



AGENDA

Bylaw Committee

January 4, 2022 - 3:00 PM

Town Administration Building -
Council Chambers

**AGENDA FOR BYLAW COMMITTEE MEETING TO BE HELD ON JANUARY 4, 2022
AT 3:00 PM IN THE COUNCIL CHAMBERS OF THE TOWN ADMINISTRATION
BUILDING, 4938 – 50 AVENUE, RIMBEY, ALBERTA.**

Page

**1. CALL TO ORDER BYLAW COMMITTEE MEETING & RECORD
OF ATTENDANCE**

2. AGENDA APPROVAL AND ADDITIONS

3. MINUTES

- 3.1 Minutes of the Bylaw Committee Meeting 2 - 7
[RFD 3.1 Minutes](#)
[RFD 3.1.1 Bylaw Committee Meeting Minutes Dec 7, 2021](#)

4. NEW AND UNFINISHED BUSINESS

- 4.1 [RFD 4.1 Responsible Pet Ownership Bylaw](#) 8 - 19
[RFD 4.1.1 961 20 Responsible Pet Ownership Bylaw Revised
June 9, 2021](#)
- 4.2 [RFD 4.2 Rimbey Bylaw Review \(Recreational Vehicles\)](#) 20 - 365
[RFD 4.2.1 917 16 Land Use Bylaw](#)
[RFD 4.2.2 951 18 Town of Rimbey Traffic Bylaw](#)
[RFD 4.2.3 950 18 Nuisance Bylaw](#)
[RFD 4.2.4 Traffic Safety Act 2021](#)
[RFD 4.2.5 Rimbey Bylaw Review Spreadsheet Dec 2021](#)

5. ADJOURNMENT

- 5.1 Adjournment



REQUEST FOR DECISION

Bylaw Committee Agenda Item	3.1
Bylaw Committee Meeting Date	January 4, 2022
Subject	Minutes of December 07, 2021 Bylaw Committee Meeting
For Public Agenda	Public Information
Attachments	3.1.1 Minutes of December 07, 2021 Bylaw Committee Meeting
Recommendation	To accept the Minutes of December 07, 2021 Bylaw Committee Meeting, as presented.

Prepared By:

Bonnie Rybak

Bonnie Rybak
Recording Secretary

December 17, 2021

Date

Endorsed By:

Gayle Rondeel

Gayle Rondeel
Chairperson

December 17, 2021

Date



MINUTES

Bylaw Committee Meeting

Tuesday, December 7, 2021 - 3:00 PM

Town Administration Building - Council Chambers

1. CALL TO ORDER BYLAW COMMITTEE MEETING & RECORD OF ATTENDANCE

Chair Gayle Rondeel called the meeting to order at 3:00 pm with the following in attendance:

Chair Gayle Rondeel
Deputy Chair Janet Carlson
Committee Member Allan Tarleton
Councillor Wayne Clark
Committee Member Camille McKay
Committee Member Jeff Johnstone
Lori Hillis - Chief Administrative Officer
Bonnie Rybak - Executive Assistant

Public: (0) members of the public

2. AGENDA APPROVAL AND ADDITIONS

2.1. Agenda Approval and Additions

Motion 2021BC048

Moved by Councillor Wayne Clark to accept the agenda for the December 7, 2021 Bylaw Committee Meeting as presented.

Chair Gayle Rondeel	In Favor
Deputy Chair Janet Carlson	In Favor
Committee Member Allan Tarleton	In Favor
Councillor Wayne Clark	In Favor
Committee Member Camille McKay	In Favor
Committee Member Jeff Johnstone	In Favor

CARRIED

3.

MINUTES

3.1. Minutes of the Bylaw Committee Meeting June 10, 2021.

Motion 2021BC049

Moved by Committee Member Allan Tarleton to accept the Minutes of the Bylaw Committee Meeting June 10, 2021, as presented.

Chair Gayle Rondeel	In Favor
Deputy Chair Janet Carlson	In Favor
Committee Member Allen Tarleton	In Favor
Councillor Wayne Clark	In Favor
Committee Member Camille McKay	In Favor
Committee Member Jeff Johnstone	In Favor

CARRIED

4.

NEW AND UNFINISHED BUSINESS

4.1. Appointment of a Chairperson

Motion 2021BC050

Moved by Committee Member Allan Tarleton to appoint Gayle Rondeel as Chairperson for the Bylaw Committee commencing December 7, 2021.

Chair Gayle Rondeel	In Favor
Deputy Chair Janet Carlson	In Favor
Committee Member Allan Tarleton	In Favor
Councillor Wayne Clark	In Favor
Committee Member Camille McKay	In Favor
Committee Member Jeff Johnstone	In Favor

CARRIED

Motion 2021BC051

Moved by Councillor Wayne Clark to remove item #10 in Section #7 in the Bylaw Committee Bylaw 983/21.

Chair Gayle Rondeel	In Favor
Deputy Chair Janet Carlson	In Favor
Committee Member Allan Tarleton	In Favor
Councillor Wayne Clark	In Favor
Committee Member Camille McKay	In Favor
Committee Member Jeff Johnstone	In Favor

CARRIED

4.2. Appointment of a Deputy Chairperson

Motion 2021BC052

Moved by Councillor Wayne Clark to appoint Janet Carlson as Deputy Chairperson commencing December 7, 2021.

Chair Gayle Rondeel	In Favor
Committee Member Janet Carlson	In Favor
Committee Member Allan Tarleton	In Favor
Councillor Wayne Wayne Clark	In Favor
Committee Member Camille McKay	In Favor
Committee Member Jeff Johnstone	In Favor

CARRIED

4.3. Bylaw Committee Meeting Dates and Time

Motion 2021BC053

Moved by Deputy Chair Janet Carlson to set the Bylaw Committee Meeting dates for first Tuesday of every month at 3:00 pm.

Chair Gayle Rondeel	In Favor
Deputy Chair Janet Carlson	In Favor
Committee Member Allan Tarleton	In Favor
Councillor Wayne Clark	In Favor
Committee Member Camille McKay	In Favor
Committee Member Jeff Johnstone	In Favor

CARRIED

4.4. Basic Principles of Bylaws

Motion 2021BC054

Moved by Councillor Wayne Clark to accept the Basic Principals of Bylaws, as information.

Chair Gayle Rondeel	In Favor
Deputy Chair Janet Carlson	In Favor
Committee Member Allan Tarleton	In Favor
Councillor Wayne Clark	In Favor
Committee Member Camille McKay	In Favor
Committee Member Jeff Johnstone	In Favor

CARRIED

4.5. Council Procedural Bylaw

Motion 2021BC055

Moved by Councillor Clark to accept 984 21 Council Procedural Bylaw and bring forward to the next Council meeting for first, second and third reading.

Chair Gayle Rondeel	In Favor
Deputy Chair Janet Carlson	In Favor
Committee Member Allan Tarleton	In Favor
Councillor Wayne Clark	In Favor
Committee Member Camille McKay	In Favor
Committee Member Jeff Johnstone	In Favor

CARRIED

4.6. 951/18 Town of Rimbey Traffic Bylaw

5. ADJOURNMENT

5.1. Adjournment

Motion 2021BC056

Moved by Councillor Clark to adjourn the meeting at 4:13 pm.

Chair Gayle Rondeel	In Favor
Deputy Chair Janet Carlson	In Favor
Committee Member Allan Tarleton	In Favor
Councillor Wayne Clark	In Favor
Committee Member Camille McKay	In Favor
Committee Member Jeff Johnstone	In Favor

CARRIED

Councillor Rondeel, Chairperson

Lori Hillis, Chief Administrative Officer



REQUEST FOR DECISION

Bylaw Committee Agenda Item	4.1
Bylaw Committee Meeting Date	January 4, 2022
Subject	961/20 Responsible Pet Ownership Bylaw–Revised June 9, 2021
For Public Agenda	Public Information
Information	<p>On June 22, 2021 the following made motion was made:</p> <p><u>Motion 175/21</u></p> <p><i>Moved by Mayor Pankiw to table the Responsible Pet Ownership Bylaw until after the new Council is elected.</i></p> <p><i>In Favor</i> <i>Opposed</i></p> <p><i>Mayor Pankiw</i></p> <p><i>Councillor Coulthard</i></p> <p><i>Councillor Curle</i></p> <p><i>Councillor Rondeel</i></p> <p style="text-align: right;"><i>CARRIED</i></p>
Attachments	961/20 Responsible Pet Ownership Bylaw Revised
Recommendation	To bring the revised 961/20 Responsible Pet Ownership Bylaw back to the next Council meeting on January 10, 2022, for review.

Prepared By:

Bonnie Rybak
Recording Secretary

December 17, 2021

Date

Endorsed By:

Gayle Rondeel
Chairperson

December 17, 2021

Date



Town of Rimbey

Bylaw 961/20

A BYLAW OF THE TOWN OF RIMBEY, IN THE PROVINCE OF ALBERTA TO PROVIDE FOR THE REGULATIONS FOR THE CONTROL OF DOGS AND CATS IN THE TOWN.

WHEREAS A Council of a Municipality may, pursuant to the Municipal Government Act, Chapter M-26, R.S.A. 2000, pass bylaws for the purpose of regulating and controlling domestic animals and activities in relation to them and to provide for the imposition of a fine and or imprisonment due to contravention of said bylaw; and

WHEREAS The Council of the Town of Rimbey deems it necessary and expedient to pass a bylaw for the purpose of regulating and controlling dogs and cats within the corporate boundaries of the Town of Rimbey;

NOW THEREFORE, THE MUNICIPAL COUNCIL OF THE TOWN OF RIMBEY, DULY ASSEMBLED, ENACTS AS FOLLOWS:

PART ONE- TITLE

1. The Bylaw shall be cited as the “Responsible Pet Ownership Bylaw”.

PART TWO- DEFINITIONS

2. In this bylaw, unless the context otherwise requires, the word, term or expressions:

- a) “Altered” means neutered or spayed.
- b) “Animal” means dog or cat, aggressive dog or dangerous dog
- ~~c) “Animal Control Officer” means a person or firm engaged by the Town to administer and/or enforce the provisions of the bylaw.~~
- ~~e)d) “Animal License” means the numbered tag issued by the Town of Rimbey on an annual basis.~~
- ~~d)e) “Aggressive Dog” means any dog that:~~
 - i. has been designated an aggressive dog by an Animal Control Officer.
- ~~e)f) “Cat” means either a male or female animal of the feline family.~~
- ~~f) “Cat License” means the numbered tag issued by the Town of Rimbey on an annual basis.~~
- ~~g) “Contractor” means a person or firm engaged by the Town to perform Animal Control Services.~~
- ~~g)h) “Dangerous Dog” means:~~
 - i. A dog which has been made the subject of an order under the Dangerous Dog Act.
- ~~h)i) “Dog” means either a male or female animal of the canine family.~~
- ~~i) “Dog License” means the numbered tag issued by the Town of Rimbey on an annual basis.~~
- ~~j) “Exotic Animals” means an animal not indigenous to Canada and not commonly kept as a household pet in Canada.~~
- ~~k)j) “Former Owner” means the person at the time of impoundment who was the Owner of an Animal which has been subsequently sold or destroyed.~~
- ~~h)k) “Justice” has the meaning as defined in the Provincial Offences and Procedure Act, R.S.A 2000, c. P-34 and amendments thereto.~~
- ~~m)l) “Kennel” means any place, owned by a person, group of persons or corporation engaged in the business of breeding, buying, selling, or boarding more than three dogs and/or three cats.~~
- ~~n)m) “Leash” means a restraint that is less than two meters in length and made of material capable of restraining an animal on which it is being used.~~

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Town of Rimbey

Bylaw 961/20

A BYLAW OF THE TOWN OF RIMBEY, IN THE PROVINCE OF ALBERTA TO PROVIDE FOR THE REGULATIONS FOR THE CONTROL OF DOGS AND CATS IN THE TOWN.

- o)n) "Livestock" includes but is not limited to:
 - i. a horse, mule, ass, swine, emu, ostrich, camel, alpaca, sheep, or goat.
 - ii. domestically reared or kept deer, reindeer, moose, elk or bison.
 - iii. fur bearing animals including fox, coyote, wolf, weasels, or mink.
 - iv. animals of the bovine species.
 - v. animals of the avian species excluding chickens.
 - vi. Bees.
 - vii. all other animals normally kept for agriculture purposes.
- p)o) "Major Injury" means any physical injury to a domestic animal or person, caused by an animal that results in major bruising large puncture, scratch or tearing of the skin, bleeding, or any other injury that is not life threatening, disfiguring, or debilitating.
- q)p) "Microchip" means a tiny transponder, about the size of a grain of rice, that can be implanted in your pet's skin by a veterinarian for a good back-up option for pet identification.
- r)q) "Minor Injury" means any physical injury to a domestic animal or person, caused by an animal that results in minor bruising, small puncture, scratch or tearing of the skin, bleeding, or any other injury that is not life threatening, disfiguring, or debilitating.
- r)s) "Municipal Ticket" means a municipal ticket issued on behalf of the Town for a violation under this bylaw.
- s)t) "Muzzle" means a device of sufficient strength placed over an animals mouth to prevent it from biting.
- t)u) "Officer" includes an Animal Control Officer, a ~~B~~ylaw ~~E~~enforcement ~~O~~fficer, a Peace Officer, a Special Constable and a Member of the Royal Canadian Mounted Police.
- u)v) "Owner" includes any person, partnership, association or corporation:
 - i. owning, possessing, having charge of, or control over any animal.
 - ii. harboring any animal.
 - iii. suffering or permitting any animal to remain about his or her house or premises.
 - iv. any person to whom a License has been issued under this bylaw.

For the purpose of this Bylaw, an animal can have more than one Owner at the same time, any, or all, who may be charged with offences under this Bylaw.
- v)w) "Park or Parkland" means all recreational land areas owned or controlled by the town, lying within the Town boundaries, and whether improved or in whole or in part, or in its natural state: and includes all buildings or other improvements situated on these land areas.
- w)x) "Running at Large" shall mean any animal off the premises of the owner and not on a leash held by a person able to control the animal.
- x)y) "Tattoo" means a permanent means of identification with a series of letters and numbers.
- y)z) "Threatening Behavior" means behavior that creates a reasonable apprehension of a threat of harm and may include growling, lunging, snarling, charging, or chasing.
- z)a) ~~"Unaltered" means not neutered or spayed.~~

PART THREE- RESPONSIBILITY OF THE OWNER

- 3.1 No more than three (3) dogs over 4 months old shall be kept or harbored at one time on land or premise occupied by their owners unless approval to operate a



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- kennel is received by way of a Development Permit from the Town of Rimbey. Kennels will not be permitted in residential areas.
- 3.2 No more than three (3) cats over 4 months old shall be kept or harbored at one time on land or premise occupied by their owners.
- ~~3.3 Puppy's may be kept up to a maximum of four (4) months.~~
- ~~3.4 Dog runs may be constructed on private lots in lieu of fencing the total property. All regulations of this by-law shall apply.~~
- ~~3.5~~3.3 A female dog in heat shall be confined and housed on the property of the owner or person having control over the dog in such a manner as to prevent male dogs from accessing the female during the whole period that the dog is in heat.
- 3.6 If an animal defecates on any public or private property other than the property of its owner, the owner shall cause such defecation to be removed immediately. The owner shall be responsible for carrying the necessary apparatus to remove the offending substance.
- 3.7 If an animal defecates on its owners property to the extent that an excessive smell results, the owner shall immediately remove the defecation upon receipt of notice from an Officer, or Health Authority having jurisdiction.
- 3.8 The owner of a dog ~~or aggressive dog~~ is guilty of an offence if such dog barks or howls so as to disturb a person.
- 3.9 a) no owner shall permit his animal to damage public or private property.
b) when public or private property is damaged by an animal, its owner shall be deemed to have breached the requirements of subsection (a) and is subject to the fines outlined in Schedule "A".
- 3.10 When an aggressive or dangerous dog is on the premises of its owner, it shall be kept confined indoors under the effective control of a person sixteen years (16) or older, or confined in a secured enclosed and locked pen, or other structure constructed and secured in such a fashion as to prevent the escape of the aggressive or dangerous dog, and to prevent the entry of person unauthorized by the owner.
- 3.11 When an aggressive or dangerous dog is off the premises of the owner, it shall be securely muzzled and shall be either harnessed or leashed securely and under the direct control of a person sixteen years (16) or older to effectively prevent it from threatening or harassing any person. This requirement shall not apply when the aggressive or dangerous dog is confined in a pen meeting the requirements of 3.10~~4~~ above.

PART FOUR- LICENSING PROVISIONS AND OFFENCES

- 4.1 Every person, who owns, keeps or harbors an animal, which is four (4) months of age, or older must obtain a license for each animal from the Town of Rimbey yearly. Furthermore, any person who obtains an animal during any point of the calendar year shall within 30 days of obtaining the animal obtain a license from the Town of Rimbey. Also, any person who moves into the Town of Rimbey at any point during the calendar year with an animal shall within 30 days apply for a license from the Town of Rimbey.
- 4.2 Animal licenses must be renewed each year that ownership continues. Renewal of animal licenses are due and payable to the Town of Rimbey on the first day of January in each year and shall be for the period of January 1st to December 31st, each year.
- 4.3 At the time of purchase of a license, the owner shall record with the Town, their name, mailing address, and physical address if different from mailing address. A description of the animal, including sex, breed, age, along with microchip or tattoo number, or other information pertaining to the animal as requested by the Town.



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- 4.4 Upon payment of the current yearly license~~s~~ fee, the Town or its designate shall issue a license and a tag with a number and year on it to the owner. ~~Every owner shall provide their animal with a collar to which the license tag shall be attached to at all times, which shall be worn by the animal or aggressive dog for which it is issued at all times.~~
 - 4.5 Every person who fails to purchase a license, for any animal ~~or aggressive dog~~ they own, on or before the 31st day of January in any year, shall be guilty of an offence and subject to the penalties provided for in this Bylaw.
 - 4.6 The license fee for each year or any part thereof for each ~~dog animal~~ shall be as outlined in the current Fees for Services Bylaw.
 - 4.7 If a tag is lost or destroyed, the owner shall apply for a replacement, which shall be issued by the Town of Rimbey upon presentation by owner of a receipt showing payment of the license fee for the current year and upon payment of 50% of the original fee.
 - 4.8 A tag is not transferable from one animal to another ~~or one aggressive dog to another~~ and no refund will be made for any issued tag.
 - 4.9 No refund shall be made on any paid animal license fee because of death, sale of animal, or upon the owner leaving the Town of Rimbey prior to the expiry date of the license.

PART FIVE- ANIMAL CONTROL PROVISIONS

- 5.1 The owner of an animal is guilty of an offence if the animal:
 - a) is running at large.
 - b) destroys or damages any public or private property.
- ~~5.2 The owner of a cat is guilty of an offence if the cat defecates or sprays on property other than the owner's property, or the cat stalks birds.~~
- 5.3 Any person who owns or occupies a dwelling unit(as defined by the land use bylaw), is guilty of an offence if he or she has more than three(3) dogs over the age of four months on any land which contains or is permitted under the Land Use Bylaw to contain, a dwelling unit.
- 5.4 Any person who owns or occupies a dwelling unit(as defined by the land use bylaw), is guilty of an offence if he or she has more than three(3) cats over the age of four months on any land which contains or is permitted under the Land Use Bylaw to contain, a dwelling unit.
- 5.5 Sections 5.3 or 5.4 does not apply to the premises lawfully used for the care and treatment of animals operated by a licensed veterinarian or a person in possession of a development permit to operate a kennel or cattery as authorized by the Town's current Land Use Bylaw.
- 5.6 The owner of an animal is guilty of an offence if he or she allows the defecation of an animal to accumulate on private property to such an extent that is it likely to annoy people or constitute a nuisance due to odor or unsightliness.
- 5.7 A person is guilty of an offence if such person springs or otherwise tampers with or damages a live trap in which animals are being trapped, or have been trapped, so as to allow any animal to escape from the trap.
- 5.8 Any owner of an animal in the Town for a period of 30 days in a calendar year is required to have a current license for the Town unless the owner is visiting and the animal is licensed in another municipality.
- 5.9 A person is guilty of an offence if he or she exercises an animal while he or she is driving a motor vehicle.
- 5.10 The owner of an animal is guilty of an offence if he or she fails to ensure the animal wears a collar and tag or is microchipped or tattooed, when the animal is off the owner's premises.



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- 5.11 The owner of ~~a dog an animal~~ is guilty of an offence if such ~~dog animal~~ is in an area where signs prohibit the presence of ~~dogs animals~~.
- 5.12 No person shall keep or cause to be kept:
- ~~a) any exotic animal.~~
 - ~~b) a) venomous snake, reptile, insect or spider~~
 - ~~c) b) any wild animal.~~
 - ~~d) c) any livestock on any property unless the property is designated as an Agriculture District as provided under the Town Land Use Bylaw and has been approved for such by the Development Officer.~~

PART SIX- THREATEN, ATTACK, OR BIT ANIMAL PROVISION

- 6.1 The owner of an animal is guilty of an offence if the animal:
- a) exhibits threatening behavior towards a person or other domestic animal;
 - b) bites, attacks or causes minor injury to a domestic animal.
 - c) bites, attacks or causes minor injury to a person.
 - d) bites, attacks or causes major injury to a domestic animal.
 - e) bites, attacks or causes major injury or death to a person.
 - f) causes death to a domestic animal.
- 6.2 Section 6.1 applies to the conduct of an animal whether on or off the property of the owner.

~~PART SEVEN- ADDITIONAL PENALTIES~~

- ~~7.1 A Justice, after convicting an owner of dog of an offence under this Bylaw, may, in addition to the fine specified under this Bylaw, order one or more of the following:~~
- ~~a) the dog be designated as a dangerous dog.~~
 - ~~b) the dog be humanely euthanized.~~
 - ~~c) the owner be prohibited from owning any dog for a specified period of time.~~

PART EIGHT- INTERFERENCE WITH AN OFFICER

- 8.1 Any person, whether or not he or she is the owner of an animal which is being or has been pursued and or captured, is guilty of an offence if he or she:
- a) interferes with, or attempts to obstruct, an Officer who is attempting to capture, or who has captured, any animal.
 - b) unlocks or unlatches or otherwise opens the vehicle in which animals captured for impoundment have been placed, so as to allow or attempt to allow any animal to escape there from.
 - c) removes, or attempts to remove, any animal from the possession of an Officer.
 - d) refuses to provide identification (name, address, and date of birth) and proof thereof to an Officer upon request.
 - e) provides false or misleading information to an Officer.

PART 9 - CONDITIONS AND PROCEDURES TO RENT CAT TRAPS

- 9.1 A resident of the Town of Rimbey who finds a cat on its property may report a complaint to the Contractor and request a cat trap from the Contractor.
- 9.2 ~~The person with the complaint (Complainant) can attend at the office of the Contractor during normal business hours and request a cat trap. In order to obtain a cat trap, the Complainant must sign the form and agreement provided~~



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- ~~by the Contractor, and the Contractor will then provide a cat trap to the Complainant.~~ The Contractor is responsible to have the Complainant sign a cat trap agreement stating that they will treat the cat humanely.
- ~~9.3 The Complainant will be required to pay a \$100.00 deposit to the Contractor. This deposit will be returned to the Complainant at such time as the trap is returned and is found to be in the same condition it was at the time it was obtained from the Contractor. If the trap is damaged or stolen the deposit is forfeited to the Contractor and it shall be the responsibility of the Complainant to pay the balance of the cost of the trap to be replaced.~~
- ~~9.4 It will be the responsibility of the Complainant to check the trap hourly, or as approved by the Contractor and, if an animal is caught, the Complainant must make arrangements to have the animal picked up or delivered to the Contractor within 24 hours following the trapping. During the week the Contractor will arrange the scheduling of their officers patrols in such a manner to reduce the length of time a cat is kept in a trap to a minimum. Traps are not to be set on weekends or when outside temperatures are constantly below zero (0) degrees. Traps shall be set in a shaded area of the property, away from the sun.~~
- ~~9.59.3~~ The ~~Contractor Officer~~ may enter the property of the Complainant (but not a dwelling house) to ascertain if a cat trap has been properly placed or set and if a cat has been trapped subject to the provisions of the Animal Protection Act.
- ~~9.6 The Complainant shall not leave a trap set on his property unattended when absent from the property for any period of time more than 3 hours, except as approved by the Contractor.~~
- ~~9.7 When the Contractor takes possession of a trapped cat, the Contractor will try to locate an identifying tag, tattoo or microchip on the cat and if found will make reasonable efforts to contact the owner of the cat in order to report that it has been impounded by the Contractor.~~
- ~~9.8 If the cat owner attends the Contractor's office to claim his or her cat that was trapped on another person's property, an offence ticket for the cat running at large may be issued in accordance with the Bylaw.~~
- ~~9.9 If a Complainant is disabled and therefore unable to pick up the cat trap, the Contractor will deliver the trap to the Complainants property, and pick up the trap 72 hours later. No fee shall be charged to the Complainant.~~
- ~~9.10 Any person renting a cat trap or the Animal Control Officer shall be responsible for treating any animal caught as humanely as possible.~~
- ~~9.11 Any person who abuses, teases or pokes an animal in a cat trap or is causing pain, suffering, or injury to any animal may be charged with an offence under section 446 of the Criminal Code of Canada.~~
- ~~9.12 Any person seeing a cat in a trap being abused is encouraged to telephone and report the abuse to the Contractor, at which time the Contractor will, if warranted during investigation, attend at the premises where the alleged abuse has taken place and remove the cat and the trap forthwith.~~

PART TEN-IMPOUNDING ANIMALS

- 10.1 Any Officer or any designated Contractor with the Town may seize and impound:
- a) any animal running at large.
 - ~~b) any animal found on a park or playground where animals are prohibited or where the park or parkland area contains a playground apparatus and/or a sand rubber or other materials utilizes as a play area.~~
- 10.2 Upon receiving an animal for impound, an Animal Control Officer, Contractor, or its staff, shall make reasonable efforts to identify and contact the owner of the animal.



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- 10.3 Subject to the entry notice provisions of the Animal Protection Act, RSA 2000 CA-4(1), an Officer may enter upon privately owned property at all times, other than a dwelling house, for the purposes of enforcing the provisions of this Bylaw
- 10.4 An Officer, including an Animal Control Officer is hereby authorized to use live traps, nets or any other similar means to effect capture of animals. The Town or its Contractor shall not be held liable for the death or injury of any animal.
- 10.5 The Contractor shall not sell, euthanize or otherwise dispose of any impound animal until the animal is retained in the Contractors Impound facility for seventy-two(72) hours, not including the day of impounding, Sunday's or Statutory Holidays. After the expiration of the seventy-two (72) hours, if the owner has not claimed the impounded animal, the animal becomes property of the Contractor.
- 10.6 Section 10.5 may be overruled if an impounded animal is deemed to be in immediate and severe medical distress by a licensed veterinarian or other qualified animal health professional, whereas humane euthanasia is the only treatment option to end suffering.
- 10.7 The Contractor may retain an animal for a longer period if in the opinion of the Contractor the circumstances warrant the expense or they have reasonable grounds to believe that the animal is a continued danger to persons, animals or property
- 10.8 Any healthy animal may be returned to the owner during the seventy-two (72) hour period of impoundment upon payment to the Contractor the costs of impoundment and boarding (as specified between the Town and the Contractor).
- 10.9 Any person claiming an impounded animal shall present government issued photo identification to the Contractor or its staff.
- ~~10.10 Where an impounded animal has not been claimed by an owner within 72 hours of impoundment, the Contractor is authorized to sell, euthanize, or otherwise dispose of any impounded animal.~~

PART ELEVEN FULL RIGHT AND TITLE

- ~~11.1 The purchaser of an animal from the Contractor pursuant to the provisions of this Bylaw shall obtain full right and title to it and the right and title of the former owner of the animal shall cease upon the purchase.~~

PART TWELVE MUNICIPAL TICKETS AND VIOLATION TICKETS

- 12.1 Where an Officer has reasonable grounds to believe that a person has contravened any provision of the Bylaw:
- he or she may serve upon the person a Municipal Ticket allowing payment of the specified fine as set out in Schedule "A", which payment will be accepted by the Town or the Contractor on behalf of the Town in lieu of prosecution for the offence if paid within 21 days of the date of service; or
 - he or she may issue and serve a violation ticket in accordance with the Provincial Offences Procedure Act, R.S.A. 2000, c P-34 and amendments thereto, allowing a voluntary payment or requiring a person to appear in court, without the alternative of making a voluntary payment.
- 12.2 An Officer may, but is not required to issue a Municipal Ticket before issuing a violation ticket under the Provincial Offences Procedure Act.
- 12.3 A Municipal Ticket shall be deemed to be sufficiently served if:
- served personally on the owner of the animal, or left at the owners residence; or
 - mailed to the address of the owner of the animal.



Town of Rimbey

Bylaw 961/20

A BYLAW OF THE TOWN OF RIMBEY, IN THE PROVINCE OF ALBERTA TO PROVIDE FOR THE REGULATIONS FOR THE CONTROL OF DOGS AND CATS IN THE TOWN.

12.4 Penalties for a second, third and subsequent offences will be applicable, where those offences occur within one (1) year of the first offence.

PART THIRTEEN – SEVERABILITY CLAUSE

13.1 Every provision of this Bylaw is independent of all other provisions and if any provision of this Bylaw is declared invalid for any reason by a court of competent jurisdiction, all other provisions of this Bylaw shall remain valid and enforceable.

PART FOURTEEN – EFFECTIVE DATE

14.1 This Bylaw shall take effect on ~~April 1, 2021~~ the date of the third and final reading.

14.2 Bylaw 755/03 is repealed on April 1, 2021.

READ a first time this _____ day of _____, 2020.

MAYOR RICK PANKIW

CHIEF ADMINISTRATIVE OFFICER
LORI HILLIS

READ a second time this _____ day of _____, 2020.



Town of Rimbey

Bylaw 961/20

A BYLAW OF THE TOWN OF RIMBEY, IN THE PROVINCE OF ALBERTA TO PROVIDE FOR THE REGULATIONS FOR THE CONTROL OF DOGS AND CATS IN THE TOWN.

MAYOR RICK PANKIW

CHIEF ADMINISTRATIVE OFFICER
LORI HILLIS

READ a third and final time this _____ day of _____, 2021.

MAYOR RICK PANKIW

CHIEF ADMINISTRATIVE OFFICER
LORI HILLIS



Town of Rimbey

Bylaw 961/20

A BYLAW OF THE TOWN OF RIMBEY, IN THE PROVINCE OF ALBERTA TO PROVIDE FOR THE REGULATIONS FOR THE CONTROL OF DOGS AND CATS IN THE TOWN.

Schedule "A"	
Fail to license (5.8)	\$200.00 first offence \$400. 00 second offence \$600.00 third and subsequent offence
Animal running at large (5.1(a))	\$100.00 first offence \$200. 00 second offence \$300.00 third and subsequent offence
Animal on a park or parkland where prohibited (5.1(b))	\$100.00 first offence \$200. 00 second offence \$300.00 third and subsequent offence
Animal destroys or damages property (5.1(c))	\$100.00 first offence \$200. 00 second offence \$300.00 third and subsequent offence
Cat sprays/defecates/stalks birds (5.2)	\$100.00 first offence \$200. 00 second offence \$300.00 third and subsequent offence
Fail to Confine an animal in heat (3.5)	\$100.00 first offence \$200. 00 second offence \$300.00 third and subsequent offence
Dog barks or howls as to disturb a person (3.8)	\$100.00 first offence \$200. 00 second offence \$300.00 third and subsequent offence
Have more than three dogs (3) (5.3)	\$100.00 first offence \$200. 00 second offence \$300.00 third and subsequent offence
Have more than three cats (3) (5.4)	\$100.00 first offence \$200. 00 second offence \$300.00 third and subsequent offence
Fail to remove defecation (3.6)	\$100.00 first offence \$200. 00 second offence \$300.00 third and subsequent offence
Allowing defecation to accumulate on property (3.7)	\$100.00 first offence \$200. 00 second offence \$300.00 third and subsequent offence
Tampering/spring/damage trap (5.7)	\$200.00 first offence \$400. 00 second offence \$600.00 third and subsequent offence
Keeping or harboring an exotic animal (5.12)	\$100.00 first offence \$200. 00 second offence \$300.00 third and subsequent offence
Failure to ensure collar and tag are worn by animal (4.4)	\$75.00 first offence \$150. 00 second offence \$300.00 third and subsequent offence
Keeping or harboring wild or exotic animals or livestock (5.12(a)(b)(c))	\$200.00 first offence \$400. 00 second offence \$600.00 third and subsequent offence



Town of Rimbey

Bylaw 961/20

A BYLAW OF THE TOWN OF RIMBEY, IN THE PROVINCE OF ALBERTA TO PROVIDE FOR THE REGULATIONS FOR THE CONTROL OF DOGS AND CATS IN THE TOWN.

Aggressive dog not muzzled, in control and on a leash (3.12)	\$200.00 first offence \$400. 00 second offence \$600.00 third and subsequent offence
Animal exhibits threatening behavior to person/animal (6.1(a))	\$200.00 first offence \$400. 00 second offence \$600.00 third and subsequent offence
Animal bites, attacks or causes minor injury to an animal (6.1(b))	\$200.00 first offence \$400. 00 second offence \$800.00 third and subsequent offence
Animal bites, attacks or causes major injury to an animal (6.1(d))	\$500.00 first offence \$1,000. 00 second offence COURT third and subsequent offence
Animal bites, attacks or causes minor injury to a person (6.1(c))	\$500.00 first offence \$1,000. 00 second offence COURT third and subsequent offence
Animal bites, attacks or causes major injury or death to person (6.1(e))	COURT first offence COURT second offence COURT third and subsequent offence
Animal causes death to an animal (6.1(f))	\$500.00 first offence COURT second offence COURT third and subsequent offence
Refuse to provide identification to an officer (8.1(d))	\$500.00 first offence \$1,000. 00 second offence COURT third and subsequent offence
Interfere with an officer (8.1(a))	\$500.00 first offence \$1,000. 00 second offence \$1,500.00 third and subsequent offence
Unlock/unlatch a vehicle where an animal is confined (8.1(b))	\$500.00 first offence \$1,000. 00 second offence \$1,500.00 third and subsequent offence
Provide false or misleading information to an officer (8.1(e))	\$500.00 first offence \$1,000. 00 second offence \$1,500.00 third and subsequent offence
Remove or attempt to remove animal from an officer (8.1(c))	\$500.00 first offence \$1,000. 00 second offence \$1,500.00 third and subsequent offence



REQUEST FOR DECISION

Bylaw Committee Agenda Item	4.2
Bylaw Committee Meeting Date	January 4, 2022
Subject	Review of 917/16 Land Use Bylaw, 951/18 Traffic Bylaw, 950/18 Nuisance Bylaw and the Traffic Safety Act.
For Public Agenda	Public Information
Information	At the last Bylaw Committee Meeting the members discussed bylaws 917/16 Land Use Bylaw, 951/18 Traffic Bylaw, 950/18 Nuisance Bylaw and the Traffic Safety Act. Committee Member Camille McKay created a spreadsheet to show the comparisons.
Attachments	<ul style="list-style-type: none"> • RFD 4.2.1 917/16 Land Use Bylaw • RFD 4.2.2 951/18 Traffic Bylaw • RFD 4.2.3 950/18 Nuisance Bylaw • RFD 4.2.4 Traffic Safety Act • RFD 4.2.5 Rimbey Bylaw Review Spreadsheet

Prepared By:

Bonnie Rybak

Bonnie Rybak
Recording Secretary

December 17, 2021
Date

Endorsed By:

Gayle Rondeel

Gayle Rondeel
Chairperson

December 17, 2021
Date



Town of
Rimbey

Bylaw 917/16
LAND USE BYLAW

Schedule A
Approved July 25, 2016
Consolidation of Amendments May 2017

AMENDMENTS TO LAND USE BYLAW #917/16

All amendments to the Land Use Bylaw of the Town of Rimbey #917/16 must be passed as a bylaw. Any bylaw requires three (3) separate hearings by Town Council under Section 187 of the Alberta Municipal Government Act (MGA), and a public hearing must be held by Council prior to Second Reading of the proposed bylaw under Section 692 of the MGA.

Bylaw #	Date	Affected Section	Description
928/16	2017.01.09	12.7(5)(a)(ii) 12.7(5)(a)(iii) 12.7(5)(a)(iv)	Manufactured home park setbacks
929/16	2017.03.13	11.5(1) 11.5(2)	Signage on roadways, boulevard, sidewalks and land owned by the Development Authority
932/17	2017.05.08	11.6(1) 12.2(1) 12.9 12.10	Deletion of Country Residential Estate district Creation of Residential Estate district and Country Residential district

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PART 1 - ENACTMENT

1.1 TITLE

The title of this Bylaw shall be the Land Use Bylaw of the Town of Rimbey.

1.2 PURPOSE

The purpose of this Bylaw is to regulate and control the use and development of land and buildings within the Town to achieve the orderly and economic development of land, and for that purpose, amongst other things:

- (1) to divide the Town into districts;
- (2) to prescribe and regulate for each district the purposes for which land and buildings may be used;
- (3) to establish a method of making decisions on applications for development permits including the issuing of development permits;
- (4) to provide the manner in which notice of the issuance of a development permit is to be given; and
- (5) to establish the number of dwelling units permitted on a parcel of land.

1.3 APPLICATION

This Bylaw shall apply to the whole of the Town of Rimbey being all lands and buildings contained within its corporate limits.

1.4 EFFECTIVE DATE

- (1) This Bylaw comes into effect upon the date of its third reading.
- (2) Land Use Bylaw No.762-04, as amended, is hereby repealed.

1.5 CONFORMITY WITH THE BYLAW

- (1) No person shall commence any development within the Town except in conformity with this Bylaw.

- (2) Compliance with the requirements of this Bylaw does not exempt any person from the requirements of any adopted Statutory Plan.

1.6 OTHER LEGISLATIVE REQUIREMENTS

- (1) In addition to this Bylaw, an applicant is responsible for complying with any other applicable federal, provincial, or municipal legislation or law. The applicant is also responsible for complying with the conditions of any caveat, covenant, easement or other instrument affecting a building or land.
- (2) The Town is not responsible for nor does the Town have any obligation whatsoever to determine what other legislation may apply to a development, nor to monitor or enforce compliance with such legislation.
- (3) The Development Authority shall not approve an application for a development permit that is not in conformity with the Town's Statutory Plans.

1.7 SEVERABILITY

- (1) In the event any portion of this Bylaw is found invalid by a Court of Law or is overturned by a superior jurisdiction, the validity of the remaining portions of the Bylaw shall not be affected.

1.8 TRANSITION

- (1) An application for a Subdivision, Development Permit or amendment to this Bylaw commenced prior to the coming into force of this Bylaw shall be evaluated under the provisions of the Town's Land Use Bylaw No.762-04, as amended.

PART 2 – INTERPRETATION

2.1 RULES OF INTERPRETATION

- (1) Where a word is used in the singular, such a word may also mean plural.
- (2) Where a masculine or impersonal pronoun or adjective is used, such a word may also mean the feminine or impersonal pronoun or adjective.
- (3) Where a word is used in the present tense, such a word may also mean the future tense.
- (4) The word “person” includes a corporation as well as an individual.
- (5) The words “shall” and “must” require mandatory compliance except where a variance has been granted pursuant to the Act or this Bylaw.
- (6) Words, phrases, and terms not defined in this part may be given their definition in the Act or the Alberta Building Code. Other words shall be given their usual and customary meaning.
- (7) Where a regulation involves two or more conditions or provisions connected by the conjunction “and” means all the connected items shall apply in combination; “or” indicates that the connected items may apply singly; and “and/or” indicates the items may apply singly or in combination.
- (8) All units of measure contained within this Bylaw are metric (SI) standards, and are rounded to the nearest decimal place. For the purpose of convenience, the following conversion factors are provided:

Metric	Imperial
1 square metre (m ²)	10.8 square feet (ft ²)
1 hectare (ha)	2.47 acres (ac)
1 kilometre (km)	0.6 mile (mi)
1 metre (m)	3.3 feet (ft)
1 centimetre (cm)	0.4 inch (in)
1 millimetre (mm)	0.04 inches (in)
1 kilogram (kg)	2.2 pounds (lb)

2.2 DEFINITIONS

For the purposes of this Bylaw and any amendments made hereto, the definitions set out in the following shall be used. When no definition is provided hereunder, the Town's dictionary of choice shall be used.

- (1) "abattoir" means a building and/or site used as a slaughterhouse, where animals are killed and butchered for human or animal consumption;
- (2) "abut" or "abutting" means immediately contiguous or physically touching, and, when used with respect to a lot or site, means that the lot or site physically touches upon another lot or site, and shares a property line or boundary line with it;
- (3) "accessory building" means a building separate and subordinate to the principle building, the use of which is incidental to that principle building and is located on the same lot. A garage attached to a principle building is deemed to be part of the principle building;
- (4) "accessory use" means any use in a building and/or on a parcel of land which is supplementary or subordinate to the principle use located in the same building and/or on the same parcel of land;
- (5) "Act" means the Municipal Government Act, R.S.A. 2000, as amended;
- (6) "adjacent" means land that is contiguous to a particular parcel of land and includes land that would be contiguous if not for a highway, road, river or stream;
- (7) "adult entertainment" means any building used as "retail" in which books and/or items for a mature audience are displayed and sold, or a building that shows mature films or live entertainment;
- (8) "agricultural operation" means an agricultural operation as defined in the Agricultural Operation Practices Act;
- (9) "agricultural sales and/or service" means a building or site used for "retail" but in which the goods for sale are vehicles, equipment, or machinery for use in the agricultural industry, and/or the servicing of vehicles, equipment, or machinery related to the agricultural industry;
- (10) "amusement arcade" means a building and/or site which operates mechanical and/or electronic games, and rides, for entertainment purposes;
- (11) "animal kennel" means a building and/or site used for the breeding, care, supervision, and/or housing of animals on either a short or long term basis;
- (12) "animal shelter" means a building and/or site used for the temporary accommodation and/or impoundment of animals;
- (13) "art gallery" means a building used for the display and "retail" of works of art;
- (14) "auction mart" means a building and/or site used for "retail" but in which goods are sold by an auctioneer and where goods are sold to the highest bidder;

- (15) “automotive sales and/or rental” means a building or site used for “retail” but in which the goods for sale, and/or lease are automobiles, trucks, boats, trailers, recreational vehicles, or other similar personal vehicles;
- (16) “automotive supply store” means a building or site used for “retail” but in which the goods for sale are related to the use and operation of automobiles, trucks, boats, trailers, recreational vehicles, or other similar personal vehicles;
- (17) “automotive service and/or paint shop” means a building or site used for the repair, servicing, and/or painting of motor vehicle, boats, trailers, recreational vehicles, or other similar personal vehicles and may include the sale of automotive fuels, lubricating oils or other like automotive fluids;
- (18) “bakery” means a building used for baking food as well as the “retail” of said food;
- (19) “balcony” means a horizontal structure, with a railing, adjoining a building above the first storey floor level, and intended for use as a private outdoor amenity space with access only from within the building.
- (20) "basement" means the portion of a development which is wholly or partially below grade, having above grade no more than 1.8 m of its clear height lying below the finished level of the floor directly above;
- (21) “bed and breakfast” means a home based business in which an owner occupying a single-detached dwelling provides temporary accommodation with one meal provided to registered patrons in exchange for compensation;
- (22) "building" includes anything constructed or placed on, in, over or under land but does not include a highway or road or a bridge that forms part of a highway or road;
- (23) “bulk fuel and/or fertilizer sales and storage” means the storage of and “retail” of large quantities of fuel and/or fertilizer;
- (24) “c-can” means a specific type of portable storage container which is a metal freight container that is used for the temporary storage of materials and equipment. See portable storage container definition;
- (25) “campground” means the use of a site managed for the short term stay of tents, campers, and/or recreational vehicles, but which is not used as year round storage or accommodation;
- (26) “car/truck wash” means the use of a building and/or site for the cleaning of motorized vehicles either manually or through an automated process;
- (27) “cemetery” means a site used for the burying of the remains of animals and/or humans;
- (28) “club” means a building and/or site used for the private meeting and social activities of members of a private organization and which may include space for eating, drinking, and congregating;
- (29) “community centre” means a building and/or site open to the general public and used for recreational, educational, social and/or cultural activities;
- (30) "confined feeding operation" means a confined feeding operation as defined in the Agricultural Operation Practices Act;

- (31) "contracting services" means a building or site used for the operation and storage of materials and/or vehicles related to the industries of construction, painting, plumbing, heating, electrical, landscaping, drilling and excavation, paving, maintenance and cleaning;
- (32) "convenience store" means "retail" but where the gross floor area does not exceed 186.0 m² in gross floor area;
- (33) "corner lot" means a lot having boundary lines on two or more roads or highways, or with a road and a highway, at their intersection or junction. Corner lot also means a lot having a boundary line at a point where a road or highway changes direction by a minimum of 45 degrees within the boundaries of the lot;
- (34) "Council" mean the Council of the Town of Rimbey;
- (35) "coverage" means the sum of the floor areas at grade of all buildings, both principle and accessory, on a lot divided by the area of the lot;
- (36) "date of issue" means the date on which the notice of a decision of the Development Authority is published or mailed;
- (37) "day care centre, adult" means a building and/or site used to provide care and supervision of four or more adults who are over the age of 15 years, by a person not related to the adult for periods no longer than 24 consecutive hours;
- (38) "day care centre, child" means a building used to provide care and supervision of four or more children who are under the age of 15 years, by a person not related to the children for periods no longer than 24 consecutive hours;
- (39) "deck" means a means an uncovered horizontal structure with a surface height greater than 0.6m (2 ft) above grade at any point, and intended for use as a private outdoor space;
- (40) "development" means:
- (a) an excavation or stockpile and the creation of either of them, or
 - (b) a building or an addition to or replacement or repair of a building and the construction or placing of any of them in, on, over or under land, or
 - (c) a change of use of land or a building or an act done in relation to land or a building that results in or is likely to result in a change in the use of the land or building, or
 - (d) a change in the intensity of use of land or a building or an act done in relation to land or a building that results in or is likely to result in a change in the intensity of use of the land or building; and without restricting the generality of the foregoing, includes:
 - (i) in the case of a lot used for residential purposes, alterations made to a building or an additional building on the lot whether or not the building is a dwelling or part of a dwelling unit,
 - (ii) in the case of a lot used for other than residential purposes, alterations or additions made to a building on the lot or a use of the lot which would increase either the capacity of the building or the intensity of use of the lot,
 - (iii) the display of advertisements or signs on the exterior of a building or on any land,

- (iv) the deposit of earth, debris, waste materials, refuse, or any other material on any land, including land already being used for that purpose, or if the natural topography or drainage is altered,
 - (v) the removal of topsoil from land,
 - (vi) the recommencement of the use to which land or a building has been previously put if that use has been discontinued for a period of more than six months,
 - (vii) the use of land for storage purposes or for the repair of equipment, vehicles or other kinds of machinery, or
 - (viii) the removal or demolition of a building;
- (41) "development authority" means the development authority of the Town as established by this Bylaw;
- (42) "development permit" means a document authorizing a development issued pursuant to this Land Use Bylaw;
- (43) "discretionary use" means the use of land or a building provided for in this Land Use Bylaw for which a development permit may be issued at the discretion of the development authority upon an application having been made;
- (44) "driveway" means a vehicle access route on the parcel which provides access to the driving surface;
- (45) "dwelling unit" means a complete dwelling or self-contained portion of a dwelling, set or suite of rooms which contains sleeping, cooking and separated or shared toilet facilities, intended for domestic use, and used or intended to be used permanently, semi-permanently, or seasonally as a residence for a household, and which is not separated from direct access to the outside by another separate dwelling unit;
- (46) "farming" means the raising or production of crops, or animals, and includes a single residence for the farmer, but does not include a "Confined Feeding Operation" as defined by the Agricultural Operation Practices Act (Chapter A-7, R.S.A. 2000) and all regulations and amendments passed thereto;
- (47) "financial services" means a building used as a bank, credit union, or any other similar monetary enterprise;
- (48) "floor area" means the total area of all floors of all buildings including accessory buildings located on any lot, excluding the area of basement floors, EXCEPT THAT basement suites in apartment buildings shall be included in the calculation of floor area;
- (49) "floor/area ratio" means the ratio or decimal resulting from dividing the floor area of all buildings by the total site area of the parcel of land on which the buildings are located;
- (50) "fragmented parcel" means a parcel of land that is separated from the balance of a quarter section by a natural barrier such as a river or a coulee, or by a physical barrier such as a road or highway;

