescribe where traffic control devices are to be located on streets in the town.
- 2. Unless otherwise posted the maximum speed limit is 50 kilometers per hour.
- 3. The Town Manager is hereby delegated the power to prescribe, by the placement of traffic control devices, the location of School Zones and Playground Zones.
- 4. The Public Works Supervisor shall keep a record of the location of all traffic control devices placed pursuant to this Section.
- 5. Traffic control devices located in the Town of Black Diamond pursuant to this section, shall be deemed to have been placed in accordance with this Bylaw.

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6. No person shall post or exhibit or cause to be posted or exhibited, any notice, placard, bill or printed matter or other type of notice whatsoever upon any traffic control device, unless approved in writing by the Town Manager.

5. PEDESTRIANS

1. Except as provided in Subsection (2) of Section 5, no person shall stand on a street for the purpose of soliciting a ride from the operator of any vehicle.
2. A person may stand on the sidewalk or boulevard for the purpose of soliciting a ride from the operator of a bus or taxicab.
3. No person shall board or alight from any vehicle that is in motion.
4. No person shall stop or park a vehicle other than a taxicab or bus on any street for the purpose of offering a ride to any pedestrian who, at the time in question, is standing on the street or the adjacent sidewalk or boulevard for the purpose of soliciting a ride from the operators of vehicles operating on the said street.
5. No person shall crowd or jostle other pedestrians in such manner as to create or cause discomfort, disturbance or confusion.

6. PARKING OR STANDING ON STREETS

1. The Public Works Supervisor may:
 - (a) Authorize such other or additional parking spaces as he deems necessary on any street or other Town owned property for use as a parking space;
 - (b) Cause the spaces so authorized to be marked for this purpose.
2. Unless specifically permitted by the other provisions of this Bylaw, no operator or owner shall park or permit to be parked any vehicle on any roadway or public place for any period longer than is permitted by the applicable traffic control device.
3. After the issue of a Traffic Tag concerning a vehicle for the first violation of Subsection (2) of Section 6 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 such second offence.
4. In order to determine the time which a vehicle has been parked in a location where parking has been restricted to a specific time, a Peace Officer or other person charged with the enforcement of parking prohibitions and restrictions may place an erasable chalk mark on the tread face of the tire of the parked or stopped vehicle without such Peace Officer or other person of the Town of Black Diamond incurring any liability for doing so.
5. No person shall remove an erasable chalk mark placed under Subsection (4) of Section 6 while the vehicle remains parked in the location where it was marked.
6. Unless the vehicle is placed in a portion of the roadway where parking is allowed no operator or owner shall park or stand or permit to be parked or

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leave standing a vehicle on those portions of the public thoroughfare of the Town.

7. Except in the case of breakdown or other emergency not allowing the vehicle to be moved the owner or operator of any vehicle shall not stand or park it on the street for the purpose of servicing or repairing the vehicle.
8. No owner or operator of any self-propelled type of vehicle which:
 - (a) Is not equipped in accordance with the Act;
 - or,
 - (b) Is not in operable condition shall cause or permit such vehicle to be parked or left on any street.
9. Subsection (8) of Section 6 does not apply to a vehicle, which has been left parked because of a breakdown or other emergency if the person in charge or control of the vehicle can establish that he has taken immediate action to arrange for the removal of the vehicle forthwith.
10. A person being in charge or control of a new or used car dealership, garage, service station, radio shop, or other premises where vehicles are sold or repairs or installations are made to vehicles for compensation shall not leave or cause or suffer or permit to be left on any street a vehicle which is left in his possession for carrying out of repairs or making installations or for any other purpose whatsoever.
11.
 - (a) No person shall park any trailer (whether designated for occupancy by person or for the carrying of goods or equipment or poultry or domestic or wild animals) upon any highway unless the said trailer is attached to a vehicle by which it may be propelled or drawn and when so attached the trailer shall be deemed part of the vehicle and subject to the regulations pertaining to vehicles.
 - (b) An owner or operator of a recreation vehicle shall not park the vehicle on any street or on, Town property with the exception of campgrounds, or any other area as designated by Council, within the Town of Black Diamond.
12. No person shall operate or park any vehicle upon any land owned by the Town of Black Diamond which the Town uses or permits to be used as a playground, boulevard recreation or public park, except on such part thereof as the Council may designate by a sign or signs for vehicular parking.
13. Parking on roadways within the Corporate limits of the Town of Black Diamond shall be parallel parking except where sign indicates that angle parking is permitted or required.
14. No person shall park any vehicle in any bus stop or zone so designated by a sign.

