

Bylaw # 1599

A By-Law for the purpose of regulating designated parking stalls in the Town of Cardston, in the Province of Alberta

WHEREAS the Municipal Government Act, Chapter 26, Revised Statutes of Alberta 2000 and amendments thereto permits the Council of the Town of Cardston, by By-Law, to prohibit parking in parking stalls designated for specific groups or persons within the Town of Cardston,

AND WHEREAS the parking in designated parking stalls by other than the intended person(s) the Town of Cardston could prohibit emergency services and/or Town employees from performing their duties proficiently, and could create a danger to public safety, health and welfare.

AND WHEREAS the Council of the Town of Cardston deems it advisable to adopt such a By-Law;

1.0 TITLE

This By-Law may be cited as the "DESIGNATED PARKING BYLAW"

2.0 DEFINITIONS

In this By-law

- a) "In Default" means failure to fulfill the legal obligation or duty set out in a municipal tag or provincial ticket
- b) "Enforcement Officer" means a member of the Royal Canadian Mounted Police, a Peace Officer or a Bylaw Enforcement Officer of the Town of Cardston.
- c) "Highway" means any thoroughfare, street, road, roadway, trail, avenue, parkway, driveway, viaduct, lane, square, bridge, causeway, trestle-way, or other place, whether publicly or privately owned and any part of which the public is ordinarily entitled or permitted to use for the passage of Vehicles and includes:
- d) "Municipal Tag" means a tag or ticket wherein a person alleged to have committed a breach of a provision of this By-Law is given an opportunity to pay a voluntary penalty to the Town of Cardston in lieu of prosecution for the offence;
- e) "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;
- f) "Parking stall" means any marked or unmarked parking spot sufficient for the vehicle intended.
- g) "Person" includes Her Majesty and public bodies, bodies corporate, Societies, Partnerships, Firms, an individual, or Companies

- h) "Sidewalk" means that part of a Highway especially adapted to the use of or ordinarily used by pedestrians, and includes part of a highway between the curb line (or the edge of the roadway, where there is no curb line) and the adjacent property line, whether or not paved or improved.
- i) "Stop" – means
 - i. a) when required, a complete cessation from vehicular movement, and:
 - ii. b) 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 traffic control device;
- j) "Town" means the Town of Cardston or the area within the corporate limits of the Town of Cardston, as the context may require;
- k) "Vehicle" means a device in, upon or by which a person or thing may be transported or drawn upon a highway;
- l) "Voluntary penalty" means a penalty specified in this By- Law for the contravention of a provision of this By-Law which amount shall be paid by a person to whom a municipal tag has been issued.

3.0 GENERAL

- 3.1 No person shall park a motor vehicle (as described in the Alberta Traffic Safety Act) in any location identified as being for the use of persons with disabilities unless the vehicle:
 - (a) displays a valid disabled placard or license plate issued or recognized by the Registrar; and
 - (b) is being used for the transportation of a person with a disability.
- 3.2. (1) A vehicle shall not be parked on a highway in any location identified as being for the use of a particular class of vehicle unless the vehicle is within the particular class.
- (2) For the purpose of subsection (1) particular classes of vehicles may include, but are not limited to:
 - (a) small cars;
 - (b) police or other emergency vehicles;
 - (c) Handi-bus
 - (d) Motorcycles
 - (e) a particular group or organization
- 3.3 No person shall move, alter, deface or otherwise change any sign erected by the Town of Cardston for the purpose of controlling traffic and/or parking areas.

4.0 PENALTIES

- 4.1 A person who contravenes any provision of this Bylaw is guilty of an offense punishable on summary conviction and is liable for a fine not exceeding \$500.00 or in default of payment thereof by a term of imprisonment not exceeding seven (7) days.
- 4.2 Where any Enforcement Officer believes a person has committed a breach of this Bylaw, he or she may serve upon such person a municipal tag pursuant to Part 2 of the Provincial Offences Procedure Act, Alberta. Failing payment of such municipal tag an officer may issue a provincial ticket in accordance to this same act.
- 4.3 Notwithstanding the provisions of this By-law, any person committing a breach of any of the provisions of this By-law listed in the column of Schedule "A", which forms part of this By-law, may pay to the Chief Administration Officer at the Town Office, the amount set out in Schedule "A" which pertains to the offence in lieu of being prosecuted, and the amount paid shall belong to the General Revenue of the Town of Cardston;
- 4.4 A person served with a tag pursuant to section 3 of this Bylaw may make a voluntary payment in respect of the amount indicated on the municipal tag.

5.0 SEVERABILITY

- 5.1 Each separate provision of this Bylaw shall be deemed independent of all other provisions herein. Should any provision of this Bylaw be declared invalid, all other provisions herein shall remain valid and enforceable.

FINAL PASSING

This Bylaw shall come into effect on the date of the final reading.

Received First Reading this 8 day of February 2011.

Received Second Reading this 8 day of February 2011.

Received Third and Final Reading this 22 day of February 2011.



Mayor



Municipal Administrator

Dated Feb. 24, 2011

By-law Fines Schedule "A"

<u>OFFENCE SECTION</u>	<u>PENALTY</u>	<u>DESCRIPTION</u>
Parking		
3.1	\$95.00	Park in a location identified for persons with disabilities
3.1 (a)	\$50.00	Fail to display disabled placard/license plate
3.2 (1)	\$50.00	Park in a location limited to particular class of vehicle
3.2 (2 a,d)	\$50.00	Park in a location marked for small car or motorcycle
(2 b,c)	\$75.00	Park in a location marked for emergency or handi-bus use only
3.3	\$99.00	Move alter, or otherwise deface traffic/parking control sign