- (51) "front line" means the boundary line of a lot lying adjacent to a highway or road. In the case of a corner lot, the shorter of the two boundary lines adjacent to the highway or road shall be considered the front line;
- (52) "front yard" means a yard extending across the full width of a lot from the front line of the lot to the nearest wall of the main building situated on the lot. For the purposes of lakefront lots, the front line of the lot shall be considered to be closest to the lake;
- (53) "funeral Home" means a building and/or site used for the organization of funerals, the preparation of the deceased for burial or cremation, and/or the holding of funeral services;
- (54) "gambling and gaming hall" means a building used as a gaming establishment which offers games of chance including slot machines, table games, video lottery terminals, and/or a bingo hall;
- (55) "garage" means a building or portion thereof which is designated and used for the storage, marking or the maintenance of personal vehicles.
- (56) "gas bar" means a site or portion thereof used for the sale of gasoline, propane and other fuels, the sale of lubricating oils and other automotive fluids or motor vehicle accessories but does not include automotive service establishments;
- (57) "golf course" means a site used for the purposes of playing golf and which may include a clubhouse as an accessory use;
- (58) "grade" means the average elevation at the finished level of the ground, excluding an artificial embankment, at any point immediately adjacent to the building. Grade may have been established in conjunction with a subdivision grade plan prepared by a civil engineer.
- (59) "greenhouse" means a building and/or site used to grow and "retail" flowers, trees, shrubs, vegetables, and/or other plants;
- (60) "grocery store" means a building used for "retail" but which sells primarily food items for consumption off-site, and which has a gross floor area greater than 450 m²;
- (61) "group home" means a building and/or site use for residential purposes for individuals who require supervision because of their age, disability, or need for rehabilitation, and where qualified staff are present at all times;
- (62) "habitable floor space" means any room or enclosed space used or useable for human occupancy, including but not limited to kitchens, bedrooms, living rooms, family rooms and dens, bathrooms, laundries, pantries, foyers, hallways/entry ways, and areas containing infrastructure/servicing (furnace, circuit panel, water heater, etc.) but excludes any room or space not intended primarily for human occupancy including but limited to storage areas/cellars and undeveloped basements;
- (63) "height" means the vertical distance between the grade and the highest point of a building that is not a stairway entrance, a ventilating fan, a skylight, a steeple, a chimney, a smoke stack, a fire wall, or a flagpole, or similar device not structurally essential to the building;
- (64) "highway" means a highway as defined in the Public Highways Development Act, R.S.A. 2000;

- (65) "Home occupation" means any occupation, trade, profession, or craft carried on by an occupant of a residential building as a use secondary to the residential use of the building, and which does not change the character thereof or have any exterior evidence of such secondary use;
- (66) "hospital" means a building and/or site used for medical care, examination, treatment, surgery and recovery of patients and which may include an extended stay;
- (67) "hotel" means a building used for short term stays through the provision of rooms or suites where rooms are accessed from a common interior corridor, and which may also contain commercial uses such as restaurants, or convention space;
- (68) "Housing, apartment (low rise)" means a residential use consisting of more than four dwelling units, but which has a height less than 15 metres, but shall not mean row housing;
- (69) "Housing, apartment (high rise)" means a residential use consisting of more than four dwelling units, but which has a height greater than 15 metres, but shall not mean row housing;
- (70) "housing, duplex" means a building with two dwelling units that have sharing one common wall in the case of side-by-side units, or having the dwelling area located above the dwelling area of the other in the cases of vertical units, each with a private entry;
- (71) "housing, fourplex" means a building that contains four dwelling units;
- (72) "housing, manufactured home" means a transportable factory built residential building containing one dwelling unit suitable for long term occupancy, designed to be movable, transported on its own wheels and chassis or other means and arriving at a site ready for occupancy except for incidental operations such as placement on foundation supports and connection to utilities. Manufactured homes shall have pitched roofs and eaves and shall conform to CAN/CSA Z240 MH Series and A277 certified standards;
- (73) "housing, mixed use" means a building and/or site which has a combination of uses but which typically entails "retail" or "office" uses on the ground floor and residential uses on the upper floors;
- (74) "housing, mobile" means a factory constructed detached dwelling unit, with an integral frame, readily relocatable singly or in double modules. Due to the age of the home they do not meet the Canadian Standards Association (CSA) A277 Standard or building code standards;
- (75) "housing, modular" means a building containing one dwelling unit, built in a factory and transported to a site to be permanently installed on a foundation., and which appears indistinguishable in design and finish from a stick-built house, and does not includes "housing, manufactured home" or "housing, mobile";
- (76) "housing, row house" means a building with one of three or more dwellings joined side by side or side to back. Can also include townhouse, garden homes and townhouses attached to high-rise buildings. Have no dwellings above or below them;

- (77) “housing, secondary suite” means a self-contained living space either located in the principle building or on the same site as the principle building. Secondary suites have a separate entrance, cooking, sleeping and bathing facilities and are no larger than 70 m². Secondary suites shall include basement suites and garage suites;
- (78) “housing, single detached” means a residential building containing one dwelling unit which is intended as a permanent residence. Single detached dwellings must be of new construction and be physically separate from any other residential building. Single detached dwellings do not include a manufactured home;
- (79) “housing, triplex” means a building that contains three dwelling units;
- (80) “internal local roads” includes all roads within subdivisions, and all service roads adjacent to major two-lane highways, minor two-lane highways, and multi-lane highways;
- (81) “landfill” means a site operated by the Town for controlled waste management where waste collected within the municipality is recycled or permanently disposed of;
- (82) “lane” means a right-of-way on which motorized vehicles are normally allowed to operate which is 10 m or less in width;
- (83) “lake” means a body of water, free from large quantities of aquatic vegetation, and characterized by relatively large open water and deep water zones compared with the shore zone; and, as defined by the Council of the Town of Rimbey;
- (84) “library” means a building which primarily loans reading and/or visual material to the general public;
- (85) “livestock” means livestock as defined in the Agricultural Operation Practices Act;
- (86) “liquor store” means a building and/or site used for “retail” but in which the goods sold are liquor/alcohol for human consumption;
- (87) “lot” means:
- (a) a quarter section,
 - (b) a river lot or a lake lot shown on an official plan referred to in the Surveys Act that is filed or lodged in a Land Titles Office,
 - (c) a part of a parcel of land described in a certificate of title if the boundaries of the part are described in the certificate of title other than by reference to a legal subdivision, or
 - (d) a part of a parcel of land described in a certificate of title if the boundaries of the part are described in the certificate of title by reference to a plan of subdivision;
- (88) “maintenance” means the upkeep of the physical form of any building which does not require a permit pursuant to the Safety Codes Act. Maintenance will include painting, replacing flooring, replacing roofing materials, but will not include any activity that will increase the habitable floor area of any dwelling unit or the internal volume of any building;
- (89) “major” means, when added as a prefix or suffix to a use, a use which, due to its nature or relatively larger scale, will or could have, in the sole opinion of the Development Authority, an impact on surrounding uses, or which may be intended to serve an area larger than the immediate or local area;

- (90) "Manufacturing, processing, packaging or assembly of goods or materials" means a building and/or site where materials are merged to assemble a product and where the product is then packaged for distribution;
- (91) "may" is an operative word meaning a choice is available , with no particular direction or guidance intended;
- (92) "meat processing plant" means the processing and distributing of animal carcasses to retailers, but does not include a kill floor;
- (93) "medical clinic" means a building used for the provision of physical and mental health services on an outpatient basis including dental offices, physical therapy, pharmacy, counselling, doctor's offices, and/or chiropractic offices;
- (94) "MGA" means the Municipal Government Act (Chapter M-26, R.S.A. 2000) and all regulations and amendments passed pursuant thereto;
- (95) "mini storage" means a building and/or site used for containing separate secured indoor storage units, designed to be rented or leased for private storage of personal goods;
- (96) "minor" means, when added as a prefix or suffix to a use, a use which, due to its nature or relatively smaller scale, will or could have, in the sole opinion of the Development Authority, a limited impact on surrounding uses, or which may be intended to serve a small or local area;
- (97) "motel" means a building or group of buildings on a parcel of land designed and operated for the provision of rooms or suites for temporary sleeping accommodation where each room has its own exterior access, and may include a restaurant and/or convention services;
- (98) "municipality" means the Town of Rimbey;
- (99) "museum" means a building and/or site used for the display of artefacts for cultural and educational purposes;
- (100) "nightclub" means a building and/or site featuring live entertainment such as music and dancing, and in which alcohol and food may also be served to patrons;
- (101) "non-conforming building" means a building:
- (a) that is lawfully constructed or lawfully under construction at the date a land use bylaw affecting the building or the land on which the building is situated becomes effective, and
 - (b) that on the date this land use bylaw becomes effective does not, or when constructed will not, comply with this land use bylaw;
- (102) "non-conforming use" means a lawful specific use:
- (a) being made of land or a building or intended to be made of a building lawfully under construction, at the date a land use bylaw affecting the land or building becomes effective, and
 - (b) that on the date this land use bylaw becomes effective does not, or in the case of a building under construction will not, comply with this land use Bylaw;

- (103) “office” means a building primarily used for the provision of professional, management, administrative and consulting services but does not include the use as “retail”;
- (104) “open space” means land and water areas which are retained in an essentially undeveloped state and often serve one or more of the following uses: conservation of resources; ecological protection; recreation purposes; historic or scenic purposes; enhancement of community values and safety; maintenance of future land use options;
- (105) “owner” means:
- (a) in the case of land owned by the Crown in right of Alberta or the Crown in right of Canada, the Minister of the Crown having the administration of the land, or
 - (b) in the case of any other land, the person shown as the owner on the Land Title.
- (106) “parcel of land” means the aggregate of one or more areas of land described in a certificate of title or described in a certificate of title by reference to a plan filed or registered in a land titles office;
- (107) “park” means any parcel of land which is for use by the general public for recreational activities, sporting, or gathering, and which may be left in a natural state or may include man-made features including area for sporting activities, playgrounds, picnic areas, and/or walking trails;
- (108) “parking facility” means a building and/or site used for vehicular parking as a principal use;
- (109) “pawn shop” means a building and/or site used for “retail” but in which the goods for sale are second hand personal items;
- (110) “permitted use” means the use of land or a building provided for in a land use Bylaw for which a development permit shall be issued upon application having been made, provided that all of the regulations of this Bylaw, and all of the matters left to the discretion or the satisfaction of the Development Authority, have been satisfied to the satisfaction of the Development Authority;
- (111) “personal service establishment” means a use relating to the care and appearance of the body or the cleaning and repair of personal effects. Typical uses include barber shops, beauty parlours, nail salons, tailors, dressmakers, shoe repair shops, dry cleaning establishments (pick-up and drop-off only), laundromats, photographic studios, personal fitness activity, and may include accessory retail sales. This use class does not include escort services, even as an accessory use;
- (112) “portable storage container” means a secure, steel/wood structure that is portable in nature (e.g. Sea Can, cargo container, shipping container etc.). See also “sea can” definition;
- (113) “porch” means means a structure abutting a dwelling having a roof but with walls that are open and unenclosed to the extent of at least 50% thereof except for removable screens and storm sashes or awnings, used as a private outdoor amenity space;
- (114) “principle building” means a building where the principle use of the site operates from;
- (115) “principle use” means the primary purpose or purposes for which a building or lot is used;

- (116) “public administration” means the use of a building and/or site for the operation and/or provision of services by the Municipal, Provincial, and/or Federal governments;
- (117) “rear line” means the boundary line of a lot lying opposite to the front line of the lot and/or farthest from a highway or road;
- (118) “rear yard” means a yard extending across the full width of a lot from the nearest wall of the main building situated on the lot, to the rear line of the lot;
- (119) “recreational facility” means a building and/or site used for sports or other active recreational activities and may include health and fitness clubs, racquet courts, dance studios, martial arts schools, basketball and volleyball courts, hockey arenas, football and soccer field, and or other similar sporting fields but not including an outdoor golf course;
- (120) “recycling depot” means a facility used for the purchasing, collection, sorting, packaging, and temporary storage of empty bottles, cans, and containers or other recyclable and reusable materials and where storage is contained within an enclosed building;
- (121) “religious institution” means a building used for the congregation, meeting, study, and prayer related to any religious faith;
- (122) “repair shop” – means a building and/or site used for the maintenance, and repair of any goods and/or equipment excluding motor and/or recreational vehicles;
- (123) “retaining wall” means a structure constructed to withstand lateral pressure in order to hold back earth, loose rock, or similar materials;
- (124) “restaurant” means a use where food is prepared and served on the premises for sale to patrons, and which may or may not be licensed to serve alcohol, and may include entertainment which is accessory to the preparation and service of food;
- (125) “restaurant, drive-thru” means a building where food is prepared and sold for consumption to patrons and which offers service through a drive up window;
- (126) “retail” means a use that focuses on the display and sale of goods, wares, or merchandise. This use includes, but is not limited to drug stores, clothing stores, sporting goods stores and other similar uses, but does not includes retail stores where the majority of total sales are generated through the sale of adult-oriented materials (clothing, videos, magazines, etc.);
- (127) “riding arena, private” means a building or structure in which equestrian, athletic or recreational activities are carried out on the lot upon which the arena is located;
- (128) “road” means a right-of-way on which motorized vehicles are normally allowed to operate, or a road as defined in the Act, but does not include either a highway or a lane;
- (129) “salvage yard” means a building and/or site used for the storage and deconstruction of scrap materials;
- (130) “school” means a use operated by a School Board that provides grade and secondary school instruction to pupils through courses prescribed or approved by the Provincial Government;
- (131) “screening” means a fence, wall, berm, hedge or other barrier providing visual and/or acoustic separation of sites;

- (132) “sea can” see c-can;
- (133) “setback” means the perpendicular distance that a development must be set back from the front, side or rear property boundaries of the parcel as specified in the particular District in which the development is located;
- (134) “shall” is an operative word which means the action is obligatory;
- (135) “shoreline” means the bank of the body of water as determined pursuant to the Surveys Act;
- (136) “should” is an operative word which means that, in order to achieve local goals and objectives it is strongly advised that the action be taken. Exceptions shall be made only under extenuating circumstances;
- (137) “side line” means the boundary line of a lot lying between a front line and a rear line of a lot. In the case of a corner lot, the longer of the two boundary lines adjacent to the highway or road shall be considered a side line;
- (138) “side yard” means a yard extending from the front yard of a lot to the rear yard of the lot and lying between the side line of the lot and the nearest wall of the main building;
- (139) “sign” means any word, letter, model, picture, symbol, device or representation used as, or which is in the nature of, wholly or in part, an advertisement, announcement or direction. Any structure, or portion thereof, which is used primarily to carry, hold, maintain, support or sustain a sign is construed as being part of the sign, and except as provided for in this Bylaw, is subject to all regulations governing signs;
- (140) “site” means an area of land designed to accommodate, and intended to be rented for, a tent or recreational vehicle or cabin;
- (141) “solar collector” means any device used to collect sunlight that is part of a system used to convert radiant energy from the sun into thermal or electrical energy.
- (142) “subdivision and development appeal board” means a subdivision and development appeal board appointed pursuant to Town Bylaw and the Act;
- (143) “subdivision authority” means the Subdivision Authority established pursuant to the Act through the Town’s Subdivision Authority Bylaw;
- (144) “substandard lot” means any lot which is smaller, in area or in any dimension, than the minimum area or dimension stipulated in the regulations of the District in which the lot is located;
- (145) “temporary development” means a development for which a development permit has been issued and which exists for a limited time only;
- (146) “theatre” means a building and/or site used to show entertainment including films, live theatre, or musical performances;
- (147) “tourist information centre” means the use of a building and/or site to dispense information to the travelling public regarding the Town and may also include washrooms, picnic facilities, or other similar amenities;

- (148) “trucking establishment” means any building and/or site where commercial vehicles may park for a short or long term stay and which may include a “convenience store,” “restaurant,” and/or “gas bar”;
- (149) “undeveloped lot” means a lot which does not contain a dwelling or any other building, but which may contain utility services;
- (150) “unique site requirements” are a set of site locational requirements which have been demonstrated to the Town’s satisfaction to be necessary in order for the development of a commercial or industrial use to be carried out;
- (151) “use” means the utilization of a building or parcel of land for a particular type of operation;
- (152) “utility” means a utility as defined in the Act, as amended;
- (153) “utility installations” means a building and/or site for use by a utility company maintains to maintain or shelter any equipment used in connection with the utility;
- (154) “veterinary clinic” means a building and/or site used for the medical care and treatment of animals on either a short term or long term basis;
- (155) “warehouse” means a building and/or site used for the storage of materials, goods, and products which will ultimately be distributed and for sale at “retail” stores;
- (156) “wrecking yard” means land and buildings that are used for the storage and dismantling of old or wrecked vehicles and / or machinery for the purpose of recycling their components;
- (157) “yard” means a part of a parcel of land upon or over which no building is to be erected unless otherwise provided for in this Bylaw.

PART 3 – GENERAL ADMINISTRATIVE PROCEDURES

3.1 CONTROL OF DEVELOPMENT

- (1) No development shall be undertaken within the Town unless an application for it has been approved and a development permit has been issued.
- (2) In the event of a state of emergency (local or provincial) declared pursuant to the Emergency Management Act, RSA 2000, c.E-6.8. as amended, or as a result of such an emergency, such other temporary development or class of temporary development as Council may declare may be approved in any land use district without compliance with the land use bylaw regulations.

3.2 DEVELOPMENT NOT REQUIRING A DEVELOPMENT PERMIT

- (1) The following development shall not require a development permit:
 - (a) The carrying out of works of maintenance or repair to any building or internal alteration, provided that such works do not include structural alterations or major works of renovation that would require a building permit under the Safety Codes Act;
 - (b) Activities as exempted by Section 618 of the Act;
 - (c) The use of any such buildings referred to in Section 3.1(2) above, for the purpose which construction was commenced.
 - (d) The use of land for a farm operation on land situated in the Urban Holdings district, provided that the use or building conforms to the minimum setback requirements specified in the Land Use Bylaw. Notwithstanding this section, all dwellings are subject to obtaining a development permit.
 - (e) The erection, construction, or maintenance, improvement or alteration of gates or fences or other means of enclosure less than 1.0 m in height in front yards or in side yards abutting a road, and less than 2.0 m in rear yards or in other side yards, and the maintenance, improvement and other alterations of any gates, fences or walls or other means of enclosure. Notwithstanding, barbs and page wire fences are only permitted in the Urban Holding and Industrial Land Use Districts.
 - (f) All types of fences and windbreaks in the Urban Holding district.
 - (g) A temporary building, the sole purpose of which is incidental to the erection or alteration of a building, for which a permit has been issued under this Bylaw;
 - (h) The maintenance and repair of public works, services and utilities carried out by or on behalf of federal, provincial and municipal public authorities on land which is publicly owned or controlled;
 - (i) The development of Town owned structures or public works, services and utilities. Notice of such structures shall be provided to adjacent landowners for information purposes.

- (j) Development within a basement which does not change or add to the uses in a dwelling, which do not require a building permit under the Safety Codes Act;
- (k) All buildings which are less than 13.4 m² in area and which conform to the setback requirements of the Land Use District.
- (l) The demolition or removal of any building or structure for which erection a development permit would not be required pursuant to Subsections (d) to (l) above.
- (m) Dugouts in the Urban Holdings district provided that they conform to the regulations specified in this Land Use Bylaw.
- (n) Fire pits provided that they conform to the regulations specified in this Land Use Bylaw;
- (o) Landscaping provided that the grades and overland water flows are not substantially altered.
- (p) The construction of a deck, provided that the deck is uncovered, and the walking surface is less than 60cm (2 feet) above grade and it conforms to the regulations specified in this Land Use Bylaw.

3.3 NON-CONFORMING BUILDINGS AND USES

- (1) Non-conforming buildings and non-conforming uses shall be treated in accordance with the Act, and any amendments thereto.

3.4 DEVELOPMENT APPROVAL AUTHORITIES

- (1) The Development Authority is hereby established by Bylaw pursuant to the Act.
- (2) The Development Authority shall exercise development powers and duties on behalf of the Town.
- (3) The Development Authority shall be the Development Officer, or where the context of this Bylaw permits, the Council.

PART 4 – DEVELOPMENT APPLICATION PROCESS

4.1 APPLICATION FOR DEVELOPMENT

- (1) An application for a development permit shall be completed and submitted to the Development Authority in writing, in the form required by the Development Authority, and shall be accompanied by:
 - (a) A site plan showing the legal description; the front, rear, and side yards, if any; any provision for off-street loading and vehicle parking; and access and egress points to the site;
 - (b) The presence of abandoned oil and gas wells in accordance with the Subdivision and Development Regulation;
 - (c) The location and dimensions of all existing and proposed buildings, structures, or uses on the property;
 - (d) Statement of existing and proposed services (i.e. on-site or municipal);
 - (e) Identification of existing and proposed road infrastructure that will provide access to the development;
 - (f) A statement of the current and proposed use on the lands; and
 - (g) The authorization of the registered landowner.
- (2) The Development Authority may also require additional information in order to assess the conformity of a proposed development with this Bylaw before consideration of the development permit application shall commence. Such information may include floor plans, elevations and sections of any proposed buildings; drainage, grading and landscaping plans; and, in the case of the placement of an already constructed or partially constructed building on a parcel of land, information relating to the age and condition of the building and its compatibility with the District in which it is to be located. In addition, such additional information may include assessment by a registered professional engineer of any potential flooding or subsidence hazard that may, in the sole opinion of the Development Authority, affect the subject site.
- (3) Each application for a development permit shall be accompanied by a fee as established by Council.
- (4) All applications for development permits on sites within an area covered by an inter-municipal development plan shall be referred to the other municipality for comments and recommendation.
- (5) The Development Authority may make a decision on an application for a development permit notwithstanding that any information required or requested has not been submitted.

- (6) In the case where an application for a development permit has been refused pursuant to this Bylaw or ultimately after appeal to the Subdivision and Development Appeal Board, the submission of another application for a permit on the same property and for the same or similar use of the land by the same or any other applicant need not be accepted by the Development Authority for at least six (6) months after the date of the previous refusal.

4.2 REFERRAL OF APPLICATIONS

- (1) The Development Authority may refer for comment any matter or any application for a Development Permit to any authority he deems necessary.
- (2) Notwithstanding 4.2(1), the Development Authority may refer to any adjacent municipality for consideration and recommendation, any matter or any application for a Development Permit that relates to lands that abut the municipal boundary.
- (3) Notwithstanding 4.2(1), the Development Authority may refer development in proximity to a Highway:
 - (a) Applications for development located within 0.8 km of the right of way of a multi-lane highway or a major two-lane highway where the proposed development would have direct access from the highway shall be referred to Alberta Transportation for comment prior to any decision by the Development Authority;
 - (b) All applications for development located, within 150 m of the right of way of a minor two-lane highway where the proposed development would have direct access from the highway may be referred to Alberta Transportation for comment prior to any decision by the Development Authority.
- (4) Having received a reply on a matter referred to any authority, the Development Authority shall make a decision giving due consideration to the recommendations and comments received.
- (5) After thirty (30) days from the date of referral, the application may be dealt with by the Development Authority whether or not comments have been received.

4.3 DECISION PROCESS

- (1) In making a decision, the Development Authority may approve the application unconditionally, approve the application subject to those conditions considered appropriate, approve the application permanently or for a limited period of time, or refuse the application.

- (2) The Development Authority may require that as a condition of issuing a development permit, the applicant enter into an agreement to construct or pay for the construction of roads, pedestrian walkways or parking areas which serve the development or which connect the walkway with another walkway system that serves or is proposed to serve an adjacent development, to install or pay for the installation of public utilities other than telecommunications systems or works, to pay an off-site levy, and/or to give security to ensure that the terms of the agreement noted herein are carried out.
- (3) In the case where a proposed specific use of land or a building is not provided for in any District in the Bylaw, the Development Authority may determine that such use is similar in character and purpose to a permitted or discretionary use prescribed for a particular District.
- (4) The Development Authority may approve an application for a development permit even though the proposed development does not comply with the regulations of this Bylaw, or if the development is to be a rebuilding, an enlargement, an addition, or a structural alteration of a non-conforming building, if, in the opinion of the Development Authority:
 - (a) The proposed development would not: (i) unduly interfere with the amenities of the neighbourhood, or (ii) materially interfere with or affect the use, enjoyment or value of neighbouring parcels of land, and
 - (b) The proposed development conforms to the use prescribed for that land or building in this Bylaw.
- (5) An application for a development permit shall, at the option of the applicant, be deemed to be refused when a decision thereon is not made by the Development Authority within forty (40) days after receipt of the application by the Development Authority. The person claiming to be affected may appeal in writing as provided for in Part 4 of this Bylaw as though he has received a refusal at the end of the forty (40) day period specified in this subsection.
- (6) A Development Authority may suspend or revoke a development permit in writing to the applicant at any time:
 - (a) Where the permit was issued on the basis of incorrect information, fraud, non-disclosure, or misrepresentation on the part of the applicant; or
 - (b) Where the permit was issued in error.
- (7) Temporary Developments where a development permit application in a land use district is for a temporary development, the Development Authority:
 - (a) May consider and decide upon a development for a specific period of time, not exceeding one year;
 - (b) Shall impose a condition on such a permit that the Town is not liable for any costs involved in the cessation or removal of the development at the expiration of the time period stated in the permit; and

- (c) May require the applicant to post acceptable security guaranteeing the cessation or removal of the development to the greater of 25% of the value of the structure or \$1,000.

4.4 VARIANCE AUTHORITY

- (1) Notwithstanding 4.3(3) the Development Authority may approve an application for a development permit for a development that is a Permitted or Discretionary Use, but that does not otherwise comply with the provisions of this Bylaw, if in the opinion of the Development Authority:
 - (a) The proposed development would not unduly interfere with the amenities of the neighbourhood.
 - (b) The proposed development conforms with the use prescribed for that land or building in this Bylaw;
- (2) Notwithstanding 4.4(1) the Development Authority shall not grant a variance from the regulations prescribing height, if the height variance results in an increase in floor area, lot coverage, floor area ratio (FAR), or density.
- (3) In addition to the considerations provided under 4.4(1), a variance may only be granted if, in the opinion of the Development Authority:
 - (a) The variance requested maintains the intent and purpose of the Municipal Development Plan;
 - (b) The variance requested maintains the intent and purpose of this Bylaw;
 - (c) The variance is desirable for the appropriate and orderly development or use of the land; and
 - (d) The variance, in the opinion of the Development Authority, is truly minor in nature.
- (4) All requests for a variance shall be accompanied by a letter from the applicant clearly stating the reasons for the variance, outlining the applicable criteria identified in 4.4(3), and the nature of the hardship incurred if the variance is not granted.
- (5) If a variance is granted pursuant to this Section, the Development Authority shall specify its nature in the Development Permit approval.
- (6) The maximum variance that may be granted by the Development Authority is 20%.

4.5 DEVELOPMENT PERMITS AND NOTICES

- (1) Except for those permits described in Section 4.5(3) hereof, a permit granted pursuant to this Part does not come into effect until fourteen (14) days after the date a decision or development permit is publicized as described in 4.5(4). Any development proceeded with by the applicant prior to the expiry of this period is done solely at the risk of the applicant.
- (2) Where an appeal is made pursuant to Part 4 of this Bylaw, a development permit which has been granted shall not come into effect until the appeal has been determined and the permit has been confirmed, modified or nullified thereby.
- (3) When a permit has been issued for the development of a permitted use, and no provisions of this Bylaw have been relaxed or varied, or when Council makes a decision on a development permit application within the DC District, no notification shall be given of the decision except to the applicant.
- (4) When a permit other than a permit described in Section 4.5(3) hereof has been issued, the Development Authority shall immediately:
 - (a) Post a notice of the decision conspicuously on the property for which the application has been made; and/or
 - (b) Mail a notice in writing to all adjacent land owners who, in the sole opinion of the Development Authority, may be affected; and/or
 - (c) Publish a notice of the decision in a newspaper circulating in the Town, stating the location of the property for which the application has been made and the use approved.
- (5) If the development authorized by a permit is not commenced within twelve (12) months from the date of the issue of the development permit, and completed within three (3) years of the date of issue, the permit is deemed to be void, unless an extension to this period is granted by the Development Authority.
- (6) A decision of the Development Authority on an application for a development permit shall be given in writing and a copy of it sent to the applicant.
- (7) When the Development Authority refuses an application for a development permit, the decision shall contain reasons for the refusal.

4.6 DEVELOPMENT AGREEMENTS

- (1) The Town may register a caveat pursuant to the provisions of the Land Titles Act and the Municipal Government Act in respect of an agreement under this Section against the Certificate of Title for the land that is the subject of the development, which said caveat shall be discharged when the agreement has been complied with.

- (2) The Town may require conditions consistent with section 4.1(1) or any other conditions as deemed appropriate, the applicant to enter into an agreement to construct or pay for the construction of public roadways or parking facilities, to install or pay for the installation of utilities and/or to pay an off-site levy imposed by bylaw. This may involve the applicant posting security with respect to the development and paying for construction, where the development requires a road or traffic infrastructure improvement specifically to accommodate the development. The applicant for a development permit may be required to provide dust control adjacent to existing residences located on roads impacted by the development. The Development Authority may require that commercial vehicular traffic be limited to certain roads when gaining access to and from a site.

PART 5 – DEVELOPMENT APPEAL PROCESS

5.1 APPEAL PROCEDURE

- (1) The Subdivision and Development Appeal Board, as established by Town Bylaw, shall hear and make a decision on an appeal where a Development Authority:
 - (a) Refuses or fails to issue a development permit to a person within forty (40) days of receipt of the application, or
 - (b) Issues a development permit subject to conditions, or
 - (c) Issues an order under Part 6 of this Bylaw; and
 - (i) The person applying for the permit or affected by the order, or any other person affected by an order, decision or development permit of a Development Authority appeals to the Subdivision and Development Appeal Board.
- (2) Notwithstanding Subsection (1) above, no appeal lies in respect of the issuance of a development permit by the Council within a DC District, or for a permitted use unless the provisions of this Bylaw were relaxed, varied or misinterpreted.
- (3) An appeal shall be made by serving a written notice of appeal and submitted the applicable fee to the Secretary of the Subdivision and Development Appeal Board within fourteen (14) days after:
 - (a) The date the order, decision or permit issued by the Development Authority was publicized in accordance with this Bylaw; or
 - (b) The forty (40) day period referred to in Section 3.3(5) of this Bylaw has expired.

5.2 APPEAL HEARING

- (1) Within thirty (30) days of receipt of a notice of appeal, the Subdivision and Development Appeal Board shall hold an appeal hearing respecting the appeal.
- (2) The Subdivision and Development Appeal Board shall give at least five (5) days' notice in writing of the appeal hearing to:
 - (a) The appellant;
 - (b) The Development Authority from whose order, decision or development permit the appeal is made;
 - (c) Those adjacent land owners who were notified under this Bylaw and any other person who, in the opinion of the Subdivision and Development Appeal Board, are affected by the order, decision or permit; and
 - (d) Such other persons as the Subdivision and Development Appeal Board specifies.

- (3) The Subdivision and Development Appeal Board shall make available for public inspection before the commencement of the appeal hearing all relevant documents and materials respecting the appeal including:
 - (a) The application for the development permit, its refusal and the appeal therefrom; or
 - (b) The order of the Development Authority,
 - (c) As the case may be.

- (4) At the appeal hearing referred to in subsection (1), the Subdivision and Development Appeal Board shall hear:
 - (a) The appellant or any other person acting on his behalf;
 - (b) The Development Authority from whose order, decision or development permit the appeal is made, or if a person is designated to act on behalf of the Development Authority, that person;
 - (c) Any other person who was served with notice of the hearing and who wishes to be heard or a person acting on his behalf; and
 - (d) Any other person who claims to be affected by the order, decision or permit and that the Subdivision and Development Appeal Board agrees to hear or a person acting on his behalf.

5.3 APPEAL DECISION

- (1) The Subdivision and Development Appeal Board shall give its decision in writing together with reasons for the decision within fifteen (15) days of the conclusion of the appeal hearing.

- (2) If the decision of the Development Authority to approve a development permit application is reversed by the Subdivision and Development Appeal Board, the development permit shall be null and void.

- (3) If the decision of the Development Authority to refuse a development permit application is reversed by the Subdivision and Development Appeal Board, the Development Authority shall forthwith issue the development permit in accordance with the decision of the Subdivision and Development Appeal Board.

- (4) If the decision of the Development Authority to approve a development permit is varied by the Development Appeal Board, the Development Authority shall forthwith issue the development permit in accordance with the decision of the Subdivision and Development Appeal Board.

- (5) A decision made under this part of the Bylaw is final and binding on all parties and all persons subject only to an appeal upon a question of jurisdiction or law pursuant to the Act. An application for leave to the Court of Appeal shall be made:
- (a) to a judge of the Court of Appeal; and
 - (b) within thirty (30) days after the issuance of the order, decision, permit or approval sought to be appealed.

PART 6 – BYLAW AMENDMENT PROCESS

6.1 APPLICATION FOR AMENDMENT

- (1) A person may apply to have this Bylaw amended by applying in writing, furnishing reasons in support of the application and paying the fee therefore required.
- (2) Council may at any time initiate an amendment to this Bylaw by directing the Development Authority to initiate an amendment.
- (3) All applications for amendment to the Land Use Bylaw shall be made to the Council and shall be accompanied by the following, namely:
 - (a) An application fee according to the governing fee schedule as amended from time to time by resolution of Council shall be submitted for each application, but if the proposed amendment is adopted by Council, Council may determine that the whole or part of the application fee may be returned to the applicant;
 - (b) A title search for the land affected or other documents satisfactory to the Development Authority indicating the applicant's interest in the said land;
 - (c) Drawings drawn to the satisfaction of the Development Authority, which shall be fully dimensioned, accurately figured, explicit and complete; and
 - (d) Any other information deemed necessary by the Development Authority.
- (4) Notwithstanding Subsection (3)(a) above, Council may waive payment of an application fee or any part thereof.
- (5) During deliberation on the Bylaw amendment application, Council may refer the application to such agencies as it considers necessary for comment.
- (6) Council may request such information as it deems necessary to reach a decision on the proposed amendment.

6.2 PUBLIC HEARING PROCESS

- (1) All amendments to this Bylaw shall be made by Council, by Bylaw, and in conformity with the requirements of the Act with regard to the holding of a Public Hearing.
- (2) Prior to any Public Hearing, the Town shall give notice in accordance with the Act.

- (3) First reading of a proposed amendment is given before the Public Hearing, and Council may require that the applicant pay a fee for advertising according to the governing Land Use Bylaw advertising fee schedule as amended from time to time by resolution of Town.

PART 7 – ENFORCEMENT

7.1 CONTRAVENTION

- (1) Where a Development Authority finds that a development or use of land or buildings is not in accordance with:
 - (a) The Act or the regulations made thereunder, or
 - (b) A development permit or subdivision approval, or
 - (c) This Bylaw;The Development Authority may, by notice in writing, order the owner, the person in possession of the land or buildings, or the person responsible for the contravention, or all or any of them to:
 - (d) Stop the development or use of the land or buildings in whole or in part as directed by the notice, and/or
 - (e) Demolish, remove or replace the development, and/or
 - (f) Take such other measures as are specified in the notice;
 - (i) So that the development or use of the land or buildings is in accordance with the Act, the regulations made thereunder, a development permit, subdivision approval or this Bylaw, as the case may be.
- (2) Where a person fails or refuses to comply with an order directed to him under Subsection (1) above or an order of the Subdivision and Development Appeal Board within the time specified, the Development Authority may, in accordance with Section 542 of the Act, with the support of a Peace Officer, enter upon the land or building and take such action as is necessary to carry out the order. A person who contravenes or fails to comply with any provision of their development permit is guilty of an offence and is liable upon summary conviction of a fine.
- (3) Where the Development Authority carries out an order, the Council shall cause the costs and expenses incurred in carrying out the order to be placed on the tax roll as an additional tax against the property concerned, and that amount shall be collected in the same manner as taxes on land.
- (4) A person who contravenes or fails to comply with any provision of this Bylaw is guilty of an offence and is liable upon summary conviction to a fine not exceeding \$10,000.00 or to imprisonment for not more than one year, or to both fine and imprisonment, pursuant to Section 566 of the Act.
- (5) A Development Authority may suspend or revoke a development permit which has not been complied with, following notification, stating the reasons for such action.

- (6) In addition to the process and penalties described above, the Development Authority or any other person identified as a designated Peace Officer by the Council for the purposes of this Section, shall be authorized to inspect any development to confirm compliance, and if not in compliance to issue violation tickets in respect to any contravention of this Bylaw.
- (7) Violation Tickets:
- (a) The Development Authority may direct a Peace Officer for the purposes of this Section, to issue a violation ticket to any person alleged to have breached any provision of this Bylaw.
 - (b) The violation ticket shall specify the alleged offence committed by the person to whom the violation ticket is issued and require voluntary payment, or the option of a court appearance on a date specified, and will be dealt with thereafter at the court's discretion.
 - (c) Persons contravening any provision of this Bylaw to whom violation tickets are issued shall be liable for a penalty of \$500.00 for a first offence and \$1000.00 for a second or subsequent offence within the same calendar year. Each day that a breach of the Bylaw has occurred may be considered to be a separate offence.
 - (d) The violation ticket shall be served upon the alleged offender personally, or if the defendant cannot be conveniently found, by leaving it for the defendant at the defendant's place of residence with a person on the premises who appears to be at least 18 years of age. If payment is made within the time limit, then such payment shall be accepted in lieu of prosecution for the offence.
 - (e) If a person who has been served with a violation ticket fails to pay the fine specified therein, then the right of the alleged offender to settle the alleged offence without a court appearance shall no longer apply and prosecution for the alleged offence shall proceed.

PART 8 – GENERAL REGULATIONS

8.1 ACCESSORY BUILDINGS AND USES

- (1) No person shall construct or utilize an accessory building except in compliance with this section.
- (2) All accessory buildings shall be located at least 2.0 m from any principal building.
- (3) An accessory building shall not be used as a dwelling unit and shall not contain sanitation facilities.
- (4) An accessory building shall not be constructed within the required front yard setback area of any district.
- (5) Accessory buildings shall be constructed with exterior finish materials that compliment those of the principal building.
- (6) An accessory building shall not be located on an easement or utility right-of-way.
- (7) An accessory building shall not be developed or approved on a lot prior to the issuance of a development permit for the principal building or use on the lot.
- (8) Decks, balconies, sunrooms and the like shall not be constructed on top of an accessory building unless the setbacks of the accessory building comply with the allowable setbacks for the principal building in that district.
- (9) An accessory building, regardless of size, is required to meet the setback requirements for the District in which it is located.
- (10) Any building or use which is accessory to a lawful use in any land use designation is deemed to be permitted in all land use districts in Part 12.

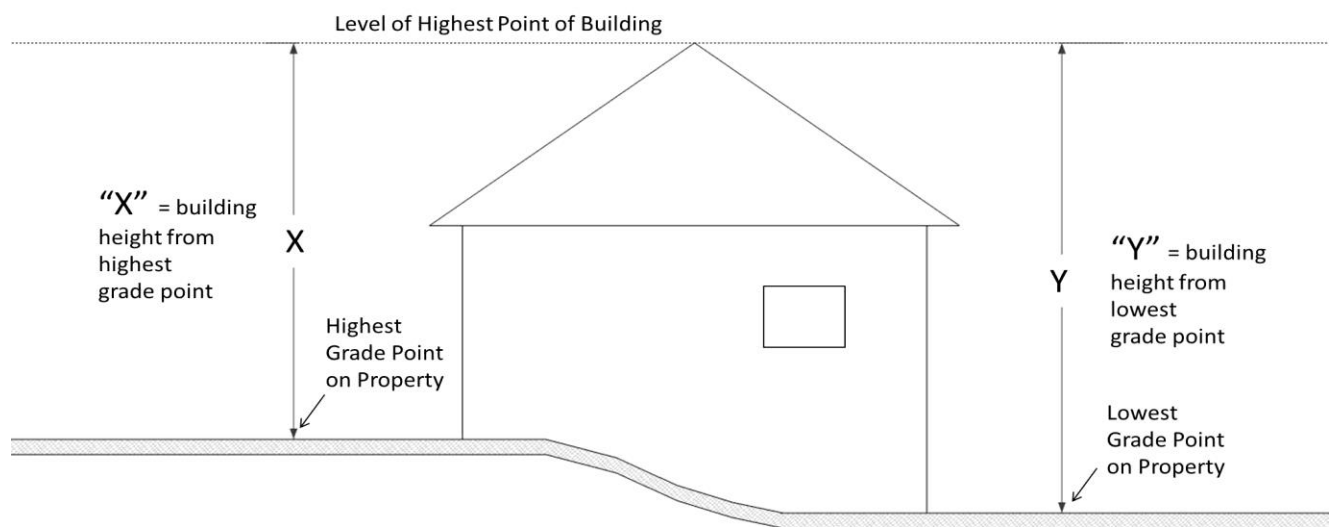
8.2 BARE LAND CONDOMINIUM

- (1) Structures constructed on bare land condominium units shall comply with the general regulations of this bylaw, including the regulations for the land use district in which the unit is located.
- (2) For the purposes of this Bylaw, a bare land condominium plan is a plan of subdivision.

8.3 BUILDING HEIGHT

- (1) If the height of a building is required to be measured or determined, it shall be measured by calculating the average vertical distance between the natural grade, or the average natural grade in the case of a sloping grade, and the highest point of the building as determined under Subsection (2).
- (2) In determining the highest points of a building, the following structures shall not be considered to be part of the building: an elevator housing; mechanical housing; roof stairway entrance; ventilations; a skylight; a steeple; a smokestack; a parapet wall, or a flagpole or similar device not structurally essential to the building.

FIGURE 8.3.1 – BUILDING HEIGHT CALCULATIONS



$$\text{Height Average} = (X+Y)/2$$

8.4 CORNER AND DOUBLE FRONTING PARCELS

- (1) In all districts, a site abutting onto two streets or more shall have a front yard setback on each street in accordance with the front yard regulations of this Bylaw.
- (2) In all cases, the location of building on corner sites shall be subject to approval of the Development Authority who may, at their discretion, relax the front yard setback requirements taking into account the location of existing adjacent buildings or the permitted setback on adjacent sites where a building does not exist.

- (3) On corner parcels contiguous to a highway the Alberta Infrastructure Highway “Minimum Site Triangle” Design Guidelines shall apply.

8.5 CURB CUTS

- (1) The nearest edge of a proposed curb cut to the nearest curbline of the street intersection shall not be less than 12.0 m.
- (2) The maximum width of the curb cut shall not exceed 9.1 m in industrial districts and 6.0 m in all other districts, unless otherwise specified by the Development Authority for reasons of public safety or convenience.

8.6 DESIGN, CHARACTER AND APPEARANCE OF BUILDINGS AND STRUCTURES

- (1) The purpose of this Section is to provide the Town with controls and guidance in order to ensure that aesthetically attractive and compatible development is provided throughout the Town.
- (2) The quality of exterior treatment and design of all buildings shall be to the satisfaction of the Development Authority for permitted uses and discretionary uses.
- (3) Pursuant to Subsection (2), the Development Authority shall consider, but not be limited to the following criteria when evaluating the design, character and appearance of development proposals in all Districts.
 - (a) General Guidelines:
 - (i) The design, character and appearance of all buildings must be compatible with any other buildings existing in the vicinity unless the building is setting a new standard of design and character for the land use district or a particular location of it;
 - (ii) The design of the building or development must be consistent with the purpose and intent of the land use district in which it is located;
 - (iii) The building shall comply with any provisions of a statutory plan or architectural control guidelines adopted by Council.
 - (b) Guidelines for Commercial and Industrial Development:
 - (i) The harsh contrasts of very large or massive buildings mixed with small buildings can be softened by using similar sizes and shapes of massing elements, like roof lines, exterior design and treatment;
 - (ii) Blank, unfinished walls give a very bland appearance to the streetscape. Particular attention should be given to reduce large vacant spaces between buildings which are left open to public view;

- (iii) Rooftop mechanical equipment should be hidden from view from public streets and from adjacent buildings;
 - (iv) Utility installations and buildings should be located in such a manner so as to be compatible with adjacent buildings and development. This may be achieved by placing utility installations within buildings wherever possible, or development utility buildings which blend into the surrounding area;
 - (v) Natural features are an important part of the urban environment and should be given a high priority in developing a site. This may be achieved by preserving existing trees wherever possible;
 - (vi) Corner sites at the intersection of major streets should be given special consideration. Sight lines for drivers and more pedestrian space are features which should be incorporated into the design of buildings on corner lots;
 - (vii) Buildings should provide weather protective overhangs at outdoor pedestrian areas and at building entrances. The overhangs can be achieved through the use of cantilevers, awnings and canopies;
 - (viii) Long buildings along the street front should include a public route through the building which can be accessed by pedestrians to parking areas or simply to reduce having to walk around the building;
 - (ix) Large pedestrian areas or parcels should be designed for safety and at a pedestrian scale. The combination of landscaping and pedestrian walkway connections from the parking area to the shopping areas can act as a windbreak, slow the traffic in the parking area, and soften the harsh visual impact of large asphalt areas;
 - (x) The site illumination of commercial and industrial sites should not shine into residential windows;
 - (xi) On-site parking, loading and shipping areas are less attractive elements of a streetscape and should be hidden from public roadways by buildings, screening and landscaping;
 - (xii) Outdoor storage and garbage collection areas are generally unsightly and undesirable elements from public roadways and should be screened or hidden behind buildings. Existing storage and garbage collection areas should be screened from roadways by using berms, walls and landscaping.
- (c) Guidelines for Residential Development:
- (i) Visual privacy of internal living space and areas should be maintained in new and existing developments. The use of berms, landscaping and the orientation of the dwellings and the living space windows can improve the visual privacy between developments;
 - (ii) Identical or similar housing styles, models, designs and colors should be discouraged. The same housing color, design or treatment should not be used for any more than three adjacent dwellings;
 - (iii) Corner lot houses should be generally lower lying houses as height and mass is emphasized beside a void such as a road.

- (iv) Any accessory building built on a lot, such as a detached garage or garden shed should be of proportional mass, roof line and treatment as the principal building.
- (v) Developments should be encouraged to possess good proportion in the front elevations through the use of such elements as dormers, bay windows, shutters, brickwork, roof lines and variations of window sizes.

8.7 DEVELOPMENTS ON OR NEAR SLOPES

- (1) Notwithstanding the yard requirements prescribed in the land use districts, no permanent buildings shall be permitted within 20.0 m of the top of the bank of any waterbody and no development shall be permitted within 20.0 m of the top or bottom of an escarpment bank or slope where the grade exceeds 15% (fifteen percent).
- (2) The Development Authority may require greater setback than is prescribed in Section 8.7(1).
- (3) Notwithstanding that a proposed development conforms in all respects with this Bylaw, including Sections 8.7(1) and 8.7(2), where the application is for development on lands that are or may be subject to subsidence, the Development Authority shall not issue a development permit unless the applicant can demonstrate that preventative engineering and construction measures can be instituted to make the parcel suitable for the proposed development.
- (4) Subject to Section 8.7(3), the Development Authority may, at their discretion, reduce the setback requirements established pursuant to Sections 8.7(1) and 8.7(2) if the applicant provides satisfactory proof of bank stability.

8.8 DEVELOPMENTS NEAR WATER

- (1) Notwithstanding 8.13, the Development Authority may require reports to be submitted by qualified consultants to help determine the setback distance from water bodies. The setback may be reduced if supported by a report submitted by a qualified engineer.

8.9 DWELLING UNITS ON A PARCEL

- (1) The number of dwelling units allowed on any single parcel shall be one, except where additional dwellings are:
 - (a) Contained in a building designed for, or divided into, two or more dwelling units and is located in a land use district which permits multiple units; and

- (b) A building defined in the Condominium Property Act (Chapter C-22, R.S.A. 2000) and all regulations and amendments thereto and is the subject of an approved condominium plan registered under that Act.

8.10 EMERGENCY ACCESS TO BUILDINGS

- (1) Sites shall be so designed that, in the opinion of the Development Authority, appropriate access for firefighting equipment is afforded to all buildings, moreover,
 - (a) In the case of industrial, commercial, multiple family, or public or quasi-public sites, the distance between the fire hydrant and any driveway or access point shall be a minimum of 3.0 m. In the case of single family sites, the distance between the fire hydrant and any driveway or access point shall be a minimum of 1.85m; and
 - (b) No person shall in any manner obstruct the fire access to any hydrant, valve or curb stop. No vehicle, building, structure, or vegetation higher than 0.5 m, shall be placed within 1.5 m from a hydrant.
- (2) On at least two sides, one of which shall be the longest side, of any building used as an apartment building and which exceeds two storeys in height, there shall be firm level areas accessible for firefighting equipment for at least 75% (seventy five percent) of the length of each of the two sides of the building. Such areas shall not be less than 4.25 m in width and not more than 3.0 m from the building, and no permanent structure or vehicular parking shall be permitted thereon.
- (3) A lane or lanes for the purpose of permitting the access of firefighting equipment to all major access points of shopping centre buildings shall be provided, and no permanent structures or vehicular parking may be permitted thereon.