7. PARKING ON ALLEY

1. No owner or operator of a vehicle shall stop or park or permit the stopping or parking of the vehicle on either side of any alley in front of or within one and one half metres of a driveway or garage entrance entering into the alley.

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2. No operator or owner of a vehicle shall stop or park or permit the stopping or parking of a vehicle in such a manner, location or circumstances that it blocks an alley and impedes the use of the alley by another vehicle.
3. No operator or owner of a vehicle shall stop or park or permit the stopping or parking of a vehicle in such a manner that the vehicle is in front of or within one metre of the side of any refuse container or storage area located on any alley.
4. No operator or owner of a vehicle shall stop or park or permit the stopping or parking, of the vehicle in any marked fire lane.
5. No operator or owner of a vehicle shall stop or permit the stopping or parking of the vehicle in a manner where the vehicle may interfere with the use of a doorway marked on the exterior as a fire or emergency exit from any building.
6. No owner or operator shall park or permit any vehicle to be parked on an alley such that any part of the vehicle is within three metres of an electrical transformer.

8. UNAUTHORIZED PARKING

1. No owner or operator of a vehicle shall park or permit the parking of the vehicle on any private property that has been clearly marked as such by a sign or signs posted thereon without the prior permission of the owner or tenant, occupant or person in control of the private property.
2. Notwithstanding the provisions of Subsection (1) of Section 8, where, on private property used for a commercial or industrial purpose or property owned by the Government of Canada or Alberta or the Town of Black Diamond, parking space or spaces or a parking area is provided for the parking of the vehicles of persons who are customers or patrons of or who are otherwise doing business with the owner, tenant, or occupant or person in charge of the property and the space is clearly designated as being,
 - (a) private or government property; and
 - (b) set aside for parking only of vehicles:
 - (i) of customers, patrons, of or persons doing business with the owner, tenant, occupant, or person in charge of the property;
or
 - (ii) for persons using a facility or service supplied by the owner, tenant, occupant, or person in charge of the property;
an owner or operator of a vehicle who immediately after parking or leaving the vehicle is not a customer or patron or person doing business with or using a facility or service supplied by the owner, tenant, occupant or person in charge of the land as indicated in the designation unless he has verbal or written permission from the said owner, tenant, or occupant or person in charge shall not park or leave his vehicle on the parking space, spaces or area so designated.

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3. A person owning or occupying or in charge of private property who observes that any person is violating the provisions of Subsection (1) or (2) of Section 8 may report the violation to a peace officer giving:
 - (a) the name and address of the person reporting the violation;
 - (b) the address of the land where the vehicle is parked; and
 - (c) the license number of the illegally parked vehicle.
4. A Peace Officer may cause any vehicle parked contrary to Subsection (1) or (2) of Section 8 to be removed there from and to be impounded in a pound as chosen by the Peace Officer for this purpose.
5. In addition to impounding the vehicle, an information and complaint may be laid against the owner or person in charge of the illegally parked vehicle for the violation of the provisions of this Section.
6. In lieu of or in addition to the removal and impounding of the vehicle a Peace Officer for this purpose may place a traffic tag upon the vehicle parked in contravention of this Section.

9. EXEMPTIONS FROM PARKING PROVISIONS

1. Notwithstanding anything elsewhere contained in this Bylaw the provisions relating to stopping or parking of vehicles do not apply to:
 - (a) Emergency Vehicles;
 - (b) Service vehicles used in conjunction with the servicing of public utilities including telephone systems, electric systems, natural gas systems and cablevision systems;
 - (c) Municipal and other Government Public Works vehicles; or
 - (d) Funeral Cars;
 - (e) Towing Services Vehicles.While any such vehicle is being used in work required that it be stopped or parked at that location.
2. Where the owner or operator of a vehicle stops, stands or parks pursuant to Subsection (1) of Section 9 contrary to other provisions of this Bylaw he shall take due precaution to indicate the presence of such vehicle on any street while so parked or stopped.