8.11 COUNTRY ESTATE RESIDENTIAL DEVELOPMENT

- (1) The size of a lot for an estate residential use shall be the minimum required to accommodate the proposed use as determined by the Development Authority and shall not be less than 0.4 ha or greater than 2.0 ha in size.
- (2) Estate residential development shall not be permitted within an area likely to be subject to hazards or high levels of noise, dust or odours from industrial, transportation or intensive agricultural operations or intensive livestock operations.
- (3) No subdivision shall be allowed and no development permit shall be issued for an estate residential use, until the Town has first reclassified the land to the Estate Residential District.
- (4) Each estate residential lot shall be connected to municipal sewer and water facilities.

8.12 EXCAVATION, STRIPPING AND GRADING

- (1) For the purpose of this Section, excavation shall mean excavation other than for construction or building purposed, including, but not limited to, sand and gravel mining, topsoil stripping, and construction of artificial bodies of water.
- (2) An applicant for a development permit for the excavation, stripping or grading of land, which is proposed without any other development on the same land, shall include with his or her application the following information:
 - (a) Location of the lot, including the municipal address if any, and legal description;
 - (b) The area of the lot on which the development is proposed;
 - (c) The type of excavation, stripping or grading proposed, showing the dimensions of the operation or the area of the land and depth to which the topsoil is to be removed;
 - (d) Location on the lot where the excavation, stripping or grading is to be made on the lot; and
 - (e) The condition in which the excavation, stripping or grading is to be left when the operation is complete or the use of the area from which the topsoil is removed.
- (3) Where, in the process of development, areas require levelling, filling, or grading, the topsoil shall be removed before work commences, stockpiled, coverage of 0.15 m shall be provided upon occupancy of the development, and the affected area shall be graded and landscaped to the satisfaction of the Development Authority.

8.13 EXISTING SUBSTANDARD LOTS

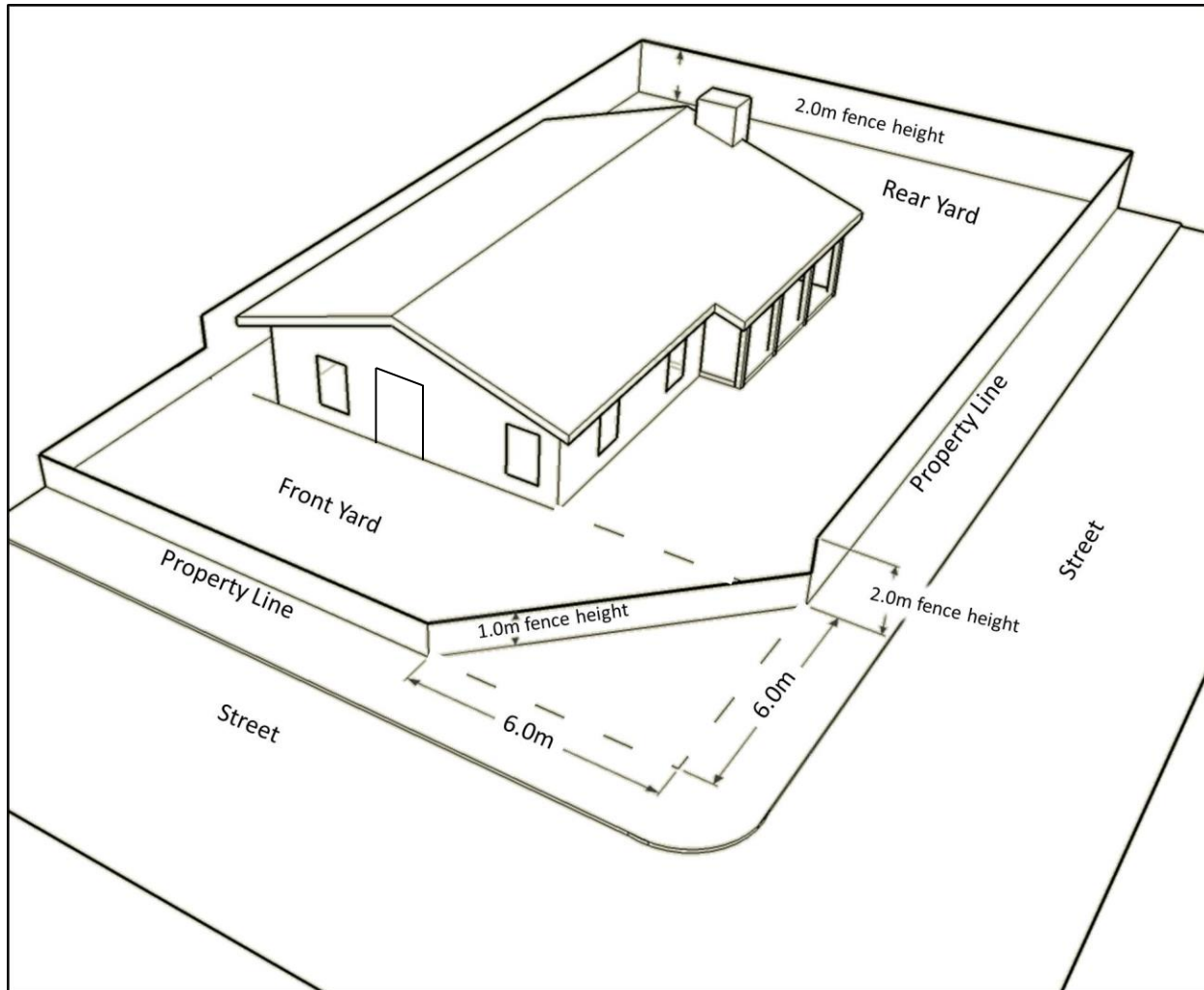
- (1) Development on existing substandard lots may be considered by the Development Authority who shall have due regard for compliance with the Safety Codes Act and its regulations prior to granting approval.

8.14 FENCES

- (1) In any district, except as herein provided,
 - (a) No fence shall be constructed that is located on public property;
 - (b) No fence shall be constructed that is:
 - (i) For internal lots, no higher than 2.0 m for that portion of the fence that does not extend beyond the foremost portion of the principal building on the site and 1.0 m for that portion of the fence that does extend beyond the foremost portion of the principal building on the lot;

- (ii) For corner lots, no higher than 2.0 m for that portion of fence that does not extend beyond the foremost portion of the principal building abutting the front yard on the narrow frontage and 2.0 m on the property line on the front yard abutting a public road and lane if, in the opinion of the Development Authority, it will not prejudice the safety and amenities of the adjoining lots;
 - (iii) In the case of corner lots, no person shall construct a fence or other screening, including landscaping, more than 1.0 m high within the triangular area 6.0 m back from the intersecting front boundary lines of the lot, regardless of whether or not a corner cut-off has been taken; and
 - (iv) Where lots have both their front and rear yards facing onto a street, special approval of the Development Authority must be obtained prior to the erection of any fences on such properties. Size and specifications for fences in these areas must conform with the overall standard set for the area by the Town.
- (2) Apartments or row houses adjacent to a single detached residential dwelling shall provide a wooden fence, or other such screening approved by the Development Authority, of not more than 2.0 m in height along the side abutting the single detached dwelling;
- (3) In the case of commercial, public and quasi-public uses abutting a residential area, a solid fence shall be provided of at least 1.5 m in height and no higher than 2.0 m along the sides abutting the residential area;
- (4) Notwithstanding Subsection (2) above, the maximum height of a fence in an Industrial or Urban Reserve District shall be determined by the Development Authority. Where a fence has been permitted to be higher than 2.0 m in an Industrial or Urban Reserve District, no barbed wire fences shall be permitted below a height of 2.0 m. This requirement may be relaxed by the Development Authority at his/her discretion in an area where residences would not be in close proximity to the fence proposed;
- (5) No electrification of fences shall be permitted; and
- (6) No barbed wire fences shall be permitted in residential districts.

FIGURE 8.14.1 – FENCE DIAGRAM



8.15 FLOODPLAIN DEVELOPMENT

- (1) Notwithstanding Subsection 8.13 no new development or the expansion of existing development shall be allowed within the 1:100 year flood plain of any watercourse or water body as determined by Alberta Environment.
- (2) Development Permit Applications where a portion of a parcel in the 1:100 year floodplain, shall be accompanied by the following information requirements:
 - (a) Elevation of the site as prepared by a qualified surveyor or engineer;
 - (b) Proposed elevation of main floor of residential buildings as prepared by a qualified surveyor or engineer; and

- (c) A statement and/or analysis, which demonstrates the suitability of the development to the site as compared to other locations on the parcel.

8.16 LANDSCAPING

- (1) As a condition of the development permit, all landscaping and planting required must be carried out to the satisfaction of the Development Authority, and within one year of occupancy or commencement of operation of the proposed development. All plant material shall be hardy to the Town of Rimbey.
- (2) The Development Authority may require that landscaping and/or screening is provided in conjunction with any development, and is addressed as part of the Development Permit application. The intent of landscaping and screening is to contribute to a reasonable standard of appearance for developments, to provide a positive overall image for the Town.
- (3) Landscaping and screening requirements may be applied to commercial and industrial uses.
- (4) Garbage and waste material must be stored in weather and animal proof containers and screened from adjacent sites and public thoroughfares.
- (5) On corner parcels, setbacks for landscaping and fencing must be in accordance with Section 8.2.
- (6) Prior to issuing a development permit the Development Authority may require submission of a detailed landscape plan to a standard satisfactory to the Development Authority, outlining at a minimum the following:
 - (a) The location of the trees and shrubs to be planted, including distance between trees and the anticipated full growth radius at maturity;
 - (b) The number of trees and shrubs to be planted; and
 - (c) The common name of the trees and shrubs to be planted.
- (7) In addition to the landscaping standards specified in each Land Use District the Development Authority may require the applicant of any development permit to:
 - (a) Retain any natural feature in its original state including, but not limited to, the following:
 - (i) Any water feature, including swamps, gullies and drainage courses;
 - (ii) Land with a natural gradient of 15% or greater;
 - (iii) Land subject to flooding by a 1:100 year flood;
 - (iv) Land located within a minimum distance as determined by the Development Authority from the top of bank of any river, stream, creek, lake or other body of water;
 - (v) Any land deemed unstable by the Development Authority.

- (vi) Conserve trees, shrubs or any other natural vegetation to the maximum extent possible.
 - (vii) Screen any objectionable effect or potential objectionable effect from adjacent properties;
 - (viii) Retain topsoil on the site;
 - (ix) Enhance the site by adding topsoil, grass, rock, gravel, vegetation or other landscaping materials to complement the appearance of the site and the character of the neighbourhood; and
 - (x) Restricting the amount and location of hard surfacing on the site.
- (8) Trees and Shrubs provided for landscaping shall meet the following minimum requirements:
- (a) A minimum height of 1.8 m (6.0 ft.) for coniferous trees;
 - (b) A minimum height of 0.46 m (1.5 ft.) for coniferous shrubs;
 - (c) A minimum caliper width of 5.08 cm (2 in) at 0.46 m (1.5 ft.) above ground level for deciduous trees; and
 - (d) A minimum height of 0.61 m (2 ft.) for deciduous shrubs.
- (9) Unless otherwise specified in this Bylaw a minimum of thirty-three percent (33%) of the total amount of trees and shrubs provided shall be coniferous.
- (10) All trees shall be separated a minimum distance from each other to allow sufficient space for the tree's maximum potential growth radius at maturity and to ensure healthy, uninhibited growth.
- (11) All landscaping requirements must be completed within one (1) year of completion of construction or the commencement of the use, whichever occurs first.
- (12) The owner of the property, or his/her assignees or successor(s), shall be responsible for the proper up keep and maintenance of the required landscaping. If the required landscaping does not survive, the applicant/owner must replace it with a similar type of species and with a similar caliper, width and height or to the satisfaction of the Development Authority.
- (13) The Development Authority may, as a condition of a development permit, require submission of a security up to the value of the estimated cost of providing the proposed landscaping to ensure that such landscaping is carried out with reasonable diligence. The condition of the security is that, if the landscaping is not completed in accordance with this Bylaw and development permit within one (1) growing season after completion of the development, then the specified security amount shall be made available to the Town to use to ensure the landscaping is installed according to the Town's standards.
- (14) A minimum of 30% soft surfaced green landscaped features (i.e. grass, shrubs and trees) shall be maintained in all residential front yards.

8.17 LIMITED ACCESS TO MAJOR ROADS

- (1) No access for vehicles will be permitted from an arterial road as designated by the Municipal Development Plan, or Area Structure Plans to:
 - (a) Any residential site, unless the access serves three or more dwelling units; or
 - (b) Any site, unless turning space is provided on the site such that vehicles entering upon the site may turn before re-entering the street; or
 - (c) Any site where, in the opinion of the Development Authority, there would be an excessive number of access points approved by Alberta Transportation.
- (2) Access to Highways 20, 20A and 53 shall be limited to arterial roads, collector and services roads, and where no service roads are provided, access shall be limited to those access points approved by Alberta Transportation.

8.18 OBJECTIONABLE ITEMS IN YARDS

- (1) No person shall keep or permit in any part of a yard in any residential district:
 - (a) Any dismantled or wrecked vehicle for more than fourteen (14) successive days; or
 - (b) Any object or chattel which, in the opinion of the Development Authority, is unsightly or tends to adversely affect the amenities of the district; or
 - (c) Any excavation, storage or piling up of materials required during the construction stage unless all necessary safety measures are undertaken, and the owner of such materials or excavations assumes full responsibility to ensure the situation does not prevail any longer than reasonably necessary to complete a particular stage of construction work; or
 - (d) Any vehicle not parked on a prepared hard surface (i.e. concrete pad or gravel) in the front yard; or
 - (e) A commercial vehicle loaded or unloaded of a maximum weight in excess of 2000 kg; or
 - (f) A commercial vehicle in a front yard; or
 - (g) A recreational vehicle in the front yard of a laned subdivision.
 - (h) Contravene the Town of Rimbey Community Standards Bylaw.
- (2) No person maintaining more than one recreation vehicle or more than two (2) motor vehicles in a residential district shall allow them to be kept in a manner which, in the opinion of the Development Authority is unsightly or tends to adversely affect the amenities of the district.
- (3) In commercial districts garbage shall be stored in weatherproof containers screened from adjacent sites and public thoroughfares to the satisfaction of the Development Authority and shall be in a location easily accessible for pickup.

8.19 ON-SITE AND OFF-SITE SERVICES AND IMPROVEMENTS

- (1) Where any on-site services or improvements, or any off-site local improvements are required to service a proposed development, a person shall not begin the excavation for the foundation nor commence the development until the Development Authority or is satisfied that such services will be provided or improvements will be undertaken.
- (2) No development permit shall be issued for a development to be served by private sewer and water systems until the systems have been approved by the appropriate Municipal or Provincial authorities having jurisdiction.

8.20 PROJECTIONS OVER YARDS

- (1) The following encroachments into required front, side and rear yard setbacks in land use districts may be permitted for canopies, balconies, eaves, box-outs, chimneys, gutters, sills, steps/stairs, and, in addition, cantilevers may be permitted to encroach into the front and rear yards only:
 - (a) Front Yard: 2.0 m for balconies; and 1.0 m for cantilevers, eaves, gutters, landings, and window sills (see Figure 8.20.1).
 - (b) Rear Yard: 2.0 m for balconies; and 1.0 m for box-outs, cantilevers, eaves, gutters, landings, and window sills (see Figure 8.20.2).
 - (c) Side Yard (Interior): 1.0 m for balconies; and 0.6 m for box-outs, eaves, gutters, landings and window sills (see Figure 8.20.1).
 - (d) Side Yard (Exterior): 1.0 m for balconies; and 0.6 m for box-outs, cantilevers, eaves, gutters, landings and window sills (see Figure 8.20.2).
- (2) For multi-attached dwellings, balconies and decks may be extended to the lot line or common wall, provided that the common wall is extended for separation/privacy.
- (3) No projection will be permitted if, in the opinion of the Development Authority, it may interfere with a loading space, parking area, driveway, or other vehicle or pedestrian circulation or access.
- (4) No projection will be permitted into the side yard required for vehicular access to the rear yard, unless a minimum vertical height of 3.0 m from finished grade to the lowest point of the projection is maintained.
- (5) The projection length limitations are as follows:
 - (a) The individual projection maximum length shall not exceed 3.0 m; and

- (b) The sum of all projections maximum length shall not exceed one-third (1/3) of the length of the building wall (not including the garage walls). This does not apply to front or rear yards.

FIGURE 8.20.1: PERMITTED PROJECTIONS – FRONT AND INTERIOR SIDE YARD SETBACKS

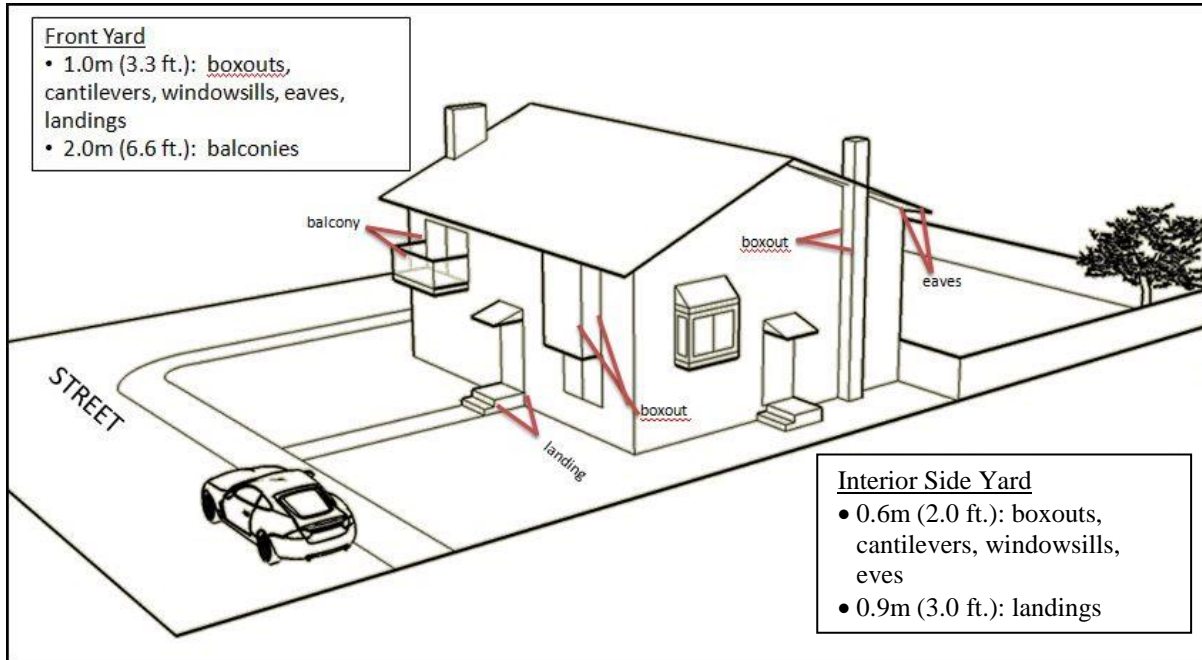
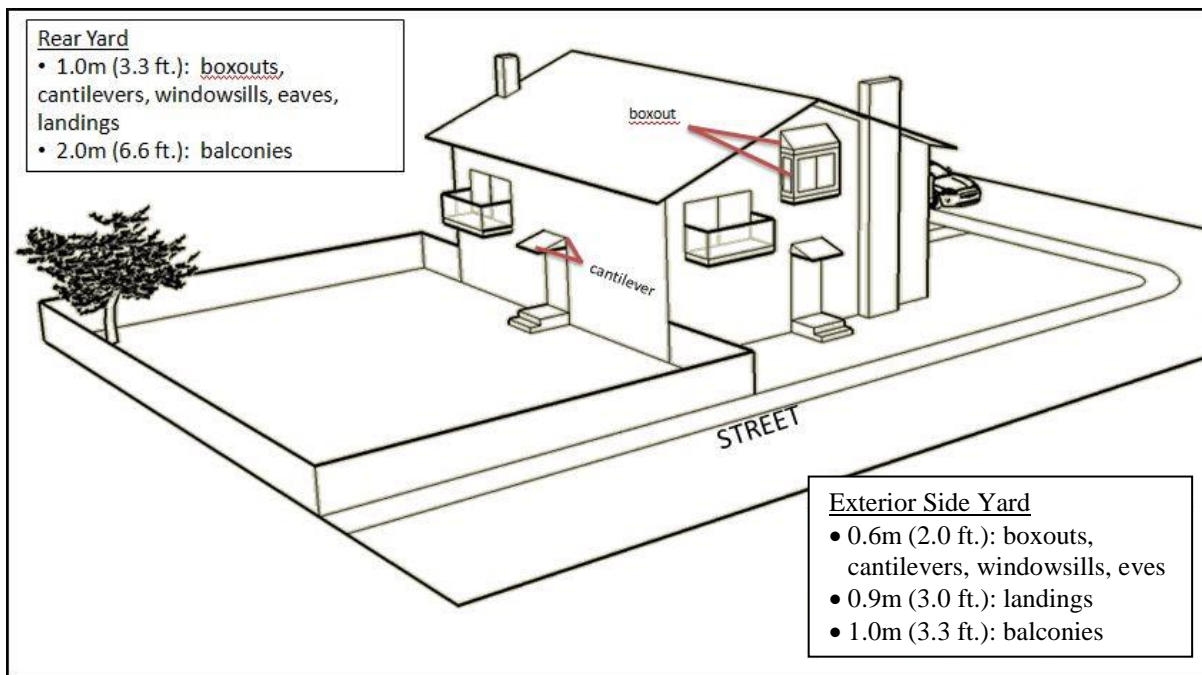


FIGURE 8.20.2: PERMITTED PROJECTIONS – REAR AND EXTERIOR SIDE YARD SETBACK



8.21 PUBLIC LANDS AND TOWN BOULEVARDS

- (1) There shall be no unauthorized encroachments onto municipal property, including parks and road rights-of-way. Where an encroachment exists without Town approval, the owner shall be required to remove the encroachment at his/her own expense, or seek permission from the Town CAO or Council for the encroachment to remain.
 - (a) There shall be no encroachments into Alberta Transportation Highway Right-Of-Ways without written approval from Alberta Transportation.
- (2) All developments on lands owned by the Town of Rimbey shall not require a development permit.
- (3) Notwithstanding Subsection (1) above, the owner(s) of a lot may develop the boulevard abutting their property by excavating, backfilling, levelling or consolidating to final grade, and seed or perform other works that may be necessary to develop a turf boulevard provided that all work shall be entirely at the owner's expense.
- (4) Any development, planting or other development not authorized by a development permit shall be done at the owner's risk, and any damage to municipal services caused by the growth, removal or maintenance of such development shall be the responsibility of the owner.
- (5) Every owner or occupant of land shall be responsible for maintaining any development allowed under this Section, and for controlling the weeds on boulevards owned by the Town abutting their property.

8.22 PUBLIC UTILITY BUILDINGS AND EASEMENTS

- (1) Notwithstanding other regulations in this Bylaw, a person erecting a public utility facility or placing utility equipment on a site shall cause it to be placed in a location and with yard setbacks which are satisfactory to the Development Authority.
- (2) Utility lots, utility buildings and publicly owned buildings may be permitted in any district except as specifically regulated elsewhere in this bylaw.
- (3) Subject to the conditions of a utility easement, no permanent structure other than a fence shall be constructed or placed on that utility easement unless:
 - (a) In the opinion of the Development Authority the said structure does not restrict access to the utility easement for the purpose of installation and maintenance of the utility; and
 - (b) Written consent has been obtained from the person whose use the easement has been granted.

8.23 RELOCATION OF BUILDINGS OR STRUCTURES

- (1) No person shall:
 - (a) Place on a lot a building which has previously been erected or placed on a different lot; or
 - (b) Alter the location on a lot of a building which has already been constructed on that lot,
 - (c) Unless the Development Authority approves the placement or alteration.

- (2) An approval shall not be granted under Subsection (1) above unless the Development Authority is satisfied that:
 - (a) The placement or location of the building would meet the requirements of the Bylaw; and
 - (b) The building and the lot meet the requirements of this Bylaw and the land use district in which it is proposed to be located.

- (3) Before considering any application for a Moved-in Building and in addition to the requirements of Section 8.22(1) and Section 8.22(2), the Development Official shall require a development permit application that includes:
 - (a) Recent colour photographs of all elevations including additions;
 - (b) A statement of the age, size, and structural condition of the building; and
 - (c) Documentation from a certified safety code officer that the building meets the requirements of the Safety Codes Act or, if it does not, how the building will be brought up to these requirements.

- (4) As a condition of issuing a development permit approval for a Moved-In Building, the Development Authority shall require a letter of undertaking (agreement) and the posting of security in the form of an irrevocable letter of credit or cash, in the amount of the total estimated costs to relocate the building, to be provided prior to the issuance of a building permit and the building being moved on site. This security will ensure that any required modifications to the design, construction, siting, finishing and cladding of the relocated building are completed.

- (5) The conditions shall be completed within one year of the issuance of the development permit, as determined by the Development Authority.

- (6) The security will be released once all the conditions have been completed by the applicant to the satisfaction of the Development Authority, and are met within the time frame as set out in the development permit.

- (7) Upon expiry of the Development Permit, if the required work has not been completed to Town's satisfaction, the Town may use the security to have the work completed and bring the building into compliance.
- (8) The applicant shall be advised not less than 30 days prior to the expiration time set out in the development permit, that action will be undertaken by the Town to use the security in completing the required renovations if they have not been completed by the expiration date. Only Council may direct Administration to delay action to complete the requirements of the permit.

8.24 RESIDENTIAL AND INDUSTRIAL USES ADJACENT

- (1) In considering subdivision or development permit applications for residential uses adjacent to existing industrial developments or industrial uses adjacent to existing residential developments, the Development Authority may impose conditions addressing:
 - (a) Providing proper services and access to the site,
 - (b) Screening, aesthetics and landscaping,
 - (c) Control of signage,
 - (d) Noise control,
 - (e) A development agreement, with the need to provide security, and
 - (f) Any other issue deemed necessary by the Development Authority.

8.25 TEMPORARY STRUCTURES

- (1) A temporary structure may not be erected without permission of the Development Authority which may be granted as follows:
 - (a) In a residential district provided that:
 - (i) No such temporary structure shall be more than 3.0 metres in height or set back less than 1 metre from the side and rear property lines; and
 - (ii) The owner enters into an agreement to remove such a structure in accordance with the terms and conditions stipulated by the Development Authority;
 - (iii) There shall be no more than one temporary structure per site;
 - (iv) A temporary structure must be placed in the rear yard only;
 - (v) In the case of a pre-manufactured temporary structure, the elevations shall be subject to approval of the Development Authority; and
 - (vi) The structure is completed in accordance with the terms stipulated by the Development Authority, provided that the temporary structure development permit shall expire at the end of one year, unless renewed by the Development Authority for a further term, and that such temporary structure must comply with this Bylaw.

- (2) Temporary Structures include, but are not limited to:
 - (a) Portable Storage Containers, including c-cans;
 - (b) Tent Garages.

- (3) If an owner fails to comply with the terms and conditions of a temporary structure development permit, the Development Authority may remove or cause to be removed such structure as the case may be, the costs of which shall be charged against the lands upon which the temporary structure is situated and shall be payable by the owner to the Town on demand.

- (4) A temporary structure shall not be used as a dwelling.

PART 9 – SPECIFIC USE REGULATIONS

9.1 BED AND BREAKFAST ESTABLISHMENTS

- (1) Bed and Breakfast Accommodation shall be reviewed as Home Business permit.
- (2) All persons operating bed and breakfast facilities must provide evidence of compliance with municipal, provincial and/or federal regulations in regard to their operation.
- (3) A bed and breakfast is an accessory use to a main residential use.
- (4) A Development Authority may permit a Bed and Breakfast Accommodation use only if in the opinion of the Development Authority it will:
 - (a) Be restricted to the dwelling unit;
 - (b) Not change the principal character or external appearance of the dwelling involved; except where minimal exterior modification of the structure or grounds are compatible with the character of the area or neighborhood and pursuant to a Development Permit;
 - (c) Not create a nuisance by way of noise, parking or traffic generation;
 - (d) Not employ anyone but the residents of the dwelling;
 - (e) Be limited to one (1) identification sign no more than 0.3 m² in size and displayed from within the establishment;
 - (f) Not occupy more than three (3) bedrooms;
 - (g) Be limited to one meal provided on a daily basis to registered guests only; and
 - (h) One on-site parking stall shall be provided for each bedroom provided for compensation and shall meet the signage requirements of this Bylaw.

9.2 CHILD CARE FACILITIES AND FAMILY DAY HOMES

- (1) Child Care Facilities:
 - (a) Shall follow the Child Care Licensing Regulations that may provide programming for the social, creative, educational and physical development of children;
 - (b) Shall have privacy screening or other buffering techniques designed to limit impact on other uses or the surrounding residential properties;
 - (c) In any Residential District:
 - (i) Shall not change the principal character or external appearance of the dwelling in which it is located;
 - (ii) Shall have an outdoor play area designed and secured according to Provincial regulations and must be shown on the plan submitted for a development permit; and
 - (iii) Shall provide parking according to the regulations outlined in *Part 10 Parking & Loading Facilities* of this Bylaw. In addition, a drop-off area shall be provided at

the rate of one (1) drop-off space for every five (5) children, or at the discretion of the Development Authority.

- (2) A Family Day Home/ After School Care:
 - (a) shall not be located in a dwelling unit containing another Home Business;
 - (b) require privacy screening that prevents visual intrusion into any outdoor play areas; and

9.3 GAS BAR

- (1) Must not have a canopy that exceeds 5.0 m in height when measured from grade;
- (2) Must have fully recessed canopy lighting;
- (3) May have an outdoor display of products related to the use, provided they are within 4.5 m of the building entrance or on gas pump islands;

9.4 HOME OCCUPATIONS

- (1) All home businesses shall:
 - (a) require a development permit; and,
 - (b) be considered temporary uses.
- (2) Only one Home Business permit shall be issued per residence. Multiple Home Businesses may be allowed under the single permit provided that the requirements are not exceeded by the combined businesses.
- (3) Uses that are not considered Home Businesses include, but are not limited to:
 - (a) Adult Entertainment Facilities;
 - (b) Auto Body and Paint Shop, Auto Detailing Facility, Automotive, Equipment and Vehicle Services, Automotive Services, and Automotive Specialty;
 - (c) Child Care Facilities;
 - (d) Escort Services; or
 - (e) Veterinary services.
- (4) The Development Authority has the discretion to refuse a Home Business permit application if the proposed use would be better suited in a commercial or industrial district.
- (5) All home occupations shall comply with the following general regulations:
 - (a) All home occupations shall be operated as a secondary use only and shall not change the principal character and external appearance of the dwelling in which it is located.
 - (b) One professionally manufactured non-illuminated fascia sign or nameplate to identify a home occupation not greater than 0.3 square metres (3.2 square feet) in an area placed within the dwelling unit or any accessory building is permitted.

- (c) A home occupation, whether or not a development permit has been issued, shall be reviewed by the Development Officer, when complaints are registered against a home occupation by an affected landowner. A development permit issued for a home occupation is liable to recall and cancellation on the basis of non-compliance on 60 days notice.
- (6) Home occupations shall meet all the requirements of 8.5(5) and shall comply with the following regulations:
 - (a) The home occupation shall be operated by the permanent resident(s) of the principal dwelling and shall employ no more than one non-resident, on-site employee.
 - (b) There shall be no more than four (4) home occupation clients or customers on site during any period of 24 hours for a minor home business.
 - (c) The home occupation shall not occupy more than 30% of the gross floor area of the principal dwelling.
 - (d) Any storage of materials or goods related to the home occupation must be located within the principal dwelling and/or accessory structure and no exterior storage is permitted.
 - (e) The home occupation shall have no more than two (2) home occupation vehicles used in conjunction with the home occupation, parked and maintained on site. There shall be no heavy vehicles (> 4,500 kg or 9,900 lbs) parked on-site of a home occupation.

9.5 KENNEL REGULATIONS

- (1) An Animal Shelter, Veterinary Clinic, Veterinary Hospital or Commercial Kennel may need to provide soundproofing pens, rooms, exercise runs, or holding stalls to the satisfaction of the Development Authority.
- (2) An Animal Shelter, Veterinary Clinic, Veterinary Hospital or Commercial Kennel shall meet public health regulations and be kept in a manner satisfactory to the health regulatory authority.
- (3) Commercial Kennel, including any outdoor runs or exercise areas shall be located a minimum of 3m from any Property Line.
- (4) Commercial Kennel including any outdoor runs or exercise areas may be required to be visually screened from existing dwellings on adjoining parcels to the satisfaction of the Development Authority.
- (5) All exterior exercise areas (runs) shall be enclosed with a fence acceptable to the Development Authority with a minimum Height of 1.8 m.
- (6) All exterior exercise areas (runs) shall be sited behind the Principal building.

- (7) The Development Authority may regulate the hours that the animals are allowed outdoors.

9.6 MANUFACTURED HOMES

- (1) Manufactured home units shall have Canadian Standard Association Certification.
- (2) All accessory structures, such as patios, porches, additions and skirtings, shall be
 - (a) Factory-prefabricated units or the equivalent thereof, and so designed and erected as to harmonize with the manufactured home units,
 - (b) Considered as part of the main building, and
 - (c) Erected only after obtaining a Development Permit.
- (3) A manufactured home unit shall be skirted from the floor level to the ground level. The skirting shall compliment the external finish of the manufactured home unit.
- (4) The maximum permitted floor area of porches and additions shall be no more than 50% of the floor area of the manufactured home unit.
- (5) No accessory building or use, other than parking spaces, shall be located in the front yard of a manufactured home unit.
- (6) Furniture, domestic equipment, or seasonally-used equipment shall be stored in adequate covered storage or screened area, either individually on the stall or lot or communally, which storage facility shall conform to the regulations passed under the Safety Codes Act.
- (7) The following regulations apply to all manufactured home units:
 - (a) The hitch and wheels are to be removed from the manufactured home unit.
 - (b) All manufactured home units shall be placed on a foundation or base.
 - (c) The lot or stall is to be fully landscaped within one (1) year from the date of issuance of the development permit for the manufactured home unit.
- (8) The following regulations also apply to manufactured home parks developed after 2015:
 - (a) The stalls shall be located at least 3.0 m from a property boundary line. This 3.0 m wide strip shall be landscaped and/or fenced to the satisfaction of the Development Authority.
 - (b) All roadways shall be constructed and maintained to the satisfaction of the Development Authority. Minimum right-of-way width shall be 12 m with a paved carriage way of at least 8 m.
 - (c) A safe, convenient, all season pedestrian walkway of at least 1.0 m in width shall be provided for access between individual manufactured home units, the park roadways, and all community facilities provided for park residents.
 - (d) Visitor parking spaces shall be located at convenient locations throughout the manufactured home park, and shall not be used for the storage of boats, trailers, etc.

- (e) The design of manufactured home parks shall be to the satisfaction of the Development Authority.
- (f) All municipal utilities shall be provided underground to stalls.
- (g) A minimum of 5% of the gross site area shall be devoted to recreational use.
- (h) All areas not occupied by manufactured home units and their additions, roadways, footpaths, driveways, permanent buildings and any other developed facilities shall be fully landscaped to the satisfaction of the Development Authority. Screen fences or walls shall be erected where deemed necessary by the Development Authority around maintenance yards, refuse collection points and playgrounds.
- (i) No part of the park shall be used for non-residential purposes except such uses as are required for the direct servicing and well-being of the park residents and for the management and maintenance of the park.
- (j) Manufactured home park facilities shall be arranged to create a homelike atmosphere. This objective may be achieved by variations in street pattern, block shapes, and the location of manufactured home unit stalls.
- (k) Each stall shall be clearly marked off by means of stakes, countersunk steel posts, fences, curbs or hedges.
- (l) Street lighting shall be to the same standard as that in a conventional residential neighbourhood.
- (m) Only one main, free-standing, identification sign of residential character and appearance may be erected at the entrance to a manufactured home park, unless the Development Authority is of the opinion that a second and similar sign shall be allowed under exceptional circumstances relating to the layout, location and size of the park in relation to surrounding areas. The sign or signs shall be of a size, type and construction acceptable to the Development Authority. Directional signs within the manufactured home park must be integrated in design and appearance, be kept in scale with the immediate surroundings and constructed of durable material.
- (n) Manufactured home units shall be separated from each other by at least 3.5 m. Any porch or addition to the manufactured home unit shall be regarded as part of the manufactured home unit for the purpose of this separation.
- (o) The minimum distance between a manufactured home unit and the front, side, or rear lines of its stall shall be 3.0 m.
- (p) The minimum lot area of the manufactured home park shall be 2.0 ha (4.9 ac.).
- (q) The maximum permissible density for a manufactured home park shall be 20 manufactured home units per gross developable hectare (8 per ac.) of the lot being developed at each stage of development.
- (r) The minimum area for a manufactured home stall shall be 370 m².

9.7 RIDING ARENA, PRIVATE

- (1) A Development Permit is required for a Riding Arena, Private.
- (2) A Riding Arena, Private shall be an Accessory use on a Lot with a Principal residence.

- (3) A Riding Arena, Private shall not have a building or structure larger than 1,500 m² (16,146 ft²) in area.
- (4) A Riding Arena, Private shall be used solely by the occupants of the residence and/or by not more than four (4) non-resident users per day in addition to the residents.
- (5) The Approving Authority may require a manure management plan as a condition of development permit.

9.8 SOLAR COLLECTORS

- (1) A solar collector may be located on the roof or wall of a building or structure.
- (2) A solar collector mounted on a roof with a pitch of less than 4:12, may project:
 - (a) A maximum of 0.5 m from the surface of a roof, when the solar collector is located 5.0 m or less from a side lot line, measured directly due south from any point along the side lot line; and
 - (b) In all other cases, maximum of 1.3 m from the surface of a roof.
- (3) A solar collector mounted on a roof with a pitch of 4:12 or greater, may project a maximum of 1.3 m from the surface of a roof.
- (4) A solar collector mounted on a roof must not extend beyond the outermost edge of the roof.
- (5) A solar collector that is mounted on a wall:
 - (a) Must be located a minimum of 2.4 m above grade; and
 - (b) May project a maximum of:
 - (i) 1.5m from the surface of that wall, when the wall is facing a rear lot line; and
 - (ii) In all other cases, 0.6 m from the surface of that wall.
- (6) A solar collector mounted on a structure must meet yard setback and district height regulations.

9.9 USES PERMITTED IN ALL LAND USE DISTRICTS

- (1) The following Uses are permitted in all Land Use Designations:
- (a) Public utility;
 - (b) Road;
 - (c) Highway; and
 - (d) Park.

9.10 WRECKING YARD (AUTO AND EQUIPMENT WRECKAGE SITE)

- (1) Wrecking Yards shall have a minimum area of 1.0 ha and a maximum area of 4.0 ha for storage, and must be completely fenced and screened by a type of fence approved by the Development Authority to a height of 2.4 m.
- (2) All vehicles within a Wrecking Yards shall be stored within the enclosure and maintenance of the site shall be in accordance with any standards deemed necessary by the Development Authority.

PART 10 – PARKING & LOADING FACILITIES

10.1 PARKING FACILITIES – GENERAL REGULATIONS

- (1) Parking stalls and loading spaces shall be clearly marked in the parking facility. Such marking shall be regularly maintained to ensure legibility to users and shall be to the satisfaction of the Development Authority.
- (2) All off-street parking facilities shall be so constructed that:
 - (a) Necessary curb cuts are located and flared to the satisfaction of the Development Authority;
 - (b) Every off-street parking space provided, and the access thereto, shall be hard-surfaced if the access is from a street or lane which is hard-surfaced;
 - (c) Parking facilities used at night shall have adequate lighting for the entire parking facility. Such lighting shall be directed away from adjacent residential properties and other properties where in the opinion of the Development Authority they would have adverse effects;
 - (d) Grades and drainage shall dispose of surface water. In no case shall grades be established that would permit surface drainage to cross any sidewalk or site boundary without the approval of the Development Authority or Municipal Planning Commission; and
 - (e) Parking for the physically handicapped shall be provided as provincial regulations require and shall be considered as part of the number of stalls required for the project.
- (3) Where a proposed development will, from time to time, require pick-up or delivery of commodities, adequate space for the loading and unloading of same shall be provided and maintained on the site to the satisfaction of the Development Authority or Municipal Planning Commission.
- (4) Pursuant to 10.1(3), the Development Authority shall consider the following criteria when reviewing off-street loading regulations:
 - (a) Off-street loading spaces shall have dimensions of not less than 4.0 m in width and 8.0 m in length;
 - (b) Have overhead clearance of not less than 5.3 m above grade;
 - (c) Have vehicular access to and exit from a street or lane either directly or by a clearly defined traffic aisle;
 - (d) Be sited at an elevation or elevations convenient to a major flood level in the building or to a utility elevator serving each major flood level;

- (e) Be so graded and drained as to dispose of all surface water. In no case shall grades be established that would permit drainage to cross site boundaries or sidewalks without the approval of the Development Authority or Municipal Planning Commission;
- (f) Be paved or hard-surfaced where an off-street parking facility is required to be paved or hard-surfaced;
- (g) Have adequate lighting to the satisfaction of the Development Authority or Municipal Planning Commission; and
- (h) Be screened on each side adjoining or fronting on any property in a residential district by a wall, fence, earth berm or hedge of not less than 2.0 m in height, to the satisfaction of the Development Authority or Municipal Planning Commission.

10.2 PARKING AREAS

- (1) Unless otherwise approved by the Development Authority, each development shall provide on its site a parking area containing, at a minimum, the number of parking spaces as calculated in Table 10.2.1.

Table 10.2.1 – Parking Requirements

Use of a Building or Site	Minimum Number of Parking Spaces
Residential Uses	
Multi-family dwellings	2 per dwelling unit
Seniors apartments	1 per dwelling unit, or as required by the Development Authority
Boarding houses	1 per bedroom
Senior citizen homes	1 per dwelling unit
Secondary suites	1 per bedroom
All other dwellings	2 per dwelling unit
Manufactured home parks	In addition to 2 per dwelling unit, 1 visitor parking space per 4 manufactured home units
Commercial and Industrial Uses	
Eating and drinking establishments	1 per 5 seating spaces
Eating and drinking establishments (take out)	1 per 13 m ² (140 ft ²) of gross leasable area plus 1 per 3 employees on maximum shift
Drive thru restaurants	2 per drive thru window
Other drive thru businesses	2 per drive thru window
Hotels and motels	1.5 per rentable unit
Bed and breakfast	1 per bedroom
Home occupations	1 in addition to the requirements for the residential use
All other commercial uses	1 per 28 m ² (301.4 ft ²) of gross leasable area
All industrial uses	1 per 46 m ² (495 ft ²) of gross leasable area
Institutional Uses	
Places of Public Assembly	1 per 5 seating spaces
Schools (elementary/junior high)	2 per classroom
High schools	3 per classroom
Commercial schools	1 per student
Hospitals and similar uses	2 per bed
Nursing homes	0.75 per bed

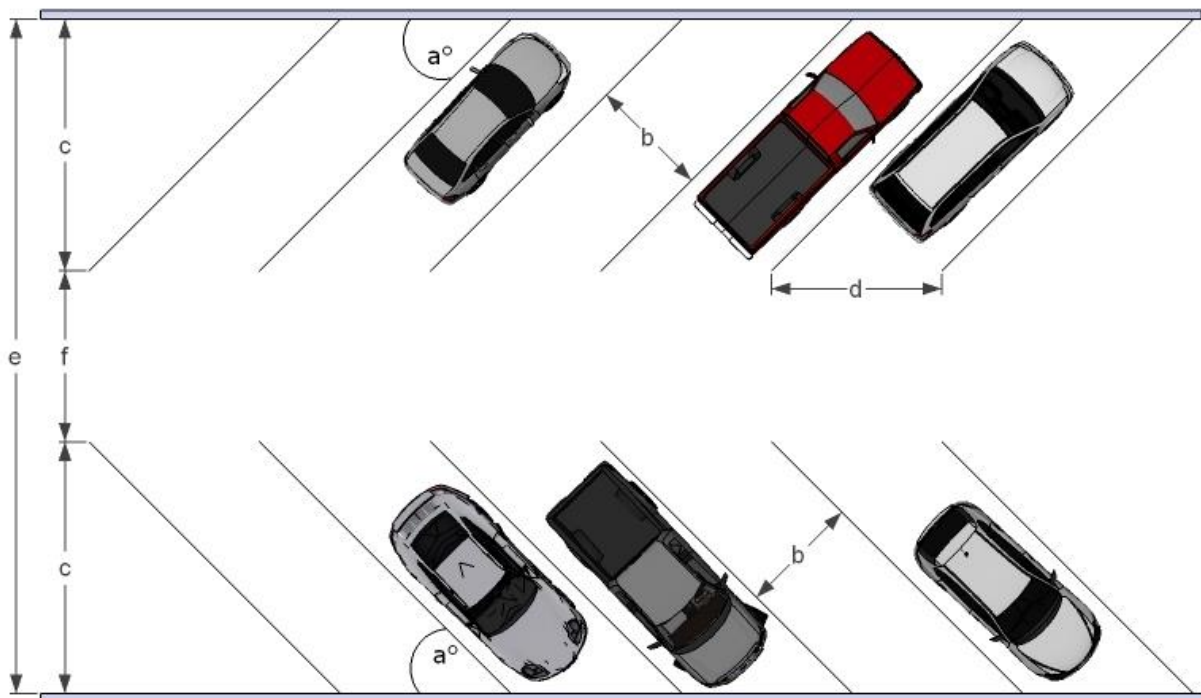
- (a) In the case of a use not specifically mentioned, the required number of on-site parking spaces shall be the same as for a similar use as determined by the Development Authority.
- (b) Where a development contains more than one use as listed, the required number of parking spaces shall be the sum of the requirements for each of the uses listed.

- (c) Where a fractional number of parking spaces are required, the next highest number of spaces shall be provided.
 - (d) If the Development Authority approves, one or more developments or uses may pool their minimum required parking spaces within one or more communal parking areas and may thereby collectively fulfill the requirements of this Bylaw.
- (2) At the discretion of the Development Authority, a developer may pay money to the Town in lieu of providing parking spaces. The amount of money will be determined by Council and be based on the amount of money needed to acquire land and to develop the required number of parking spaces on adjacent lands.
- (3) Surfacing and Drainage
- (a) All parking areas shall be clearly marked, landscaped and adequately lit with lighting away from adjacent sites, adequately graded and drained to dispose of all stormwater run-off, contain the necessary curb cuts, and surfaced in a manner to match the road or lane from which the parking area gains access.
 - (b) The approach or access to every off-street parking area shall be surfaced in the same manner as the adjoining road from which access is gained.
 - (c) Drainage shall only be allowed to cross sidewalks if approved by the Development Authority.
- (4) All parking areas shall conform to the requirements shown in Table 10.2.2 and Figure 10.2.3.

Table 10.2.2 – Required Parking Stall Dimensions

(a) Parking Angle (in degrees)	(b) Width of Space in m (ft)	façade Stall Depth Perpendicular to Aisle	(d) Width of Space Parallel to Manoeuvring Aisle in m (ft)	façade Overall Depth in m (ft)	(f) Width of Manoeuvring Aisle in m (ft)
0	2.7 (9)	2.7 (9)	7.0 (23)	9.1 (30)	3.6 (12)
30	2.7 (9)	5.2 (17)	5.5 (18)	14.0 (46)	3.6 (12)
45	2.7 (9)	5.9 (19)	4.0 (13)	15.2 (50)	4.0 (13)
60	2.7 (9)	6.1 (20)	3.1 (10)	18.3 (60)	6.1 (20)
90	2.7 (9)	6.1 (20)	2.7 (9)	19.5 (64)	7.3 (24)

Figure 10.2.1 – Parking Guide to Correspond with Table



10.3 OFF-STREET LOADING AREAS

- (1) Where a proposed development will, in the opinion of the Development Authority, require pick-up or delivery of commodities, adequate space for the loading and unloading of same shall be provided and maintained on the site.
- (2) When required by the Development Authority, loading spaces shall:
 - (a) Have dimensions of not less than 3.5 m (11.5 ft.) in width, 7.5 m (24.6 ft.) in length, and 4.0 m (13.1 ft.) in height above grade;
 - (b) Have vehicular ingress to, and egress from, a road or lane either directly or by a clearly defined traffic aisle such that no backing or turning movements of vehicles going to or from the loading space shall cause interference with traffic in the abutting road or lane;
 - (c) Be sited at an elevation or elevations convenient to a major floor level in building or to a utility elevator serving each major floor level;
 - (d) Be so graded and drained as to dispose of all storm water runoff. Drainage shall only be allowed to cross sidewalks if approved by the Development Authority;
 - (e) Be surfaced in the same manner as the adjacent road or lane; and
 - (f) Be screened on each side adjoining any Residential District by a wall, fence, earth berm or hedge of not less than 1.5 m (4.9 ft.) and not more than 2.0 m (6.6 ft.) in height.
- (3) The number of loading spaces required to be provided in a development shall be as follows:
 - (a) For a retail, industrial, warehouse, or similar development,
 - (i) One (1) space for a development of less than 460 m² (4951.6 ft²) of gross leasable area, plus
 - (ii) One (1) space for the next 1840 m² (19,805.6 ft²) of gross leasable area or fraction thereof in a development, plus
 - (iii) One (1) additional space for each additional 2300 m² (24,757.0 ft²) of gross leasable area or fraction thereof in a development.
 - (b) For an office use, place of public assembly, convalescent home, institution, club or lodge, school or any similar use, one (1) space for a development of less than 2800 m² (30,139.9 ft²) of gross floor area, and one (1) additional space for each additional 2800 m² (30,139.9 ft²) of gross floor area or fraction thereof.
 - (c) For multi-family dwellings, one (1) space for each twenty (20) dwelling units or fraction thereof.
 - (d) Any other building or use shall provide loading spaces as required by the Development Authority.
 - (e) Where a fractional number of loading spaces are required, the next highest number of spaces shall be provided.

PART 11 – SIGNS

11.1 PURPOSE

- (1) The purpose of this Chapter is to regulate the development and display of signage within the Town of Rimbey. This Chapter provides signage development standards related to:
 - (a) Location.
 - (b) Type.
 - (c) Quantity.
 - (d) Height.
 - (e) Size.

11.2 DEFINITIONS

- (1) For the purpose of this Part the following definitions shall apply, in addition to those contained in Section 2.2:
 - (a) “A-Frame Sign” means a temporary, movable, self-supporting A-shaped sign consisting of two flat surfaces joined at the upper end and resting on the ground
 - (b) “Awning Sign” means a non-illuminated sign painted on the fabric surface supported by an exterior wall of a building
 - (c) “Billboard” means a structure, primarily self-supporting, which is used for the display of general advertising, the subject matter of which is not necessarily related to the use or ownership of the property on which the structure is located
 - (d) “Building Face” means the total area of the wall of a building
 - (e) “Copy” means the text, illustrations and symbols that make up the message on a sign
 - (f) “Freestanding Sign” means a sign on a standard or column permanently attached to the ground and which is not connected in any way to any building or other structure
 - (g) “Identification Sign” any sign which is used to display the address, and name of a building or parcel of land
 - (h) “Illuminated Sign” means any sign illuminated either directly from a source of light incorporated in or connected with the sign, or indirectly from an artificial source
 - (i) “Portable Sign” means a sign, excluding A-board and temporary signs that can be carried or transported from one site to another
 - (j) “Projecting Sign” means a sign, which is attached to a building or structure so that part of the sign projects beyond the face of the building or structure
 - (k) “Real-Estate Sign” means any temporary sign which advertises for the sale, lease, or rent of a building or parcel of land
 - (l) “Roof Sign” means any sign placed on or over a roof

- (m) “Rotating Sign” means any sign or part of a sign which moves in a clockwise or counter-clockwise motion
- (n) “Sign” means any word, letter, model, picture, symbol, device or representation used as, or which is in the nature of, wholly or in part, an advertisement, announcement or direction. Any structure, or portion thereof, which is used primarily to carry, hold, maintain, support or sustain a sign is construed as being part of the sign, and except as provided for in this Bylaw, is subject to all regulations governing signs.
- (o) “Sign Area” means the total surface area within the outer periphery of the said sign, and in the case of a sign comprised of individual letters or symbols, shall be calculated as the area of a rectangle enclosing the letters or symbols. Frames and structural members not bearing advertising matter shall not be included in computation of surface area.
- (p) “Sign Height” means the vertical distance measured from natural grade at the base of the sign to the highest point of such sign.
- (q) “Temporary Sign” means a sign or banner that is not permanently installed or affixed, advertising a product, activity or event on a limited time basis and does not include a portable sign.
- (r) “Third Party Sign” typically associated with a “Billboard Sign” means a sign, which directs attention to a business, commodity, service, or entertainment conducted, sold or offered at a location other than the premise on which the sign is located
- (s) “Vehicle Sign” means a sign mounted, posted or otherwise adhered on or to a motor vehicle, including but not limited to trailers, wagons, tractors, and recreational vehicles
- (t) “Wall Sign” means a sign placed flat and parallel to the face of the building so that no part projects more than one foot from the building
- (u) “Window Sign” means a sign which is painted on or affixed to a window and faces towards an adjacent sidewalk or roadway

11.3 SIGNS

- (1) Sign Permit Required:
 - (a) Except as stated in Section 10.3(2), no sign shall be erected or altered on land or affixed to any exterior surface of a building or structure unless a sign permit for this purpose has been issued by the Development Authority
 - (b) Unless otherwise specified in this Bylaw a permit is required for the following signs:
 - (i) Free standing sign
 - (ii) Wall sign
 - (iii) Canopy sign
 - (iv) Rotating sign
 - (v) Projecting sign
 - (vi) Roof sign
 - (vii) Billboard sign

(viii) Portable sign

(2) Sign Permit Not Required:

- (a) Unless otherwise specified in this Bylaw no sign permit is required for the following signs:
- (i) Signs posted or displayed within the interior space of a building
 - (ii) Signs posted or displayed in or on an operating motor vehicle if the vehicle is not temporarily or permanently parked solely for the purpose of displaying the sign
 - (iii) A statutory or official notice of a function of the Town
 - (iv) Signs posted by a municipal, provincial, or federal government agency
 - (v) Traffic and directional signs authorized by the Town and/or Alberta Provincial Authorities
 - (vi) The erection of campaign signs for federal, provincial, municipal, or school board elections on private properties for no more than thirty (30) days, or such other time as regulated under provincial or federal legislation provided that
 - (1) Such signs are removed within ten (10) days of the election date
 - (2) The consent of the property owner or occupant is obtained
 - (3) Such signs do not obstruct or impair vision or traffic
 - (4) Such signs are not attached to utility poles
 - (5) Such signs indicate the name and address of the sponsor and the person responsible for removal
 - (vii) A non-illuminated sign that is posted or exhibited solely for the identification of the address or name of the land or building on which it is displayed including signs identifying the occupants, if the sign:
 - (1) Does not exceed 1.0 m² in area, and
 - (2) Is posted only at each entrance from which access from a public roadway to the building is provided
 - (3) Does not advertise for a home-based business or bed and breakfast establishment
 - (viii) A non-illuminated sign that is posted or exhibited for sale, lease or rentals of land or a building if the sign:
 - (1) Is 3.0 m² or less in area
 - (2) Is posted only on each side of the building or land facing a different public roadway
 - (ix) Window Sign
 - (x) An A-Frame sign:
 - (1) Provided it is advertising for goods or services which are located for sale or offered on the same lot or on a sidewalk adjacent to the same lot
 - (2) Does not obstruct vehicular or pedestrian traffic
 - (xi) A non-illuminated sign of a building contractor relating to construction work in progress on the land on which such signs are erected, provided that:
 - (1) Such signs are removed within fourteen (14) days of occupancy, and

- (2) Such sign are limited in size to a maximum of 3.0 m², and in number to one sign for each boundary of the property under construction which fronts onto a public street.

11.4 SIGNS PERMIT SUBMISSION

- (1) An application for a Development Permit to structurally alter or erect a Sign that requires a Development Permit shall be made to the Development Authority and shall include the following:
 - (a) A letter of consent from the registered owner of the land or building upon which the sign will be located.
 - (b) A letter outlining the contact information of the owner of the Sign.
 - (c) The location of all existing and proposed Signs on the building façade or on a site plan of the parcel indicating the front and side property lines, setbacks and distances from existing buildings.
 - (d) Two copies of a rendering / illustration of the proposed Sign with dimensions and total Sign Area, height of top and bottom of the Sign above average ground level and thickness of the Sign.
 - (e) Materials, finishes, colours, size of lettering and graphics.
 - (f) Mounting or installation details: the Development Authority may require that a structural drawing be prepared and sealed by a Professional Engineer.
 - (g) Mounting height or clearance to grade.
 - (h) The appropriate fee.

11.5 PROHIBITED LOCATION

- (1) No part of any sign, including any accessory components, shall be located on any roadway, boulevard, sidewalk. Only 'A-Frame' type signs may be permitted on a sidewalk abutting a business but must first receive the written consent of the Development Authority. 929/16
- (2) No part of any sign, including any accessory components, shall be located on any land owned by the Development Authority without a council motion granting use of the land prior to the Development Authority issuing a Development Permit. 929/16

11.6 SIGN DEVELOPMENT STANDARDS

- (1) Unless provided elsewhere in this Bylaw, signs shall be erected in accordance with the standards specified in Table 11.6.1.

Table 11.6.1 – Sign Development Standards

Type of Sign	Land Use Designation and Development Standards											
	PS			R1, R1A, R2, R3, RE, CR, MHP, MHS 932/17			C1			C2, M		
	#	H	SA	#	H	SA	#	H	SA	#	H	SA
Freestanding Sign	1	4.0 m	3.0 m ²	1	1.5 m	1.5 m ²	1	10m	10 m ²	1	10 m	12 m ²
Wall Sign	1	N/A	3.0 m ²	1	N/A	1.0 m ²	1 [^]	N/A	20 m ²	1 [^]	N/A	24 m ²
A-Frame Sign	1*	1.0 m	0.7 m ²	Not Permitted			1*	1.0 m	0.7 m ²	1*	1.0 m	0.7 m ²
Temporary Sign	1	4.0 m	3.0 m ²	Not Permitted			1	6.0 m	9.0 m ²	1	6.0 m	9.0 m ²
Canopy Sign	1*	2.5 m ^{**}	1.5 m ²	Not Permitted			1*	2.5 m ^{**}	1.5 m ²	1*	2.5 m ^{**}	1.5 m ²
Rotating Sign	Not permitted			Not Permitted			1	10 m	10 m ²	1	12 m	15 m ²
Projecting Sign	Not permitted			Not Permitted			1	2.5 m ^{**}	1.5 m ²	1	2.5 m ^{**}	1.5 m ²
Roof Sign	Not Permitted			Not Permitted			1	7.5 m	10 m ²	1	10 m	15 m ²
Billboard Sign	Not Permitted			Not Permitted			1	10 m	10 m ²	1	9.5 m	12 m ²
Portable Sign	Not Permitted			Not Permitted			1	2.5 m	3.0m ²	1	2.5 m	3.0 m ²
<p>Key</p> <p># = Refers to the maximum Number of Signs permitted per lot</p> <p>H = Refers to the maximum Sign Height permitted</p> <p>SA = Refers to the maximum Sign Area permitted</p> <p>[^] = Refers to the maximum number of permitted signs per each side of a building facade</p> <p>* = Refers to the maximum number of permitted signs per business on a lot</p> <p>** = Refers to the minimum vertical clearance from grade or, if applicable, a sidewalk to the bottom of the sign</p>												

- (2) In addition to the standards specified in Table 3, the following regulations will also apply:
- (a) Awning/Canopy Sign
 - (i) No portion of the canopy/awning shall be closer than 600 mm to a vertical line drawn from the adjacent curb.
 - (b) Billboard Sign
 - (i) Where a billboard shares a lot with a building, no billboard shall be located in the front or side yard which runs parallel to an adjacent roadway.
 - (ii) Billboards shall be spaced at a distance of 90 metres from one another.
 - (iii) Where a portable sign is serving as a billboard it shall be spaced 45 metres from other portable or permanent signs serving as billboards.
 - (c) Freestanding Signs
 - (i) No freestanding sign shall be located within 10 m of the intersection of lanes/streets, or a street or lane.
 - (ii) For any lot located in the C2 or M designations, one Freestanding Sign shall be permitted for every 90 metres of frontage.
 - (iii) Illuminated Freestanding Signs shall be permitted only in C1, C2 and M designations.
 - (iv) Copy is permitted on both sides of Freestanding Signs, including signs angled up to 90 degrees, therefore allowing the Sign Area to be double the permitted Sign Area.
 - (v) Freestanding Signs shall not be located closer than 1.0 m to any front, rear, or side property line.
 - (vi) In accordance with Alberta Transportation's setback requirements where abutting a highway.
 - (d) Wall Signs
 - (i) Wall signs shall be restricted to the first storey of the building in the R1, R2, R3, MHP, MHS, RCE, PS zone designations.
 - (ii) Wall signs shall not project more than 0.4 m horizontally from the Building Face to which it is attached.
 - (iii) Illuminated Wall Signs shall be permitted only in C1, C2, and M designations.
 - (e) Portable Signs
 - (i) Copy is permitted on both sides of Projecting Signs, therefore allowing the Sign Area to be double the permitted Sign Area.
 - (ii) Maximum one (1) Portable Sign shall be displayed per lot.
 - (iii) Portable Signs shall not be located within a required off street parking space or a driveway.

- (f) Projecting Signs
 - (i) Copy is permitted on both sides of Projecting Signs, therefore allowing the Sign Area to be double the permitted Sign Area.
 - (ii) The height of a Projecting Sign shall refer to the minimum vertical clearance from grade or, if applicable, a sidewalk, and shall be a minimum of 2.5m.

- (g) Temporary Signs
 - (i) Large Temporary Signs relating to the sale or renting of land, the sale of goods or livestock, the carrying out of building or similar work, or announcement of any local event must obtain a development permit and meet the following conditions:
 - (1) Maximum two (2) Temporary Signs not exceeding a total Sign Area of 9.0 m²;
 - (2) Copy is permitted on both sides of the Temporary Sign, including signs angled up to 90 degrees, therefore allowing Sign Area to be double the permitted Sign Area;
 - (3) The maximum Sign Height shall not exceed 6.0 m;
 - (4) The Temporary Sign shall be removed by the advertiser within fifteen (15) days of the completion of the event, sale, or works to which such signs relate.

- (h) Signage for a Bed and Breakfast
 - (i) Each Bed and Breakfast homestay shall provide one (1) on-site Freestanding Sign for the purpose of identification and shall be regulated in accordance with the following requirements:
 - (1) The sign shall be located within the front yard and must be visible from a public road;
 - (2) The sign be attached to either existing fencing or on independent posts to the satisfaction of the Development Authority;
 - (3) The sign shall be constructed using high density plywood or solid wood and shall be finished with high density reflective finish or equivalent, with dye cut lettering or silk screen lettering.

11.7 ADDITIONAL SIGN REGULATIONS

- (1) All signs requiring a sign permit shall follow the development permit process as specified under Section 4.1 of this Bylaw.
- (2) Council may require the removal of any sign, which is in its opinion, has become unsightly, or is in such a state of disrepair as to constitute a hazard.
- (3) Quality, aesthetic character and finishing of sign construction shall be to the satisfaction of the Development Authority.

- (4) Where, in the opinion of the Development Authority, a proposed sign in a Commercial or Industrial District might be objectionable to a resident in any adjacent residential district, the Development Authority may impose such other regulations as they feel would protect the interests of residents.
- (5) Flashing, animated or interiorly illuminated signs shall not be permitted in any district where in the opinion of the Development Authority they might:
 - (a) Affect residents in adjacent housing, or residential districts;
 - (b) Interfere with or obstruct a motor vehicle driver's vision or interpretation of oncoming traffic signs or traffic signal lights.
- (6) Notwithstanding Subsection (5), no person shall exhibit or place an illuminated sign that permits or provides for:
 - (a) A current interrupting or flashing device, unless there is a continuous source of concealed illumination on the translucent portions of the sign;
 - (b) A flashing beacon of a type that is the same or similar to those used by emergency vehicles;
 - (c) A flashing device, animator or revolving beacon within 50.0 m of the intersection of two or more public roadways;
 - (d) A device described in 11.7(5) that would be directly visible from any residential building within a distance of 50.0 m of the sign.
- (7) No person shall erect or place a sign so that it would be considered, in the opinion of the Development Authority, to be a traffic hazard or an obstruction to the vision of persons driving motor vehicles.
 - (a) Billboard signs and electronic signs which are visible from Highway 20, Highway 20A and Highway 53, but located outside of the Highway Right-Of-Way, may be circulated to Alberta Transportation at the discretion of the Development Authority.
- (8) Notwithstanding section 11.7(7) no the Development Authority may not approve any signs located within an Alberta Transportation Highway Right-Of-Way without written approval from Alberta Transportation.
- (9) The area around sign structures shall be kept clean and free of overgrown vegetation, and free from refuse material.
- (10) The Development Authority may at their discretion require an engineer-approved plan prior to the issuance of a sign permit in order to ensure the safety of a sign, awning or canopy design and placement.
- (11) Notwithstanding Section 4.1 of this Bylaw, the Development Authority may, with respect to an application for a sign permit,

- (a) Grant a sign permit to an applicant subject to such conditions considered necessary to ensure this Bylaw is complied with;
- (b) Refuse the application.

PART 12 – DISTRICTS AND REGULATIONS

12.1 ESTABLISHMENT OF DISTRICTS AND DISTRICT REGULATIONS

- (1) Land use district and land use regulations shall be set forth in Part 12 and may be amended in the same manner as any other Part or Section of this Bylaw.

12.2 LAND USE DISTRICTS

- (1) The Town is hereby divided into the following districts:

Designation Name	Designation Acronym
Low Density Residential	R1
Low Density General Residential	R2
High Density Residential	R3
Manufactured Home Park	MHP
Manufactured Home Subdivision	MHS
Residential Estate	RE 932/17
Country Residential	CR 932/17
Central Commercial	C1
Highway Commercial	C2
Industrial	M
Public Service	PS
Urban Holdings	UH
Direct Control	DC

12.3 LAND USE DISTRICT MAP

- (1) Land use districts specified under 12.2 are described in the short form on the LAND USE DISTRICT MAP which is an integral part of this Bylaw.

- (2) Throughout this Bylaw and amendments thereto, a District may be referred to either by its full name or its abbreviation.
- (3) The district regulations are delineated on the LAND USE DISTRICT MAP. Where uncertainty arises as to the precise location of the property of any district, the following rules shall apply:
 - (a) Where a boundary is shown as following a street, lane, stream or canal, it shall be deemed to follow the centreline thereof.
 - (b) Where a boundary is shown as approximately following a lot line, it shall be deemed to follow the lot line.
 - (c) In circumstances not covered by Subsections (a) and (b) above the location of the district boundary shall be determined by:
 - (i) Where dimensions are set out on the Land Use District Map, by the dimensions so set, or
 - (ii) Where dimensions are set out on the Land Use District Map with respect to such boundary, by measurement of and use of the scale shown on the Land Use District Map.
- (4) Where the application of the above rules does not determine the exact location of the boundary of a district, the Council either on its motion or upon written application being made to it by a person requesting the determination of the exact location of the boundary shall fix the portion of the district boundary in doubt or dispute in a manner consistent with the regulations of this Bylaw and the degree of detail as to measurements and directions as the circumstances may require.
- (5) After Council has fixed a district boundary pursuant to the provisions of subsection (3), the portion of the boundary so fixed shall not be thereafter altered except by an amendment to this Bylaw.
- (6) The Council shall maintain a list of its decisions with respect to boundaries or portions thereof fixed by it.

12.4 LOW DENSITY RESIDENTIAL (R1)**(1) Purpose**

The R1 – Low Density Residential designation is intended to accommodate the development of low-density residential development on moderately sized lots throughout the community.

(2) Permitted and Discretionary Uses

Table 12.4.1 outlines the permitted and discretionary uses contemplated in the R1 designation where approval is subject to the issuance of an authorized development permit.

Table 12.4.1

Permitted Uses	Discretionary Uses
<ul style="list-style-type: none"> • Housing, secondary suite • Housing, single-detached • Home based business • Park 	<ul style="list-style-type: none"> • Bed and breakfast • Day care centre, adult • Day care centre, child • Group home • Housing, modular • Religious institution • Utility installations • Solar Collectors

(3) Lot Area

The minimum lot area shall be in accordance with the following table:

Table 12.4.2

Use	Minimum Lot Area
Housing, single-detached	550 m ²
Other principle uses listed in Table 12.4.1	550 m ²

(4) Lot Frontage

The minimum lot frontage shall be in accordance with the following table:

Table 12.4.3

Use	Minimum Lot Frontage (m)
Housing, single-detached	15 metres
Other principle uses listed in Table 12.4.1	15 metres

(5) Lot Coverage

The maximum lot coverage of buildings (principle and accessory) shall be in accordance with the following table:

Table 12.4.4

Use	Maximum Lot coverage (%)
Housing, single-detached	40%
Other principle uses listed in Table 12.4.1	40%

(6) Front Yard Setback

The minimum front yard setback shall be in accordance with the following table:

Table 12.4.5

Use	Minimum Front Yard Setback (m)
Housing, single-detached	6 metres
Other principle uses listed in Table 12.4.1	6 metres

(7) Rear Yard Setback

The minimum rear yard setback shall be in accordance with the following table:

Table 12.4.6

Use	Minimum Rear Yard Setback (m)
Housing, single-detached	6 metres
Other principle uses listed in Table 12.4.1	6 metres
Accessory buildings	1.5 metres

(8) Side Yard Setback

The minimum side yard setback shall be in accordance with the following table:

Table 12.4.7

Use	Minimum Side Yard Setback (m)
Housing, single-detached (side property line of a flanking street)	3.0 metres
Housing, single-detached (on one side of the lot where there is no road or lane access from the rear yard)	3.0 metres
Other principle uses listed in Table 12.4.1	1.5 metres

(9) Height

The maximum building height shall be in accordance with the following table:

Table 12.4.8

Use	Maximum Building Height (m)
Housing, single-detached	11 metres
Other principle uses listed in Table 12.4.1	11 metres

(10) Additional Regulations

- (a) Accessory uses in this designation shall be subject to the regulations as per **8.1**.
- (b) Temporary uses in this designation shall be subject to the regulations as per **8.25**.
- (c) Non-conforming uses in this designation shall be subject to the regulations in **3.3**.
- (d) Parking and loading facilities in this designation shall be provided in accordance with the regulations in **Part 10**.
- (e) Landscaping in this designation shall be provided in accordance with the regulations in **8.16**.
- (f) The construction of signs in this designation shall be in accordance with the regulations in **Part 11**.

12.5 LOW DENSITY GENERAL RESIDENTIAL (R2)

(1) Purpose

The R2 – Low Density General Residential designation is intended to provide opportunities for innovation in residential development. Through the provision of narrower lots the development of low density housing types will be provided at higher than conventional densities.

(2) Permitted and Discretionary Uses

Table 12.5.1 outlines the permitted and discretionary uses contemplated in the R2 designation where approval is subject to the issuance of an authorized development permit.

Table 12.5.1

Permitted Uses	Discretionary Uses
<ul style="list-style-type: none"> • Housing, duplex • Housing, single-detached • Housing, secondary suite • Home based business • Park 	<ul style="list-style-type: none"> • Bed and breakfast • Day care centre, adult • Day care centre, child • Group home • Housing, modular • Religious institution • Utility installations • Solar Collectors

(3) Lot Area

The minimum lot area shall be in accordance with the following table:

Table 12.5.2

Use	Minimum Lot Area
Housing, duplex	200 m ² (per unit)
Housing, single detached (with adjacent rear lane)	250 m ²
Housing, single detached (without adjacent rear lane)	400 m ²
Other principle uses listed in Table 12.5.1	325 m ²

(4) Lot Frontage

The minimum lot frontage shall be in accordance with the following table:

Table 12.5.3

Use	Minimum and Maximum Lot Frontage (m)
Housing, duplex	Minimum 7.5 metres but maximum 10.5 metres
Housing, single detached (with adjacent rear lane)	Minimum/maximum of 7.5 metres
Housing, single detached (without adjacent rear lane)	Minimum/maximum of 10.5 metres
Other principle uses listed in Table 12.5.1	Minimum 7.5 metres but maximum 10.5 metres

(5) Lot Coverage

The maximum coverage of buildings (principle and accessory) on a lot shall be in accordance with the following table:

Table 12.5.4

Use	Maximum Lot coverage (%)
Housing, duplex	55%
Housing, single detached (with adjacent rear lane)	55%
Housing, single detached (without adjacent rear lane)	55%
Other principle uses listed in Table 12.5.1	55%

(6) Front Yard Setback

The minimum front yard setback shall be in accordance with the following table:

Table 12.5.5

Use	Minimum Front Yard Setback (m)
Housing, duplex	6 metres
Housing, single detached (with adjacent rear lane)	6 metres
Housing, single detached (without adjacent rear lane)	6 metres
Other principle uses listed in Table 12.5.1	6 metres

(7) Rear Yard Setback

The minimum rear yard setback shall be in accordance with the following table:

Table 12.5.6

Use	Minimum Rear Yard Setback (m)
Housing, duplex	5 metres
Housing, single detached (with adjacent rear lane)	5 metres
Housing, single detached (without adjacent rear lane)	5 metres
Other principle uses listed in Table 12.5.1	5 metres
Accessory buildings	1.5 metres

(8) Side Yard Setback

The minimum side yard setback shall be in accordance with the following table:

Table 12.5.7

Use	Minimum Side Yard Setback (m)
Housing, duplex	1.5 metres
Housing, single-detached (side property line of a flanking street)	3.0 metres
Housing, single-detached (on one side of the lot where there is no road or lane access from the rear yard)	3.0 metres
Other principle uses listed in Table 12.5.1	1.5 metres

(9) Height

The maximum building height shall be in accordance with the following table:

Table 12.5.8

Use	Maximum Building Height (m)
Housing, duplex	11 metres
Housing, single detached (with adjacent rear lane)	11 metres
Housing, single detached (without adjacent rear lane)	11 metres
Other principle uses listed in Table 12.5.1	11 metres

(10) Design Regulations

- (a) Where a lot has access to an adjacent rear lane, no vehicular access to the lot shall be provided from the fronting public roadway.
- (b) Where there is an attached garage accessed via the fronting public roadway, the garage shall not extend more than 1.0 metre in front of the living space of the dwelling.
- (c) Where there is an attached garage accessed via the fronting public roadway, the width of the garage facing the fronting roadway shall not exceed 50 percent of the total front façade/elevation of a dwelling.

(11) Additional Regulations

- (a) Accessory uses in this designation shall be subject to the regulations as per **8.1**.
- (b) Temporary uses in this designation shall be subject to the regulations as per **8.25**.
- (c) Non-conforming uses in this designation shall be subject to the regulations in **3.3**.
- (d) Parking and loading facilities in this designation shall be provided in accordance with the regulations in **Part 10**.
- (e) Landscaping in this designation shall be provided in accordance with the regulations in **8.16**.
- (f) The construction of signs in this designation shall be in accordance with the regulations in **Part 11**.

12.6 HIGH DENSITY RESIDENTIAL (R3)

(1) Purpose

The R3 - High Density Residential designation is intended to provide opportunities for the development of higher density residential. The intent of this zone is to encourage residential development at higher densities in close proximity to key nodes and/or corridors

(2) Permitted and Discretionary Uses

Table 12.6.1 outlines the permitted and discretionary uses contemplated in the R3 designation where approval is subject to the issuance of an authorized development permit

Table 12.6.1

Permitted Uses	Discretionary Uses
<ul style="list-style-type: none"> • Housing, duplex • Housing, triplex • Housing, fourplex • Housing, row housing • Housing, secondary suite • Public parks and recreation areas 	<ul style="list-style-type: none"> • Bed and breakfast • Day care centre, adult • Day care centre, child • Group home • Home businesses • Housing, high rise apartment • Housing, low rise apartment • Religious institution • Utility installations • Solar Collectors

(3) Lot Area

The minimum lot area shall be as specified in the following table:

Table 12.6.2

Use	Minimum Lot Area (m ²)
Housing, duplex	250 m ²
Housing, low rise/high rise apartment	500 m ²
Housing, triplex	500 m ²
Housing, fourplex	500 m ²
Housing, row	120 m ² (per unit)
Other principle uses listed in Table 12.6.1	500 m ²

(4) Lot Frontage

The minimum lot frontage shall be in accordance with the following table:

Table 12.6.3

Use	Minimum Lot Frontage (m)
Housing, duplex	7.5 metres
Housing, low rise/high rise apartment	15 metres
Housing, triplex	15 metres
Housing, fourplex	15 metres
Housing, row	4 metres (per unit)
Other principle uses listed in Table 12.6.1	15 metres

(5) Lot Coverage

The maximum coverage of buildings (principle and accessory) on a lot shall be in accordance with the following table:

Table 12.6.4

Use	Maximum Lot coverage (%)
Housing, duplex	50%
Housing, low rise/high rise apartment	50%
Housing, triplex	50%
Housing, fourplex	50%
Housing, row	50%
Other principle uses listed in Table 12.6.1	50%

(6) Front Yard Setback

The minimum front yard setback shall be in accordance with the following table:

Table 12.6.5

Use	Minimum Front Yard Setback (m)
Housing, duplex	6 metres
Housing, low rise/high rise apartment	6 metres
Housing, triplex	6 metres
Housing, fourplex	6 metres
Housing, row	6 metres
Other principle uses listed in Table 12.6.1	6 metres

(7) Rear Yard Setback

The minimum rear yard setback shall be in accordance with the following table:

Table 12.6.6

Use	Minimum Rear Yard Setback (m)
Housing, duplex	5 metres
Housing, low rise/high rise apartment	5 metres
Housing, triplex	5 metres
Housing, fourplex	5 metres
Housing, row	5 metres
Other principle uses listed in Table 12.6.1	5 metres

(8) Side Yard Setback

The minimum side yard setback shall be in accordance with the following table:

Table 12.6.7

Use	Minimum Side Yard Setback (m)
Housing, duplex	1.5 metres
Housing, low rise/high rise apartment	3 metres
Housing, triplex	1.5 metres
Housing, fourplex	1.5 metres
Housing, row	1.5 metres
Other principle uses listed in Table 12.6.1	1.5 metres

(9) Height

The maximum building height shall be in accordance with the following table:

Table 12.6.8

Use	Maximum Building Height (m)
Housing, duplex	11 metres
Housing, low rise/high rise apartment	20 metres
Housing, triplex	11 metres
Housing, fourplex	11 metres
Housing, row	11 metres
Other principle uses listed in Table 12.6.1	11 metres

(10) Additional Regulations

- (a) Accessory uses in this designation shall be subject to the regulations as per **8.1**.
- (b) Temporary uses in this designation shall be subject to the regulations as per **8.25**.
- (c) Non-conforming uses in this designation shall be subject to the regulations in **3.3**.
- (d) Parking and loading facilities in this designation shall be provided in accordance with the regulations in **Part 10**.
- (e) Landscaping in this designation shall be provided in accordance with the regulations in **8.16**.
- (f) The construction of signs in this designation shall be in accordance with the regulations in **Part 11**.

12.7 MANUFACTURED HOME PARK (MHP)

(1) Purpose

The MHP – Manufactured Home Park designation is intended to provide for and regulate the development of land for the use of manufactured homes on lots in comprehensively designed parks wherein no individually titled parcels have been created.

(2) Permitted and Discretionary Uses

Table 12.7.1 outlines the permitted and discretionary uses contemplated in the MHP designation where approval is subject to the issuance of an authorized development permit.

Table 12.7.1

Permitted Uses	Discretionary Uses
<ul style="list-style-type: none"> • Housing, manufactured home • Housing, modular • Park 	<ul style="list-style-type: none"> • Group homes • Home businesses • Utility installations • Solar Collectors

(3) General Regulations

- (a) A Comprehensive site plan shall be required for manufactured home parks developed after 2015.
- (b) Prior to the development of a new Manufactured Home Park the applicant will submit to the Development Authority a comprehensive site plan and/or any other supporting documentation that will identify the following elements:
 - (i) Site area with lot lines of the manufactured home park and any titled lots clearly delineated.
 - (ii) Proposed layout and placement of individual housing units.
 - (iii) Internal and adjacent pedestrian or walkway connections.
 - (iv) Internal and adjacent roadways.
 - (v) Internal and perimeter landscaping.
 - (vi) Garbage areas.
 - (vii) Parking areas.
 - (viii) Recreational areas.
 - (ix) Storage areas.
- (c) A development permit and move-in permit are required anytime a new manufactured home unit is moved onto a Manufactured Home Park site. Move-in permits shall

require the Manufactured home unit serial number, model number and Canadian Standard Association Certification.

- (d) A move-out permits is required when units vacate a site. A new move-in permits shall not be issued until a move-out permit has been completed for the lot.
- (e) All permits are the responsibility of the Manufactured Home Park site.

(4) Manufactured Home Park Size

- (a) The gross density of a residential home park is 17 manufactured homes per hectare
- (b) A residential home park shall have a minimum park area of 2 hectares but a maximum park area of 4 hectares

(5) Setbacks

- (a) The minimum yard requirements for manufactured homes shall be at least:
 - (i) 3.5 m from a similar manufactured home unit.
 - (ii) 6.0 m from the rear lot line of the manufactured home park. 928/16
 - (iii) 2.4 m from any internal access road or common parking area. 928/16
 - (iv) 1.2 m from front lot line of the manufactured home park. 928/16

(6) Height

- (a) The maximum height as specified in Section 12.8(10) shall apply.

(7) Design Regulations

- (a) All additions shall be designed in a manner that complements the manufactured homes.
- (b) Five percent of the gross area of a manufactured home park shall be developed for recreational use either in the form of indoor community building and/or outdoor recreational space.

(8) Additional Regulations

- (a) Accessory uses in this designation shall be subject to the regulations as per **8.1**.
- (b) Temporary uses in this designation shall be subject to the regulations as per **8.25**.
- (c) Non-conforming uses in this designation shall be subject to the regulations in **3.3**.
- (d) Parking and loading facilities in this designation shall be provided in accordance with the regulations in **Part 10**.
- (e) Landscaping in this designation shall be provided in accordance with the regulations in **8.16**.
- (f) The construction of signs in this designation shall be in accordance with the regulations in **Part 11**.

12.8 MANUFACTURED HOME SUBDIVISION (MHS)

(1) Purpose

The MHS – Manufactured Home Subdivision designation is intended to provide for and regulate the development of land for the use of manufactured homes on separately titled parcels.

(2) Permitted and Discretionary Uses

Table 12.8.1 outlines the permitted and discretionary uses contemplated in the MHS designation where approval is subject to the issuance of an authorized development permit.

Table 12.8.1

Permitted Uses	Discretionary Uses
<ul style="list-style-type: none"> • Housing, manufactured home • Housing, modular • Public parks and recreation areas 	<ul style="list-style-type: none"> • Group homes • Home businesses • Utility installations • Uses accessory to the above • Solar Collectors

(3) Manufactured Home Subdivision

The following development standards apply to areas where individually titled parcels have been created.

(4) Lot Area

The minimum lot area shall be as specified in the following table:

Table 12.8.2

Use	Minimum Lot Area (m ²)
Housing, manufactured home	375 m ²
All other principle uses	500 m ²

(5) Lot Frontage

The minimum lot frontage shall be in accordance with the following table:

Table 12.8.3

Use	Minimum Lot Frontage (m)
Housing, manufactured home	7.5 metres
All other principle uses	15 metres

(6) Lot Coverage

The maximum coverage of buildings (principle and accessory) on a lot shall be in accordance with the following table:

Table 12.8.4

Use	Maximum Lot coverage (%)
Housing, manufactured home	50%
All other principle uses	50%

(7) Front Yard Setback

The minimum front yard setback shall be in accordance with the following table:

Table 12.8.5

Use	Minimum Front Yard Setback (m)
Housing, manufactured home	6 metres
All other principle uses	6 metres

(8) Rear Yard Setback

The minimum rear yard setback shall be in accordance with the following table:

Table 12.8.6

Use	Minimum Rear Yard Setback (m)
Housing, manufactured home	3 metres
All other principle uses	5 metres

(9) Side Yard Setback

The minimum side yard setback shall be in accordance with the following table:

Table 12.8.7

Use	Minimum Side Yard Setback (m)
Housing, manufactured home	1.5 metres
All other principle uses	1.5 metres

(10) Height

The maximum building height shall be in accordance with the following table:

Table 12.8.8

Use	Maximum Building Height (m)
Housing, manufactured home	5 metres
All other principle uses	11 metres

(11) Design Regulations

- (a) All additions shall be designed in a manner that complements the manufactured homes.
- (b) Ten percent of the gross area of a manufactured home park shall be developed for recreational use either in the form of indoor community building and/or outdoor recreational space.

(12) Additional Regulations

- (a) Accessory uses in this designation shall be subject to the regulations as per **8.1**.
- (b) Temporary uses in this designation shall be subject to the regulations as per **8.25**.
- (c) Non-conforming uses in this designation shall be subject to the regulations in **3.3**.
- (d) Parking and loading facilities in this designation shall be provided in accordance with the regulations in **Part 10**.
- (e) Landscaping in this designation shall be provided in accordance with the regulations in **8.16**.
- (f) The construction of signs in this designation shall be in accordance with the regulations in **Part 11**.

12.9 RESIDENTIAL ESTATE (RE)

932/17

(1) Purpose

The RE – Residential Estate designation is intended to accommodate low-density residential development in a comprehensively designed naturalized environment.

(2) Permitted and Discretionary Uses

Table 12.9.1 outlines the permitted and discretionary uses contemplated in the RE designation where approval is subject to the issuance of an authorized development permit

Table 12.9.1

Permitted Uses	Discretionary Uses
<ul style="list-style-type: none"> • Housing, secondary suite • Housing, single-detached • Park 	<ul style="list-style-type: none"> • Bed and breakfast • Day care centre, adult • Day care centre, child • Group home • Home businesses • Religious institution • Utility installations • Solar Collectors

(3) Lot Area

The minimum lot area shall be in accordance with the following table:

Table 12.9.2

Use	Minimum Lot Area
Housing, single-detached	0.5 acres
Other principle uses listed in Table 12.9.1	0.5 acres

(4) Lot Frontage

The minimum lot frontage shall be in accordance with the following table:

Table 12.9.3

Use	Minimum Lot Frontage (m)
Housing, single-detached	15 metres
Other principle uses listed in Table 12.9.1	15 metres

(5) Lot Coverage

The maximum coverage of buildings (principle and accessory) on a lot shall be in accordance with the following table:

Table 12.9.4

Use	Maximum Lot coverage (%)
Housing, single-detached	50%
Other principle uses listed in Table 12.9.1	50%

(6) Front Yard Setback

The minimum front yard setback shall be in accordance with the following table:

Table 12.9.5

Use	Minimum Front Yard Setback (m)
Housing, single-detached	5 metres
Other principle uses listed in Table 12.9.1	5 metres

(7) Rear Yard Setback

The minimum rear yard setback shall be in accordance with the following table:

Table 12.9.6

Use	Minimum Rear Yard Setback (m)
Housing, single-detached	5 metres
Other principle uses listed in Table 12.9.1	5 metres

(8) Side Yard Setback

The minimum side yard setback shall be in accordance with the following table:

Table 12.9.7

Use	Minimum Side Yard Setback (m)
Housing, single-detached	5 metres
Other principle uses listed in Table 12.9.1	5 metres

(9) Height

The maximum building height shall be in accordance with the following table:

Table 12.9.8

Use	Maximum Building Height (m)
Housing, single-detached	11 metres
Other principle uses listed in Table 12.9.1	11 metres

(10) Additional Regulations

- (a) Accessory uses in this designation shall be subject to the regulations as per **8.1**.
- (b) Temporary uses in this designation shall be subject to the regulations as per **8.25**.
- (c) Non-conforming uses in this designation shall be subject to the regulations in **3.3**.
- (d) Parking and loading facilities in this designation shall be provided in accordance with the regulations in **Part 10**.
- (e) Landscaping in this designation shall be provided in accordance with the regulations in **8.16**.
- (f) The construction of signs in this designation shall be in accordance with the regulations in **Part 11**.

12.10 COUNTRY RESIDENTIAL (CR)

932/17

(1) Purpose

The CR – Country Residential designation is intended to accommodate low-density residential development in a comprehensively designed naturalized environment but where minimal urban infrastructure and services are provided.

(2) Permitted and Discretionary Uses

Table 12.10.1 outlines the permitted and discretionary uses contemplated in the RE designation where approval is subject to the issuance of an authorized development permit

Table 12.10.1

Permitted Uses	Discretionary Uses
<ul style="list-style-type: none"> • Housing, secondary suite • Housing, single-detached • Park 	<ul style="list-style-type: none"> • Bed and breakfast • Day care centre, adult • Day care centre, child • Group home • Home businesses • Religious institution • Utility installations • Solar Collectors

(3) Lot Area

The minimum lot area shall be in accordance with the following table:

Table 12.10.2

Use	Minimum Lot Area
Housing, single-detached	2.5 acres
Other principle uses listed in Table 12.9.1	2.5 acres

(4) Lot Frontage

The minimum lot frontage shall be in accordance with the following table:

Table 12.10.3

Use	Minimum Lot Frontage (m)
Housing, single-detached	10 metres
Other principle uses listed in Table 12.9.1	10 metres

(5) Lot Coverage

The maximum coverage of buildings (principle and accessory) on a lot shall be in accordance with the following table:

Table 12.10.4

Use	Maximum Lot coverage (%)
Housing, single-detached	50%
Other principle uses listed in Table 12.9.1	50%

(6) Front Yard Setback

The minimum front yard setback shall be in accordance with the following table:

Table 12.10.5

Use	Minimum Front Yard Setback (m)
Housing, single-detached	5 metres
Other principle uses listed in Table 12.9.1	5 metres

(7) Rear Yard Setback

The minimum rear yard setback shall be in accordance with the following table:

Table 12.10.6

Use	Minimum Rear Yard Setback (m)
Housing, single-detached	5 metres
Other principle uses listed in Table 12.9.1	5 metres

(8) Side Yard Setback

The minimum side yard setback shall be in accordance with the following table:

Table 12.10.7

Use	Minimum Side Yard Setback (m)
Housing, single-detached	5 metres
Other principle uses listed in Table 12.9.1	5 metres

(9) Height

The maximum building height shall be in accordance with the following table:

Table 12.10.8

Use	Maximum Building Height (m)
Housing, single-detached	11 metres
Other principle uses listed in Table 12.9.1	11 metres

(10) Additional Regulations

- (a) Accessory uses in this designation shall be subject to the regulations as per **8.1**.
- (b) Temporary uses in this designation shall be subject to the regulations as per **8.25**.
- (c) Non-conforming uses in this designation shall be subject to the regulations in **3.3**.
- (d) Parking and loading facilities in this designation shall be provided in accordance with the regulations in **Part 10**.
- (e) Landscaping in this designation shall be provided in accordance with the regulations in **8.16**.
- (f) The construction of signs in this designation shall be in accordance with the regulations in **Part 11**.

12.11 CENTRAL COMMERCIAL (C1)

(1) Purpose

The C1 – Central Commercial designation is intended to provide for a wide variety of commercial, institutional and residential uses within the town centre. The intent is to foster mixed-use development and encouraging vibrancy in a manner that facilitates pedestrian movement.

(2) Permitted and Discretionary Uses

Table 12.11.1 outlines the permitted and discretionary uses contemplated in the C1 designation where approval is subject to the issuance of an authorized development permit.

Table 12.11.1

Permitted Uses	Discretionary Uses
<ul style="list-style-type: none"> • Art gallery • Bakery • Club • Convenience store • Dry cleaning/Laundromat services • Financial Services • Funeral home • Grocery store • Hotel • Housing, mixed use • Office • Medical clinic • Motel • Personal Services • Public administration • Religious Institution • Restaurant • Retail • Sign • Theatre 	<ul style="list-style-type: none"> • Adult entertainment • Automotive sales and/or rental • Automotive supply store • Car/Truck wash • Contracting services • Gas bar • Housing, apartment (low rise) • Housing, apartment (high rise) • Liquor store • Nightclub • Parking facility • Pawn shop • Recycling depot • Repair shop • Restaurant – drive thru • Solar Collectors • Utility installations

(3) Development Standards

The Development Standards for all uses listed in Table 12.11.1 shall adhere to the standards listed in Table 12.11.2.

Table 12.11.2

Development Standard	Site Standard
Minimum Lot Area (m ²)	250 m ²
Minimum Lot Frontage (m)	6 m
Maximum Lot Coverage (%)	80%
Minimum Front Yard Setback (m)	nil
Minimum Rear Yard Setback (m)	6 m
Minimum Side Yard Setback (m)	Nil
Maximum Height	15 m

(4) Design Regulations

- (a) The façade of any principle building should be finished in brick, rock, stone, stucco, wood, glass, and/or precast concrete. Exterior finishes should require minimal maintenance but demonstrate high quality workmanship.
- (b) Buildings should be built to the property line in order to create a defined relationship with the public realm.
- (c) A minimum of 60% of the ground floor of any building should be finished in clear glazing to allow for natural surveillance, and to create an engaging and vibrant public realm. Reflective or tinted glazing should be discouraged.
- (d) The street wall, where it runs parallel to a roadway, should be designed to occupy 100% of a lot's frontage.
- (e) The provision of canopies or awnings are encouraged in order to provide weather protection for pedestrians.
- (f) No parking area shall be located within the front yard of any lot. Parking areas should be located within the rear yard, with vehicular access from an adjacent lane.
- (g) The ground floor of any residential building should be utilized for commercial purposes.
- (h) Additional design regulations may be required at the discretion of the Development Authority.

(5) Additional Regulations

- (a) Accessory uses in this designation shall be subject to the regulations as per **8.1**.
- (b) Temporary uses in this designation shall be subject to the regulations as per **8.25**.
- (c) Non-conforming uses in this designation shall be subject to the regulations in **3.3**.
- (d) Parking and loading facilities in this designation shall be provided in accordance with the regulations in **Part 10**.
- (e) Landscaping in this designation shall be provided in accordance with the regulations in **8.16**.
- (f) The construction of signs in this designation shall be in accordance with the regulations in **Part 11**.

12.12 HIGHWAY COMMERCIAL (C2)

(1) Purpose

The C2 – Highway Commercial designation is intended to accommodate the development of a wide array of commercial uses on lots adjacent to roadways that facilitate large volumes of automotive traffic.

(2) Permitted and Discretionary Uses

Table 12.12.1 outlines the permitted and discretionary uses contemplated in the C2 designation where approval is subject to the issuance of an authorized development permit.

Table 12.12.1

Permitted Uses	Discretionary Uses
<ul style="list-style-type: none"> • Auction mart • Automotive sales and/or rental • Automotive supply store • Bakery • Car/Truck wash • Club • Convenience store • Dry cleaning/laundromat services • Financial Services • Funeral home • Gas bar • Grocery store • Hotel • Office • Medical clinic • Motel • Personal Services • Public administration • Religious Institution • Restaurant • Restaurant – drive thru • Retail • Sign 	<ul style="list-style-type: none"> • Any permitted use with a height exceeding 10 metres • Adult entertainment • Amusement arcade • Automotive service and/or paint shop • Contracting services • Gambling and gaming hall • Liquor store • Nightclub • Pawn shop • Recycling depot • Repair shop • Solar Collectors • Theatre • Trucking establishment • Utility installations • Warehouse

(3) Development Standards

The Development Standards for all uses identified in Table 12.12.1 shall adhere to the standards listed in Table 12.12.2.

Table 12.12.2

Development Standard	Site Standard
Minimum Lot Area (m ²)	1000 m ²
Minimum Lot Frontage (m)	6 m
Maximum Lot Coverage (%)	65%
Minimum Front Yard Setback (m)	8 m
Minimum Rear Yard Setback (m)	5 m
Minimum Side Yard Setback (m)	3 m
Maximum Height	15 m

(4) Design Regulations

- (a) The façade of any principle building should be finished in brick, rock, stone, stucco, wood, glass, and/or precast concrete. Exterior finishes should require minimal maintenance but demonstrate high quality workmanship.
- (b) Additional design regulations may be required at the discretion of the Development Authority.