10. DISABLED PARKING

1. The Public Works Supervisor is hereby authorized to establish such parking zones as he deems necessary for the exclusive use of disabled persons who operate or travel by motor vehicles.
2. The owner, tenant, occupant or person in control of private property may designate any number of parking spaces for the exclusive use of disabled persons who operate or travel by motor vehicle by marking same with a sign or signs in a form similar to that approved by the Public Works Supervisor.
3. The owner or operator of a motor vehicle which is not identified by a handicap placard or license plate that is issued or recognized by the Solicitor General for persons with disabilities shall not stop or park or

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permit the stopping of the vehicle in a parking space designated pursuant to Sections (1) and (2) of Section 10.

4. Where, pursuant to Subsection (3) of Section 10, the vehicle is identified by a handicap placard the owner or operator shall have such placard visibly displayed while the vehicle is stopped or parked.

11. LOADING ZONES

1. No operator or owner shall park or stop or permit the parking or stopping of a vehicle in a Commercial Loading Zone unless:
 - (a) The vehicle bears a license plate identifying it as a commercial vehicle, or
 - (b) The commercial vehicle is actively engaged in the loading or unloading of merchandise or other materials for a period of time not exceeding (20) minutes.
2. No owner or operator of a vehicle shall leave a vehicle in a Passenger Loading Zone unless actively engaged in the loading or unloading a passenger for a period of time not exceeding (10) minutes.

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11.A REDUCED SPEED LIMIT

1. No person shall drive a vehicle in or along an alley in the Town at a speed greater than 15 kilometers per hour.
2. Pursuant to section 107(3) of the Act, the prescribed hours during which a School Zone is in effect in the Town is increased to the period beginning at 7:30a.m. and ending at 9:00p.m. on any day on which school is held.
3. Pursuant to section 107(5) of the Act, the prescribed hours during which a Playground Zone is in effect in the Town is increased to the period beginning at 7:30a.m. and ending at 9:00p.m. daily.

12. TEMPORARY CLOSURES

1. The Public Works Supervisor is hereby authorized to temporarily close the whole or part of a road at any time that a construction or maintenance project on or adjacent to the road may create a hazard.
2. No person shall make use of any street or alley in a manner contrary to any, restriction, prohibition or designation pursuant to Subsections (1) of Section 12.

13. SCHOOL BUSES

1. The operator of a vehicle bearing the sign "School Bus" shall not activate the alternately flashing red or yellow lights on the vehicle while loading or unloading passengers in a designated school zone, or playground zone on 3rd Street S.W. between 3rd Avenue S.W. and 5th Avenue S.W.

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14. PARADES / SPECIAL ROADWAY EVENTS

1. No person shall participate in any parade or special roadway event on a highway unless permission for the event has been obtained from the Council of the Town of Black Diamond and Alberta Transportation in the case of a parade or special event on a highway.
2. When permission has been obtained for a parade or special roadway event:
 - (a) Notwithstanding any provisions of this bylaw, a person or persons may congregate on the sidewalks in order to view the parade or procession,
 - (b) The Town's Special Constable(s) may close all or portions of a street along the route for the anticipated time of the parade or special roadway event and for such additional time as necessary to again clear the street for normal traffic, and
 - (c) The Public Works Supervisor may temporarily suspend parking and loading privileges on all or a portion of a street on the proposed route by posting no parking signs.
 - (d) In the event vehicle(s) are parked on the designated route the Town's Special Constable(s), (at the owner's expense) shall remove said vehicle and have it impounded or relocated at the discretion of the Special Constable(s).

15. CYCLIST

1. Unless the context otherwise requires, a person operating a bicycle on a highway has all the same rights and is subject to all the rules that any vehicle operator has under this bylaw.
2. Notwithstanding Subsection (1) of Section 15, a carrier of a newspaper may ride a bicycle on a sidewalk, or boulevard:
 - (a) If he is delivering copies of the newspaper at the time; and
 - (b) If the bicycle does not interfere with other persons proceeding by on the said sidewalk, footpath, or boulevard.
3. Notwithstanding Subsection (2) of Section 15, the Public Works Supervisor may designate those portions of sidewalks, boulevards where other persons who are not carriers of newspapers delivering copies thereof may ride bicycles.
4. Where this bylaw permits a person to ride a bicycle or use in-line skates, scooters, skateboards on any sidewalk, where pedestrians are also allowed, the person shall ride the bicycle, skateboard, scooter, or use in line skates only in such a way that it will not interfere with a pedestrian lawfully on or using such sidewalk.
5. A Peace Officer may seize and impound for a period not exceeding 60 days any bicycle, scooter, skateboard used or operated in contravention of this bylaw.