(5) Additional Regulations

- (a) No access to a lot shall be provided from Highway 20 or Highway 53 without obtaining the approval of Alberta Transportation.
- (b) Accessory uses in this designation shall be subject to the regulations as per **8.1**.
- (c) Temporary uses in this designation shall be subject to the regulations as per **8.25**.
- (d) Non-conforming uses in this designation shall be subject to the regulations in **3.3**.
- (e) Parking and loading facilities in this designation shall be provided in accordance with the regulations in **Part 10**.
- (f) Landscaping in this designation shall be provided in accordance with the regulations in **8.16**.
- (g) The construction of signs in this designation shall be in accordance with the regulations in **Part 11**.

12.13 INDUSTRIAL (M)

(1) Purpose

The M – Industrial designation is intended to accommodate the development of a wide array of industrial uses but which will not cause any objectionable or noxious conditions, be it noise, odour, dust, vibration or any other similar sensation, beyond the lot on which they are located.

(2) Permitted and Discretionary Uses

Table 12.13.1 outlines the permitted and discretionary uses contemplated in the M designation where approval is subject to the issuance of an authorized development permit.

Table 12.13.1

Permitted Uses	Discretionary Uses
<ul style="list-style-type: none"> • Agricultural sales and/or service • Animal kennel • Animal shelter • Auction mart • Automotive sales and/or rental • Automotive service and/or paint shop • Automotive supply store • Bakery • Car/Truck wash • Club • Convenience store • Contracting services • Dry cleaning/Laundromat services • Gas bar • Greenhouse • Manufacturing, processing, packaging or assembly of goods or materials • Mini storage • Public Administration • Repair shop • Sign • Trucking establishment • Warehouse • Veterinary clinic 	<ul style="list-style-type: none"> • Abattoir • Amusement arcade • Adult entertainment • Auction mart • Bulk fuel and/or fertilizer sales and storage • Gambling and gaming hall • Liquor store • Meat processing plant • Recycling depot • Restaurant • Restaurant, drive-thru • Salvage yard • Solar Collectors • Wrecking yard

(3) Development Standards

The Development Standards for all uses identified in Table 12.13.1 shall adhere to the standards listed in Table 12.13.2.

Table 12.13.2

Development Standard	Site Standard
Minimum Lot Area (m ²)	500 m ²
Minimum Lot Frontage (m)	15 m
Maximum Lot Coverage (%)	50%
Minimum Front Yard Setback (m)	6 m
Minimum Rear Yard Setback (m)	5 m
Minimum Side Yard Setback (m)	3 m
Maximum Height	15 m

(4) Design Regulations

- (a) The façade of any principle building should be finished in brick, rock, stone, stucco, wood, glass, and/or precast concrete. Exterior finishes should require minimal maintenance but demonstrate high quality workmanship.
- (b) No outdoor storage of goods, materials, or equipment shall be permitted within any portion of a front, side, or rear yard, which runs parallel to an adjacent roadway.
- (c) All loading facilities should be located and accessed from a side and/or rear yard.
- (d) Additional design regulations may be required at the discretion of the Development Authority.

(5) Additional Regulations

- (a) No access to a lot shall be provided from Highway 20 or Highway 53 without obtaining the approval of Alberta Transportation.
- (b) Accessory uses in this designation shall be subject to the regulations as per **8.1**.
- (c) Temporary uses in this designation shall be subject to the regulations as per **8.25**.
- (d) Non-conforming uses in this designation shall be subject to the regulations in **3.3**.
- (e) Parking and loading facilities in this designation shall be provided in accordance with the regulations in **Part 10**.
- (f) Landscaping in this designation shall be provided in accordance with the regulations in **8.16**.
- (g) The construction of signs in this designation shall be in accordance with the regulations in **Part 11**.

12.14 PUBLIC SERVICE (PS)**(1) Purpose**

The PS – Public Services designation is intended to accommodate the development of uses which serve the public and which are of benefit to the community.

(2) Permitted and Discretionary Uses

Table 12.14.1 outlines the permitted and discretionary uses contemplated in the PS designation where approval is subject to the issuance of an authorized development permit.

Table 12.14.1

Permitted Uses	Discretionary Uses
<ul style="list-style-type: none"> • Cemetery • Community centre • Hospital • Landfill • Library • Museum • Park • Public administration • Recreational facility • School • Tourism information centre • Utility installations 	<ul style="list-style-type: none"> • Animal shelter • Campground • Day care centre, adult • Day care centre, child • Golf course • Retail • Restaurant • Sign • Solar Collectors

(3) Development Standards

The Development Standards for all uses identified in Table 12.14.1 shall adhere to the standards listed in Table 12.14.2.

Table 12.14.2

Development Standards	Site Standard
Minimum Lot Area (m ²)	500 m ²
Minimum Lot Frontage (m)	15 m
Maximum Lot Coverage (%)	75%
Minimum Front Yard Setback (m)	7.5 m
Minimum Rear Yard Setback (m)	5 m
Minimum Side Yard Setback (m)	3 m
Maximum Height	12.2 m

(4) Additional Regulations

- (a) Accessory uses in this designation shall be subject to the regulations as per **8.1**.
- (b) Temporary uses in this designation shall be subject to the regulations as per **8.25**.
- (c) Non-conforming uses in this designation shall be subject to the regulations in **3.3**.
- (d) Parking and loading facilities in this designation shall be provided in accordance with the regulations in **Part 10**.
- (e) Landscaping in this designation shall be provided in accordance with the regulations in **8.16**.
- (f) The construction of signs in this designation shall be in accordance with the regulations in **Part 11**.

12.15 URBAN HOLDINGS (UH)

(1) Purpose

The UH – Urban Holdings designation is intended to retain land in an undeveloped manner for future urban expansion, while contemplating a limited number of interim uses, and allowing existing uses to remain until development proceeds

(2) Permitted and Discretionary Uses

Table 12.15.1 outlines the permitted and discretionary uses contemplated in the UH designation where approval is subject to the issuance of an authorized development permit.

Table 12.15.1

Permitted Uses	Discretionary Uses
<ul style="list-style-type: none"> • Agriculture, excluding intensive livestock operations • Park • Public administration • Stormwater Management Facility • Utility installations 	<ul style="list-style-type: none"> • Animal shelter • Campground • Golf course • Sign • Solar collectors

(3) Development Standards

The Development Standards for all uses identified in Table 12.15.2 shall adhere to the standards listed in Table 12.15.2.

Table 12.15.2

Development Standards	Site Standard
Minimum Lot Area (m ²)	500 m ²
Minimum Lot Frontage (m)	15 m
Maximum Lot Coverage (%)	75%
Minimum Front Yard Setback (m)	7.5 m
Minimum Rear Yard Setback (m)	5 m
Minimum Side Yard Setback (m)	3 m
Maximum Height	12.2 m

(4) Additional Regulations

- (a) Accessory uses in this designation shall be subject to the regulations as per **8.1**.
- (b) Temporary uses in this designation shall be subject to the regulations as per **8.25**.
- (c) Non-conforming uses in this designation shall be subject to the regulations in **3.3**.
- (d) Parking and loading facilities in this designation shall be provided in accordance with the regulations in **Part 10**.
- (e) Landscaping in this designation shall be provided in accordance with the regulations in **8.16**.
- (f) The construction of signs in this designation shall be in accordance with the regulations in **Part 11**.

12.16 DIRECT CONTROL (DC)**(5) Purpose**

The DC – Direct Control designation is intended to provide control over the use and development of land or buildings for which Council has determined that, because of unique land use characteristics, innovative ideas, or special environmental concerns, such development could not be effectively accommodated under any other land use designation in this Bylaw.

(6) Permitted and Discretionary Uses

- (a) All permitted and discretionary uses shall be as prescribed in the previously written Statutory Plan.
- (b) In the absence of an adopted Area Structure Plan or Area Redevelopment Plan, any use which, in the opinion of the Development Authority, is compatible with the character of existing surrounding uses and adjacent designated Land Use Districts may also be allowed.

(7) Development Standards

- (a) The Development Authority may require additional information to properly evaluate the proposed development in terms of its compliance with this Bylaw, and any applicable Statutory Plan.
- (b) All development shall comply with the lot sizes, building setback requirements and other development criteria as prescribed in any applicable Statutory Plan.

(8) Additional Regulations

- (a) All other development requirements shall be at the discretion of the Development Authority. In determining the appropriate requirements for a development in the DC District, the Development Authority shall have regard to any provisions in this Bylaw for similar uses or developments.
- (b) In the absence of an adopted Area Structure Plan or Area Redevelopment Plan, the regulations which will be applied to a development will be those which, in the opinion of the Development Authority, are compatible with the character of existing surrounding uses and adjacent designated Land Use Districts.



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WHEREAS

The Traffic Safety Act, R.S.A.2000, c, T-6, section 13 provides that a Municipal Council may pass a Bylaw with respect to regulation of parking and the use of highways under its direction, control and management.

NOW THEREFORE

The Council of the Town of Rimbey, duly assembled enacts as follows:

1. TITLE

1.1 This Bylaw may be cited as the "Town of Rimbey Traffic Bylaw"

2. DEFINITIONS

2.1 Words used in this Bylaw which have been defined in the act or the Regulations have the same meaning when used in this Bylaw.

2.2 In this Bylaw:

- (a) **"Act"** means The Traffic Safety Act, R.S.A. 2000, c. T-6, as amended or replaced from time to time;
- (b) **"alley"** as defined in the Act means a narrow highway intended chiefly to give access to the rear of buildings and parcels of land;
- (c) **"boulevard"** as defined in the Act means that part of a highway in an urban area that
 - (i) Is not roadway, and
 - (ii) Is that part of the sidewalk that is not especially adapted to the use of or ordinarily used by pedestrians;
- (d) **"C.A.O."** means the Chief Administrative Officer of the Town of Rimbey, or designate;
- (e) **"Council"** means the Municipal Council of the Town of Rimbey;
- (f) **"crosswalk"** as defined in the Regulations means
 - (i) That part of a roadway at an intersection included within the connection of the lateral line of the sidewalks on opposite sides of the roadway measured from the curbs or, in the absence of curbs from the edges of the roadway, or
 - (ii) Any part of a roadway at an intersection or elsewhere distinctly indicated for pedestrian crossing by signs or by lines or by other markings on the road surface;
- (g) **"curb"** means the actual concrete or asphalt curb, or in the absence of one, the dividing line of a highway between the edge of the roadway and the sidewalk;
- (h) **"disabled parking zone"** means a space or portion of a highway or parking lot set apart and designated exclusively for the parking of vehicles bearing a valid disabled placard or license plate issued or recognized by the Registrar of Motor Vehicle Services, and so marked with a sign or other marking authorized by the C.A.O.;



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- (i) **“emergency vehicle”** as defined in the Act means,
- (i) A vehicle operated by a police service as defined in the Police Act;
 - (ii) A fire-fighting or other type of vehicle operated by the fire protection service of a municipality;
 - (iii) An ambulance operated by a person or organization authorized to provide ambulance services in the municipality;
 - (iv) A vehicle operated as a gas disconnection unit of a public utility;
 - (v) A vehicle designated by regulation as an emergency response unit;
- (j) **“heavy vehicle”** means a motor vehicle, alone or together with any trailer, semi-trailer or other vehicle being towed by the motor vehicle, with a registration gross weight of five (5) tonnes or more, or exceeding eleven (11) metres in total length. A public passenger vehicle, when engaged in the transport of passengers, shall be deemed to be excluded from the definition of a heavy vehicle for the purposes of sections 11.1 and 11.2 of this Bylaw;
- (k) **“highway”** as defined in the Act means 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;
- (l) **“loading zone”** means a portion of the street adjacent to the curb designated by traffic control device for the exclusive use of vehicles loading or unloading passengers or materials;
- (m) **“maximum weight”** means the maximum weight permitted for a vehicle and load pursuant to the vehicle’s official registration certificate issued by the Province of Alberta, or absent such certificate, the combined weight of the vehicle and the heaviest load that may be carried in accordance with the provisions of the Act and the applicable regulations passed pursuant to the Act;



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- (n) **“median”** as defined in the Regulations means a physical barrier or area that separates lanes of traffic on a highway;
- (o) **“mobility Aide”** means a device that is used to facilitate the transport, in a normal seated orientation, of a person with a physical disability;
- (p) **“motor vehicle”** as defined in the Act; means
 - (i) A vehicle propelled by any power other than muscular power, or
 - (ii) A moped,

But does not include a bicycle, a power bicycle, an aircraft, an implement of husbandry or a motor vehicle that runs only on rails;
- (q) **“off-highway vehicle”** means any motorized mode of transportation built for cross-country travel on land, water, snow, ice or marsh or swamp land or on other natural terrain and, without limiting the generality of the foregoing, includes, when specifically designed for such travel,
 - (i) 4 wheel drive vehicles,
 - (ii) low pressure tire vehicles
 - (iii) motor cycles and related 2 wheel vehicles,
 - (iv) amphibious machines,
 - (v) all terrain 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 being an off-highway vehicle by regulation;
- (r) **“parade or procession”** means any group of pedestrians (except military or funeral processions) numbering more than twenty five (25) who are marching, walking, running, standing or racing on a roadway or sidewalk, and includes a group of vehicles (excepting military or funeral processions) numbering ten (10) or more that are involved in a procession on a roadway;



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- (s) **“park”** as defined in the Regulations means allowing a vehicle to remain stationary in one place, except
 - (i) While actually engaged in loading or unloading passengers, or
 - (ii) When complying with a direction given by a peace officer or traffic control device;
- (t) **“parking violation ticket”** means a tag issued in lieu of prosecution in respect of an infraction against this Bylaw or the parking provisions of the Regulations in a form approved by the C.A.O. or his authorized designate;
- (u) **“parking stall”** means a portion of a roadway or public parking lot indicated by markings as a parking space for one vehicle;
- (v) **“peace officer”** means any member of the Royal Canadian Mounted Police, a Peace Officer, a Bylaw Enforcement Officer or any other person designated by the C.A.O.;
- (w) **“pedestrian”** as defined in the Act means
 - (i) A person on foot, or
 - (ii) A person in or on a mobility aid,

And includes those persons designated by regulation as pedestrians;
- (x) **“private road” or “driveway”** means an entrance from a roadway to private property or a road or space on private property designed for vehicular traffic that is not open to the general public;
- (y) **“public holiday”** means a Sunday, a Holiday as defined in the Interpretation Act of the Province of Alberta, and any day or portion of a day so proclaimed by the Mayor or so declared by the Council of the Town of Rimbey;
- (z) **“Regulations”** means The Use of Highway and Rules of the Road Regulation, (A.R. 304/2002) made pursuant to the Act;
- (aa) **“refuse”** means any substance or material discarded or disposed of within the Town other than by lawful deposit at a disposal site and includes animal waste, dry waste, construction waste, garbage, industrial waste, chemical waste, yard waste, litter, ashes, medical waste and any other types of refuse or waste whatsoever;
- (bb) **“roadway”** as defined in the Act means that part of a highway intended for use by vehicular traffic;
- (cc) **“sidewalk”** as defined in the Act means that part of a highway especially adapted to the use of or ordinarily used by pedestrians, and includes that part of a highway between
 - (i) The curb line, or



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(ii) Where there is no curb line, the edge of the roadway,

And the adjacent property line, whether or not it is paved or improved;

(dd) “Municipality” or “Town” means the Corporation of the Town of Rimbey or the area contained within the corporate boundaries of the Town, as the context requires;

(ee) “specified penalty” means a penalty for specific offences in this Bylaw as provided for in Schedule A of this Bylaw;

(ff) “trailer” as defined in the Act means a vehicle so designed that it may be attached to or drawn by a motor vehicle or tractor, and is intended to transport property or persons, and includes any vehicle defined by regulation as a trailer, but does not include machinery or equipment solely used in the construction or maintenance of highways;

(gg) “traffic control device” as defined in the Act means any sign, signal, marking or device placed, marked or erected under the authority of this Act for the purpose of regulating, warning or guiding traffic;

(hh) “traffic control signal” as defined in the Act means a traffic control device, whether manually, electrically or mechanically operated, by which traffic is directed to stop and to proceed;

(ii) “track” means to allow, cause or permit any substance or material excluding snow or ice clinging to vehicles due to winter conditions, from being deposited by becoming loose or detached from the tires or any other part of a vehicle whether the vehicle is moving or stationary;

(jj) “truck loading zone” means a space or section of the roadway so marked with a sign or other marking authorized by the C.A.O. or his authorized designate permitting parking for the period of time reasonably necessary to load or unload goods, materials or merchandise;

(kk) “truck route” means a highway within the Town upon which the operation of Heavy Vehicles is permitted, and which has been designated as such in this Bylaw;

(ll) “vehicle” means a device in, on or by which a person or thing may be transported or drawn on a highway and includes a combination of vehicles but does not include a mobility aid;

(mm) “vehicle storage area” means any area which is at least one hundred and fifty (150) metres away from the nearest residential, institutional or assembly occupancy, and that has been so designated and approved by the C.A.O. or his authorized designate;

3. TRAFFIC CONTROL DEVICES AND AUTHORITY TO PLACE

3.1 Pursuant to section 110 of the Act, the C.A.O. is hereby delegated the authority to place, erect, display or alter traffic control devices at such locations within the Town as he may determine, or as Council may by resolution direct, for the purpose of controlling and regulating traffic,



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including, but not limited to, the following specific purposes:

- (a) To divide the surface of a roadway into traffic lanes marked by solid or broken lines;
- (b) To prohibit “U” turns at any intersection
- (c) To designate any intersection or other place on a highway as an intersection or place at which to left hand turn or right hand turn shall be made;
- (d) To designate as a one way street any roadway or portion thereof;
- (e) To designate “School Zones” and “Playground Zones”;
- (f) To designate roadways or portions thereof as truck routes, parking lots, and vehicle storage areas;
- (g) To set apart as a “through-street” any roadway or part of a roadway and to control entry to any roadway by means of a “stop” sign or “yield” sign;
- (h) To designate a crosswalk upon any roadway;
- (i) To designate “parking” zones, passenger and truck loading zones, disabled parking zones, “no parking” and “no stopping” zones and the times and days when the restrictions of such zones are in effect;
- (j) To close or restrict the use of any highway, or any part of any highway, either as to the full width or as to part of the width with respect to any class or classes of vehicles or with respect to any class or classes of pedestrians;
- (k) To prohibit, restrict or regulate the parking of vehicles or any particular class of vehicles on any highway or other public place or any portion thereof during such hours as he may determine;
- (l) To designate and mark guidelines for parking on any highway or other public place or any portion thereof;
- (m) To indicate the maximum speed limits for any roadway;
- (n) To designate a roadway or certain portion of a roadway as a “Truck Route”
- (o) To issue a permit for a heavy vehicle to be operated on a roadway or a portion of a roadway not designated as a “truck route”, subject to such restriction including, but not limited to, dates, times and purposes. A request for such permit may be refused and such refusal may be appealed in writing to Council.

3.2 The C.A.O. or his authorized designate is hereby delegated the authority to place, or cause to be placed, temporary traffic control devices prohibiting the parking of vehicles on a roadway for snow clearing and maintenance purposes at least 12 hours prior to such clearing or maintenance.



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- 3.3 The C.A.O. or his authorized designate is hereby delegated the authority to designate the location of traffic control devices and traffic control signals and undertake the placement of same.
- 3.4 The C.A.O. or his authorized designate shall cause a report to be kept of the location of all traffic control devices placed pursuant to this section and this record shall be open to public inspection during normal business hours.
- 3.5 Traffic control devices placed and located pursuant to this section are deemed to have been made pursuant to this Bylaw.
- 3.6 Notwithstanding any provision of this Bylaw all traffic control devices placed, erected or marked along highways located in the Town prior to the passing of this Bylaw shall be deemed to be duly authorized traffic control devices until altered pursuant to the provisions of section 3.1 of this Bylaw.

4. TEMPORARY CLOSING OF ROADWAYS

- 4.1 In any case where, by reason of any emergency or any other special circumstances, it is the opinion of the C.A.O. or his authorized designate that it is desirable and in the public interest to do so, the C.A.O. or his designate may:
 - (a) Temporarily close within the Town, any roadway, sidewalk, boulevard or public parking lot, in whole or in part, to traffic;
 - (b) Temporarily suspend parking privileges granted by the provision of this or any other bylaw and take such measures necessary for the temporary closing of such roadways, sidewalks, boulevards or public parking lots or suspension of parking and place barricades or post appropriate notices on or near the roadways, sidewalks, boulevards or public parking lots concerned;

5. SPEED LIMITS

- 5.1 Unless otherwise directed by posted Traffic Control Devices no person shall drive a vehicle at a speed in excess of fifty (50) kilometres per hour on any roadway within the Town.
- 5.2 The C.A.O. or his authorized designate may, by signs posted along a roadway, temporarily fix a maximum speed greater or lesser than the speed prescribed by the Regulations and Section 5.1 of this Bylaw. Such designation is for a maximum of 90 days. In all cases, Council must give final approval to make the maximum speed permanent.
- 5.3 Notwithstanding section 5.1, no person shall drive a motor vehicle in any alley at a greater speed than twenty (20) kilometres per hour.
- 5.4 The C.A.O. or his authorized designate may by signs posted along a roadway, fix a maximum speed limit in respect of any part of the highway under construction or repair or in a state of disrepair applicable to all vehicles or to any class or classes of vehicles while traveling over that part of the highway.



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6. PARKING RESTRICTIONS AND PROHIBITIONS

6.1 GENERAL PROVISIONS

- (a) The parking prohibitions and restrictions provided in sections 44 through 49 of the Regulations apply within the Town and may be enforced through the issuance of a violation ticket by a Peace Officer.
- (b) A Peace Officer or other person authorized to enforce this Bylaw is hereby authorized to place an erasable chalk mark on the tread face of the tire of a parked vehicle, and to issue and place a violation ticket upon a parked vehicle, without that person or the Town incurring any liability for doing so.
- (c) Except when actively engaged in loading or unloading passengers, no person shall park or stop a vehicle in a passenger loading zone.
- (d) Unless authorized by special permit approved by the C.A.O. or his authorized designate, no person shall park or stop a vehicle in a truck loading zone for a period of time longer than twenty (20) minutes.
- (e) No person shall park a vehicle in an alley except for such period of time as may be reasonable necessary for the loading or unloading of passengers or goods from a vehicle, and in any case not longer than one (1) hour.
- (f) Except for section 6.1(f), no person shall park a vehicle in an alley in a manner that obstructs the safe passage of other vehicles along the alley.
- (g) No person shall park any unattached trailer, whether designed for occupancy or for the carrying of goods and equipment, upon any roadway except for the purpose of loading or unloading for a period not to exceed forty-eight (48) hours, and only if it is located on that portion of the roadway that lies immediately adjacent to the property it is being loaded from or unloaded to, and is parked in the same direction of travel with no slides extended. At the expiration of the forty-eight (48) hour period, the trailer must be moved to an off-roadway location for a period of not less than forty eight (48) hours.
- (h) Where any type of motor vehicle has removable camping accommodation installed on it, the operator or owner of the vehicle shall not remove and leave the camping accommodation on or extending over any sidewalk, boulevard, alley or any portion of the roadway.
- (i) No person shall park any commercial licensed vehicle, of any design capacity of more than one (1) tonne, including but not limited to a truck, bus, trailer, or delivery van, on any roadway in a residential area except when such vehicle is actively engaged in bona fide delivery, transport, or other similar activities.



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- (j) No person shall park any vehicle on a roadway or public parking lot owned by or in the care, custody and control of the Town of Rimbey, unless otherwise provided for in this Bylaw for a period exceeding 72 hours.
- (k) No person shall park any vehicle or unattached trailer in the parking lots designated for attendees of the Rimbey Aquatic Centre, Peter Lougheed Community Centre or the Town Office except for the express purpose of attending the Rimbey Aquatic Centre, Peter Lougheed Community Centre or the Town Office.
- (l) No person shall park any vehicle on any portion of a highway in the Town in such a manner as to constitute a hazard to other persons using the highway, including those using a sidewalk.
- (m) No person shall park any vehicle upon any land owned by the Town which the Town uses or permits to be used as a playground, recreation area, public park and green space except on such parts clearly signed or otherwise authorized by the C.A.O. for vehicle parking.
- (n) Where parking lines are visible on a roadway or parking lot no person shall park a vehicle except within the limits of the lines designating the parking stall.
- (o) Except in the case of sudden vehicle breakdown, a person shall not stand or park any vehicle on any portion of a highway in the Town for the purpose of servicing or repairing the vehicle.
- (p) The Town, after clearly posting or signing a roadway or public parking lot a minimum of twelve (12) hours prior may cause a roadway or public parking lot to be cleared of vehicles for the purpose of street cleaning, snow removal or highway repairs. In such cases, the Town may tow and impound vehicles blocking street cleaning or repair equipment at the vehicle owner's risk and expense.
- (q) No person shall park a vehicle in an angle parking zone where such vehicle exceeds 6.2 metres in overall length.
- (r) No person shall park a vehicle on a roadway or parking lot with the motor running in such circumstances and location as to cause a disturbance to residents within the area.
- (s) No person shall park an unregistered vehicle or a vehicle without a license plate on a public roadway or parking lot within the town limits of Rimbey.

6.2 DISABLED PARKING

- (a) The C.A.O. is hereby authorized to establish, sign or otherwise designate such parking stalls or zones within the Town as he deems necessary for the exclusive parking of vehicles bearing a valid disabled placard or license plate issued or recognized by the Registrar of Motor Vehicle Services.
- (b) The owner, tenant, occupant or person in control of private property within the Town to which vehicles driven by the public generally have access may designate parking spaces for the exclusive parking of vehicles bearing a valid disabled placard or



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license plate issued or recognized by the Registrar of Motor Vehicle Services. The signage or markings used to so designate such parking spaces shall be in a form similar to that approved and used by the C.A.O.

- (c) No person shall park or stop a vehicle which does not display a disabled placard or license plate that is issued or recognized by the Registrar of Motor Vehicle Services in a parking space clearly signed or otherwise designated pursuant to sections 6.2(a) or 6.2(b) of this Bylaw.

6.3 PARK CAUSING OBSTRUCTION

- (a) (i) No person shall park a vehicle on a sidewalk, boulevard, or median except, under special circumstances and by request to the Town, when authorized by the Chief Administrative Officer.

(ii) Where permission is granted pursuant to Section 6.3 (a)(i), any resultant damage will be the responsibility of the owners of the vehicle.

- (b) No person shall park a vehicle in such a manner as to obstruct or interfere with an entrance or exit of any public or commercial building open to the general public.
- (c) No person shall park a vehicle in such a manner as to obstruct or interfere with an entranceway to any fire hall or ambulance station or hospital.
- (d) No person shall park a vehicle in such a manner as to obstruct or interfere with the use of a doorway intended as a fire or emergency exit from any building.
- (e) No person shall park a vehicle in front of or in any manner so as to prevent access to and collection of refuse collection container, bin or garbage storage area. This does not apply to sidewalk litter bins for general use.

6.4 SECOND AND SUBSEQUENT PARKING OFFENCES

- (a) For timed parking offences under paragraph 6.1 of this Bylaw, second and subsequent offences are deemed to have been committed when a vehicle that has been issued a violation ticket remains parked in contravention of the Bylaw for a second or further period of time in excess of the maximum time allowed.
- (b) For all other offences under this section, second and subsequent offences are deemed to have been committed when a vehicle that has been issued a violation ticket remains parked in contravention of the Bylaw 24 hours after the violation ticket was issued.



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7. OPERATION OF VEHICLES

- 7.1 No person shall ride a bicycle or use roller blades or a skateboard on a roadway, sidewalk, boulevard or median in a manner that is unsafe or that interferes with pedestrian or motor vehicle traffic.
- 7.2 No person shall ride, pull or use a sled, toboggan, skis or wagon on a roadway
 - (a) Where a sidewalk parallels such roadway and it is reasonable and practicable to use the sidewalk, or
 - (b) Where there is no sidewalk paralleling the roadway, in any manner that interferes with, obstructs or is hazardous to vehicular traffic on the roadway.
- 7.3 (a) No person shall drive a motor vehicle on a boulevard, median, playground, recreation area, public park, green space, bicycle trail, nature trail or nature preserve except as permitted by a traffic control device or, under special circumstances and by request to the Town, when authorized by the Chief Administrative Officer.
 - (b) Where permission is granted pursuant to Section 7.3 (a) any resultant damage will be the responsibility of the owners of the vehicle.
- 7.4 No person shall drive, operate or permit to be driven or operated, any vehicle or equipment in such a manner as to track upon a roadway.
- 7.5 Any person who tracks upon a roadway shall, in addition to the penalty, be liable to clean up or remove the substance or material tracked upon the roadway, in default of which the Town may arrange for clean up or removal of such substance or material at the expense of the person tracking or the owner or registered owner of the equipment from which the substance or material was tracked.
- 7.6 No person shall, driving a motor vehicle approaching an intersection controlled by a traffic light, stop sign or other traffic control device, exit the roadway onto private or public property and continue onto the same roadway or an intersection roadway for the purpose of avoiding the traffic control device.

8. PEDESTRIANS

- 8.1 A pedestrian shall not cross any roadway within the Town, other than an alley, except within a marked or unmarked crosswalk.
- 8.2 No person shall stand on any roadway, crosswalk or sidewalk in such a manner as to:
 - (a) Obstruct vehicular or pedestrian traffic;
 - (b) Annoy or inconvenience any other person lawfully upon such roadway, crosswalk or sidewalk; or
 - (c) Obstruct the entrance to any building.



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9. PARADES, PROCESSIONS AND SPECIAL EVENTS

- 9.1 Any person that intends to hold a parade, procession, race or special event involving a roadway, sidewalk, boulevard, median or town parking lot within the Town of Rimbey shall at least thirty (30) days prior to the scheduled date, make application in writing to the C.A.O. for permission and in such application shall furnish to the C.A.O. information with respect to the following, namely:
- (a) The name and address of the applicant, and if such applicant is an organization, the names, addresses of the executive thereof.
 - (b) The nature and purpose of such parade, procession, race or special event.
 - (c) Dates and times.
 - (d) The intended route.
 - (e) The approximate number of persons who will take part.
 - (f) The approximate size, number and nature of flags, banners, placard or such similar things to be carried and particulars of such signs, inspections and wording to be exhibited thereon; and such written application shall bear the signatures and addresses of the persons who will be in control of such parade or procession and who undertake to be reasonable for the good order and conduct thereof.
- 9.2 The C.A.O. may either grant permission, with or without conditions, or refuse permission for any reasons that are determined to be appropriate concerns in all the circumstances. In the case of a refusal the applicant has a right of appeal to Council, who may grant or refuse permission for the parade.
- 9.3 If a refusal for an application for permission to hold a parade is appealed to Council pursuant to section 9.2, Council may:
- (a) Grant permission without conditions;
 - (b) Grant permission with conditions; or
 - (c) Refuse permission
- 9.4 Where permission has been granted pursuant to sections 9.2 or 9.3, the C.A.O. shall fix the hour and route of the parade or procession and may require to be erected temporary barriers or traffic control devices as he deems necessary.
- 9.5 If any funeral procession is in process of formation or proceeding along any roadway, any Peace Officer may regulate all traffic in the vicinity and all persons whether on foot or in vehicles shall obey the order and direction of the Peace Officer so regulating traffic.
- 9.6 Before a funeral procession enters upon, crosses or turns into a roadway designated and marked as a through-street by a stop or yield sign, the first vehicle in the funeral procession shall come to a complete stop in the manner required by the Regulations and shall not drive the vehicle into the intersection until it is safe to do so. A vehicle that follows in the funeral procession may then enter into the intersection



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without stopping provided the headlamps are alight. The provisions of this section shall not apply at an intersection where traffic is controlled by a Peace Officer or by a traffic control signal.

- 9.7 Except for funeral processions, no person shall hold or organize any parade, procession, race or special event unless permission has been first granted by the C.A.O. or Council pursuant to this section.
- 9.8 No person driving any vehicle, or riding or driving a horse, shall drive or ride through, nor shall any pedestrian walk through, the ranks of a military or funeral procession (the vehicles of which have their lights on) nor through the ranks of another authorized parade or processions, or in any way obstruct, impede or interfere with the same.
- 9.9 No person shall take part in the organization of a parade or procession or participate in a parade or procession, which is conducted without permission having first been granted pursuant to the provision of this Bylaw.
- 9.10 No person shall carry out or allow or cause to be carried out a parade or procession that does not conform to conditions imposed in a permit issued by the C.A.O. or his authorized designate.
- 9.11 Nothing in this section waives the requirement to obtain a permit through any other permit authorizing body, Provincial, Federal or otherwise for any parade, procession or special event. Ex. – Special Events permit through Alberta Transportation.

10. FIRES AND FIRE LINES

- 10.1 In case of a fire within the Town, any Peace Officer or member of the Ponoka County Regional Fire Services 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 unauthorized person, whether on foot or in a vehicle shall cross such line or lines.
- 10.2 The Ponoka County Regional Fire Services Fire Chief or any person acting under his/her direction is hereby empowered to move or cause to be moved any vehicle which he may deem necessary for the purpose of carrying out any duty, work or undertaking of the Ponoka County Regional Fire Services Fire Department.
- 10.3 No person shall fail or refuse to comply with any traffic control device or direction of a Peace Officer or of any officer of the Ponoka County Regional Fire Services Fire Department at the scene of a fire or other emergency.

11. HEAVY AND OVER DIMENSION VEHICLES AND TRUCK ROUTES

- 11.1 No person shall operate a heavy vehicle, excluding a motor home, on a roadway or public parking lot owned and operated by the Town except on a designated truck route as outline in Schedule “B” of this Bylaw, the Schedule being hereby incorporated into and made part of this Bylaw.
- 11.2 The following shall be deemed not to be operating or parking a heavy vehicle in contravention of section 11.1 if the heavy vehicle was being operated on the shortest route between the delivery, pick-up or other location concerned and the nearest route by:
 - (a) A person delivering or collecting goods, materials or merchandise to or from the premises of a bona fide customer;



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- (b) A person going to or from the business premises of the owner of the heavy vehicle, a heavy vehicle repair or maintenance facility, or an approved "vehicle storage area" for heavy vehicles;
- (c) A person towing a disabled vehicle from or along a roadway prohibited to heavy vehicles; and
- (d) A person actively engages in lawful public works requiring him by the very nature of such work to deviate from established truck routes.
- (e) A person traveling by the most direct route to their place of residence and parking the heavy vehicle on private land off the roadway.

12. MAXIMUM WEIGHT OF VEHICLES

- 12.1 No person shall drive or park upon any roadway within the Town a vehicle or combination of attached vehicles with a weight, including or excluding any load thereon, in excess of maximum weight.
- 12.2 A person driving or in charge or control of a vehicle or combination of attached vehicles suspected by a Peace Officer of being on a roadway in contravention of section 12.1 shall, when requested by the Peace Officer, produce for such officer's inspection any official registration certificate or interim registration for such vehicle or vehicles that may have been issued by the Province of Alberta showing the maximum weight of such vehicle or combination of attached vehicles.

13. SNOW, ICE, DIRT, DEBRIS

- 13.1 All persons within the Town of Rimbey owning, controlling, or occupying property that adjoins any sidewalk shall remove or cause to be removed and cleared away all snow, ice, dirt, debris or other material from any sidewalk adapted to the use of pedestrians. Such removal shall be completed when the snow is 2.5 centimetres or greater within 48 hours from the time that the snow, ice, dirt, debris, or other material was formed or deposited there.
- 13.2 The Business District shall be identified as:
 - East/West Highway 53 extending east to Highway 20 and west to the Town limits.
 - South of 4 way stop to 45th ave;
 - North of 4-way stop to 51 ave;
 - 50th street from 49th ave to 52nd ave;
 - 49th ave from 49th street to 51 street;
 - 49th street from 50th ave to 48th ave.

- (a) Businesses
 - (i) Businesses are permitted to shovel their sidewalk to curb edge;
 - (ii) Snow will be removed as per Road Priorities 2;
 - (iii) Businesses engaging contractors to clear their lots will NOT be allowed to push snow from their properties, onto roadways, and/or Town property;



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- (b) Contractors are allowed access to the Town's snow storage site at no charge and must phone ahead to make arrangements.

13.3 Contractors

- (a) Contractors hauling snow to the Town snow storage site must have commercial equipment, insurance satisfactory to the Town and use at their own risk.

13.4 Any person who fails to comply with sections 13.1, 13.2 or 13.3 is guilty of an offence and may be issued a violation ticket by a Peace Officer in an amount specified in this Bylaw.

13.5 In default of any person complying with sections 13.1, 13.2 or 13.3 above, and in addition to any other remedy available to the Town of Rimbey for noncompliance with this Bylaw, the Town may arrange to have the sidewalk cleared and any cost thereof shall be paid to the Town upon demand and failing payment, such cost shall be charged against the property as a special assessment.

13.6 No person shall remove snow, ice, dirt, debris or other material from a sidewalk or private property by causing it to be placed on any other portion of a highway or on any private property other than their own except to the extent that removal of the snow or ice to private property is impractical.

13.7 No person shall place or permit to be placed any snow, ice, dirt, debris or other material removed from private property on to a highway or other public place in the Town of Rimbey.

13.8 At all times, Snow Clearing Equipment and Street Sweeping Equipment of the Town of Rimbey, and or Contractors hired by the Town of Rimbey, shall have the right of way on Rimbey streets unless so directed by a Peace Officer or a Traffic Flag Person.

14. MISCELLANEOUS RESTRICTIONS AND PROHIBITIONS

14.1 No person shall allow the engine or motor of any stationary vehicle

- (a) In a residential area, or
- (b) In any other area where prohibited by traffic control device

to remain running for a period of time longer than twenty minutes.

14.2 No person shall place an electrical cord on or above a roadway or above a sidewalk unless it is a minimum height of 2.5 metres above the sidewalk.

14.3 No person shall, while clearing a sidewalk, use power driven equipment, or any other tools or equipment, or any other material, unless the use of such equipment does not result in damage to the sidewalk.

14.4 No person shall wash, service or repair a vehicle on any roadway, sidewalk, boulevard or median within the Town.

14.5 No person shall wash, repair, or service a vehicle near any roadway, sidewalk, boulevard or median within the Town in a manner that allows



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- soap suds, mud, cement, refuse, debris, tar, oil, grease, antifreeze or other vehicle fluids to flow onto or enter upon the roadway, sidewalk, boulevard or median or enter any storm water system.
- 14.6 No person shall park a vehicle on a roadway or public parking lot within the Town that, due to the state of the vehicle, results in mud, cement, refuse, debris, tar, oil, grease, antifreeze or other vehicle fluids being deposited upon the roadway or public parking lot or enter a storm water sewer system.
- 14.7 Where an offence under section 14.3, 14.4 14.5 or 14.6 occurs resulting in damage to a roadway, sidewalk, boulevard or median or other town property or resulting in spillage or deposit of dirt, gravel, vehicle fluids or other material on a roadway, sidewalk, boulevard or median, notice may be given to
- (a) The person responsible, or
 - (b) In cases involving a vehicle, to the registered owner of the vehicle, or
 - (c) If the offence occurred on private property, to the occupant or owner of the private property to take reasonable cleanup or damage repair measures.
- 14.8 No owner or occupant of private property located at an intersection of roadways, excluding an intersection with an alley, shall allow any vegetation within the triangular portion of the property closest to the intersection, measured from the corner of the intersection to a distance of eight (8) metres each direction along the edge of the curb or, in the absence of a sidewalk, the edge of the roadway, to grow to height greater than one (1) metre or, in the case of trees or shrubs overhanging the portion of the property, to a height less than two (2) metres.
- 14.9 No owner or occupant of private property shall allow any vegetation overhanging a sidewalk, boulevard, roadway or alley to reach a height less than four (4) metres above the sidewalk, boulevard, roadway or alley.
- 14.10 No owner or occupant of private property in the Town shall park a vehicle or build, place, erect or continue the existence of a fence, wall, dirt pile, snow pile or other object adjacent to and within eight (8) metres of the nearest corner of a street intersection when such vehicle, fence, wall, dirt pile, snow pile or other object interferes with good visibility for safe traffic flow.
- 14.11 Where an offence under sections 14.8, 14.9, or 14.10 occurs, notice may be given to the occupant or owner of the private property requiring remedial action to bring the property within compliance of this bylaw.
- 14.12 No person shall place or deposit, or allow the placement or deposit, of any object, refuse, building or other materials dumpsters, snow, boulevard, earth, sand, gravel, sod, or any other matter on a roadway, sidewalk, boulevard or median within the Town, excepting vehicles and materials for which specific permission has been granted by the C.A.O..
- 14.13 Where an offence under section 14.2 occurs, notice may be given to the occupant or owner of the property adjacent to where the materials were placed to take specific remedial action.



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- 14.14 A notice issued pursuant to this Bylaw shall specify:
- (a) The civic address or physical location where remedial action is required;
 - (b) The condition that is not in compliance with the Bylaw, including reference to the applicable provision of the Traffic Bylaw;
 - (c) Remedial action required;
 - (d) A deadline for compliance.
- 14.15 Any notice served pursuant to this Bylaw will be deemed to have been sufficiently served in the case of an offence involving a vehicle
- (a) If left at a conspicuous location on the vehicle;
 - (b) If mailed by regular or registered mail to the registered owner of the vehicle using the address on record with the Alberta Motor Vehicle Branch;
 - (c) If given verbally, including all information as required in section 14.14, by a Peace Officer and directed to the registered owner of the vehicle.
- 14.16 Any notice served pursuant to this Bylaw will be deemed to have been sufficiently served in the case of an offence involving private property:
- (a) If served personally upon the person to whom it is directed, or
 - (b) If posted at a conspicuous location on the property, or
 - (c) If mailed by regular or registered mail to the address of the person to whom the notice was directed, or to the owner of the private property involved using the address on record with the Town of Rimbey, or
 - (d) If given verbally, including all information as required in section 14.14, by a Peace Officer and directed to the occupant or owner of the private property involved.
- 14.17 No person shall fail to satisfactorily comply with a notice issued pursuant to sections 14.7, 14.11, or 14.13 of this bylaw within the specified deadline.
- 14.18 In the case of the owner of a vehicle or owner or occupant of private property failing to comply with a notice issued pursuant to any provision of this Bylaw, the Town may do the work at the expense of the owner of the vehicle or the owner or occupant of the private property.
- 14.19 In cases involving owners of private property, the expenses incurred by the Town for the work done, where applicable, may be recovered with costs by action in court of competent jurisdiction or in a like manner as municipal taxes.
- 14.20 Where, pursuant to this Bylaw, work is done at the expenses of the owner of a vehicle or owner or occupant of private property, the owner or occupant may appeal to Council to have the expenses cancelled.



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14.21 No person other than the owner or driver of a vehicle will remove a notice issued pursuant to the Bylaw affixed to the vehicle.

14.22 No person other than the occupant or owner of private property will remove a notice issued pursuant to this Bylaw affixed to a conspicuous location on a private property.

15. OFF HIGHWAY VEHICLES/PROHIBITED OPERATION

15.1 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 at a location of legal off highway use providing the vehicle is operated as follows:

- a) Travel at a speed less than (20) twenty kilometres per hour
- b) Does not drive or operate the vehicle on parkland or a sidewalk or boulevard
- 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 (22:00 hrs. and 0730 hrs.)
- 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.

15.2 Off highway vehicles are permitted to operate on a highway solely for the purpose of loading or unloading an off highway vehicle from or onto a trailer or vehicle or into a building or property.

15.3 No person shall operate an off highway vehicle within the corporate limits of the Town of Rimbey unless the operator and passengers are wearing safety approved helmets.

15.4 No person under the full age of fourteen (14) years shall operate an off highway vehicle in the corporate limits of the Town of Rimbey.

15.5 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 Rimbey.

15.6 The provisions of this bylaw shall not apply to a Peace Officer or an employee of the Town operating a vehicle in the performance of a duty.

15.7 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 then the owner as listed on a bill of



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sale or other documentation accepted as proof of ownership.

- 15.8 The Owner of the off highway vehicle must carry liability insurance.
- 15.9 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.

16. PENALTIES AND ENFORCEMENT PROCEDURES

- 16.1 Any person who contravenes any provision of this Bylaw is guilty of an offence and is liable on summary conviction to a fine of not less than THREE HUNDRED DOLLARS (\$300.00) and not more than TWO THOUSAND FIVE HUNDRED DOLLARS (\$2500.00) and in default of payment is liable to imprisonment for a term not exceeding SIX (6) MONTHS.
- 16.2 Where a Peace Officer believes that a person has contravened any provision of the Bylaw, or sections 44 through 49 of the Regulations, he may serve upon:
- (a) Such person a Violation Ticket referencing the section contravened; or
 - (b) The registered owner of the motor vehicle a Violation Ticket referencing section 160(1) of the Act and the section of the Bylaw or Regulations contravened;

In accordance with the provisions of the Provincial Offences Procedure Act, R.S.A.2000, c. P-34.

- 16.3 The levying and payment of any penalty, or the imprisonment for any period as provided for in this Bylaw shall not relieve a person from the necessity of paying any fees, charges or costs for which he is liable under the provisions of this Bylaw.
- 16.4 A Peace Officer may tow and impound at owner's risk and expense, any vehicle found to be parked in contravention of the provision of this Bylaw or the parking provisions of the Regulations.
- 16.5 The specified penalty payable in respect of a contravention of a provision of this Bylaw is as provided for in Schedule "A" of this Bylaw
- 16.6 The specified penalty payable in respect of a contravention of a parking provision of the Regulations is as provided for in the Procedures Regulation (A.R.233/1989) made pursuant to the Provincial Offences Procedures Act, R.S.A. 2000, c. P-34, and must include the required Victims of Crime Act surcharge.
- 16.7 Notwithstanding section 15.2, in lieu of prosecution, a Peace Officer may issue a Parking Violation ticket, in a form as approved by the C.A.O., referencing the section of the Bylaw or Regulation contravened, to the alleged offender, or to the registered owner of any vehicle involved in a contravention of this Bylaw or the parking provisions of the Regulations.



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- 16.8 Service of any such Parking Violation ticket shall be sufficient if it is:
- (a) Personally served;
 - (b) Served by regular mail; or
 - (c) Placed on or attached to the vehicle involved in the contravention of this Bylaw or the parking provisions of the Regulations.
- 16.9 The penalty payable to the Town in lieu of prosecution in respect of a contravention of this Bylaw or the parking provisions of the Regulations, to be indicated on any such Parking Violation ticket issued is the amount provided for in Schedule "A" of this Bylaw, Schedule being hereby incorporated into and made part of this Bylaw.
- 16.10 A person who has been issued a Parking Violation ticket pursuant to the provisions of this Bylaw, and who has fully paid the penalty as indicated to the Town within the time allowed for payment, shall not be liable to prosecution for the subject contravention.
- 16.11 No person, other than the owner or driver of a vehicle, shall remove a Parking Violation ticket placed on or attached to such vehicle by a Peace Officer in the course of his/her duties.
- 16.12 No person shall willfully obstruct, hinder or interfere with a Peace Officer or any other person authorized to enforce and engaged in the enforcement of the provisions of this bylaw.

17. GENERAL

- 17.1 It is the intention of the Council of the Town that each provision of this Bylaw should be considered a being separate and severable from all other provisions. Should any section or provision of this Bylaw be found to have been improperly enacted, then such section or provision shall be regarded as being severable from the rest of this Bylaw and that the Bylaw remaining after such severance shall remain effective and enforceable.
- 17.2 It is the intention of the Council of the Town that all offences created pursuant to this Bylaw be construed and considered as being Strict Liability Offences.
- 17.3 Whenever the singular and masculine gender is used in this Bylaw, the same shall include the plural, feminine and neuter gender whenever the context so requires.
- 17.4 Schedules "A" and "B" may, from time to time, be amended by a resolution of Council.

18. REPEAL

- 18.1 Town of Rimbey Bylaws 530/63, 134/70, 545/88, 847/09, 710/00, 872/11 and 909/15 are hereby repealed.



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NOW THEREFORE

PART III - EFFECTIVE DATE

AND FURTHER THAT this Bylaw shall take effect on the date of third and final reading.

READ a First Time in Council this _____ day of _____ 2018.

Mayor Rick Pankiw

Chief Administrative Officer Lori Hillis

READ a Second Time in Council this ____ day of _____ 2018.

Mayor Rick Pankiw

Chief Administrative Officer Lori Hillis

READ a Third Time and Finally Passed this _____ day of __, 2018.

Mayor Rick Pankiw

Chief Administrative Officer Lori Hillis

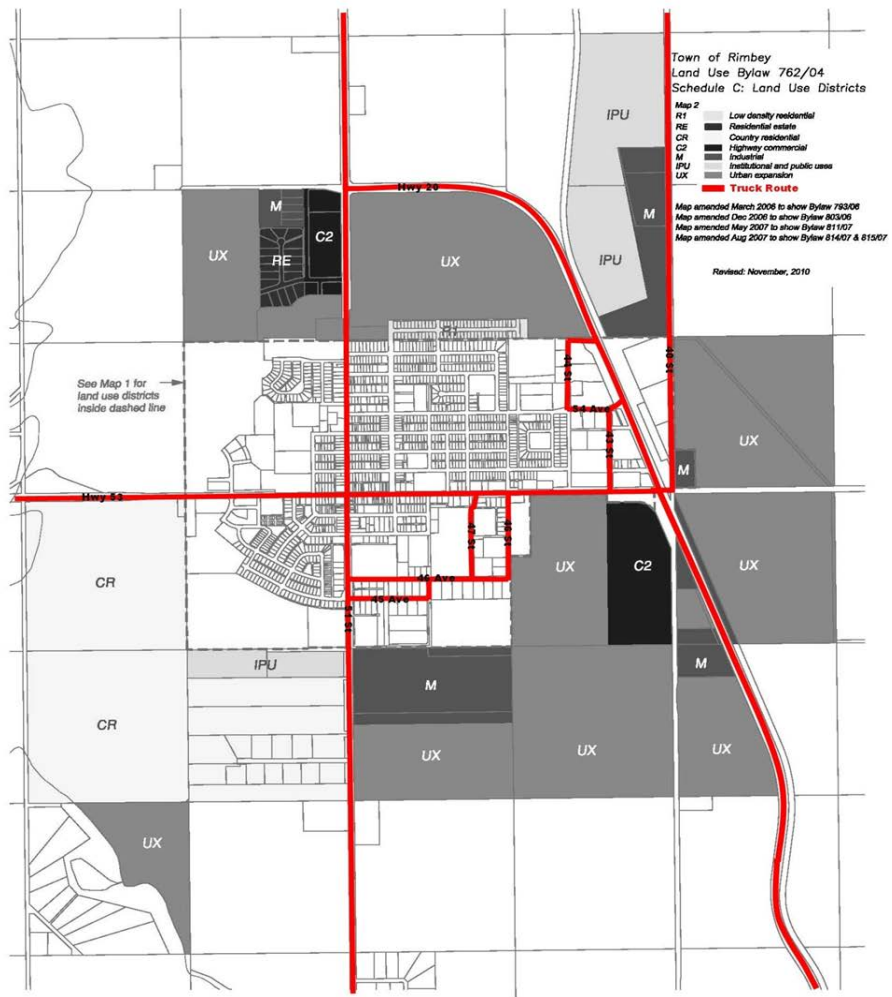


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SCHEDULE "A" – VIOLATIONS AND PENALTIES

Section	Description of Offence	Penalty
15.1	All Bylaw sections not specified in this Schedule	\$300.00
12.1	Drive or park vehicle in excess of maximum weight	\$500.00

SCHEDULE "B" TRUCK ROUTE MAP





A BYLAW OF THE TOWN OF RIMBEY IN THE PROVINCE OF ALBERTA FOR THE PURPOSE OF REGULATING, CONTROLLING, AND ABATING NUISANCES AND REMEDYING DANGEROUS AND UNSIGHTLY PREMISES.

WHEREAS

Pursuant to the provisions of the *Municipal Government Act*, Revised Statutes of Alberta 2000, Chapter M-26 and amendments thereto, the Council may pass Bylaws respecting nuisances and dangerous and unsightly premises;

WHEREAS

The Council of The Town of Rimbey, duly assembled enacts as follows:

NOW
THEREFORE

BYLAW TITLE

This Bylaw may be cited as the "Nuisance Bylaw".

2. DEFINITIONS

2.1 In this Bylaw unless the context otherwise requires:

- a) **"boulevard"** means 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 or ordinarily used by pedestrians.
- b) **"C.A.O."** means the Chief Administrative Officer of the Town of Rimbey.
- c) **"Development Authority"** means a person appointed as a Development Authority pursuant to the provisions of Town of Rimbey Land Use Bylaw, and amendments thereto.
- d) **"dwelling"** means a permanent structure designed or manufactured primarily for the occupation or living quarters for people and includes mobile homes.
- e) **"explosive substance"** means and includes;
 - (i) anything intended to be used to make an explosive substance;
 - (ii) anything or any part thereof, used or intended to be used, or adapted to cause, or to aid in causing an explosion in or with an explosive substance, and;
 - (iii) an incendiary grenade, fire bomb, Molotov cocktail, or similar incendiary substance or device and a delaying mechanism or other thing intended for use in connection with such a substance or device.
- f) **"non-operational vehicle"** means any motor vehicle or part of a motor vehicle which is unlicensed, or uninsured, or derelict, or not in a state to legally travel on a highway.
- g) **"nuisance"** means any use or activity upon any property which is offensive to any person acting reasonably, or has or may be reasonably expected to have a detrimental impact upon any person or other property in the neighborhood and without limiting the generality of the foregoing, includes the following:



A BYLAW OF THE TOWN OF RIMBEY IN THE PROVINCE OF ALBERTA FOR THE PURPOSE OF REGULATING, CONTROLLING, AND ABATING NUISANCES AND REMEDYING DANGEROUS AND UNSIGHTLY PREMISES.

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- (i) grass and/or weeds in excess of twenty (20) centimeters;
 - (ii) the failure to destroy restricted weeds, control noxious weeds, or prevent the spread or scattering of nuisance weeds pursuant to the Weed Control Act S.A. 2008, c.W-5.1 and amendments thereto;
 - (iii) the causing of opaque, dense, toxic or noxious smoke and permitting such smoke to be emitted to the atmosphere, as determined by the Peace Officer, unless specifically authorized by Council;
 - (iv) the burning of anything other than preservative or chemical free wood or wood products within an acceptable fire pit or fireplace meeting the standards of the Town of Rimbey Land Use Bylaw and amendments thereto.
 - (v) the generation of excessive dust and permitting such dust to escape from the property;
 - (vi) the emission of an unpleasant odor and permitting such odor to escape from the property;
 - (vii) the use of any pesticide or herbicide which has significant detrimental or environmental effects on surrounding areas;
 - (viii) the failure to control or eliminate insect pests harmful to the growth and development of any trees, shrubs, vegetable or plant life;
 - (ix) the storage or accumulation of dilapidated vehicles or the storage of vehicles contrary to the Land Use Bylaw;
 - (x) the storage or accumulation of or failure to dispose of discarded or dilapidated furniture or household appliances, scrap metals, scrap lumber, cardboard, tires, motor vehicle parts or scrap building materials;
 - (xi) the failure to dispose of or to prevent the spread or scattering of any rubbish or garbage accumulated upon any property, including but not limited to;
 - (a) any rubbish, refuse, garbage, paper, packaging, containers, bottles, cans,
 - (b) rags, clothing, petroleum products, manure, human or animal excrement,
 - (c) sewage or the whole part of an animal carcass; or
 - (d) the whole or a part of any article, raw or processed material, vehicle or other machinery that is disposed of;
 - (e) animal or vegetable matter, including materials resulting from the handling, preparation, cooking, consumption and



A BYLAW OF THE TOWN OF RIMBEY IN THE PROVINCE OF ALBERTA FOR THE PURPOSE OF REGULATING, CONTROLLING, AND ABATING NUISANCES AND REMEDYING DANGEROUS AND UNSIGHTLY PREMISES.

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- storage of food;
 - (f) building waste;
 - (g) garden waste;
 - (h) anything that is designated as waste in the regulations under the Environmental Protection & Enhancement Act R.S.A. 2000, c. E-12 and amendments thereto.
 - (xii) the posting or exhibiting of posters, signs, billboards, placards, writings or pictures on any fence, wall, or property, where the same are accumulated and become in a dilapidated condition.
 - (xiii) the failure to remove graffiti off any buildings, structures, fences etc. within a period of at least two (2) weeks, or a longer period as determined by the Peace Officer.
 - h) **“Peace Officer”** means any member of the RCMP, a Peace Officer and a Bylaw Enforcement Officer or any other person designated by the CAO.
 - i) **“person”** includes any owner, agent, lessee or occupier including a corporation and their heirs, executors, administrators or other legal representative of a person or corporation.
 - j) **“premises”** means and includes all land, buildings, excavations, structures and appurtenances thereto.
 - k) **“recreational vehicle”** means any vehicle, trailer or anything designed to be carried on a vehicle or trailer that is designed for temporary habitation of people commonly referred to as a holiday trailer, motor home, camper or tent trailer.
 - l) **“sign”** means anything defined as a sign pursuant to the Land Use Bylaw and amendments thereto.
 - m) **“Town”** means the Town of Rimbey.
 - n) **“unsightly condition”** means:
 - (i) in respect of a structure, a structure whose exterior, relative to the adjacent land and land use, shows signs of significant physical deterioration, and
 - (ii) in respect of land, land that shows signs, relative to the adjacent land and land use, of serious disregard for general maintenance and upkeep.
 - o) **“weapon”** means a firearm or any other device that propels a projectile by means of an explosion, spring, air, gas, string, wire or elastic material and any combination of these things.



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3. OFFENCES

3.1 No person being the owner, agent, lessee or occupier of any premises or dwelling within the Town of Rimbey shall permit such premises or dwelling or the activities on such place to be or become a nuisance or be in an unsightly condition.

3.2 No person being the owner, agent, lessee or occupier of any premises or dwelling within the Town of Rimbey shall permit the grass, weeds, or other vegetation on a boulevard adjacent to the subject property to become a nuisance by growing uncontrolled. All property owners or occupants are charged with the responsibility of maintaining the boulevard adjacent to, abutting, or flanking their property.

3.3 No person shall keep a recreational vehicle, in a residential area, in the front yard or in the flanking yard on a corner lot, for a period longer than is reasonably necessary to load or unload the vehicle. The foregoing does not apply between the months of April and October inclusive if;

- a) there is no vehicle access to the rear yard of the lot, and;**
- b) the vehicle will not overhang the sidewalk or road or otherwise create a traffic hazard, and;**
- c) the parking of the vehicle will not, in the Development Authority's opinion, reduce the value or enjoyment of adjacent properties.

3.4 No person shall place an unauthorized sign or a sign contrary to the Land Use Bylaw on any public or private lands.

4. NOISE

4.1 No person shall make, continue or cause or allow to be made or continued any loud, unnecessary or unusual noise or any noise whatsoever which either annoys, disturbs, injures, endangers or detracts from the comfort, repose, health, peace or safety of other persons within the Town of Rimbey.

4.2 No person shall allow property belonging to him under his control to be used so that there originates from the property any loud unnecessary or unusual noise which disturbs the comfort or repose of other persons in the vicinity of such property or generally within the limits of the Town of Rimbey.

4.3 A loud noise, an unnecessary noise, an unusual noise or a noise which disturbs, injures, or endangers the comfort, repose, health, peace or safety of others is a question of fact for a Court which hears a prosecution of an offence against Section 6 or 7 of this Bylaw.

4.4 In determining if a sound is reasonably likely to disturb the peace of others the following criteria may be considered:

- a) type, volume and duration of the sound;
- b) time of day and day of week;
- c) nature and use of the surrounding area; and



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d) any other relevant factor.

4.5 No person shall operate or allow to be operated any sound amplifying equipment from any residence, business premises, vehicle or in any park or other public place so as to unduly disturb residents of the Town.

The above shall not apply to any person or group who has obtained consent or permission from the Council of the Town or from the C.A.O.

4.6 No person shall carry on construction of any kind that can be heard beyond the boundary of the construction site between the hours of 10:00 P.M. (2200 hrs.) and 7:30 A.M. (0730 hrs.).

4.7 No person shall operate any equipment, machinery or mechanical devices or any other tool or device of a noisy nature in a residential area between the hours of 10:00 P.M. (2200 hrs.) and 7:30 A.M. (0730 hrs.).

4.8 Notwithstanding sections 4.6 and 4.7 a Peace Officer, C.A.O. or Town Council may allow construction to be carried on, subject to any restrictions or conditions that they may impose.

4.9 No person shall cause or permit or undertake any activity upon any Town property, which constitutes a nuisance.

4.10 No person who occupies any premises shall keep any kind of animal in excessive numbers so as to cause a health concern, damage to other properties or in the opinion of the Development Authority the keeping of the animals in excessive numbers will reduce the value or enjoyment of adjacent properties.

a) A Provincial Court Judge or Justice of the Peace, in addition to the penalties provided in this Bylaw, may, if he considers the keeping of the excessive number of animals to be serious considering health and property issues, direct or order the owner of the animals to have the animals removed from the Town.

5. WEAPONS AND EXPLOSIVES

5.1 No person shall discharge or use any dangerous weapon, devices, firearm or explosive substance within the corporate limits of the Town of Rimbey.

5.2 No person shall allow property belonging to him or under his control to be used so that there originates from his property the setting off or throwing of any fireball, firecracker, or other fireworks or explosive device within the corporate limits of the Town of Rimbey;

Excepting where special permission is obtained in writing from the CAO outlining any conditions related to the permission for discharge as deemed necessary by Council, notice of which will be transmitted to the Town Peace Officer or the Royal Canadian Mounted Police.



A BYLAW OF THE TOWN OF RIMBEY IN THE PROVINCE OF ALBERTA FOR THE PURPOSE OF REGULATING, CONTROLLING, AND ABATING NUISANCES AND REMEDYING DANGEROUS AND UNSIGHTLY PREMISES.

6. ENFORCEMENT

- 6.1 A person who contravenes this Bylaw is guilty of an offence.
- 6.2 In the case of an offence that is of a continuing nature, a contravention constitutes a separate offence in respect of each day, or part of a day, on which it continues and a person guilty of such an offence is liable to a fine in an amount not less than that established by this Bylaw for each such day.
- 6.3 For the purposes of this Bylaw, an act or omission by an employee or agent of a person is deemed also to be an act or omission of the person if the act or omission occurred in the course of the employee's employment with the person, or in the course of the agent's exercising the powers or performing the duties on behalf of the person under their agency relationship.
- 6.4
 - a) When a corporation commits an offence under this Bylaw, every principal, director, manager, employee or agent of the corporation who authorized the act or omission that constitutes the offence or assented to or acquiesced or participated in the act or omission that constitutes the offence is guilty of the offence whether or not the corporation has been prosecuted for the offence.
 - b) if a partner in a partnership is guilty of an offence under this Bylaw, each partner in that partnership who authorized the act or omission that constitutes the offence or assented to or acquiesced or participated in the act or omission that constitutes the offence is guilty of the offence.
- 6.5 A Peace Officer is hereby authorized to carry out an inspection to determine compliance with any provision of this Bylaw.
- 6.6 The C.A.O. of the Town or a Peace Officer may, at their discretion, issue a letter or notice to anyone who is in contravention of any section of this Bylaw directing the said person to take any action required so as not to be in breach of the section. The notice or letter may provide a time frame for the person to complete the action.
- 6.7
 - a) Any person who does not comply with a notice or letter is subject to a fine in the amount of \$200.00. A person who commits a second or subsequent offence within a one-year period shall be subject to a fine of \$400.00.
 - b) Notwithstanding 6.7 a), A Provincial Court Judge or Justice of the Peace may set a penalty higher than the specified penalty in this Bylaw, but not to exceed \$2,500.00.
- 6.8 The Town may perform the task or action that any person has not complied with at that person's expense. If the person fails to pay the Town then the amount owing may be added to the person's or owner's taxes.
- 6.9 A Peace Officer is hereby authorized and empowered to issue a violation ticket, pursuant to the Provincial Offences Procedure Act, to any person who the Peace Officer believes on reasonable and probable grounds has contravened any section of this Bylaw.



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- 6.10 Any person to whom a violation ticket has been issued may make the voluntary payment, if one is offered, by delivering the violation ticket as per instructions on the violation ticket along with an amount equal to that specified for the offence as set out in this Bylaw.
- 6.11 A Peace Officer who believes that the breach of any section in this Bylaw is of such a serious nature he may issue an offender with a violation ticket compelling the offender's appearance in court.
- 6.12 Notwithstanding the provisions of this Bylaw, any person who has been issued a violation ticket pursuant to any section of this Bylaw may exercise his right to defend any charge of committing a contravention of any provision of this Bylaw.
- 6.13 A person issued a violation ticket for an offence shall be deemed sufficiently and properly served:
- a) if served personally on the accused;
 - b) if mailed by registered mail to the address of the person who has contravened this Bylaw.

7. SEVERABILITY

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

8. GENERAL

- 8.1 Whenever the singular and masculine gender is used in this Bylaw, the same shall include the plural, feminine and neuter gender whenever the context so requires.

9. REPEAL

- 9.1 Bylaws 470/84, 548/88, 627/95, 736/02, 859/10, and 908/15 are hereby repealed.

10. EFFECTIVE DATE

- 10.1 AND FURTHER THAT this Bylaw shall take effect on the date of third and final reading.



A BYLAW OF THE TOWN OF RIMBEY IN THE PROVINCE OF ALBERTA FOR THE PURPOSE OF REGULATING, CONTROLLING, AND ABATING NUISANCES AND REMEDYING DANGEROUS AND UNSIGHTLY PREMISES.

READ a First Time in Council this 23 day of October 2018.

Mayor Rick Pankiw

Chief Administrative Officer Lori Hillis

READ a Second Time in Council this 23 day of October 2018.

Mayor Rick Pankiw

Chief Administrative Officer Lori Hillis

UNANIMOUSLY AGREED to present this Bylaw for Third & Final Reading.

READ a Third Time and Finally Passed this 23 day of October 2018.

Mayor Rick Pankiw

Chief Administrative Officer Lori Hillis



Province of Alberta

TRAFFIC SAFETY ACT

Revised Statutes of Alberta 2000 Chapter T-6

Current as of June 17, 2021

Office Consolidation

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Note

All persons making use of this consolidation are reminded that it has no legislative sanction, that amendments have been embodied for convenience of reference only. The official Statutes and Regulations should be consulted for all purposes of interpreting and applying the law.

Regulations

The following is a list of the regulations made under the *Traffic Safety Act* that are filed as Alberta Regulations under the Regulations Act

	Alta. Reg.	<i>Amendments</i>
Traffic Safety Act		
Access to Motor Vehicle Information	140/2003	80/2004, 194/2005, 35/2006, 112/2006, 35/2007, 68/2008, 168/2010, 31/2012, 57/2013, 34/2018, 213/2020, 86/2021
<i>NOTE: AR 86/2021, except section 7, comes into force on October 30, 2021</i>		
Alberta Transportation Safety Board		
Appeal Fees.....	259/2003	285/2003, 117/2013, 68/2017
Alberta Transportation Safety Board		
Dissolution Transitional	216/2020	
Bill of Lading and		
Conditions of Carriage	313/2002	203/2003, 11/2004, 117/2006, 101/2008, 79/2013, 107/2018, 227/2020
Commercial Vehicle Certificate		
and Insurance	314/2002	136/2003, 315/2003, 100/2004, 118/2006, 211/2006, 213/2006, 98/2007, 35/2009,

		<i>121/2009, 70/2010, 208/2010, 199/2011, 87/2014, 120/2016, 67/2018, 175/2018, 56/2019, 60/2019, 126/2020, 220/2020</i>
Commercial Vehicle Dimension and Weight	315/2002	<i>30/2004, 100/2004, 50/2005, 105/2005, 190/2005, 35/2007, 68/2008, 72/2008, 121/2009, 140/2009, 114/2011, 187/2011, 80/2013, 47/2014, 58/2014, 100/2015, 117/2018, 81/2019, 147/2019, 125/2020</i>
Commercial Vehicle Safety	121/2009	<i>78/2013, 60/2016, 98/2017, 81/2019, 128/2020, 222/2020</i>
Demerit Point Program and Service of Documents	331/2002	<i>315/2003, 210/2005, 108/2006, 128/2012, 187/2015, 82/2016, 214/2020</i>
Distracted Driving	113/2011	<i>65/2016</i>
Driver Training and Driver Examination	316/2002	<i>105/2005, 101/2006, 68/2008, 169/2011, 31/2012, 168/2012, 165/2015, 164/2016, 175/2018, 10/2019, 81/2019, 101/2019, 196/2020, 223/2020</i>
Drivers' Hours of Service	317/2002	<i>12/2004, 100/2004, 119/2006, 70/2008, 48/2010, 98/2012, 208/2014, 232/2017, 127/2020</i>
Fish Creek Provincial Park Parking and Stopping	175/2003	<i>210/2011, 144/2014, 168/2019</i>
Off-highway Vehicle.....	319/2002	<i>148/2003, 38/2011, 166/2012, 72/2017, 10/2019, 81/2019 283/2020</i>
Operator Licensing and Vehicle Control	320/2002	<i>137/2003, 149/2003, 220/2003, 45/2004, 108/2004, 253/2004,</i>

		48/2005, 161/2006, 211/2006, 37/2008, 121/2009, 168/2009, 255/2009, 127/2010, 131/2010, 220/2010, 37/2011, 49/2011, 170/2011, 73/2012, 101/2012, 125/2012, 196/2012, 61/2013, 160/2014, 25/2015, 30/2018, 105/2018, 118/2018, 175/2018, 193/2018, 10/2019, 42/2019, 56/2019, 61/2019, 81/2019, 101/2019, 164/2019, 171/2019, 93/2020, 207/2020, 218/2020 282/2020, 128/2021
SafeRoads Alberta.....	224/2020	
Service Restriction Repeal	117/2019	
Traffic Accommodation in Work Zones	267/2018	
Traffic Control Device	254/2004	46/2014
Transportation Network Companies	100/2016	215/2020
Use of Highway and Rules of the Road	304/2002	8/2005, 152/2009, 105/2014, 304/2002, 241/2018, 131/2020, 212/2020
Vehicle Equipment.....	122/2009	165/2009, 31/2012, 143/2012, 170/2012, 49/2018, 54/2019, 129/2021
Vehicle Inspection.....	211/2006	49/2010, 64/2012, 12/2015, 36/2017, 56/2019, 60/2019, 81/2019, 226/2020
Vehicle Seizure and Removal	251/2006	68/2008, 31/2012, 102/2012, 170/2012, 62/2013, 42/2015, 67/2017, 29/2018, 225/2020

TRAFFIC SAFETY ACT

Chapter T-6

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HER MAJESTY, by and with the advice and consent of the
Legislative Assembly of Alberta, enacts as follows:

Interpretation

1(1) In this Act,

- (a) “alley” means a narrow highway intended chiefly to give access to the rear of buildings and parcels of land;
- (b) “axle” means
 - (i) one or more shafts on which or with which 2 or more wheels revolve, and
 - (ii) the wheels on each shaft;
- (c) “axle group” means 2 or more axles that are on a vehicle and that are situated on the vehicle as specified in the regulations;
- (d) repealed 2020 cP-30.8 s44(2);
- (e) “boulevard” means that part of a highway in an urban area that
 - (i) is not roadway, and
 - (ii) is that part of the sidewalk that is not especially adapted to the use of or ordinarily used by pedestrians;
- (f) “centre line” means

- (i) the centre of a roadway measured from the curbs or, in the absence of curbs, from the edges of the roadway,
- (ii) in the case of a highway
 - (A) that is an offset centre highway as designated by a traffic control device, or
 - (B) that is a highway having a certain number of traffic lanes for traffic moving in a certain direction at all times or at specified times as designated by a traffic control device,

the line dividing the lanes for traffic moving in opposite directions, or
- (iii) in the case of a divided highway, that portion of the highway separating the roadways for traffic moving in opposite directions;
- (g) “certificate of registration” means a certificate of registration that is issued under this Act and includes a document or information and other data contained in an electronic form that is recognized under this Act as a certificate of registration;
- (h) “commercial vehicle” means a vehicle operated on a highway by or on behalf of a person for the purpose of providing transportation but does not include a private passenger vehicle;
- (h.1) “contravention” means a contravention under this Act;
- (i) “cycle” means a bicycle, power bicycle, motorcycle or moped;
- (j) “dealer” means any person who buys or sells motor vehicles as a business, either as principal or agent;
- (k) “driver” means a person who is driving or is in actual physical control of a vehicle;
- (l) “driving” or “drive” includes having the care or control of a vehicle;
- (l.1) “driving record” means a record of all of the information held by the Registrar that relates to an individual driver’s history, including, without limitation,

- (i) any convictions for a criminal or other federal offence relating to the operation of a vehicle, and
 - (ii) any commissions of contraventions;
- (m) “emergency vehicle” means
- (i) a vehicle operated by a police service as defined in the *Police Act*;
 - (ii) a fire-fighting or other type of vehicle operated by the fire protection service of a municipality;
 - (iii) an ambulance operated by a person or organization providing ambulance services;
 - (iv) a vehicle operated as a gas disconnection unit of a public utility;
 - (v) a vehicle designated by regulation as an emergency response unit;
- (n) “financial responsibility card” means a card issued or authorized pursuant to the *Insurance Act*;
- (o) “goods” means any thing or load that is or may be carried by means of a vehicle;
- (p) “highway” means any thoroughfare, street, road, trail, avenue, parkway, driveway, viaduct, lane, alley, square, bridge, causeway, trestleway 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;

- (q) “insured motor vehicle” means a motor vehicle the owner of which
 - (i) is insured in respect of that motor vehicle by an insurer, or
 - (ii) is a corporation that has provided for financial responsibility in respect of that motor vehicle,in accordance with the *Insurance Act*;
- (r) “insurer” means an insurer licensed under the *Insurance Act* to carry on the business of automobile insurance in Alberta;
- (r.1) “intersection safety device” means a device that is installed or erected at an intersection with a traffic control signal and that is capable of
 - (i) photographing a vehicle and recording data related to the traffic control signal and the vehicle,
 - (ii) being used for or in connection with establishing the speed of a vehicle while the vehicle is approaching and proceeding through the intersection, or
 - (iii) both photographing a vehicle and recording data as described in subclause (i) and being used as described in subclause (ii);
- (r.2) “investigator” means an individual designated by the Minister as an investigator under section 2.1;
- (s) “licence plate” means a licence plate that is issued under this Act and includes an object that is recognized under this Act as a licence plate;
- (t) “maximum allowable weight” means the weight that may be borne by a commercial vehicle;
- (u) “Minister” means the Minister determined under section 16 of the *Government Organization Act* as the Minister responsible for this Act;
- (v) “mobility aid” means a device used to facilitate the transport, in a normal seated orientation, of a person with a physical disability;
- (w) “motorcycle” means a motor vehicle, other than a moped, that is mounted on 2 or 3 wheels and includes those motor

vehicles known in the automotive trade as motorcycles and scooters;

- (x) “motor vehicle” means
 - (i) a vehicle propelled by any power other than muscular power, or
 - (ii) a moped,

but does not include a bicycle, a power bicycle, an aircraft, an implement of husbandry or a motor vehicle that runs only on rails;
- (y) “motor vehicle document” means
 - (i) an operator’s licence;
 - (ii) a certificate of registration;
 - (iii) a financial responsibility card;
 - (iv) a licence plate;
 - (v) an operating authority certificate;
 - (vi) a safety fitness certificate;
 - (vii) a permit;
 - (viii) repealed 2021 c13 s15;
 - (ix) any other document not referred to in subclauses (i) to (vii) that is prescribed by regulation as a motor vehicle document;
- (z) “municipality” means a municipality as defined in the *Municipal Government Act* and includes a Metis settlement;
- (aa) “non-repairable vehicle” means a motor vehicle or a trailer described by the regulations as a non-repairable vehicle;
- (bb) “operator’s licence” or “driver’s licence” means an operator’s licence or a driver’s licence that is issued under this Act and includes a document or information and other data contained in an electronic form that is recognized under this Act as an operator’s licence or a driver’s licence;
- (cc) “optometrist” means a regulated member of the Alberta College of Optometrists;

- (dd) “over-dimensional vehicle” means a vehicle, including any load that is carried on the vehicle, that exceeds the dimensions prescribed by regulation;
- (ee) “owner” means the person who owns a vehicle and includes any person renting a vehicle or having the exclusive use of a vehicle under a lease that has a term of more than 30 days or otherwise having the exclusive use of a vehicle for a period of more than 30 days;
- (ff) “peace officer” means
- (i) a police officer under the *Police Act*;
 - (ii) a member of a police service under the *Police Act*;
 - (ii.1) an investigator designated under section 2.1;
 - (iii) a peace officer appointed under the *Peace Officer Act* for the purposes of this Act;
 - (iv) a park warden appointed under the *Parks Canada Agency Act* (Canada);
 - (v) a conservation officer appointed under section 1 of Schedule 3.1 to the *Government Organization Act*;
 - (vi) a forest officer appointed under the *Forests Act*;
 - (vii) a wildlife officer appointed under the *Wildlife Act*;
- (gg) “pedestrian” means
- (i) a person on foot, or
 - (ii) a person in or on a mobility aid,
- and includes those persons designated by regulation as pedestrians;
- (hh) “permit” means a permit issued under this Act;
- (ii) “policy” means an owner’s or non-owner’s motor vehicle liability policy that is in conformity with Part 7 of the *Insurance Act*;
- (jj) “private passenger vehicle” means a vehicle used solely for personal transportation,

- (i) including the carriage of goods intended for the use or enjoyment of the owner of the vehicle or members of the owner's household, but
 - (ii) not including, in respect of a person's business, work or employment, the carriage of passengers or of goods, except for sample cases or display goods that are conveyed by a salesperson and that are not for delivery or resale;
- (kk) repealed 2007 c45 s2;
- (ll) "Registrar" means the Registrar of Motor Vehicle Services and includes any person who, on the directions of the Registrar, is acting on behalf of the Registrar of Motor Vehicle Services;
- (mm) "road authority" means,
- (i) in the case of a highway or road that is, by virtue of the operation of section 3 or 5 of the *Highways Development and Protection Act*, under the direction, control and management of the Minister under that Act, that Minister;
 - (ii) in the case of a highway that is under the direction, control and management of a municipality, the council of the municipality;
 - (iii) repealed 2004 cH-8.5 s76;
 - (iv) in the case of a highway that is located in a special area and that is under the direction, control and management of the Minister responsible for the *Special Areas Act*, the Minister responsible for the *Special Areas Act*;
 - (v) in the case of a highway that is located in a provincial park or recreation area and that is under the direction, control and management of the Minister responsible for the *Provincial Parks Act*, the Minister responsible for the *Provincial Parks Act*;
 - (vi) in the case of a licence of occupation road, the Minister responsible for the *Public Lands Act*;
 - (vii) repealed 2004 cH-8.5 s76;
 - (viii) in the case of a highway that is under the direction, control and management of a Metis settlement, the Metis settlement;

- (nn) “roadway” means that part of a highway intended for use by vehicular traffic;
- (oo) “salvage motor vehicle” means a motor vehicle described by regulation as a salvage motor vehicle;
- (pp) “sidewalk” means that part of a highway especially adapted to the use of or ordinarily used by pedestrians, and includes that part of a highway between
 - (i) the curb line, or
 - (ii) where there is no curb line, the edge of the roadway, and the adjacent property line, whether or not it is paved or improved;
- (qq) “state of the United States of America” includes the District of Columbia;
- (rr) “subsisting” when used in relation to a motor vehicle document or a policy means, that at the relevant time, the motor vehicle document or policy is current and has not expired nor been suspended or cancelled;
- (ss) “traffic control device” means any sign, signal, marking or device placed, marked or erected under the authority of this Act for the purpose of regulating, warning or guiding traffic;
- (tt) “traffic control signal” means a traffic control device, whether manually, electrically or mechanically operated, by which traffic is directed to stop and to proceed;
- (uu) “trailer” means a vehicle so designed that it
 - (i) may be attached to or drawn by a motor vehicle or tractor, and
 - (ii) is intended to transport property or persons, and includes any vehicle defined by regulation as a trailer but does not include machinery or equipment solely used in the construction or maintenance of highways;
- (vv) “urban area” means a city, town or village or an urban service area within a specialized municipality;
- (ww) “vehicle”, other than in Part 6, means a device in, on or by which a person or thing may be transported or drawn on a

highway and includes a combination of vehicles but does not include a mobility aid.

(1.1) For the purposes of this Act, an individual who is a peace officer by virtue of

- (a) section 1(1)(ff)(iv) has the powers, duties and functions of a peace officer only while acting in a national park established under the *National Parks Act* (Canada), and
- (b) section 1(1)(ff)(vi) has the powers, duties and functions of a peace officer only while acting for the purposes of enforcing this Act with respect to off-highway vehicles as defined in Part 6.

(2) In sections 11, 69, 70, 71, 72 and 169(2)(f), a reference to a vehicle is a reference to a vehicle other than a bicycle.

(3) In sections 76, 77, 78 and 79, a reference to a vehicle includes a reference to a wrecked or partially dismantled vehicle or any part of a vehicle.

(4) In this Act,

- (a) a reference to “this Act” includes the regulations made under this Act;
- (b) a reference to “this statute” does not include the regulations made under this Act;
- (c) a reference to a bylaw is, unless otherwise provided, a reference to a bylaw made under this Act.

(5) The Lieutenant Governor in Council may make regulations defining, for the purposes of this Act, any term used in this statute that is not otherwise defined in this statute.

(6) Any term defined pursuant to subsection (5) is to be treated in the same manner as if it had been defined in subsection (1).

(7) For the purposes of the following provisions, operator’s licence includes a licence or permit issued in another jurisdiction that permits a person to operate a motor vehicle:

section 1(1)(rr);
section 11.1;
section 18(1)(d) and (e);
section 51;
section 57;
section 61;

section 69;
section 80;
Part 4;
Part 8.

(8) For the purposes of sections 1(1)(rr) and 11.1 and Part 8, certificate of registration includes a document issued in another jurisdiction that shows that a motor vehicle or trailer is registered under the laws of that jurisdiction.

(9) For the purposes of sections 1(1)(rr) and 11.1 and Part 8, licence plate includes a licence plate issued in another jurisdiction.

(10) Where a highway is located both within an urban area and outside an urban area and this Act refers to the highway

- (a) as a highway in an urban area, that reference is a reference to that portion of the highway that is located in an urban area, or
- (b) as a highway outside an urban area, that reference is a reference to that portion of the highway that is not located in an urban area.

(11) In this Act, a reference to the Rules of the Road is a reference to the regulations made under section 112.

(12) Any reference in this Act to a sign erected means a sign erected under the authority of this Act.

(13) Any reference in this Act to “driver’s vehicle” means the vehicle that a driver is driving whether or not that person is the owner of the vehicle.

(14) Any reference in this Act to the weight of or carried on a commercial vehicle is a reference to, as the case may be,

- (a) the weight of or borne by the vehicle,
- (b) the weight borne by an axle or an axle group of a vehicle,
- (c) the weight borne by a tire or group or combination of tires of a vehicle, or
- (d) the weight borne by any other portion or part of a vehicle.

RSA 2000 cT-6 s1;2001 c14 s2;2002 c30 s30;2003 c42 s15;
2004 cH-8.5 s76;2005 c34 s2;2006 cP-3.5 s44;2007 c45 s2;
2009 c35 s2;2011 c22 s2;2013 c19 s2(2);2016 c14 s12;
2020 cP-30.8 s44(2);2021 c13 s15

Nature of contraventions

1.1 Subject to section 157(1.1), (1.2) and (1.3) or an express provision in this Act or the regulations, a contravention of this Act may be enforced

- (a) as an offence to which the *Provincial Offences Procedure Act* applies, or
- (b) as a contravention to which the *Provincial Administrative Penalties Act* applies.

2020 cP-30.8 s44(3)

No imprisonment

1.2 Notwithstanding anything to the contrary in this Act, no term of imprisonment may be imposed in respect of a contravention in respect of which a notice of administrative penalty is issued under the *Provincial Administrative Penalties Act*.

2020 cP-30.8 s44(3)

Part 1 General Administration

Division 1 General

Staff

2(1) In accordance with the *Public Service Act* there may be appointed a Registrar of Motor Vehicle Services and any other officers and employees required for the administration of this Act.

(2) For the purposes of this Act, the Minister may appoint or designate persons

- (a) as engineers, and
- (b) as testers of speedometers on motor vehicles, of tuning forks, of intersection safety devices and of other devices.

RSA 2000 cT-6 s2;2007 c45 s3

Investigators

2.1(1) The Minister may designate as investigators individuals or classes of individuals whom the Minister considers qualified to act as investigators for the purposes of this Act and the regulations generally or for the purposes of any specific provisions of this Act or the regulations, subject to any terms and conditions the Minister considers necessary.

(2) The Minister shall provide each investigator with a certificate of designation, and on entering any place, an investigator shall, on

request, produce the certificate of designation and explain the nature of the powers or duties the investigator wishes to carry out.

(3) Notwithstanding anything in this Act, an investigator is not authorized to act outside the terms and conditions, if any, imposed in respect of that investigator under this section.

2009 c35 s3

Authority to enter and inspect premises

2.2(1) An investigator may enter any premises, other than a private dwelling, and investigate, inspect or audit the premises and any records, including electronic records, reports and documents, and any vehicles and equipment within the premises to ensure compliance with this Act and the regulations.

(2) An investigation, inspection or audit under subsection (1) must be conducted at a reasonable time.

(3) An investigator may, in the course of an investigation, inspection or audit, require a person

- (a) to give written or oral replies to questions,
- (b) to produce any books, records, electronic records, reports, documents or other things and to provide copies of them, and
- (c) to provide any other information requested by the investigator.

(4) An investigator may, in the course of an investigation, inspection or audit, inspect, examine and make copies of or temporarily remove books, records, reports, documents or other things that are relevant to determine if persons required to comply with this Act and the regulations are complying with this Act and the regulations.

(5) When an investigator removes any books, records, reports, documents or other things under subsection (4), the investigator

- (a) must give a receipt for them to the person from whom they were taken,
- (b) may make copies of, take photographs of or otherwise record them, and
- (c) must, within a reasonable time, return them to the person to whom the receipt was given.

2009 c35 s3

Obstruction of investigators

2.3 When an investigator is exercising powers or carrying out duties under this Act, a person shall not

- (a) fail to comply with any reasonable request of the investigator,
- (b) knowingly make a false or misleading statement to the investigator either orally or in writing, or
- (c) otherwise obstruct or hinder the investigator.

2009 c35 s3

Delegation of power

3(1) A person who is empowered under this Act to do any act or thing or perform any function may in writing authorize the doing of that act or thing or the performance of that function, other than the making of regulations, by one or more of the following:

- (a) repealed 2020 cP-30.8 s44(4);
- (b) an employee of the Government;
- (c) a peace officer;
- (d) any person or class of persons designated by the Minister.

(2) An authorization made under subsection (1) may be

- (a) general or applicable to a particular case, and
- (b) conditional or unconditional.

(3) Where an authorization

- (a) purports to be signed by the person giving the authorization, and
- (b) states that the person named in it is authorized to do the act or thing or perform the function set out in the written authorization,

that authorization or a copy of it shall be admitted in evidence as proof, in the absence of evidence to the contrary, of that person's authorization to do the act or thing or perform the function without proof of the signature or official character of the person appearing to have signed the authorization.

(4) Notwithstanding that a person has given an authorization under this section, that person may do the act or thing or perform the function in respect of which the authorization was given.

(5) Where authorized by the Minister,

- (a) the Registrar, or
- (b) an employee of the Government designated by the Minister,

may accept and exercise powers conferred on that person or body pursuant to the *Canada Transportation Act* (Canada) or the *Motor Vehicle Transport Act* (Canada).

RSA 2000 cT-6 s3;2013 c19 s2(3);2020 cP-30.8 s44(4)

Reproduction of documents, etc.

4(1) The Minister may, on any terms or conditions that the Minister directs, authorize the Registrar to cause any document, item or thing, including a class of document, a copy of a document or a document recorded on a photographic medium or by electronic means, that is filed or maintained under this Act to be reproduced on a photographic medium or by electronic means.

(2) A reproduction of a document, item or thing that is certified by the Registrar to be a true copy of the reproduced document, item or thing

- (a) stands in the place of the original document, item or thing,
- (b) shall be treated as the original document, item or thing for all purposes under this Act, and
- (c) is admissible in evidence in any proceeding in the same manner and for all purposes as if it were the original document, item or thing.

RSA 2000 cT-6 s4;2020 cP-30.8 s44(5)

Documents signed by officials

5(1) Every document that purports to be signed or issued by

- (a), (b) repealed 2020 cP-30.8 s44(6),
- (c) the Registrar,
- (d) a person to whom an authorization is made under section 3, if the document relates to a function that the person is authorized to perform,
- (e) the Registrar of Corporations,

- (f) a person who is authorized to perform a function of the Registrar, if the document relates to a function that the person is authorized to perform,
- (f.1) an official of a jurisdiction other than Alberta who is a registrar of corporations or performs a function for that jurisdiction similar to the function that the Registrar of Corporations performs for Alberta,
- (g) an official of a jurisdiction other than Alberta who is a registrar of motor vehicles or performs a function for that jurisdiction similar to the function that the Registrar performs for Alberta, or
- (h) the person performing the functions of the provincial authority as defined in the *Motor Vehicle Transport Act* (Canada),

shall be admitted in evidence as proof, in the absence of evidence to the contrary, of the facts stated in the document without proof of the signature or official character of the person who signed the document, if any.

(2) When proof is required of

- (a) the suspension or cancellation of a motor vehicle document, or
- (b) the disqualification of a person from driving a motor vehicle in Alberta or from holding a motor vehicle document under this Act,

the production of a certificate purporting to be signed by the Registrar stating that

- (c) the motor vehicle document issued to that person is suspended or cancelled, or
- (d) the person named in the certificate is disqualified from driving a motor vehicle in Alberta or from holding a motor vehicle document under this Act,

shall be admitted in evidence as proof, in the absence of evidence to the contrary, that the motor vehicle document is suspended or cancelled or that the person so named is so suspended or disqualified, without proof of the signature or official character of the person signing the certificate, if any.

(3) In a proceeding with respect to a failure to comply with section 70 or 71, a certificate purporting to be signed by the Registrar that

any accident report required under this Act has or has not been made shall be admitted in evidence as proof, in the absence of evidence to the contrary, of all the facts stated in the certificate without proof of the signature or official character of the person signing the certificate, if any.

(4) A certificate purporting to be signed by the Registrar certifying

- (a) that a notice or document given or made under this Act was served, and
- (b) that according to the records kept under this Act the notice or document was served on the person named in the notice or document,

shall be admitted in evidence as proof, in the absence of evidence to the contrary, of the facts stated in the certificate without proof of the signature or official character of the person signing the certificate, if any.

(5) A document or certificate referred to in this section is admissible in evidence in all actions to which the *Alberta Evidence Act* applies.

(6) The Minister may approve a seal of office for the Registrar and that seal may for the purposes of this Act be used in conjunction with or in place of a signature.

RSA 2000 cT-6 s5;2005 c34 s3;2013 c19 s2(4);2020 cP-30.8 s44(6)

Service

6 A notice or document that is to be served or given under this Act by or on behalf of the Registrar, a Director or an adjudicator under the *Provincial Administrative Penalties Act* may be served or given

- (a) by personal service;
- (b) unless otherwise provided for under this Act, by being sent by ordinary mail sent to the latest address of the person who is to be served as shown on the records of the Registrar;
- (c) unless otherwise provided for under this Act, by being transmitted by electronic means to the latest email address of the person who is to be served as shown on the records of the Registrar;
- (d) in a manner or by a method provided for by regulation.

RSA 2000 cT-6 s6;2020 cP-30.8 s44(7)

Crown not liable

7 No liability attaches to the Crown for any loss or damage that arises from

- (a) incorrect information contained in
 - (i) a motor vehicle document,
 - (ii) an application for a motor vehicle document, or
 - (iii) any other document created under this Act that is not referred to in subclauses (i) and (ii),

or

- (b) the issuance of any document referred to in clause (a),

notwithstanding that the information may have been entered by some person other than an applicant for the document, if that information was entered on the document in good faith.

1999 cT-6.4 s7

Division 2 Release of Information

Release of personal driving and motor vehicle information

8(1) In this section, “personal driving and motor vehicle information” means

- (a) any information supplied by an individual under this Act in order for that individual to be issued a motor vehicle document in that individual’s name, or
- (b) any information contained in an individual’s driving record

that if released could identify or lead to the identification of an individual.

(2) Repealed 2013 cS-19.3 s3.

(3) Repealed 2005 c34 s4.

(4) The Lieutenant Governor in Council may make regulations respecting

- (a) the release of personal driving and motor vehicle information,

- (b) the criteria that the Registrar must consider when deciding whether a person may be given access to personal driving and motor vehicle information,
- (c) the circumstances under which the Registrar or a person acting on behalf of the Registrar may release personal driving and motor vehicle information,
- (d) the terms and conditions that may be imposed on a person that is given access to personal driving and motor vehicle information, and
- (e) notification of decisions of the Registrar regarding the release of personal driving and motor vehicle information.

RSA 2000 cT-6 s8;2003 c21 s24;2005 c34 s;2013 cS-19.3 s3

Information forwarded to Registrar

9(1) Notwithstanding anything in the *Youth Justice Act*, when a court

- (a) finds a young person guilty of an offence under this Act,
- (b) finds a young person guilty of an offence to which section 83, 84, 86, 87, 172, 172.1 or 173 applies,
- (c) makes a judgment for damages arising out of a motor vehicle accident, or
- (d) makes any other order under this Act,

the clerk or registrar of the court shall, on the request of the Registrar, immediately forward to the Registrar a certified copy of the order, judgment, conviction, absolute discharge or conditional discharge or a transcript or certificate of it in a form prescribed by the Registrar.

(2) The certified copy or certificate is proof, in the absence of evidence to the contrary, of the order, judgment, conviction, absolute discharge or conditional discharge or of the finding of guilt of a young person.

(3) The clerk or other official charged with the duty of reporting to the Registrar is entitled to collect and receive a fee prescribed by regulation for each copy or certificate required by this section.

(4) If the defendant is not resident in Alberta, the Registrar shall provide a certificate of the order, judgment or conviction to the registrar or other officer or officers, if any, in charge of the registration of motor vehicles and the licensing of drivers in the province, territory or state in which the defendant resides.

RSA 2000 cT-6 s9;2003 c41 s4(30);2020 cP-30.8 s44(8)

Release of safety information

10(1) The Registrar may publish reports, statistics or other information arising out of matters referred to in sections 11 and 73 for the purposes of informing the Minister and the public as to the nature and causes of accidents.

(2) Notwithstanding subsection (1), no report, statistics or other information published under subsection (1) shall contain any particulars that any person could identify as relating to any specific person or accident unless the previous consent in writing of the person, or if more than one person, of all of them, has been obtained for release of the information.

(3) Publication of information under subsection (1) is not a contravention of section 11 or 73(3) or (4).

1999 cT-6.4 s10

Inspection of accident report

11(1) In this section, “previous legislation” means

- (a) sections 83, 84 and 85 of the *Highway Traffic Act*, RSA 1970 c169, and
- (b) sections 77, 78 and 79 of the *Motor Vehicle Administration Act*, RSA 1980 cM-22

or any one or more of those provisions that are applicable in the circumstances.

(2) Subject to the regulations, where a report is made in respect of an accident involving a motor vehicle under

- (a) the previous legislation,
- (b) section 70 or 71 of this Act, or
- (c) the regulations,

a peace officer may release information contained in that report to the Registrar for the purposes of monitoring drivers and the safe operation of commercial vehicles and motor vehicles.

(2.1) The Registrar or a peace officer may release information contained in a report referred to in subsection (2) to

- (a) a person or an insurance company or a lawyer, agent or representative of that person or company if the person or company
 - (i) has paid or may be liable to pay damages, or
 - (ii) has recovered or may be entitled to recover damages,
- (b) a road authority for the purposes of improving traffic circulation or the management of roadways, or
- (c) the Director under the *Provincial Administrative Penalties Act* for the purposes of a review under that Act.

(3) Subject to subsections (2) and (2.1), a report or statement made or furnished under the previous legislation or section 70 or 71 and the regulations made under this Act governing accident reports

- (a) is not open to public inspection, and
- (b) is not admissible in evidence for any purpose in a legal proceeding arising out of the accident except to prove
 - (i) compliance with the previous legislation or section 70 or 71 of this Act and the regulations made under this Act governing accident reports, as the case may be,
 - (ii) falsity in a prosecution for making a false statement in the report or statement, or
 - (iii) the identity of the persons who were driving the vehicles involved in the accident.