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6. Where a bicycle, scooter, and or skateboard, has been seized and impounded by a Peace Officer as provided for in Subsection (5) of Section 15, the owner or operator of such bicycle, scooter, skateboard shall, aside from any fine or penalty to which he may be subject, be liable for all reasonable costs incidental to the seizure and impounding of the bicycle, scooter or skateboard.

16. USE OF SIDEWALKS

1. Except as otherwise provided in Section 15, a person shall not:
 - (a) Drive, lead or allow a hoofed animal to walk;
 - (b) Drive, draw or push any motor vehicle;
 - (c) Ride a bicycle;
 - (d) Ride a horse; or
 - (e) Draw, push, propel or ride a wheeled vehicle of any description on or along a sidewalk, or boulevard
2. Notwithstanding the provisions of Subsection (1) of Section 16, a person may draw, push, or propel:
 - (a) A two wheeled cart or other personal grocery carrier; or
 - (b) A baby carriage, a wheeled device for carrying a child or invalid; or
 - (c) A child's tricycle; or
 - (d) A wheel chair, or motorized scooter for the disabled.On or along a sidewalk in such a way as to not interfere with the other pedestrians using the sidewalk.
3. Subject to Subsection (4) of Section 15, a person may use in-line skates or a skateboard or scooter on a sidewalk, except on sidewalks in the downtown core.

17. SNOW AND ICE REMOVAL

1. All persons owning or occupying premises in Town, shall clear away and remove all snow, ice, dirt, and other obstructions from the sidewalk situated on land adjoining the property owned or occupied by them within 24 hours of the time that such snow, ice, dirt or other obstructions was deposited thereon.
2. The Town may after the expiration of the 24 hours aforesaid, remove and clear away all snow, ice, dirt and other obstructions required to be removed by subsection (1) of Section 17, and charge the expenses thereof to the owner or occupant. In the event of non-payment within (30) days, of the expenses, such expenses shall be charged against the property as a special assessment to be recovered in a like manner as other taxes.
3. Notwithstanding any other provisions of this bylaw, the Public Works Supervisor, may cause moveable signs to be placed on or near a roadway.

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4. Notwithstanding anything herein contained, in snow removal or street cleaning operations carried on by the Town Maintenance crew and their contractors, the Town may tow or remove vehicles from the street being cleaned or from which snow is being removed, and park the same on adjacent street without impounding the same.

18. SUNDRY RESTRICTIONS

1. Where an unprotected hose of the Town of Black Diamond Fire Department has been laid down on a roadway or a driveway no person shall drive a vehicle over such hose unless an official of the Town of Black Diamond Fire Department at the scene has specifically allowed him to do so.
2. No person shall apply or engage engine retarder brakes on any truck in any part of the Town of Black Diamond.
3. A person must not make, continue, or allow to be made or continued any objectionable noise.
4. If objectionable noise is caused by or emanates from a motor vehicle parked on a highway, that motor vehicle is illegally parked.
5. *Deleted*
6. No person shall pass beyond a point designated by a Peace Officer or a member of the Fire Department near the location of a fire.
7. No person shall drive or haul on or over any highway within the Town, any vehicle or other type of equipment or thing(s) which damages or is likely to damage the highway.
8. No person shall allow any dirt, sand, gravel, cement or any other material to be deposited on a highway.
9. No person shall tear down, remove, or interfere with any signs, signals, barricades, flares or other things placed in accordance with the provisions and regulations of the Act.
10. No person shall cast or throw stones, balls of snow or ice, or any object on any of the highways within the Town.
11. No person shall place any goods or wares or merchandise or other articles of any kind upon any sidewalk or highway, or shall expose any goods, wares or merchandise or other articles outside any shop, warehouse or building which shall project over any part of the sidewalk or highway, unless written permission is obtained from the Town.
12. No person shall cast or throw any golf balls on or from any Town property or highway located within the Town.
13. No person shall lay or place an extension cord for any reason, across a sidewalk, street or boulevard.
14. No person shall operate an off-highway vehicle within the Town of Black Diamond.

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19. OBSTRUCTIONS TO VISION

1. No person shall permit any hedge, tree, or shrub, whenever planted, on property owned or occupied by him located within the triangle formed on a corner site by the two curb lines adjoining an intersection, including a lane intersection and two points located 7.5 metres where the curb lines meet, herein referred to as the “corner visibility triangle”, to grow or remain at a height greater than 1.2 meters.
2. If a person is directed by a Peace Officer to reduce any hedge, tree or shrub located in a corner visibility triangle to a height not in excess of 1.2 meters, and fails to carry out such direction within 7 days of receipt of such direction, the Town may remove any such hedge, tree, or shrub or reduce it to the required height, and if the cost of such work is not paid on demand by the owner or occupant of the property in question, the Town may recover the expenses of such work, with costs, by action in any Court of competent jurisdiction, or may charge the expense of the work as taxes against such property.
3. No person shall erect or cause to be erected, built or placed, a fence, wall or other object on private property, which contravenes the requirements of the Land Use Bylaw.
4. No person shall continue the existence of a fence, wall or other object on private property so that the visibility for safe traffic is interfered with.
5. The maximum height provided in Subsection (1), (2), (3) and (4) of Section 19 shall be measured from the top of the curb where there is a sidewalk or from the level of the crown of the roadway where there is no sidewalk.

20. AUTHORITY OF COUNCIL

1. Subject to conditions in this bylaw, Council hereby authorizes the Public Works Supervisor 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 make provisions and regulations in order to temporarily close to traffic any highway or part thereof, and to suspend temporarily any parking privileges granted by this bylaw. The Public Works Supervisor is hereby authorized to place on the highway, a sign warning persons of any regulations and provisions that are in effect, and may cause such additional signs and traffic control devices to be so placed and to cause to be placed such barricades, flares or other things as he deems necessary to implement the provisions and regulations so imposed.

21. POWERS OF A PEACE OFFICER

1. Any Peace Officer is hereby authorized to remove or cause to be removed any vehicles or trailer:
 - (a) Operated or parked in contravention of any provision of this bylaw, or

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TOWN OF BLACK DIAMOND**

- (b) Where emergency conditions may require such removal from a highway.
Such vehicle may be removed to a place designated by the Peace Officer where it will remain until cleared by the owner thereof or his agent.
- 2. No impounded vehicle shall be released to its owner or his agent until the impound charges and removal charges on the vehicle have been paid to the Authorized Agent; such charges shall be in addition to any fine or penalty imposed in respect of any such violation, or to any payment made in lieu of prosecution as herein after provided. The Town of Black Diamond is not responsible for "Towing Charges."
- 3. Where a Peace Officer has reasonable grounds to believe a person has committed a breach of any of the sections of this bylaw listed in Schedules "A", "B", "C", "D", "E", "F" hereunto annexed and made part of this bylaw, he may serve upon such person(s) a "Traffic Tag" allowing the payment of a penalty to The Town of Black Diamond which shall be accepted by the Town of Black Diamond in lieu of prosecution for the offence.
- 4. A Traffic Tag may be:
 - (a) Personally served; or
 - (b) Attached to any vehicle in respect of which any offence is alleged to have been committed; or
 - (c) Mailed to the address of the registered owner of the vehicle or to the person in possession of said vehicle.
- 5. The following penalties may be accepted in lieu of prosecution for a contravention of this Bylaw:
 - (a) Twenty Five Dollars (\$25.00) for an offence listed in Schedule "A";
 - (b) Thirty Dollars (\$30.00) for an offence listed in Schedule "B";
 - (c) Fifty Dollars (\$50.00) for an offence listed in Schedule "C";
 - (d) One Hundred Dollars (\$100.00) for an offence listed in Schedule "D";
 - (e) One Hundred and Fifty Dollars (\$150.00) for an offence listed in Schedule "E";
 - (f) Two Hundred Dollars (\$200.00) for an offence listed in Schedule "F".And upon payment in accordance with the terms specified in the Traffic Tag, an official receipt for the payment shall be issued and, pursuant to the provisions of Subsections (7) and (8) of Section 21 such payment shall be accepted in lieu of prosecution.
- 6. If after the date of expiration for payment of a Traffic Tag a person tenders payment therefore in accordance to Subsection (5) of Section 21, such payment shall be accepted in lieu of prosecution provided that payment is tendered three days preceding the appearance date specified in any violation ticket subsequently issued for the same offence.
- 7. If the person upon whom the Traffic Tag is served fails to pay the required sum within the time specified, the Provisions of this Section for acceptance of payment in lieu of prosecution do not apply.