RSA 2000 cT-6 s11;2001 c14 s3;2005 c34 s5;
2020 cP-30.8 s44(9)

Commercial transport information

11.1(1) In this section,

- (a) “commercial transport information” means, with respect to a commercial vehicle, any information or record concerning the following:
 - (i) any commission of contraventions relating to the operation of the commercial vehicle;
 - (ii) any accidents relating to the operation of the commercial vehicle;

- (iii) any inspections of the commercial vehicle;
 - (iv) matters related to the operation of the commercial vehicle recorded by the Registrar under this Act;
 - (v) matters related to the compliance or failure to comply of an operator of the commercial vehicle or a carrier as defined in Part 7 with safety laws;
 - (vi) safety matters and matters relating to the compliance or failure to comply with transportation legislation referred to in section 132(1) by carriers as defined in Part 7 and other persons who engage in, have engaged in or may become engaged in the operation of commercial vehicles;
- (b) “commercial transport official” means an official of a jurisdiction other than Alberta who performs for that jurisdiction the functions with respect to commercial vehicles that the Registrar performs for Alberta;
- (c) “safety laws” means
- (i) this Act;
 - (ii) the *Dangerous Goods Transportation and Handling Act* and regulations made under that Act;
 - (iii) the laws of a jurisdiction other than Alberta respecting the same, similar or equivalent subjects as those regulated or controlled by the enactments referred to in subclauses (i) and (ii).
- (2)** This section applies only in respect of those commercial vehicles or classes of commercial vehicles specified by the regulations.
- (3)** The Registrar may provide to a commercial transport official for another jurisdiction and to any law enforcement agency in or outside Alberta any commercial transport information with respect to the following:
- (a) drivers whose operator’s licences are issued by that other jurisdiction;
 - (b) commercial vehicles for which a document is issued or otherwise provided by that other jurisdiction that, if issued or provided in Alberta, would be a motor vehicle document as defined in section 1(1)(y)(ii) to (ix);

- (c) persons that carry on business in that other jurisdiction who in Alberta are or would be carriers as defined in Part 7.

2001 c14 s4;2005 c34 s6;2020 cP-30.8 s44(10)

12 Repealed 2020 cP-30.8 s44(11).

Division 3 Municipalities and Other Authorities

General powers of municipality

13(1) Subject to this Act and the *Dangerous Goods Transportation and Handling Act*, the council of a municipality may, with respect to a highway under its direction, control and management, make bylaws that are not inconsistent with this Act, doing the following:

- (a) governing the use of highways;
- (b) governing the parking of vehicles;
- (c) governing the establishment and use of parking places that are for the exclusive use of persons with disabilities who display on their vehicles a disabled placard or licence plate that is issued or recognized by the Registrar;
- (d) governing access to highways from private land;
- (e) governing fees charged with respect to the parking of vehicles;
- (f) classifying motor vehicles and other vehicles and pedestrians for any purposes involving the use of streets, lanes and other public places;
- (g) with respect to noise produced in connection with a vehicle,
 - (i) defining what constitutes an objectionable noise,
 - (ii) establishing a method of determining or measuring noise, and
 - (iii) prohibiting the use or operation of a vehicle where the noise produced in connection with that vehicle is objectionable noise;
- (h) governing the turning of vehicles at intersections;
- (i) governing the encumbering of highways;

- (j) governing, subject to sections 77 to 79, the impounding and removal of vehicles
 - (i) in respect of which parking fees are payable,
 - (ii) that are parked in an area where parking is prohibited, or
 - (iii) that are parked in contravention of this Act or a bylaw;
- (k) governing the licensing of bicycles;
- (l) governing the impounding of bicycles, skateboards and similar devices;
- (m) governing parades and processions;
- (n) governing closing or restricting the use of a highway;
- (o) authorizing the municipality to issue a licence or permit that is terminable on 30 days' notice in writing for the temporary occupation or use of a road allowance or highway or a portion of a road allowance or highway when it is not required for public use;
- (p) restricting the use of specific traffic lanes to vehicles carrying a prescribed number of passengers;
- (q) restricting the use of specific traffic lanes to specific vehicles or classes of vehicles;
- (r) governing the issuing of tags, tickets or other documents;
- (s) governing the placing of tags, tickets or other documents on vehicles;
- (t) governing the marking of tires on vehicles for the purpose of enforcing parking bylaws;
- (u) governing the employing of or engaging the services of persons to enforce bylaws made with respect to the parking of vehicles;
- (v) designating routes for vehicles or classes of vehicles;
- (w) restricting the weight of vehicles or of vehicles and the goods being carried by the vehicles;
- (x) prescribing or otherwise providing for penalties with respect to the contravention of a bylaw made under this Division.

(2) Where permitted under a regulation, a municipality may, subject to any term or condition prescribed by the regulation, make bylaws under which the municipality may provide that the regulation does not apply in whole or in part to or within the municipality.

1999 cT-6.4 s13

Private property

14 Subject to this Act and the *Provincial Offences Procedure Act*, the council of a municipality may make bylaws,

- (a) with respect to privately owned property that is located within the municipality to which vehicles driven by members of the public generally have access,
 - (i) governing parking on the property without the permission or authorization of the owner of the property or a person having possession or control of the property;
 - (ii) governing the parking of vehicles in manufactured home communities;
 - (iii) governing the establishment and use of parking places that are for the exclusive use of persons with disabilities who display on their vehicles a disabled placard or licence plate that is issued or recognized by the Registrar;
 - (iv) prescribing speed limits in respect of lanes or other thoroughfares used by vehicles;
- (b) with respect to private property that is located within the municipality to which vehicles driven by members of the public generally do not have access but on which the owner of the property or a person having possession or control of the property may park or otherwise keep vehicles, prohibiting
 - (i) the parking of vehicles on that property without the permission or authorization of that person;
 - (ii) the parking of vehicles so that the access to that property is denied or otherwise restricted;
- (c) with respect to a vehicle parked or driven in contravention of a bylaw made under this section,
 - (i) governing the issuing of tags or tickets or other documents;

- (ii) governing the placing of tags, tickets or other documents on vehicles;
- (iii) governing, subject to sections 77 to 79, the removal and impounding of vehicles;
- (iv) providing for the laying of an information and complaint.

1999 cT-6.4 s14

Prohibitions and offences

15(1) The authority to make a bylaw under this Act governing or respecting any matter includes the authority to make prohibitions in respect of that matter.

(2) The authority to make a bylaw under this Act includes the authority to specify that a contravention of or a failure to comply with the bylaw is an offence.

1999 cT-6.4 s15

Restriction of powers

16 Unless specifically permitted by this Act or any other Act, a council of a municipality does not have any power to make a bylaw that does one or more of the following:

- (a) imposes any tax, fee, licence or permit respecting the use of highways by pedestrians or vehicles;
- (b) excludes pedestrians or vehicles generally from using highways;
- (c) prohibits the use of highways by pedestrians or vehicles;
- (d) affects in any way the registration or numbering of motor vehicles.

1999 cT-6.4 s16

Control of traffic in provincial parks

17 With respect to a highway under the direction, control and management of the Minister responsible for the *Provincial Parks Act*, the Minister responsible for the *Provincial Parks Act* may make regulations

- (a) governing, by means of signs erected along the highway, the movement of pedestrians, vehicles or other traffic on the highway;
- (b) governing the opening or closing of highways.

RSA 2000 cT-6 s17;2002 c30 s30

Division 4 Regulations

Regulations by the Lieutenant Governor in Council

- 18(1)** The Lieutenant Governor in Council may make regulations
- (a) subject to section 6, providing for and governing the service of notices and documents and the deemed service of notices and documents under this Act;
 - (b) subject to section 1(7), (8) and (9), specifying the provisions of this Act in which a reference to
 - (i) a certificate of registration includes a document issued in another jurisdiction that shows that a motor vehicle or trailer is registered under the laws of that jurisdiction;
 - (ii) a licence plate includes a licence plate issued in another jurisdiction;
 - (iii) an operator's licence includes a licence or permit issued in another jurisdiction that permits a person to operate a motor vehicle;
 - (c) for the purposes of section 169(2)(q) and (r), designating those contraventions under this Act for which a person may be arrested without a warrant;
 - (d) establishing and governing a program under which drivers are assessed demerit points for a contravention of
 - (i) this Act, or
 - (ii) any other Act or regulation that relates to the safe operation of a vehicle;
 - (e) providing for and governing sanctions that may be imposed in respect of a program referred to in clause (d), including the suspension or cancellation of an operator's licence;
 - (f) for the purposes of section 1(1)(gg), designating persons as pedestrians;
 - (g) governing the establishment of school zones and playground zones;
 - (h) providing for or otherwise specifying the periods of time and the days during which speed limits established or prescribed in respect of school zones and playground zones are in effect.

- (2) The Minister may make regulations
- (a) exempting or providing for the granting of exemptions of persons or vehicles or classes of persons or vehicles from any provision of this Act;
 - (b) governing any matter respecting the seizure under this Act of vehicles and the contents of and goods carried by vehicles;
 - (c) specifying commercial vehicles or classes of commercial vehicles to which section 11.1 applies.
- RSA 2000 cT-6 s18;2001 c14 s5;2020 cP-30.8 s44(12)

Statute prevails

19 Where there is a conflict between this statute and a regulation or bylaw made under this statute, this statute prevails.

1999 cT-6.4 s19

Prohibitions and offences

20(1) The authority to make a regulation under this statute governing or respecting any matter includes the authority to make prohibitions in respect of that matter.

(2) The authority to make a regulation under this statute includes the authority to specify that a contravention of or a failure to comply with the regulation is a contravention.

RSA 2000 cT-6 s20;2020 cP-30.8 s44(13)

Power to establish standards, etc.

21 The authority to make a regulation or a bylaw under this statute governing or respecting any matter includes the authority

- (a) to establish criteria, specifications and standards in respect of that matter,
- (b) to adopt any code with respect to the matters referred to in clause (a), and
- (c) to modify any code referred to in clause (b).

1999 cT-6.4 s21

Part 2 Reviews

Division 1 Repealed 2020 cP-30.8 s44(17).

Division 2 Reviews Respecting Conduct of Drivers

Reviews by Board

30(1) The Registrar may conduct reviews into a person's ability or attitude respecting the operation of a motor vehicle

- (a) where the Registrar is concerned as to the person's ability or attitude regarding the operation of a motor vehicle, or
- (b) where the Minister or a court has advised the Registrar as to a concern respecting the person's ability or attitude regarding the operation of a motor vehicle.

(2) The Registrar may consider applications by persons seeking relief under section 31(b).

RSA 2000 T-6 s30;2020 cP-30.8 s44(18)

Action taken re reviews

31 On conducting a review or considering an application under section 30 the Registrar may,

- (a) where a person's ability or attitude regarding the operation of a motor vehicle has been considered by the Registrar,
 - (i) disqualify the person from driving a motor vehicle in Alberta for a definite or indefinite period of time;
 - (ii) with respect to that person, prescribe any measure or course of remedial education, monitoring or treatment as a condition of acquiring or holding an operator's licence;
 - (iii) prescribe terms and conditions governing that person's operator's licence;
- (b) where the suspension of a person's operator's licence or the disqualification of a person to hold an operator's licence arises out of that person being found guilty under section 320.14 or 320.15 of the *Criminal Code* (Canada),
 - (i) on the expiration of a suspension or disqualification imposed by a court, set aside the operation of the suspension or disqualification imposed under this Act on the condition that the person who is subject to the suspension or disqualification
 - (A) repealed 2011 c22 s5,
 - (B) complies with any terms or conditions imposed by the Registrar;

- (ii) on the expiration of the suspension or disqualification imposed under this Act, direct that the reinstatement or issuance of an operator's licence to the person who was subject to the suspension or disqualification be on the condition that the person, in addition to complying with the requirements imposed under this Act,
 - (A) repealed 2011 c22 s5,
 - (B) complies with any terms or conditions imposed by the Registrar;
- (c) where a person has been suspended or disqualified from driving 2 or more times in a 10-year period under section 88.1, on the expiration of the suspension or disqualification imposed under this Act, direct that the reinstatement or issuance of an operator's licence to the person who was subject to the suspension or disqualification be on the condition that the person, in addition to complying with the other requirements imposed under this Act,
 - (i) does not operate a motor vehicle unless the vehicle is equipped with an alcohol-sensing device that meets the approval of the Registrar, and
 - (ii) complies with any terms or conditions imposed by the Registrar.
RSA 2000 cT-6 s31;2011 c22 s5;2017 c26 s29;2020 cP-30.8 s44(19)

Reconsideration re reviews

32(1) Where the Registrar has reviewed or considered a matter under section 30 and made a decision under section 31, the Registrar shall on the application of the person who is the subject of that decision reconsider the decision.

(1.1) An application for reconsideration of a decision referred to in subsection (1) must be made by the person within 30 days of service of the decision on the person.

(2) Notwithstanding subsection (1), once a decision of the Registrar has been reconsidered by the Registrar in respect of a matter referred to in subsection (1), the Registrar may refuse to reconsider the decision again if in the opinion of the Registrar the circumstances in respect of the matter have not substantially changed from the time of the previous reconsideration.

RSA 2000 cT-6 s32;2020 cP-30.8 s44(20)

Consideration of driver's record, etc.

33 In making a decision under this Division or Division 3, the Registrar may take into consideration a person's accident record, driving record, driver attitude, driving skills and knowledge, driving disabilities and any other factors that the Registrar considers relevant.

RSA 2000 cT-6 s33;2020 cP-30.8 s44(21)

**Division 3
Reconsiderations and
Reviews by Registrar****Reconsiderations by Registrar**

34(1) Where the Registrar has made a decision or taken an action referred to in the following clauses, the Registrar shall on the application of the person who is the subject of the decision or action reconsider the decision or action:

- (a) where the Registrar
 - (i) refuses to issue a permit to a person under section 62,
 - (ii) suspends or cancels a person's permit under section 62, or
 - (iii) imposes a term or condition to which the permit is subject;
- (b) where, under section 91(4), the Registrar
 - (i) disqualifies a person from driving a motor vehicle, or
 - (ii) suspends or cancels a certificate of registration issued to a person;
- (c) where the Registrar conducts a review under section 99 and with respect to the suspension or cancellation of a person's operator's licence by reason of the accumulation of demerit points;
- (d) where the Registrar
 - (i) refuses to set aside the operation of a disqualification or suspension imposed under this Act, or imposes terms or conditions, in accordance with section 88.1(3.2) or 88.11(4) as they read immediately before the coming into force of this clause,
 - (ii) refuses to exempt a person from the requirement for the use of an alcohol-sensing device under section 88.1(3.4)

- or 88.11(5) as they read immediately before the coming into force of this clause,
- (iii) sets aside the requirement for the use of an alcohol-sensing device but imposes a further period of disqualification or another term or condition under section 88.1(3.5) or 88.11(6) as they read immediately before the coming into force of this clause, or
 - (iv) rescinds the setting aside of the disqualification or suspension of the person on the basis that the alcohol-sensing device with which the person's vehicle has been equipped as a condition of the setting aside of the operation of a disqualification or suspension imposed under section 88.1(3) or 88.11(2) registers a warn or a fail under section 88.1(3.6) or 88.11(7) as they read immediately before the coming into force of this clause;
- (e) where the Registrar
- (i) refuses to set aside the operation of a disqualification imposed under this Act, or imposes terms or conditions, in accordance with section 88.2(2),
 - (ii) refuses to reinstate or issue a licence, or imposes terms or conditions, in accordance with section 88.2(4),
 - (iii) determines the length of the term under section 88.2(5)(b),
 - (iv) orders an extension of the requirement for the use of an alcohol-sensing device under section 88.2(6)(b),
 - (v) refuses an application for exemption from the requirement for the use of an alcohol-sensing device under section 88.2(6)(c) where it is not feasible for the suspended person to comply with the requirement for the use of an alcohol-sensing device, or
 - (vi) refuses to set aside the requirement for the use of an alcohol-sensing device, or imposes a further period of disqualification or a term or condition, under section 88.2(7);
- (f) where the Registrar, under section 88.3,
- (i) refuses to declare a person eligible to obtain an operator's licence, or

- (ii) imposes a term or condition on the person's eligibility to obtain an operator's licence with which that person does not agree;
- (g) where a regulated person, as defined in section 143, is affected by a decision made or an action taken by the Registrar under section 143;
- (h) where a transportation network company, as defined under section 129.4, is affected by a decision made or an action taken by the Registrar under section 129.2;
- (i) where a person who
 - (i) operates a driver training school,
 - (ii) is a driver examiner, or
 - (iii) is a driving instructoris affected by a decision or action of the Registrar with respect to the operation of or the provision of services by the driver training school or the actions of or the provision of services by the driver examiner or driving instructor;
- (j) where a person who pursuant to a licence issued under this Act
 - (i) operates a vehicle inspection facility, including an inspection station, or
 - (ii) is a vehicle inspection technician, including an inspection technician and an inspection mechanic,is affected by a decision or action of the Registrar with respect to the operation of or the provision of services by the vehicle inspection facility or the actions of or the provision of services by the vehicle inspection technician;
- (k) where the Registrar
 - (i) refuses to issue a certificate as defined in section 130(1)(c) to an applicant,
 - (ii) imposes a term or condition in respect of a certificate as defined in section 130(1)(c),
 - (iii) makes an order under section 132(2) suspending or cancelling a certificate as defined in section 130(1)(c), or

- (iv) makes an order changing the safety rating of a carrier.
- (2) The application referred to in subsection (1) must be made within 30 days of service of the notice of the decision or action.
- (3) The Registrar may extend the period referred to in subsection (2) if in the opinion of the Registrar the circumstances in respect of the matter have substantially changed from the time of the decision or action.
- (4) The Registrar may confirm, cancel or vary the Registrar's decision or action.
- (5) Once a decision or action of the Registrar has been reconsidered by the Registrar in respect of a matter referred to in subsection (1), the Registrar may refuse to reconsider the decision again.
- (6) A reconsideration commenced under this Division does not, except as otherwise directed by the Registrar, stay any suspension, cancellation, disqualification or other decision or action that is the subject of or otherwise related to the reconsideration.

RSA 2000 cT-6 s34;2020 cP-30.8 s44(22)

Review of seizure or immobilization of motor vehicle

- 35(1)** Subject to subsection (3) and the regulations, where a driver's motor vehicle is seized or immobilized under this Act, the driver may request a review of the seizure or immobilization by the Registrar.
- (2) In determining a review commenced pursuant to this section, the Registrar may, subject to the regulations, confirm, cancel or vary the seizure or immobilization.
- (3) This section does not apply to seizures or immobilizations of motor vehicles made pursuant to section 88, 88.01, 88.02, 88.03 or 88.1.

RSA 2000 cT-6 s35;2005 c34 s11;2013 c19 s2(6);2020 cP-30.8 s44(22)

Relief for affected persons

- 36(1)** A person who is an affected person as defined in the regulations and who is affected by an administrative penalty as defined in the *Provincial Administrative Penalties Act* may apply in accordance with the regulations to the Registrar for relief from that administrative penalty.
- (2) An affected person whose motor vehicle is seized as the consequence of an administrative penalty imposed under this Act or another affected person with an interest in the motor vehicle may

apply to the Registrar in accordance with the regulations for relief from that seizure.

RSA 2000 cT-6 s36;2020 cP-30.8 s44(22)

37 to 47 Repealed 2020 cP-30.8 s44(22).

Division 4 Judicial Review

Judicial review

47.1(1) Subject to sections 32 and 34 and subsection (2), no decision or order of the Registrar shall be questioned or reviewed in any court by application for judicial review or otherwise, and no order shall be made, process entered or proceedings taken in any court, whether by way of certiorari, injunction, declaratory judgment, prohibition, mandamus, quo warranto, application to quash or set aside or otherwise, to question, review, prohibit or restrain any decision or order of the Registrar or any of the Registrar's proceedings.

(2) A decision or order of the Registrar may be questioned or reviewed by way of an application for judicial review seeking an order in the nature of certiorari or mandamus if the application is filed with the Court and served on the Registrar no later than 30 days after the date of the decision or order or the date a copy of the decision or order and reasons in respect of it have been received by the applicant, whichever is later.

(3) On an application for judicial review under subsection (2), the standard of review is reasonableness.

2007 c45 s6;2009 c53 s179;2020 cP-30.8 s44(23)

48 to 50 Repealed 2007 c45 s6.

Part 3 Motor Vehicle Administration

Division 1 Licences, Registration, Insurance and Permits

Operator's licences

51 Except as otherwise permitted under this Act, a person shall not do any of the following:

- (a) drive a motor vehicle on a highway unless that person is the holder of a subsisting operator's licence;

- (b) drive a motor vehicle on a highway unless that motor vehicle is of a class or type that is authorized to be operated under the class of operator's licence held by that person;
- (c) drive a motor vehicle on a highway contrary to a restriction or condition to which that person's operator's licence is subject;
- (d) drive a motor vehicle on a highway unless that person's operator's licence is in that person's possession;
- (e) where the person holds an operator's licence classified as a learner's operator's licence, drive a motor vehicle on a highway unless there is a person occupying a front passenger seating position of the motor vehicle who
 - (i) is supervising the person driving the vehicle,
 - (ii) is a holder of a subsisting operator's licence that is not classified as a learner's operator's licence or a probationary operator's licence and that is valid for the operation of the vehicle being driven,
 - (iii) has the operator's licence referred to in subclause (ii) in that person's possession, and
 - (iv) is of the age prescribed by regulation;
- (f) where a motor vehicle is being driven on a highway by a person holding an operator's licence classified as a learner's operator's licence, supervise the driving of the vehicle by the person holding the learner's operator's licence unless the person carrying out that supervision
 - (i) is occupying a front passenger seating position of the motor vehicle,
 - (ii) is a holder of a subsisting operator's licence that is not classified as a learner's operator's licence or a probationary operator's licence and that is valid for the operation of the vehicle being driven,
 - (iii) has the operator's licence referred to in subclause (ii) in that person's possession, and
 - (iv) is of the age prescribed by the regulations;
- (f.1) notwithstanding clause (e), where the person holds an operator's licence classified as a learner's operator's licence, drive a motorcycle on a highway unless there is a person

- occupying the passenger seating position on the motorcycle or in or on a motor vehicle that is travelling in close proximity to the motorcycle who
- (i) is supervising the person driving the motorcycle,
 - (ii) is a holder of a subsisting operator's licence that is not classified as a learner's operator's licence or a probationary operator's licence and that is valid for the operation of the motorcycle,
 - (iii) has the operator's licence referred to in subclause (ii) in that person's possession, and
 - (iv) is of the age prescribed by the regulations;
- (f.2) notwithstanding clause (f), where a motorcycle is being driven on a highway by a person holding an operator's licence classified as a learner's operator's licence, supervise the driving of the motorcycle by the person holding the learner's operator's licence unless the person carrying out that supervision
- (i) is occupying the passenger seating position on the motorcycle or is in or on a motor vehicle that is travelling in close proximity to the motorcycle,
 - (ii) is a holder of a subsisting operator's licence that is not classified as a learner's operator's licence or a probationary operator's licence and that is valid for the operation of the motorcycle,
 - (iii) has the operator's licence referred to in subclause (ii) in that person's possession, and
 - (iv) is of the age prescribed by the regulations;
- (f.3) in the case of a motorcycle, where a person holds an operator's licence classified as a learner's operator's licence, operate a motorcycle on a highway while carrying a passenger except as permitted under clause (f.1) or (f.2);
- (g) where the person holds an operator's licence classified as a learner's operator's licence, drive a motor vehicle on a highway during any period of time that the holder of a learner's operator's licence is by regulation prohibited from operating a motor vehicle;
 - (h) where a motor vehicle is in that person's possession or under that person's care or control, permit another person to

drive that vehicle unless that other person meets the requirements of this Act to drive that vehicle;

- (i) where a motor vehicle is in that person's possession or under that person's care or control, knowingly or willingly permit a person
 - (i) whose operator's licence is suspended, or
 - (ii) who is disqualified from holding an operator's licence, to drive that motor vehicle on a highway unless it is a vehicle that the person is permitted to drive under this Act notwithstanding the suspension or disqualification;
- (j) where the person has been issued an operator's licence under this Act, have in that person's possession more than one subsisting operator's licence issued under this Act;
- (k) possess an operator's licence that has been issued to another person;
- (l) possess an operator's licence that is not a subsisting operator's licence;
- (m) possess any fictitious document purporting to be an operator's licence;
- (n) use an operator's licence that has been issued to another person;
- (o) use an operator's licence that is not a subsisting operator's licence;
- (p) use any fictitious document purporting to be an operator's licence;
- (q) where a person has been issued an operator's licence, allow another person to use or be in possession of that operator's licence;
- (r) apply for, acquire or attempt to acquire an operator's licence for that person's own use or in that person's name
 - (i) during any period that the person is disqualified from driving a motor vehicle in Alberta, another province or territory of Canada or a state of the United States of America,

- (ii) during any period for which that person's operator's licence is suspended, or
- (iii) during any period for which that person is disqualified from holding an operator's licence in Alberta, another province or territory of Canada or a state of the United States of America,

whether or not the period for which the person's operator's licence was issued has expired;
- (s) where the person holds a subsisting operator's licence, apply for or obtain another operator's licence under this Act except
 - (i) for the purpose of obtaining a duplicate of a subsisting operator's licence that has been lost or destroyed or has become unreadable, or
 - (ii) for the purpose of obtaining a replacement for an operator's licence that is about to expire.

RSA 2000 cT-6 s51;2001 c14 s9;2016 c14 s12

Registration of vehicles

52(1) Except as otherwise permitted under this Act, a person shall not do any of the following:

- (a) operate or park a motor vehicle or trailer on a highway unless there is a subsisting certificate of registration issued in respect of that vehicle;
- (b) knowingly operate a motor vehicle on a highway
 - (i) while the certificate of registration or permit issued under this Act in respect of the motor vehicle is cancelled, or
 - (ii) while the certificate of registration or permit issued under this Act in respect of the motor vehicle is under suspension;
- (c) operate a salvage motor vehicle on a highway unless there is a subsisting in-transit permit issued in respect of that vehicle;
- (d) where the person has possession of or control over a motor vehicle or a trailer, permit another person to operate that motor vehicle or trailer on a highway unless there is a subsisting certificate of registration issued in respect of that vehicle;

- (e) apply for, acquire or attempt to acquire the registration of a motor vehicle or trailer during any period when the registration of the vehicle or the certificate of registration is suspended or cancelled;
- (f) apply for, acquire or attempt to acquire the registration of a motor vehicle or trailer in the name of
 - (i) an applicant that purports to be a corporation if the corporation does not exist, or
 - (ii) a corporation, incorporated otherwise than under the laws of Alberta, that
 - (A) is required to be but is not or has ceased to be licensed as an insurer under the *Insurance Act*, or
 - (B) is required to be but is not or has ceased to be registered under
 - (I) the *Business Corporations Act*,
 - (II) the *Companies Act*,
 - (III) the *Loan and Trust Corporations Act*, or
 - (IV) the *Co-operative Associations Act* or the *Cooperatives Act*;
- (g) use any certificate of registration that is in the name of a corporation that does not exist at the time the certificate of registration is used;
- (h) unless the motor vehicle is an insured motor vehicle,
 - (i) apply for the registration of a motor vehicle, or
 - (ii) obtain the registration of a motor vehicle.

(2) Subsection (1)(h)(i) does not apply to a person to whom a financial responsibility card has been issued pursuant to the *Insurance Act* by an insurer who has issued an owner's policy outside Alberta.

RSA 2000 cT-6 s52;2001 cC-28.1 s472;2001 c23 s1(20);
2021 c13 s15

Licence plates

53(1) Except as otherwise permitted under this Act, a person shall not do any of the following:

- (a) operate or park a motor vehicle or trailer on a highway unless the subsisting licence plate issued for that vehicle or that is otherwise permitted under this Act is displayed on that vehicle in accordance with the regulations;
- (b) display on a motor vehicle or trailer a licence plate other than a licence plate issued or authorized for use on that vehicle;
- (c) repealed 2021 c13 s15;
- (d) permit any licence plate issued to that person to be used in contravention of this Act.

(2) Every licence plate issued under this Act or any Act that preceded this Act remains the property of the Crown, and the person in possession of a licence plate shall return it to the Registrar when so requested by the Registrar.

RSA 2000 cT-6 s53;2021 c13 s15

Insurance required

54(1) Except as otherwise permitted under this Act, a person shall not do any of the following:

- (a) drive a motor vehicle on a highway unless the motor vehicle is an insured motor vehicle;
- (b) have a motor vehicle on a highway unless the motor vehicle is an insured motor vehicle;
- (c) where a person is the registered owner of a motor vehicle, permit another person
 - (i) to drive the motor vehicle on a highway, or
 - (ii) to have the motor vehicle on a highway,unless the motor vehicle is an insured motor vehicle;
- (d) give or lend a financial responsibility card or a copy of it to a person not entitled to have that financial responsibility card or copy.

(1.1) If a person drives or has a motor vehicle on a highway without the expressed or implied consent of the registered owner of the vehicle, that person is deemed for the purposes of subsection (1)(a) or (b) to drive or have on a highway a motor vehicle that is not an insured motor vehicle.

(2) If the registration of a motor vehicle is suspended under this Act, the motor vehicle is still registered for the purposes of this section.

(3) Subsection (1)(a) and (b) do not apply to a person to whom a financial responsibility card has been issued pursuant to the *Insurance Act* by an insurer who has issued an owner's policy outside Alberta.

(4) A person, other than a corporation, who contravenes subsection (1) or section 52(1)(h) or 167(8) is liable,

(a) where the person is found guilty of the contravention,

(i) for the first contravention, to a fine of not less than \$2500 and not more than \$10 000 and in default of payment to imprisonment for a term of not less than 45 days and not more than 6 months, and

(ii) for each subsequent contravention that occurs within 5 years from the day of the contravention referred to in clause (a), to a fine of not less than \$5000 and not more than \$20 000 and in default of payment to imprisonment for a term of not less than 60 days and not more than 6 months;

(b) where a notice of administrative penalty is issued under the *Provincial Administrative Penalties Act* in respect of the contravention, to a fine as prescribed under that Act.

(5) On the finding that a person, other than a corporation, is guilty of contravening subsection (1) or section 52(1)(h) or 167(8), or on the issuance of a notice of administrative penalty to the person under the *Provincial Administrative Penalties Act* in respect of the contravention, the Registrar may disqualify the person from driving a motor vehicle in Alberta until that person provides to the Registrar proof of financial responsibility.

(6) A corporation that contravenes subsection (1) or section 52(1)(h) is liable

(a) where the corporation is found guilty of the contravention,

(i) for the first contravention, to a fine of not less than \$5000 and not more than \$20 000, and

(ii) for any subsequent contravention, to a fine of not less than \$7500 and not more than \$25 000;

(b) where a notice of administrative penalty is issued under the *Provincial Administrative Penalties Act* in respect of the contravention, to a fine as prescribed under that Act.

(7) The Registrar may cancel the certificate of registration in respect of every motor vehicle owned by a person who contravenes subsection (1) or section 52(1)(h) or 167(8)

- (a) on the finding of guilt of the person, or
- (b) on the issuance of a notice of administrative penalty to the person under the *Provincial Administrative Penalties Act* in respect of the contravention.

(8) Where the Registrar has cancelled a certificate of registration under this section, the Registrar shall not issue a new certificate of registration for that motor vehicle until the owner of the motor vehicle provides to the Registrar proof of financial responsibility.

RSA 2000 cT-6 s54;2005 c34 s15;2020 cP-30.8 s44(24)

Information

55(1) The Registrar may require a person who applies for a motor vehicle document to provide such information and material and to meet such requirements that, in the opinion of the Registrar, are pertinent to determining whether that person is qualified to be issued the motor vehicle document.

(2) The Registrar may require a person who holds a motor vehicle document to provide such information and material and to meet such requirements that, in the opinion of the Registrar, are pertinent to determining whether that person continues to be qualified to hold the motor vehicle document.

1999 cT-6.4 s55

Refusal to grant or issue motor vehicle document

56 The Registrar may refuse to issue a motor vehicle document to a person if

- (a) that person does not meet the requirements of this Act in order to be issued that motor vehicle document;
- (b) that person is barred at law or under any enactment from holding or being issued that motor vehicle document;
- (c) the vehicle in respect of which the motor vehicle document is to be issued does not meet the requirements of this Act in order for that motor vehicle document to be issued in respect of that vehicle;

- (d) the person applying for the issuance of the motor vehicle document fails to provide to the Registrar any information or material or meet any requirements that, in the opinion of the Registrar, are pertinent to determining whether the applicant or the applicant's vehicle, as the case may be, meets the requirements under this Act for the issuance of the motor vehicle document.

1999 cT-6.4 s56

Restriction of services

57 Notwithstanding anything in this Act, where a person has not paid a fine or penalty levied against that person under

- (a) any enactment or municipal bylaw, or any bylaw made under this Act, or
- (b) repealed 2016 c11 s7,
- (c) any law in another jurisdiction that in the opinion of the Registrar deals with matters in that jurisdiction that are similar in nature to matters dealt with under this Act,

the Registrar may,

- (d) in respect of that person, refuse to perform that function or service or to issue, renew or otherwise deal with any motor vehicle document or other document until the fine or penalty is paid, and
- (e) if authorized by regulation, refuse to register a vehicle in the name of the new owner if the ownership of a registered vehicle passes directly or through intermediary owners from the person who has not paid the fine or penalty to a person described by regulation.

RSA 2000 cT-6 s57;2016 c11 s7

Refusal of service re maintenance orders

58(1) In this section, "Director" means the Director of Maintenance Enforcement appointed under the *Maintenance Enforcement Act*.

(2) If the Director notifies the Registrar pursuant to section 22(2) of the *Maintenance Enforcement Act*, the Registrar shall

- (a) in respect of the debtor named in the notice, refuse to perform any function or service or to issue, renew or otherwise deal with any motor vehicle document or other document, and

- (b) refuse to register the vehicle in the name of a new owner if the ownership of a registered vehicle passes directly or through intermediary owners from a person who is a debtor under the maintenance order to a person described by the regulations,

except as permitted by the Director under section 22(4) of the *Maintenance Enforcement Act*, until the Director withdraws the notice or notifies the Registrar that the maintenance order has been withdrawn.

(3) If the Director notifies the Registrar pursuant to section 22(3) of the *Maintenance Enforcement Act*, the Registrar must, as requested in the notice, suspend any operator's licence issued to the debtor named in the notice.

(4) If the Director notifies the Registrar pursuant to section 22(7) of the *Maintenance Enforcement Act*, the Registrar must, as requested in the notice, make any operator's licence issued to the debtor named in the notice subject to any terms or conditions that the Director considers appropriate.

(5) Any suspension made under subsection (3) remains in effect, subject to section 22(5) of the *Maintenance Enforcement Act*, until the Director gives a notice to the Registrar under section 22(6) of the *Maintenance Enforcement Act*.

RSA 2000 cT-6 s58;2009 c35 s5

Medical review committee

59 By agreement with The Board of Directors of the Alberta Medical Association (C.M.A. - Alberta Division), the Minister may establish a medical review committee

- (a) to act as an advisory committee to the Minister with respect to
 - (i) any matters concerning the health of persons that may have a bearing on the operation of motor vehicles, and
 - (ii) any physical conditions that may constitute a hazard to the general public with respect to the operation of motor vehicles,
- (b) to advise the Minister as to qualified physicians available for physical and mental examination of drivers and applicants for operator's licences, and

- (c) to act in any other capacity that may be required by the agreement with The Board of Directors of the Alberta Medical Association (C.M.A. - Alberta Division).

1999 cT-6.4 s59

Exclusion of liability re medical matters

60 No liability accrues to a physician, optometrist or other health care provider by reason only that the physician, optometrist or other health care provider provides to the Registrar under this Act information respecting a person's medical condition that may impair that person's ability to operate a motor vehicle in a safe manner.

1999 cT-6.4 s60

Confidential reporting

60.1 If information is provided to the Registrar in good faith that a person

- (a) is not competent to safely operate a motor vehicle,
- (b) is not qualified or does not have the ability to operate a motor vehicle safely, or
- (c) may have a medical or physical condition that impairs his or her ability to safely operate a motor vehicle,

no person shall release the identity of the person providing the information, or release any information provided by that person that could reasonably be expected to reveal that person's identity, unless the person providing the information authorizes the release of that identifying information in writing.

2005 c34 s16

Altered documents

61(1) In this section, "document" means

- (a) a subsisting motor vehicle document;
- (b) a subsisting licence issued under the *Motor Vehicle Transport Act* (Canada);
- (c) a subsisting document that is a bill of lading, way-bill, shipping bill or customs permit or any other document that pertains to goods or passengers being transported by a commercial vehicle.

(2) A person shall not

- (a) mutilate, deface, alter or falsify a document,

- (b) have in that person's possession a document that is mutilated, defaced, altered or falsified, or
- (c) use or permit the use of a document that is mutilated, defaced, altered or falsified.

RSA 2000 cT-6 s61;2013 c19 s2(8)

Permits

62(1) Notwithstanding anything in this Act or a motor vehicle document, the Registrar may on receiving an application issue a permit doing one or more of the following:

- (a) in the case of any vehicle,
 - (i) authorizing a person to operate on a highway a vehicle that is not registered in Alberta;
 - (ii) authorizing a person to operate a vehicle on a highway when that vehicle or its load does not comply with dimensional requirements specified under this Act;
 - (iii) authorizing a person to operate a vehicle on a highway when that vehicle does not comply with the equipment standards applicable to that vehicle;
- (b) in the case of a commercial vehicle,
 - (i) authorizing a person to operate a vehicle in a manner or for a purpose not permitted under this Act or a motor vehicle document;
 - (ii) exempting a vehicle or its operation from one or more requirements of this Act or a motor vehicle document;
 - (iii) authorizing a person to operate a vehicle on a highway when the weight of the vehicle and any goods being carried by the vehicle exceeds the weight specified in the certificate of registration issued in respect of that vehicle;
 - (iv) authorizing a person to operate a vehicle on a highway when the weight of the vehicle and any goods being carried by the vehicle exceeds the maximum allowable weight permitted under this Act for the vehicle.

(2) Where the Registrar issues a permit, the Registrar may, on the permit or in an appendix to the permit, set out any term or condition to which the permit is subject that the Registrar considers appropriate in the circumstances.

(3) Where the Registrar is of the opinion that a person to whom a permit is issued is not complying with or is contravening the terms or conditions of the permit, the Registrar may suspend or cancel the permit.

RSA 2000 cT-6 s62;2013 c19 s2(9)

Liens

63(1) Where, under this Act, a vehicle, including any goods being carried by the vehicle, is seized, immobilized, detained, removed, transported or stored pursuant to the directions of a peace officer or the Registrar or a person authorized to act on behalf of a peace officer or the Registrar, all the costs of the seizure, immobilization, detention, removal, transportation and storage, or of any one or more of those functions, as the case may be, are a lien on the vehicle unless otherwise provided for under this Act.

(2) A lien referred to in subsection (1) may be enforced and dealt with in a manner provided for by the regulations.

1999 cT-6.4 s63

Regulations

64 The Minister may make regulations

- (a) governing
 - (i) any matter with respect to the classification of, the application for, the information to be provided with an application for, the issuance of, the display of, the use of, the renewal of, the transfer of, the suspension of, the cancellation of, the reinstatement of, the term of, the expiration of and the qualifications or conditions required to be met in order to be issued or to hold a motor vehicle document;
 - (ii) any undertakings, terms or conditions that must be provided or otherwise complied with in order for a motor vehicle document to be issued or to remain in effect;
 - (iii) the return or surrender of motor vehicle documents to the Registrar or a peace officer;
 - (iv) any terms or conditions, including the prescribing of those terms or conditions, to which a motor vehicle document or the holder of a motor vehicle document is subject;
 - (v) where insurance is required in relation to a motor vehicle document or a motor vehicle, the obligations of the insurer respecting the expiration, suspension,

- cancellation or transfer of the motor vehicle document or the sale or transfer of ownership of a motor vehicle;
- (b) governing any matter with respect to age, qualifications, examinations and testing of persons to drive or otherwise operate vehicles;
 - (c) governing any matter with respect to the operation of driver training schools and driving courses and the teaching or instructing of persons to operate vehicles and the provision of insurance in respect of those matters;
 - (c.1) governing any matter with respect to the conduct of driver examiners, driving instructors and the operation of driver training schools;
 - (d) governing any matter with respect to the provision of documents, the reproduction of documents and the destruction of documents under this Act;
 - (e) respecting the notification to the Registrar by physicians and optometrists of any condition that a person has that may affect that person's ability to operate a vehicle in a safe manner;
 - (f) governing any matter with respect to the provision of information to the Registrar with respect to insurance issued in respect of vehicles or any goods or passengers transported by vehicles;
 - (g) governing any matter with respect to the provision to the Registrar of information by the courts arising out of proceedings before the courts under
 - (i) this Act and any bylaw made under this Act, and
 - (ii) the *Criminal Code* (Canada) with respect to matters arising out of the operation of vehicles;
 - (g.1) governing any matters with respect to the provision to the Registrar of information by the Director or an adjudicator under the *Provincial Administrative Penalties Act* arising out of proceedings before the adjudicator under
 - (i) this Act and any bylaw made under this Act, and
 - (ii) the *Provincial Administrative Penalties Act*;
 - (h) where a person's motor vehicle document has been suspended or cancelled,

- (i) governing the notice to be given of the suspension or cancellation;
- (ii) governing when the notice of the suspension or cancellation is deemed to have been received by the person to whom the notice is directed;
- (iii) governing when the suspension or cancellation takes effect;
- (iv) requiring that person to surrender or return the suspended or cancelled motor vehicle document to the court or the Registrar;
- (v) governing the reinstatement or re-issue of a suspended or cancelled motor vehicle document;
- (i) declaring a highway or any portion of a highway or place not to be a highway;
- (j) providing for and governing the temporary closing of a highway;
- (k) governing the seizure and the immobilization of vehicles under sections 88, 88.01, 88.02, 88.03, 88.1, 172, 173 and 173.1;
- (k.1) respecting requests to set aside suspensions under section 88.1(12) and (16);
- (l) governing the enforcement of any lien created under this Act;
- (m) prescribing documents as motor vehicle documents;
- (n) subject to sections 56, 57 and 58, governing the restriction of the provision of functions and services under this Act;
- (o) for the purposes of section 57,
 - (i) authorizing the Registrar to refuse to register a vehicle in the name of a new owner if the ownership of a registered vehicle passes directly or through intermediary owners from a person who has not paid a fine or penalty as described in section 57 to a person or a person within a class of persons;
 - (ii) governing persons or classes of persons referred to in subclause (i);

- (p) for the purposes of section 58,
 - (i) authorizing the Registrar to refuse to register a vehicle in the name of a new owner if the ownership of a registered vehicle passes directly or through intermediary owners from a person who is a debtor under a notice given by the Director, as defined in section 58, to the Registrar under section 58(2) to a person or a person within a class of persons;
 - (ii) governing persons or classes of persons referred to in subclause (i);
- (q) prescribing and governing the classification of vehicles;
- (r) governing alcohol-sensing devices and their installation, use and removal;
- (r.1) governing the use of alcohol detection and monitoring technologies and methods;
- (s) governing forms and similar documents and their electronic versions used for the purposes of this Act;
- (s.1) respecting the use, processing and filing of electronic documents;
- (s.2) with respect to documents, whether in electronic or non-electronic form, that are to be signed,
 - (i) respecting the signing of those documents, which may include dispensing with any requirement that the documents be signed;
 - (ii) providing for those documents, instead of being signed, to be marked, subscribed, endorsed, acknowledged or given any other form of signification or to be otherwise dealt with, and governing any matter relating to
 - (A) the marking, subscribing, endorsing, acknowledging or signification of or dealing with those documents, and
 - (B) the effect to be given to those documents;
- (t) designating locations as rest areas for users of highways and governing those rest areas;
- (u) prescribing or otherwise providing for the establishment of fees to be charged in respect of

- (i) motor vehicle documents and other documents;
- (ii) the providing of motor vehicle documents and other documents;
- (iii) the administering of tests and examinations;
- (iv) the provision of any service or function under this Act;
- (v) the provision of any appeal, review or hearing under this Act;
- (v) governing any matter relating to the issuance of dealer's licence plates and trade licence plates and the operation of a motor vehicle on a highway with a dealer's licence plate or a trade licence plate attached, including requirements for the production and retention of documents.

RSA 2000 cT-6 s64;2002 c32 s15;2003 c48 s3;2005 c34 s17;
2009 c35 s6;2011 c22 ss10,21;2017 c26 s8;2020 cP-30.8 s44(25)

Division 2 Vehicles, Equipment, Accidents and Removal of Vehicles

Equipment standards

65(1) Except as otherwise permitted under this Act, a person shall not do any of the following:

- (a) drive or operate a vehicle on a highway unless that vehicle complies with the vehicle and equipment standards set out in the regulations in respect of that vehicle;
- (b) permit another person to drive or operate a vehicle on a highway unless that vehicle complies with the vehicle and equipment standards set out in the regulations in respect of that vehicle;
- (c) where that person is the owner of a vehicle, drive or operate the vehicle on a highway unless the vehicle and its equipment are maintained
 - (i) in good working order, and
 - (ii) in a condition that meets the requirements of this Act;
- (d) drive or operate a vehicle on a highway unless the vehicle and its equipment are used in a manner or as prescribed or provided for by regulation;

- (e) sell or offer for sale in Alberta a new motor vehicle unless that motor vehicle meets the requirements of the *Motor Vehicle Safety Act* (Canada) and the regulations under that Act;
 - (f) sell or offer for sale in Alberta a new trailer unless that trailer meets the requirements of the *Motor Vehicle Safety Act* (Canada) and the regulations under that Act;
 - (g) sell or offer for sale in Alberta a new conversion unit unless the conversion unit meets the requirements of the *Motor Vehicle Safety Act* (Canada) and the regulations under that Act;
 - (h) sell a used motor vehicle if that person is of a class described in the regulations or if that used motor vehicle is of a class or type described in the regulations unless
 - (i) the motor vehicle has passed the inspections and tests required by the regulations within the period of time preceding the sale prescribed by regulation and the person provides the buyer with an inspection certificate for the motor vehicle in respect of those inspections and tests, or
 - (ii) the person provides the buyer with a written statement containing the information prescribed by regulation respecting the motor vehicle;
 - (i) in the case of vehicles that may be on a highway, sell or offer for sale for use in or on those vehicles any equipment or other material or item used in respect of vehicles where that equipment, material or item does not comply with the standards or specifications set out in the regulations for that equipment, material or item;
 - (j) in the case of vehicles that may be on a highway, sell or offer for sale for use in or on those vehicles any equipment or other material or item used in respect of vehicles where the sale or the offering for sale of that equipment, material or item is prohibited by regulation.
- (2)** Where a person who is an employee or agent of a dealer of used motor vehicles contravenes subsection (1)(h),
- (a) where the person is found guilty of contravening this section, the dealer is also guilty of contravening this section and is subject to the punishment set out in section 158(2) unless the dealer proves to the satisfaction of the court that

the dealer took all reasonable steps to ensure that the person would not contravene this section;

- (b) where a notice of administrative penalty is issued to the person under the *Provincial Administrative Penalties Act* for contravening this section, the dealer is also considered to have contravened this section and is subject to a fine as prescribed under that Act unless the dealer proves to the satisfaction of an adjudicator under that Act that the dealer took all reasonable steps to ensure that the person would not contravene this section.

RSA 2000 cT-6 s65;2020 cP-30.8 s44(26)

Inspection of vehicles

66(1) A peace officer may, for the purposes of

- (a) ensuring that a vehicle or its equipment, or both,
- (i) are safe to operate, and
 - (ii) meet the vehicle and equipment standards and requirements provided for under this Act,

or

- (b) determining whether the condition of a vehicle or its equipment contributed in any manner to an accident,

do one or more of the following:

- (c) direct that the vehicle or its equipment, or both, be subjected to an inspection, examination or test by the peace officer;
- (d) direct that the vehicle or its equipment, or both, be subjected to an inspection, examination or test at a place and by a person specified by the peace officer;
- (e) direct that the vehicle or its equipment, or both, or any specific part of the vehicle or equipment be repaired;
- (f) direct that the vehicle or its equipment, or both, be removed from the highway or from operation and that it not be returned to a highway or operation until the vehicle or its equipment, or both, have been, as the case may be,
 - (i) rendered safe to operate,
 - (ii) repaired, serviced, altered or otherwise dealt with so that they meet the requirements of this Act, or

- (iii) repaired in accordance with the directions of the peace officer;
 - (g) direct that the directions given under this section be complied with within a time period specified by the peace officer;
 - (h) direct that, after the directions given under this section have been complied with, the vehicle or its equipment, or both, be reinspected by a peace officer at a time and place specified by the peace officer.
- (2)** A direction given under this section must
- (a) be in writing, and
 - (b) be served on the person to whom the direction is made.
- (3)** Notwithstanding subsection (2), a direction given under subsection (1)(c) may be given orally if a peace officer inspects, examines or tests the vehicle and its equipment forthwith after the direction is given.
- (4)** If a driver or an owner of a vehicle is given a direction under subsection (1)(f), a peace officer may seize the licence plate and certificate of registration issued in respect of that vehicle, and in the case of a vehicle in a prescribed class of commercial vehicles, a peace officer may seize the certificate of registration or a copy of the certificate of registration, and hold the licence plate and certificate of registration or copy of the certificate of registration, as the case may be, until the vehicle or its equipment, or both, have been, in accordance with the direction,
- (a) rendered safe to operate;
 - (b) repaired, serviced, altered or otherwise dealt with so that they meet the requirements of this Act;
 - (c) repaired in accordance with the directions of the peace officer.
- (5)** A person shall not do any of the following:
- (a) fail to comply with the directions given by a peace officer under this section;
 - (b) operate a vehicle on a highway in contravention of a direction given under subsection (1)(f);

- (c) put a vehicle into operation in contravention of a direction given under subsection (1)(f).