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8. Nothing in this Section shall:
 - (a) Prevent any person from exercising his right to defend any charge of committing a breach of any of the Sections referred to in Schedules "A", "B", "C", "D", "E", "F" to this Bylaw;
 - (b) Prevent any Peace Officer, in lieu of serving a Traffic Tag, or any other person from laying information or a complaint against any other person for committing a breach of any of the Sections listed in the said Schedules; or
 - (c) Prevent any person from exercising any legal right such person may have to lay information or complaint against any other person (whether such other person has made a payment under the provisions of this Bylaw or not) for a breach of any of the Sections listed in the said Schedules.
9. A person other than the owner or operator of a vehicle shall not remove any Traffic Tag or notice placed on or affixed to the vehicle by a Peace Officer in the course of his duties.
10. No person other than a Peace Officer or another person authorized by the Town of Black Diamond or by this Bylaw shall place a Traffic Tag on any vehicle.

22. COST INCURRED BY THE TOWN

1. If a person is in default in doing any matter or thing which this Bylaw directs that he should do, the matter or thing may be done by the Town of Black Diamond at the expense of the person in default and if the person in default does not pay such expense promptly upon being invoiced, the Town may recover the expenses thereof with costs by action in any Court of competent jurisdiction.
2. If, by reason of contravention of any provision of this Bylaw, the Town of Black Diamond is authorized or required to move a motor vehicle from a place where it is parked and impound the motor vehicle; then the amount of the expense so incurred shall be:
 - (a) added to the amount of any fine or penalty which may be imposed by reason of the contravention; or
 - (b) added to the amount of payment to be made in lieu of prosecution as provided in Section 21(5).

23. PENALTIES

1. Subject to the provisions of Subsection (2) of Section 22, a person contravening a provision of this Bylaw and any other person liable or responsible for such contravention shall upon Summary Conviction before a Court of competent jurisdiction be liable to a fine not exceeding Twenty-five Hundred Dollars (\$2500.00) exclusive of costs, or, in event of non-payment of the fine and costs, to imprisonment for a period not exceeding Sixty (60) Days unless such fine and costs including the cost of committal are sooner paid.

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2. Notwithstanding Subsection (1) of Section 23, no person convicted of an offence by reason of contravention of a provision of this Bylaw shall be liable to imprisonment for non-payment of a fine and costs imposed upon Summary Conviction therefore unless he was the person actually driving the motor vehicle at the time the contravention of the Bylaw occurred.

24. TRANSITION SECTION

1. All traffic control devices which are in place on the effective date of this Bylaw shall be deemed to be valid traffic control devices for the purposes of this Bylaw.
2. All School Zones, Playground Zones, Loading Zones, Bus Zones in effect immediately prior to the coming into force of this Bylaw shall continue in effect until removed.

This Bylaw comes into full force and effect upon third and final Reading.

Bylaw 81-15 and all amendments thereto are hereby repealed.

READ A FIRST TIME this 5th day of June, 2002

MAYOR

TOWN MANAGER

READ A SECOND AND THIRD TIME this 2nd day of October, 2002

MAYOR

TOWN MANAGER

**BYLAW 02-09 OFFICE CONSOLIDATION
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SCHEDULE A
(\$25.00 Penalties)

- S. 5(1) Soliciting Rides on a Roadway
- S. 5(3) Board or Alight from a Moving Vehicle
- S. 5(4) Pick up Person Soliciting a Ride
- S. 5(5) Crowd or Jostle Pedestrian

SCHEDULE B
(\$30.00 Penalties)

- S. 8(1) Unauthorized Parking on Private Property
- S. 8(3) Unauthorized Parking in Space Reserved for Customer Parking
- S. 12(2) Operate Vehicle on Closed Street
- S. 15(4) Interfere with pedestrian while Operate Bicycle, Skateboard, Scooter on sidewalk.
- S. 16(1)(a) No Person Shall Drive, Lead or Allow a Hoofed Animal to Walk on a Sidewalk
- S. 16(1)(b) No Person Shall Drive, Draw or Push any Motor Vehicle on a Sidewalk.
- S. 16(1)(c) No Person Shall Ride, a Bicycle, Skateboard, Scooter, on a Sidewalk
- S.16(1)(d) No Person Shall Ride a Horse; or
- S. 16(1)(e) Draw, Push, Propel or Ride a Wheeled vehicle of any description on or along a sidewalk or boulevard
- S. 18(10) Throw Stones, Snowballs or Ice within Town Limits
- S. 18(12) Cast, Throw Golf Balls on Town Property or Highway

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SCHEDULE C
(\$50.00 Penalties)

- S. 6(2) Overtime Parking
- S. 6(5) Removing Chalk Mark on Tire
- S. 6(6) Failing to Park in Manner Required
- S. 6(7) Repair or Servicing Vehicle on Street
- S. 6(9) Vehicle Parked on Street Incapable of Moving
- S. 6(10) Parking of Vehicles by Commercial Vehicle Related Businesses
- S. 6(11)(a) Park Detach Trailer or Camper on Street
- S. 6(11)(b) Have Recreational Vehicle Parked on Street / Town Property
- S. 6(12) Park Vehicle On Town Property
- S. 6(13) Improper Parking where Angle Parking is Indicated
- S. 6(14) Park vehicle in Bus Stop or Zone marked No Parking
- S. 7(1) Stopped or Parked Vehicle within one and half metres of Driveway, Alley, Garage Entrance
- S. 7(2) Stopped or Parked Vehicle as to Obstruct Alley
- S. 7(3) Stopped or Parked Vehicle as to Block Refuse Container or Storage Area
- S. 7(6) Stopped or parked Vehicle in an Alley within three metres of an Electrical Transformer
- S. 11(1) Prohibited or Overtime Parking in Commercial Loading Zone
- S. 11(2) Unoccupied Vehicle Parked or Stopped in Passenger Loading Zone
- 17-04* S. 11.A(1) Exceed 15 km/hr In Alley
- S. 13(1) Operate Flashing Lights in a School, Playground Zone
- S. 17(1) Fail to Remove Snow, Ice, Dirt, From Sidewalk

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S. 18(5) *Deleted*

S. 18(14) Operate off-highway vehicle within Town limits

SCHEDULE D
(\$100.00 Penalties)

S. 7(4) Parked or Stopped in Marked Fire Lane

S. 7(5) Stopped or Parked Blocking Marked Fire Exit

S. 14(1) Parade or Special Roadway Event Without a Permit

S. 18(1) Drive Vehicle over Fire Hose

S. 18(6) Fail to Obey direction of Peace Officer or Fire Officer

S. 18(8) Dump Materials on highway

S. 19(1) Allow tree, hedge or shrub to obstruct visibility of traffic

S. 19(4) Allow fence, wall or other object to obstruct visibility of traffic

SCHEDULE E
(\$150.00 Penalties)

S. 8(2) Unauthorized Truck Parking

S. 10(4) Unauthorized Parking in a Disabled Parking Space; Failure to display Placard

S. 10(3) Unauthorized Vehicle Parked in Handicap Loading Zone

S. 18(2) Apply Engine Retarder Brakes

S. 18(3) Causing Objectionable Noise

S. 21(1) Interfere with a Peace Officer

S. 21(9) Person(s) Remove Traffic Tag Placed on or Affixed to a Vehicle

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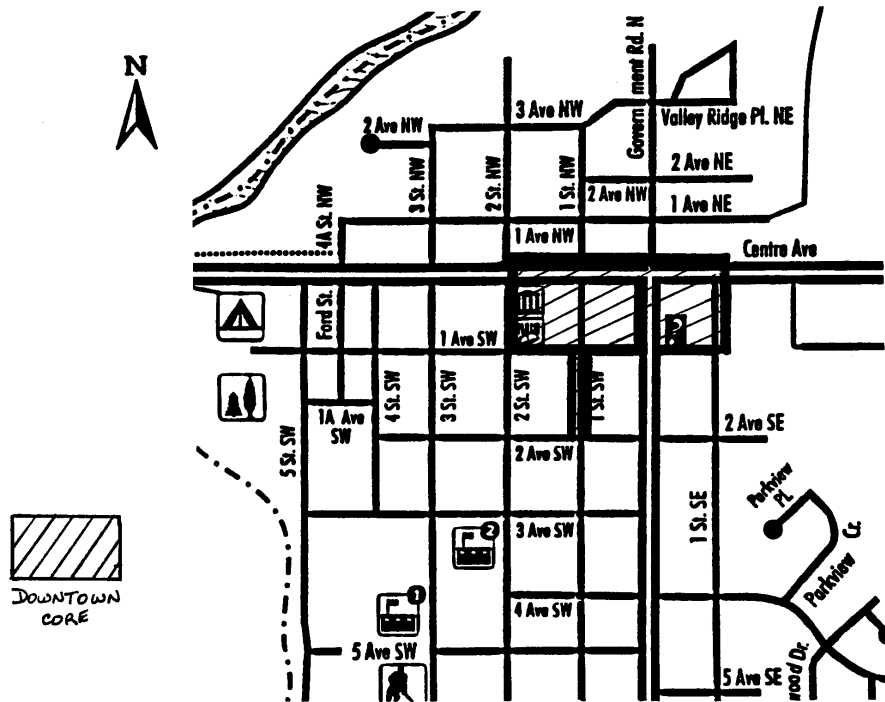
SCHEDULE F
(\$200.00 Penalties)

- S. 18(7) Cause Damage to Highway
- S. 18(9) Tamper with Signs

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SCHEDULE G

BLACK DIAMOND



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Bylaw 02-09
Traffic Bylaw
Office Consolidation

Following are the amending bylaws used in the Office Consolidation of this Bylaw, in order of Occurrence, as listed on Page 2 of this Consolidation document.

**BYLAW 17-04
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**A BYLAW TO AMEND A BYLAW WITHIN THE TOWN OF BLACK DIAMOND,
IN THE PROVINCE OF ALBERTA.**

WHEREAS, pursuant to the Municipal Government Act, R.S.A. 2000, c. M-26, and amendments thereto, the Council of the Town of Black Diamond in the Province of Alberta has adopted Bylaw 02-09 Black Diamond Traffic Bylaw;

AND WHEREAS, the Council wishes to exercise its authority pursuant to the Municipal Government Act to amend Bylaw 02-09 Black Diamond Traffic Bylaw;

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

2. DEFINITIONS

- 2.1. “Bylaw” means a bylaw of the Town;
- 2.2. “Council” means the Council of the Town of Black Diamond;
- 2.3. “Town” means the Corporation or the Town of Black Diamond.

3. AMENDMENTS

- 3.1. Section 2 of the Black Diamond Traffic Bylaw is amended by deleting (1)(a) in its entirety and replacing it with
“(1)(a) “Act” means the *Traffic Safety Act*, R.S.A. 2000, c. T-6 as amended or substituted from time to time;”.
- 3.2. Section 2 of the Black Diamond Traffic Bylaw is amended by the addition of 2(1)(af.01) “Playground Zone” means that portion of a highway identified as a playground zone by a traffic control device.
- 3.3. Section 2 of the Black Diamond Traffic Bylaw is amended by the addition of 2(1)(aj.01) “School Zone” means that portion of a highway identified as a school zone by a traffic control device.
- 3.4. Section 11.A REDUCED SPEED LIMIT shall be added to the Black Diamond Traffic Bylaw as follows:
 - 1. No person shall drive a vehicle in or along an alley in the Town at a speed greater than 15 kilometers per hour.
 - 2. Pursuant to section 107(3) of the Act, the prescribed hours during which a School Zone is in effect in the Town is increased to the period beginning at 7:30a.m. and ending at 9:00p.m. on any day on which school is held.
 - 3. Pursuant to section 107(5) of the Act, the prescribed hours during which a Playground Zone is in effect in the Town is increased to the period beginning at 7:30a.m. and ending at 9:00p.m. daily.
- 3.5. Section 18.5 of the Black Diamond Traffic Bylaw shall be deleted in its entirety.
- 3.6. Schedule C of the Black Diamond Traffic Bylaw shall be amended by deleting the penalty for “S. 18(5) Exceed 15 kmph In Alley” in its entirety and by the addition of the penalty “S. 11.A(1) Exceed 15 km/hr In Alley”.

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4. SEVERABILITY

- 4.1.** It is the intention of the Council of the Town of Black Diamond that each section of this Bylaw should be considered as being separate and severable from all other sections. Should any section or part of this Bylaw be found to have been improperly enacted, then such section or part shall be regarded as being severable from the rest of this Bylaw and that the Bylaw remaining after such severance shall be effective and enforceable.

This Bylaw will take force and effect on June 30, 2017.

READ A FIRST TIME this 15th day of March A.D. 2017.

READ A SECOND TIME this 15th day of March A.D. 2017.

READ A THIRD AND FINAL TIME this 05 day of April A.D. 2017.

Original signed
MAYOR

Original signed
LEGISLATIVE SERVICES MANAGER

April 5 2017
Date signed