RSA 2000 cT-6 s66;2007 c45 s7

Review by Court

67(1) Where

- (a) a person is given a direction under section 66, a person's vehicle is detained for the purposes of section 66 or a person's licence plate and certificate of registration, or in the case of a vehicle in a prescribed class of commercial vehicles, a copy of the certificate of registration, are seized under section 66, and
- (b) the person disputes the direction, detention or seizure in whole or in part,

the person may apply to the Court of Queen's Bench for an order granting relief under subsection (6).

(2) Where

- (a) a person fails to comply with a direction given under section 66, or
- (b) a person fails to permit a peace officer to carry out the peace officer's powers or duties under section 66,

a peace officer may apply to the Court of Queen's Bench for an order granting relief under subsection (6).

(3) Repealed 2009 c53 s179.

(4) On the filing of an application with the clerk of the Court of Queen's Bench, the Court may, if it considers it necessary in the circumstances, hear an interim application on 2 days' notice, or any shorter period of time that the Court may direct, and make an interim order granting such relief as the Court considers appropriate pending the determination of the application.

(5) An interim application under subsection (4) may be made ex parte if the Court considers it appropriate to do so in the circumstances.

(6) On hearing an application, the Court may do one or more of the following:

- (a) confirm, rescind or vary the direction of the peace officer;

- (b) direct the person to comply with the direction of the peace officer;
- (c) give those directions that the Court considers necessary to ensure compliance with the direction of the peace officer;
- (d) direct that the seized licence plate and certificate of registration, or in the case of a vehicle in a prescribed class of commercial vehicles, a copy of the certificate of registration, be returned;
- (e) make the order subject to any terms or conditions that the Court considers appropriate in the circumstances;
- (f) dismiss the application;
- (g) award costs.

RSA 2000 cT-6 s67;2007 c45 s8;2009 c53 s179

Serially numbered vehicles and parts

68(1) In this section, “vehicle” means

- (a) a motor vehicle;
- (b) a trailer;
- (c) any serially numbered part of a motor vehicle or trailer;
- (d) any part or portion of a motor vehicle or trailer that is not a serially numbered part of a motor vehicle or trailer.

(2) Except as otherwise permitted under this Act, a person shall not do any of the following:

- (a) have possession of a vehicle that does not have either
 - (i) the manufacturer’s serial number or similar identifying mark, or
 - (ii) a special identification number or mark authorized under this Act where the manufacturer’s serial number or identifying mark has been removed, defaced, covered, altered or destroyed or become illegible;
- (b) sell or offer for sale
 - (i) any portion of a vehicle,
 - (ii) any portion of an engine of a vehicle, or
 - (iii) any accessory for a vehicle,

that has been serially numbered by the manufacturer if the serial number has been removed, defaced, covered, altered or destroyed or become illegible.

(3) This section does not apply to the sale of retreaded or used tires.

1999 cT-6.4 s68

Duty of driver, etc. re accident

69(1) Where an accident in which a vehicle is involved occurs on a highway, the driver or other person in charge of any vehicle that was directly or indirectly involved in the accident shall

- (a) remain at the scene of the accident or, if the person has left the scene of the accident, immediately return to the scene of the accident unless otherwise directed by a peace officer,
- (b) render all reasonable assistance, and
- (c) produce in writing to anyone sustaining loss or injury, to any peace officer and to any witness all or such of the following information as is requested:
 - (i) that person's name and address;
 - (ii) the number of that person's operator's licence;
 - (iii) the name and address of the registered owner of the vehicle;
 - (iv) the licence plate number of the vehicle;
 - (v) a financial responsibility card issued in respect of that vehicle.

(2) The driver of a vehicle that

- (a) is involved in an accident with an unattended vehicle shall stop at the scene of the accident and shall forthwith or as soon after the accident as is practicable
 - (i) locate and notify the owner or person in charge of the unattended vehicle of the name and address of the driver, the number of the driver's operator's licence and the licence plate number of the vehicle that was involved in the accident with the unattended vehicle, or
 - (ii) leave in a conspicuous place in or on the unattended vehicle a written notice giving the name and address of the driver, the number of the driver's operator's licence

and the licence plate number of the vehicle that was involved in the accident with the unattended vehicle,

or

(b) is involved in an accident resulting in damage to property on or adjacent to a highway shall forthwith or as soon after the accident as is practicable take reasonable steps to locate and notify the owner or person in charge of the property of the fact and of the name and address of the driver, the number of the driver's operator's licence and the licence plate number of the vehicle.

(3) If the driver of a vehicle is incapable of providing the information required by subsection (1) or (2) and there is another occupant of the vehicle capable of providing the information, the occupant shall provide the information required to be provided by the driver.

(4) If the information has not been provided under subsection (1), (2) or (3) and the driver or occupant of the vehicle is not the owner of the vehicle, the owner shall forthwith on determining that that owner's vehicle has been involved in an accident provide the information required under those subsections.

(5) If the driver of a vehicle is alone at the time of an accident, is the owner of the vehicle and is incapable of providing the information required by subsection (1) or (2), that person shall provide the information forthwith after becoming capable of doing so.

(6) When a vehicle that has been involved in an accident is damaged to the extent that it cannot be moved under its own power, the registered owner or the driver of the vehicle shall, after complying with subsection (1) or (2), forthwith make arrangements for the motor vehicle to be removed from the highway.

(7) Notwithstanding subsection (6), if the registered owner or the driver of the vehicle fails to make or is incapable of making arrangements to move the vehicle, a peace officer

- (a) may make the arrangements to move the vehicle on the owner's or driver's behalf, and
- (b) on making arrangements to move the vehicle, shall notify the registered owner of the vehicle of the disposition of the vehicle.

(8) If arrangements to move a vehicle have been made by a peace officer pursuant to subsection (7), the motor vehicle is deemed to be an abandoned motor vehicle.

1999 cT-6.4 s69

Reports of peace officers re accidents

70 A peace officer shall, in the form and the manner prescribed by regulation, provide to the Registrar reports respecting accidents involving vehicles.

1999 cT-6.4 s70

Reports of drivers re accidents

71(1) A driver of a vehicle involved in an accident shall, in the form and manner prescribed by regulation, provide a report of the accident to

- (a) a peace officer having jurisdiction where the accident occurred, or
- (b) an employee of a police service having jurisdiction where the accident occurred who is authorized to receive those reports.

(2) If the driver is incapable of making the report required by subsection (1) and there is another occupant of the vehicle capable of making the report, the occupant shall make the report required to be made by the driver.

(3) If a report has not been made under subsection (1) or (2) and the driver or occupant is not the owner of the vehicle, the owner shall make the report forthwith after learning of the accident.

(4) If the driver is alone, is the owner of the vehicle and is incapable of making the report required by subsection (1), the driver shall make the report forthwith after becoming capable of making it.

1999 cT-6.4 s71

Place of offence re accident report

72 In a proceeding with respect to a failure to provide information as required under section 69 or 126 or to make a report as required by section 70 or 71 or to provide information under the regulations with respect to accidents, the place of a contravention is the place where the accident occurred.

RSA 2000 cT-6 s72;2020 cP-30.8 s44(27)

Investigations of accidents re general safety enhancement

73(1) The Registrar may, for the purposes of analyzing and enhancing the safe use of highways,

- (a) investigate all aspects of motor vehicle accidents with a view to compiling comparative statistics on the causes of accidents, and
- (b) make recommendations, based on those investigations, for increased road safety.

(2) For the purposes of carrying out the functions provided for under subsection (1), the Registrar

- (a) may, in writing, require from any insurer any or all of the following with respect to any accident:
 - (i) copies of statements made by any person in connection with the accident;
 - (ii) copies of reports made by the insurer's investigators into the reasons for or causes of the accident and the conclusion of the insurer on the liability of the persons involved;
 - (iii) details of any money paid by an insurer in respect of property damage;
- (b) may interview
 - (i) the drivers involved in the accident,
 - (ii) any witness to the accident, and
 - (iii) any other person who may be able to give information, whether directly relevant or not, that will assist in determining the reasons for or causes of the accident,and with the consent of the persons interviewed may take statements in writing.

(3) In the interests of obtaining full and true information concerning an accident, any file, document or paper kept by the Registrar or any person who carries out any function under this section on behalf of the Registrar that deals with the accident, including all matters incidental to it, and that has come into existence through anything done pursuant to this section

- (a) must not be disclosed to any person except as permitted under this Act,
- (b) must not be used in any court proceedings, and

(c) must not be used for any purposes other than the purposes stated in subsection (1).

(4) Neither the Registrar nor any person who carries out functions under this section on behalf of the Registrar shall disclose or be compelled to disclose any information obtained by the Registrar or that person in the course of the performance of any duties under this section.

(5) No cause of action lies against any person by reason of the disclosure, for the purposes of this section, of any document or information to the Registrar or to any person who carries out functions under this section on behalf of the Registrar.

(6) Notwithstanding anything in this section, a person must not be compelled to disclose any information if the disclosure will prejudice that person.

1999 cT-6.4 s73

Testing and inspection of motor vehicles in accidents

74(1) When any motor vehicle is directly or indirectly involved in an accident, the Registrar may

- (a) request a peace officer to remove the motor vehicle or cause the motor vehicle to be removed from the place where the accident occurred, and
- (b) specify to the peace officer the place to which the motor vehicle is to be taken,

for the purposes of testing and inspecting the vehicle.

(2) If, for the purposes of this section, a motor vehicle

- (a) is towed and stored at a place agreed on by the owner and the Registrar, the owner shall pay the costs of towing and storage;
- (b) is towed and stored at a place not agreed on by the owner and the Registrar, the Crown shall pay the costs of towing and storage;
- (c) is towed without the consent of the owner but stored at a place to which the owner consents, the Crown shall pay the costs of towing and the owner shall pay the costs of storage;
- (d) is towed with the consent of the owner but stored at a place without the owner's consent, the owner shall pay the costs of towing and the Crown shall pay the costs of storage.

(3) On completion of the testing and inspection, if the owner of the motor vehicle wishes to have repairs carried out at a place other than the place at which the motor vehicle was tested and inspected, the Crown shall pay the reasonable costs of towing to the place specified by the owner.

(4) The Registrar is entitled to retain the motor vehicle for testing and inspection for 21 days from the day of the accident, but after 21 days the Registrar shall release it to the owner on the owner's request.

(5) Unless the motor vehicle is irreparable, the Minister shall, in an amount that the Minister considers just, compensate a person who does not have the use of that person's motor vehicle as a result of any testing or inspection carried out under this section.

(6) Notwithstanding that a motor vehicle has been taken for testing and inspection, the owner or a person authorized by the owner may enter the premises where it is kept during normal working hours and inspect the motor vehicle.

1999 cT-6.4 s74

Motor vehicle surveys

75 The Minister may authorize persons to conduct surveys on any highway under the Minister's direction, control and management, and during the course of conducting a survey the person so authorized may stop motor vehicles for the purpose of questioning the occupants with respect to the survey.

1999 cT-6.4 s75

Prohibitions re abandoning vehicles

76(1) Except as otherwise permitted under this Act, a person shall not

- (a) abandon a vehicle on a highway, or
- (b) abandon a vehicle on public or private property without the consent of the owner or person in possession or control of the property.

(2) A vehicle that is

- (a) left standing on a highway for more than 72 consecutive hours, unless otherwise provided for in a bylaw in the case of a highway under the direction, control and management of the council of a municipality, or
- (b) left standing on public or private property for more than 72 consecutive hours without the consent of the owner or person in possession or control of the property,

is deemed to have been abandoned at that location.

1999 cT-6.4 s76

Removal of vehicles

77(1) A peace officer may cause any vehicle to be removed and taken to and stored in a suitable place when the vehicle

- (a) is abandoned under section 76;
- (b) is left unattended on a highway in a manner that obstructs the normal movement of traffic;
- (c) is parked on any highway in contravention of this Act or a bylaw;
- (d) is parked on a highway in a manner that prevents access by fire-fighting equipment to a fire hydrant;
- (e) is not displaying a subsisting licence plate or a permit;
- (f) is parked on private property without the consent of the owner of the property or on a highway in a manner that obstructs any private driveway;
- (g) is left unattended on a highway and, in the opinion of a peace officer, the vehicle, its contents or any goods being carried by the vehicle are liable to be stolen or tampered with;
- (h) is situated unattended at a location or in a condition so that, in the opinion of the peace officer, it constitutes a present or potential hazard to persons or property;
- (i) is seized under section 172, 172.1, 173 or 173.1.

(2) When the Registrar, a peace officer or another person authorized by the Registrar believes on reasonable grounds that a vehicle referred to in subsection (1) is worthless, that person may, subject to the regulations, cause the vehicle to be moved to a nuisance ground, salvage yard or municipal dump for disposal or to be otherwise dealt with under the regulations.

RSA 2000 cT-6 s77;2003 e48 s4;2011 c22 s21;
2013 c19 s2(10)

Forcible entry of vehicles, etc.

78 When a vehicle is to be removed or stored under this Act, the person authorized to remove or store the vehicle, or that person's agent, may forcibly unlock or open a door of the vehicle or otherwise gain access into or on a vehicle and do those other things

that are reasonably required to facilitate the removal or storage of the vehicle, its contents and any goods being carried by the vehicle.

1999 cT-6.4 s78

Exclusion from liability

79 Where a person sells, disposes of, deals with or otherwise handles a vehicle, its contents and any goods being carried by the vehicle, or any of them, under section 77 or 78 or the regulations, no liability attaches to that person with respect to that sale, disposition, dealing or handling carried out in respect of that vehicle or those contents or goods.

1999 cT-6.4 s79

Sale and rental of vehicles

80 Except as otherwise permitted under this Act, a person shall not do any of the following:

- (a) hire or let for hire a motor vehicle unless the person by whom the motor vehicle is to be driven is authorized under this Act to drive the motor vehicle;
- (b) sell a motorcycle to a person who is under the age of 16 years, other than a motorcycle that
 - (i) is an off-highway vehicle, and
 - (ii) does not meet the specifications under the regulations to operate on a highway;
- (c) purchase a motorcycle for or on behalf of a person who is under the age of 16 years, other than a motorcycle that
 - (i) is an off-highway vehicle, and
 - (ii) does not meet the specifications under the regulations to operate on a highway.

RSA 2000 cT-6 s80;2016 c14 s12

Regulations

81 The Minister may make regulations

- (a) governing any matter with respect to
 - (i) the construction, modification and configuration of vehicles;
 - (ii) the construction, modification and configuration of any equipment or other material or items used in respect of or in connection with vehicles;

- (iii) the use of and the installation and removal of any equipment or other material or items used in respect of or in connection with vehicles;
 - (iv) the standards to be met by vehicles;
 - (v) the standards to be met by any equipment or other material or items installed or used in respect of or in connection with vehicles;
- (b) governing any matter with respect to the testing and inspection of and the repair of vehicles and any equipment or other material or items used in respect of or in connection with vehicles;
- (b.1) establishing and governing, with respect to persons who engage in, have engaged in or may become engaged in providing any services in relation to matters referred to in clause (b), a program under which a profile or other record is kept with respect to the provision of those services and the compliance or failure to comply with this Act respecting the provision of those services;
- (b.2) providing for and governing sanctions that may be imposed in respect of a program referred to in clause (b.1);
- (b.3) governing the inspection by a peace officer of any business related to motor vehicle inspections;
- (c) governing
- (i) the reporting, removal and storage of vehicles, the contents of vehicles and the goods carried by vehicles
 - (A) that have been seized or removed under this Act, or
 - (B) that are abandoned,
 - (ii) the returning of any vehicles, contents and goods referred to in subclause (i),
 - (iii) the disposal of any vehicles, contents and goods referred to in subclause (i), the passage of title of those vehicles, contents and goods and the distribution of funds arising from the disposal of those vehicles, contents and goods,
 - (iv) the expenses incurred arising out of any matter referred to in this clause, and
 - (v) the liability for the expenses referred to in subclause (iv);

- (d) governing, subject to sections 11, 69 to 71 and 126, any matter with respect to the provision of information and the making of reports in respect of accidents;
- (e) requiring and governing the provision to the Registrar of supplemental information in respect of accidents;
- (f) governing any matter with respect to the reporting, acquisition and disposal of salvage in respect of vehicles and parts of vehicles;
- (g) describing a vehicle as a salvage motor vehicle or a non-repairable vehicle and governing salvage vehicles or non-repairable vehicles and the information to be provided in respect of salvage vehicles or non-repairable vehicles;
- (h) respecting the sale of used vehicles and the standards to be met by those vehicles;
- (i) governing identification numbers and marks with respect to vehicles and any part or portion of a vehicle.

RSA 2000 cT-6 s81;2005 c34 s18

Part 4

Disqualification from Driving

Division 1

Disqualifications Arising from Offences and Contraventions

Operator's licence suspended

82 When a person is disqualified from driving a motor vehicle in Alberta,

- (a) that person's operator's licence, if that person holds a subsisting operator's licence, is suspended, and
- (b) that person is disqualified from holding an operator's licence,

during the time that the person is disqualified from driving.

1999 cT-6.4 s82

Disqualification for impaired driving

83(1) When a person is found guilty under section 320.14 or 320.15 of the *Criminal Code* (Canada) anywhere in Canada, that person on being found guilty becomes disqualified from driving a motor vehicle for a period of one year from the day of the finding of guilt.

(2) Notwithstanding subsection (1), if a person

- (a) is found guilty under section 320.14 or 320.15 of the *Criminal Code* (Canada) anywhere in Canada, and
- (b) has, in the preceding 10 years, been found guilty of an offence under section 320.14 or 320.15 of the *Criminal Code* (Canada) anywhere in Canada,

that person on being found guilty of the offence referred to in clause (a) becomes disqualified from driving a motor vehicle in Alberta for a period of 3 years from the day of the finding of guilt.

(2.1) In establishing for the purposes of subsection (2) whether a person has been found guilty of an offence under section 320.14 or 320.15 of the *Criminal Code* (Canada) anywhere in Canada and has been found guilty within the preceding 10 years of an offence under either of those sections anywhere in Canada, the only question to be considered is the sequence of the findings of guilt and no consideration shall be given to the sequence of commission of offences or to whether an offence occurred before or after a finding of guilt.

(3) Notwithstanding anything in this section, when a person

- (a) is found guilty under section 320.14 or 320.15 of the *Criminal Code* (Canada) anywhere in Canada, and
- (b) has, in the preceding 10 years, been found guilty of
 - (i) 2 offences under section 320.14 or 320.15 of the *Criminal Code* (Canada), or
 - (ii) one offence under section 320.14 of the *Criminal Code* (Canada) and one offence under section 320.15 of the *Criminal Code* (Canada)

anywhere in Canada, unless those 2 offences arose out of the same incident,

that person on being found guilty of the offence referred to in clause (a) becomes disqualified from driving a motor vehicle in Alberta for a period of 5 years from the day of the finding of guilt.

(3.1) In establishing for the purposes of subsection (3) whether a person

- (a) has been found guilty of an offence under section 320.14 or 320.15 of the *Criminal Code* (Canada) anywhere in Canada, and

- (b) has been found guilty within the preceding 10 years of
 - (i) 2 offences under section 320.14 or 320.15 of the *Criminal Code* (Canada), or
 - (ii) one offence under section 320.14 of the *Criminal Code* (Canada) and one offence under section 320.15 of the *Criminal Code* (Canada)

anywhere in Canada, unless those 2 offences arose out of the same incident,

the only question to be considered is the sequence of the findings of guilt and no consideration shall be given to the sequence of commission of offences or to whether an offence occurred before or after a finding of guilt.

(4) When a person who holds an operator's licence is found guilty under section 320.14 or 320.15 of the *Criminal Code* (Canada), the court hearing the case shall forward the operator's licence of that person to the Registrar.

(5) If a person is found guilty of 2 or more offences under section 320.14 or 320.15 of the *Criminal Code* (Canada) anywhere in Canada and the offences arose out of the same incident,

- (a) the findings of guilt for those offences shall, for the purposes of subsections (2)(b) and (3)(b), be considered to constitute only one finding of guilt, which shall be considered to have occurred on the day of the earliest finding of guilt respecting those offences, and
- (b) for the purposes of subsection (1), the period of disqualification shall be one year and shall run from the day of the earliest finding of guilt respecting those offences.

(6) For the purposes of subsections (2) and (3), a finding of guilt for an offence

- (a) under section 234 or 236 of the *Criminal Code* (Canada) as it read immediately prior to December 4, 1985 is deemed to be a finding of guilt for an offence under section 237 of the *Criminal Code* (Canada) as it read immediately after December 3, 1985, and
- (b) under section 234.1 or 235 of the *Criminal Code* (Canada) as it read immediately prior to December 4, 1985 is deemed to be a finding of guilt for an offence under section 238 of the *Criminal Code* (Canada) as it read immediately after December 3, 1985.

- (7) For the purposes of subsections (2) and (3), a finding of guilt for an offence
- (a) under section 237 of the *Criminal Code* (Canada) as it read immediately prior to December 12, 1988 is deemed to be a finding of guilt for an offence under section 253 of the *Criminal Code* (Canada) as it read immediately after December 11, 1988, and
 - (b) under section 238 of the *Criminal Code* (Canada) as it read immediately prior to December 12, 1988 is deemed to be a finding of guilt for an offence under section 254 of the *Criminal Code* (Canada) as it read immediately after December 11, 1988.
- (8) For the purposes of subsections (2) and (3), a finding of guilt for an offence under section 253 of the *Criminal Code* (Canada) as it read immediately prior to November 1, 1989 is deemed to be a finding of guilt for an offence under section 253 of the *Criminal Code* (Canada) as it read immediately after October 31, 1989.
- (9) For the purposes of subsections (2) and (3), a finding of guilt for an offence
- (a) under section 253 of the *Criminal Code* (Canada) as it read immediately prior to the coming into force of Part 1 of the Federal Bill is deemed to be a finding of guilt for an offence under section 253 of the *Criminal Code* (Canada) as it read immediately on and after the coming into force of Part 1 of the Federal Bill, and
 - (b) under section 254 of the *Criminal Code* (Canada) as it read immediately prior to the coming into force of Part 1 of the Federal Bill is deemed to be a finding of guilt for an offence under section 254 of the *Criminal Code* (Canada) as it read immediately on and after the coming into force of Part 1 of the Federal Bill.
- (10) In subsection (9), “the Federal Bill” means Bill C-46, introduced in the 1st session of the 42nd Parliament and entitled *An Act to amend the Criminal Code (offences relating to conveyances) and to make consequential amendments to other Acts*.
- (11) For the purposes of subsections (2) and (3), a finding of guilt for an offence
- (a) under section 253 of the *Criminal Code* (Canada) as it read immediately prior to the coming into force of Part 2 of the Federal Bill is deemed to be a finding of guilt for an offence

under section 320.14 of the *Criminal Code* (Canada) as it read immediately on and after the coming into force of Part 2 of the Federal Bill, and

- (b) under section 254 of the *Criminal Code* (Canada) as it read immediately prior to the coming into force of Part 2 of the Federal Bill is deemed to be a finding of guilt for an offence under section 320.15 of the *Criminal Code* (Canada) as it read immediately on and after the coming into force of Part 2 of the Federal Bill.

(12) In subsection (11), “the Federal Bill” means Bill C-46, introduced in the 1st session of the 42nd Parliament and entitled *An Act to amend the Criminal Code (offences relating to conveyances) and to make consequential amendments to other Acts*.

RSA 2000 cT-6 s83;2016 c14 s4;2017 c26 ss9,18,29

Driving while prohibited under Criminal Code

84 If a person is found guilty anywhere in Canada of an offence under 320.18 of the *Criminal Code* (Canada), that person on being found guilty becomes disqualified from driving a motor vehicle in Alberta for a period of 6 months from the day of the finding of guilt.

RSA 2000 cT-6 s84;2017 c26 s19

Disqualification arising under National Defence Act (Canada)

85(1) When a person is found guilty under section 130 of the *National Defence Act* (Canada) by reason that the person contravened section 320.14 or 320.15 of the *Criminal Code* (Canada) anywhere in or out of Canada, that person on being found guilty becomes disqualified from driving a motor vehicle in Alberta for a period of one year from the day of the finding of guilt.

(2) Notwithstanding subsection (1), if a person

- (a) is found guilty under section 130 of the *National Defence Act* (Canada) by reason that the person contravened section 320.14 or 320.15 of the *Criminal Code* (Canada) anywhere in or out of Canada, and
- (b) has, in the preceding 10 years, been found guilty of an offence under section 130 of the *National Defence Act* (Canada) by reason that the person contravened section 320.14 or 320.15 of the *Criminal Code* (Canada) anywhere in or out of Canada,

that person on being found guilty of the offence referred to in clause (a) becomes disqualified from driving a motor vehicle in Alberta for a period of 3 years from the day of the finding of guilt.

(3) Notwithstanding anything in subsection (1) or (2), when a person

- (a) is found guilty under section 130 of the *National Defence Act* (Canada) by reason that the person contravened section 320.14 or 320.15 of the *Criminal Code* (Canada) anywhere in or out of Canada, and
- (b) has, in the preceding 10 years, been found guilty of 2 offences under the *National Defence Act* (Canada) by reason that the person, in the preceding 10 years,
 - (i) twice contravened section 320.14 or 320.15 of the *Criminal Code* (Canada), or
 - (ii) once contravened section 320.14 of the *Criminal Code* (Canada) and once contravened section 320.15 of the *Criminal Code* (Canada),

anywhere in or out of Canada, unless those 2 offences arose out of the same incident,

that person on being found guilty of the offence referred to in clause (a) becomes disqualified from driving a motor vehicle in Alberta for a period of 5 years from the day of the finding of guilt.

(4) If a person is found guilty of 2 or more offences under section 130 of the *National Defence Act* (Canada) by reason that the person contravened section 320.14 or 320.15 of the *Criminal Code* (Canada) anywhere in or out of Canada and the offences arose out of the same incident,

- (a) the findings of guilt for those offences shall, for the purposes of subsections (2)(b) and (3)(b), be considered to constitute only one finding of guilt, which shall be considered to have occurred on the day of the earliest finding of guilt respecting those offences, and
- (b) for the purposes of subsection (1), the period of disqualification shall be one year and shall run from the day of the earliest finding of guilt respecting those offences.

(5) For the purposes of subsections (2) and (3), a finding of guilt for an offence under section 120 of the *National Defence Act* (Canada) as the *National Defence Act* (Canada) read immediately prior to December 12, 1988 by reason that a person contravened

- (a) section 234 or 236 of the *Criminal Code* (Canada) as the *Criminal Code* (Canada) read immediately prior to December 4, 1985 is deemed to be a finding of guilt under

section 120 of the *National Defence Act* (Canada) as the *National Defence Act* (Canada) read immediately prior to December 12, 1988 by reason that the person contravened section 237 of the *Criminal Code* (Canada) as the *Criminal Code* (Canada) read immediately after December 3, 1985, and

- (b) section 234.1 or 235 of the *Criminal Code* (Canada) as the *Criminal Code* (Canada) read immediately prior to December 4, 1985 is deemed to be a finding of guilt under section 120 of the *National Defence Act* (Canada) as the *National Defence Act* (Canada) read immediately prior to December 12, 1988 by reason that the person contravened section 238 of the *Criminal Code* (Canada) as the *Criminal Code* (Canada) read immediately after December 3, 1985.

(6) For the purposes of subsections (2) and (3), a finding of guilt for an offence under section 120 of the *National Defence Act* (Canada) as the *National Defence Act* (Canada) read immediately prior to December 12, 1988 by reason that a person contravened

- (a) section 237 of the *Criminal Code* (Canada) as the *Criminal Code* (Canada) read immediately prior to December 12, 1988 is deemed to be a finding of guilt under section 130 of the *National Defence Act* (Canada) by reason that the person contravened section 253 of the *Criminal Code* (Canada) as the *Criminal Code* (Canada) and the *National Defence Act* (Canada) read immediately after December 11, 1988, and
- (b) section 238 of the *Criminal Code* (Canada) as the *Criminal Code* (Canada) read immediately prior to December 12, 1988 is deemed to be a finding of guilt under section 130 of the *National Defence Act* (Canada) by reason that the person contravened section 254 of the *Criminal Code* (Canada) as the *Criminal Code* (Canada) and the *National Defence Act* (Canada) read immediately after December 11, 1988.

(7) For the purposes of subsections (2) and (3), a finding of guilt for an offence under section 130 of the *National Defence Act* (Canada) by reason that a person contravened section 253 of the *Criminal Code* (Canada) as the *Criminal Code* (Canada) read immediately prior to November 1, 1989 is deemed to be a finding of guilt under section 130 of the *National Defence Act* (Canada) by reason that the person contravened section 253 of the *Criminal Code* (Canada) as the *Criminal Code* (Canada) read immediately after October 31, 1989.

(7.1) For the purposes of subsections (2) and (3), a finding of guilt for an offence

- (a) under section 130 of the *National Defence Act* (Canada) by reason that a person contravened section 253 of the *Criminal Code* (Canada) as the *Criminal Code* (Canada) read immediately prior to the coming into force of Part 1 of the Federal Bill is deemed to be a finding of guilt under section 130 of the *National Defence Act* (Canada) by reason that the person contravened section 253 of the *Criminal Code* (Canada) as the *Criminal Code* (Canada) read immediately on and after the coming into force of Part 1 of the Federal Bill, and
- (b) under section 130 of the *National Defence Act* (Canada) by reason that a person contravened section 254 of the *Criminal Code* (Canada) as the *Criminal Code* (Canada) read immediately prior to the coming into force of Part 1 of the Federal Bill is deemed to be a finding of guilt under section 130 of the *National Defence Act* (Canada) by reason that the person contravened section 254 of the *Criminal Code* (Canada) as the *Criminal Code* (Canada) read immediately on and after the coming into force of Part 1 of the Federal Bill.

(7.2) In subsection (7.1), “the Federal Bill” means Bill C-46, introduced in the 1st session of the 42nd Parliament and entitled *An Act to amend the Criminal Code (offences relating to conveyances) and to make consequential amendments to other Acts*.

(7.3) For the purposes of subsections (2) and (3), a finding of guilt for an offence

- (a) under section 130 of the *National Defence Act* (Canada) by reason that a person contravened section 253 of the *Criminal Code* (Canada) as the *Criminal Code* (Canada) read immediately prior to the coming into force of Part 2 of the Federal Bill is deemed to be a finding of guilt under section 130 of the *National Defence Act* (Canada) by reason that the person contravened section 320.14 of the *Criminal Code* (Canada) as the *Criminal Code* (Canada) read immediately on and after the coming into force of Part 2 of the Federal Bill, and
- (b) under section 130 of the *National Defence Act* (Canada) by reason that a person contravened section 254 of the *Criminal Code* (Canada) as the *Criminal Code* (Canada) read immediately prior to the coming into force of Part 2 of the Federal Bill is deemed to be a finding of guilt under section 130 of the *National Defence Act* (Canada) by reason that the person contravened section 320.15 of the *Criminal Code* (Canada) as the *Criminal Code* (Canada) read

immediately on and after the coming into force of Part 2 of the Federal Bill.

(7.4) In subsection (7.3), “the Federal Bill” means Bill C-46, introduced in the 1st session of the 42nd Parliament and entitled *An Act to amend the Criminal Code (offences relating to conveyances) and to make consequential amendments to other Acts*.

(8) When a person is found guilty anywhere in or out of Canada of an offence under section 130 of the *National Defence Act* (Canada) by reason that the person contravened subsection 320.13(1), 320.16(1) or section 320.17 of the *Criminal Code* (Canada), that person on being found guilty becomes disqualified from driving a motor vehicle in Alberta for a period of one year from the day of the finding of guilt.

(9) When a person is found guilty anywhere in or out of Canada of an offence under section 130 of the *National Defence Act* (Canada) by reason that the person contravened subsection 320.13(2) or (3), 320.16(2) or (3) of the *Criminal Code* (Canada), that person on being found guilty becomes disqualified from driving a motor vehicle in Alberta for a period of 5 years from the day of the finding of guilt.

(10) When a person is found guilty anywhere in or out of Canada of an offence under section 130 of the *National Defence Act* (Canada) committed by means of a motor vehicle by reason that the person contravened section 220, 221 or 236 of the *Criminal Code* (Canada), that person on being found guilty becomes disqualified from driving a motor vehicle in Alberta for a period of 5 years from the day of the finding of guilt.

(11) If a person is found guilty under section 130 of the *National Defence Act* (Canada) by reason that the person contravened section 320.18 of the *Criminal Code* (Canada),

- (a) that person on being found guilty becomes disqualified from driving a motor vehicle in Alberta for a period of 6 months, and
- (b) if that person is under suspension or under a prohibition at the time of the finding of guilt, the period of disqualification shall run consecutively with that suspension or prohibition.

RSA 2000 cT-6 s85;2001 c14 s10;2017 c26 ss10,20;
2018 c20 s17

Suspension of operator’s licence

86(1) If authority to suspend a person’s operator’s licence is not otherwise provided for under this Act, a court may, subject to

subsections (2) and (3), suspend a person's operator's licence for a period not exceeding 3 months where the person is found guilty of contravening one or more of the following:

- (a) section 69 or 71 with respect to carrying out any duty under that section;
- (b) any of the Rules of the Road or other regulation designated by regulation as a provision to which this section applies;
- (c) section 115(2)(b), (c), (d), (p), (p.1), (p.2), (q), (r) or (t);
- (d) any municipal bylaw that fixes a speed limit within the municipality or regulates moving motor vehicles within the municipality;
- (e) any regulation under the *National Parks Act* (Canada) designated by the regulations made under this statute as a provision to which this section applies.

(2) If

- (a) a person who is not the holder of an operator's licence is found guilty of contravening a provision referred to in subsection (1), and
- (b) authority to disqualify that person from holding an operator's licence is not otherwise provided for under this Act,

a court may, subject to subsection (3), disqualify that person from holding an operator's licence for a period not exceeding 3 months.

(3) Subsections (1) and (2) do not apply in respect of an offence if the finding of guilt for the offence resulted from proceedings that were commenced under Part 3 of the *Provincial Offences Procedure Act*.

RSA 2000 cT-6 s86;2001 c14 s11;2005 c34 s19;
2005 c42 s4

Licence disqualification

87(1) When a person is found guilty under subsection 320.13(1), 320.16(1) or section 320.17 of the *Criminal Code* (Canada) anywhere in Canada, that person on being found guilty becomes disqualified from driving a motor vehicle in Alberta for a period of one year from the day of the finding of guilt.

(2) When a person is found guilty under subsection 320.13(2) or (3) or 320.14(2) or (3) or 320.15(2) or (3) or 320.16(2) or (3) of the *Criminal Code* (Canada) anywhere in Canada, that person on being

found guilty becomes disqualified from driving a motor vehicle in Alberta for a period of 5 years from the day of the finding of guilt.

(3) When a person is found guilty under section 220, 221 or 236 of the *Criminal Code* (Canada) of an offence anywhere in Canada committed by means of a motor vehicle, that person on being found guilty becomes disqualified from driving a motor vehicle in Alberta for a period of 5 years from the day of the finding of guilt.

RSA 2000 cT-6 s87;2001 c14 s12;2013 c19 s2(11);2016 c14 s5;
2017 c26 s21

Interpretation

87.1(1) In sections 88, 88.01, 88.02, 88.03 and 88.1, “issue a notice of administrative penalty” includes service of the notice.

(2) In this section and sections 88, 88.01, 88.02, 88.03, 88.1 and 88.11,

- (a) “motor vehicle” does not include an electric scooter, electric bicycle, electric personal assistive mobility device or other vehicle prescribed by regulation
 - (i) operated by one person and carrying only that person, and
 - (ii) not exceeding 30 kilometres per hour at the time of operation;
- (b) “notice of administrative penalty” means a notice of administrative penalty as defined in the *Provincial Administrative Penalties Act*;
- (c) “suspended” means
 - (i) in the case of a driver who holds an operator’s licence, that the driver’s operator’s licence is suspended, the driver is disqualified from operating a motor vehicle in Alberta and the driver is disqualified from applying for or holding an operator’s licence;
 - (ii) in the case of a driver who holds a licence or permit issued in another jurisdiction that permits the driver to operate a motor vehicle, that the driver is disqualified from operating a motor vehicle in Alberta and from holding or applying for an operator’s licence;
 - (iii) in the case of a driver who does not hold an operator’s licence, that the driver is disqualified from applying for or holding an operator’s licence.

(3) In sections 88, 88.01, 88.02, 88.1 and 88.11, “drug” includes any drug for which a blood drug concentration is prescribed by regulation under the *Criminal Code* (Canada).

2011 c22 s11;2013 c10 s31;2017 c26 s11;2020 cP-30.8 s44(29)

Refusal to accept notice of administrative penalty

87.2 When a notice of administrative penalty is issued to a driver under section 88, 88.01, 88.02, 88.03 or 88.1, notwithstanding that the driver refuses or fails

- (a) to accept from a peace officer the notice of administrative penalty, the notice is deemed to have been issued at the time that the officer attempted to provide it to the driver,
- (b) to surrender an operator’s licence, that refusal or failure does not prevent the administrative penalty from taking effect, and
- (c) to accept service of the notice of administrative penalty, that refusal or failure does not prevent the administrative penalty from taking effect.

2020 cP-30.8 s44(29)

Immediate roadside sanction: 24-hour

88(1) If a peace officer has reasonable grounds to suspect that the driver of a motor vehicle

- (a) has a medical or physical condition that affects, or
- (b) has consumed alcohol or otherwise introduced into the driver’s body any alcohol, drug or other substance in such a quantity so as to affect

the driver’s physical or mental ability, the peace officer may on behalf of the Registrar

- (c) issue a notice of administrative penalty to the driver, and
- (d) in the case of a driver who holds an operator’s licence, require the driver to surrender to the peace officer the operator’s licence.

(2) If a notice of administrative penalty is issued under this section,

- (a) the driver is immediately suspended for 24 hours, and
- (b) the peace officer or a person authorized by the peace officer may seize the driver’s vehicle for 24 hours.

(3) A suspension arising pursuant to this section terminates at the end of 24 hours from the time the notice of administrative penalty was issued.

(4) Where a notice of administrative penalty is issued under section 88.01, 88.02, 88.03 or 88.1, any notice of administrative penalty issued under this section in respect of the same contravention is cancelled.

(5) No notice of administrative penalty may be issued under this section if a notice of administrative penalty has been issued under section 88.01, 88.02, 88.03 or 88.1 in respect of the same contravention.

RSA 2000 cT-6 s88;2001 c14 s13;2008 c40 s3;2011 c22 s12;
2013 c19 s2(13);2017 c26 ss12,22;2020 cP-30.8 s44(29)

Immediate roadside sanction zero: novice

88.01(1) In this section,

- (a) “novice driver” means a person who holds a novice operator’s licence;
- (b) “novice operator’s licence” means an operator’s licence classified as a learner’s operator’s licence or a probationary operator’s licence.

(2) If a peace officer has reasonable grounds to believe that the driver of a motor vehicle is a novice driver and at the time of driving has any alcohol or drug in the driver’s body, the peace officer shall, on behalf of the Registrar,

- (a) issue a notice of administrative penalty to the driver, and
- (b) require the driver to surrender to the peace officer the novice driver’s novice operator’s licence.

(3) If a notice of administrative penalty is issued under this section,

- (a) the novice driver is immediately suspended for 30 days,
- (b) the peace officer or a person authorized by the peace officer shall seize the novice driver’s vehicle for 7 days,
- (c) the novice driver is liable to a fine as provided for under the *Provincial Administrative Penalties Act* for contravention of this section, and

- (d) the novice driver is subject to any additional conditions for reinstatement of the novice operator's licence as set out in the regulations for contravention of this section.

(4) The peace officer shall advise the novice driver of the novice driver's right to voluntarily undergo the applicable test, analysis or evaluation referred to in section 88.11(2).

2020 cP-30.8 s44(29)

Immediate roadside sanction zero: commercial

88.02(1) If a peace officer has reasonable grounds to believe that the driver of a motor vehicle is operating a commercial vehicle and has at the time of operating the commercial vehicle any alcohol or drug in the driver's body, the peace officer shall, on behalf of the Registrar,

- (a) issue a notice of administrative penalty to the driver, and
- (b) in the case of a driver who holds an operator's licence, require the driver to surrender to the peace officer the operator's licence.

(2) If a notice of administrative penalty is issued under this section,

- (a) for a first contravention of this section,
 - (i) the driver is immediately suspended for 3 days,
 - (ii) the driver is liable to a fine as provided for under the *Provincial Administrative Penalties Act* for contravention of this section for the first time, and
 - (iii) in the case of a driver who holds an operator's licence, the driver is subject to any additional conditions for reinstatement of the operator's licence as set out in the regulations for contravention of this section for the first time,
- (b) for a 2nd contravention of this section,
 - (i) the driver is immediately suspended for 15 days,
 - (ii) the driver is liable to a fine as provided for under the *Provincial Administrative Penalties Act* for contravention of this section for the 2nd time, and
 - (iii) in the case of a driver who holds an operator's licence, the driver is subject to any additional conditions for reinstatement of the operator's licence as set out in the

regulations for contravention of this section for the 2nd time,

and

- (c) for a 3rd and subsequent contravention of this section,
 - (i) the driver is immediately suspended for 30 days,
 - (ii) the driver is liable to a fine as provided for under the *Provincial Administrative Penalties Act* for contravention of this section for the 3rd or subsequent time, and
 - (iii) in the case of a driver who holds an operator's licence, the driver is subject to any additional conditions for reinstatement of the operator's licence as set out in the regulations for contravention of this section for the 3rd or subsequent time.

(3) The peace officer shall advise the driver of the driver's right to voluntarily undergo the applicable test, analysis or evaluation referred to in section 88.11(2).

2020 cP-30.8 s44(29)

Immediate roadside sanction: warn

88.03(1) If a peace officer has reasonable grounds to believe that a driver of a motor vehicle has a blood alcohol concentration at the time of driving that is equal to or exceeds 50 milligrams of alcohol in 100 millilitres of blood, the peace officer shall, on behalf of the Registrar,

- (a) issue a notice of administrative penalty to the driver, and
- (b) in the case of a driver who holds an operator's licence, require the driver to surrender to the peace officer the operator's licence.

(2) If a notice of administrative penalty is issued under this section,

- (a) for a first contravention of this section,
 - (i) the driver is immediately suspended for 3 days,
 - (ii) the peace officer or a person authorized by the peace officer shall seize the driver's motor vehicle for 3 days,

- (iii) the driver is liable to a fine as provided for under the *Provincial Administrative Penalties Act* for contravention of this section for a first time, and
 - (iv) in the case of a driver who holds an operator's licence, the driver is subject to any additional conditions for reinstatement of the licence as set out in the regulations for contravention of this section for a first time,
- (b) for a 2nd contravention of this section,
- (i) the driver is immediately suspended for 15 days,
 - (ii) the peace officer or a person authorized by the peace officer shall seize the driver's vehicle for 7 days,
 - (iii) the driver is liable to a fine as provided for under the *Provincial Administrative Penalties Act* for contravention of this section for a 2nd time, and
 - (iv) in the case of a driver who holds an operator's licence, the driver is subject to any additional conditions for reinstatement of the licence as set out in the regulations for contravention of this section for a 2nd time,
- and
- (c) for a 3rd and subsequent contravention of this section,
- (i) the driver is immediately suspended for 30 days,
 - (ii) the peace officer or a person authorized by the peace officer shall seize the driver's vehicle for 7 days,
 - (iii) the driver is liable to a fine as provided for under the *Provincial Administrative Penalties Act* for contravention of this section for a 3rd or subsequent time, and
 - (iv) in the case of a driver who holds an operator's licence, the driver is subject to any additional
- conditions for reinstatement of the licence as set out in the regulations for contravention of this section for a 3rd or subsequent time.
- (3)** The peace officer shall advise the driver of the driver's right to voluntarily undergo the applicable test, analysis or evaluation referred to in section 88.11(2).

(4) A contravention of section 88 as it read immediately before the coming into force of this section is deemed to be a contravention of this section in determining whether a contravention is a 2nd, 3rd or subsequent contravention for the purposes of subsection (2).

2020 cP-30.8 s44(29)

Immediate roadside sanction: fail

88.1(1) Subject to subsection (3), if a peace officer has reasonable grounds to believe any of the following, the peace officer shall, on behalf of the Registrar, take the actions set out in subsection (2):

- (a) that a driver operated a motor vehicle while the driver's ability to operate the motor vehicle was impaired to any degree by alcohol or a drug or by a combination of alcohol and a drug;
- (b) that a driver has within 2 hours after ceasing to operate a motor vehicle a blood alcohol concentration that is equal to or exceeds 80 milligrams of alcohol in 100 millilitres of blood;
- (c) that a driver has within 2 hours after ceasing to operate a motor vehicle a blood drug concentration that is equal to or exceeds any blood drug concentration for the drug that is prescribed by regulation under the *Criminal Code* (Canada);
- (d) that a driver has within 2 hours after ceasing to operate a motor vehicle a blood alcohol concentration and a blood drug concentration that is equal to or exceeds the blood alcohol concentration and the blood drug concentration for the drug that are prescribed by regulation under the *Criminal Code* (Canada) for instances where alcohol and that drug are combined;
- (e) that a driver, knowing that a demand has been made, failed or refused, without a reasonable excuse, to comply with a demand made on the driver under section 320.27 or 320.28 of the *Criminal Code* (Canada).

(2) The peace officer shall issue a notice of administrative penalty to the driver, and, in the case of a driver who holds an operator's licence, require the driver to surrender to the peace officer the operator's licence.

(3) The peace officer shall not take the actions set out in subsection (2)

- (a) if

- (i) the driver consumed alcohol after ceasing to operate the motor vehicle,
 - (ii) the driver, after ceasing to operate the motor vehicle, had no reasonable expectation that the driver would be required to provide a sample of breath or blood, and
 - (iii) the driver's alcohol consumption is consistent with the driver's blood alcohol concentration as determined in accordance with the regulations and with the driver having had, at the time when the driver was operating the motor vehicle, a blood alcohol concentration that was less than 80 milligrams of alcohol in 100 millilitres of blood,
- (b) if
- (i) the driver consumed the drug after ceasing to operate the motor vehicle, and
 - (ii) the driver, after ceasing to operate the motor vehicle, had no reasonable expectation that the driver would be required to provide a sample of a bodily substance,
- or
- (c) if
- (i) the driver consumed the drug or the alcohol or both after ceasing to operate the motor vehicle,
 - (ii) the driver, after ceasing to operate the motor vehicle, had no reasonable expectation that the driver would be required to provide a sample of a bodily substance, and
 - (iii) the driver's alcohol consumption is consistent with the driver's blood alcohol concentration as determined in accordance with the regulations and with the driver having had, at the time when the driver was operating the motor vehicle, a blood alcohol concentration less than the blood alcohol concentration established under paragraph 320.38(c) of the *Criminal Code* (Canada).
- (4) If a notice of administrative penalty is issued under this section,
- (a) for a first contravention of this section,
 - (i) the driver is suspended

- (A) for an immediate period of 90 days, and
 - (B) following the expiration of the period in paragraph (A), for a further period of one year,
 - (ii) the peace officer or a person authorized by the peace officer shall seize the driver's vehicle for 30 days,
 - (iii) the driver is liable to a fine as provided for under the *Provincial Administrative Penalties Act* for contravention of this section for the first time, and
 - (iv) in the case of a driver who holds an operator's licence, the driver is subject to any additional conditions for reinstatement of the licence as set out in the regulations for contravention of this section for the first time,
- (b) for a 2nd contravention of this section,
- (i) the driver is suspended
 - (A) for an immediate period of 90 days, and
 - (B) following the expiration of the period in paragraph (A), for a further period of 36 months,
 - (ii) the peace officer or a person authorized by the peace officer shall seize the driver's vehicle for 30 days,
 - (iii) the driver is liable to a fine as provided for under the *Provincial Administrative Penalties Act* for contravention of this section for the 2nd time, and
 - (iv) in the case of a driver who holds an operator's licence, the driver is subject to any additional conditions for reinstatement of the licence as set out in the regulations for contravention of this section for the 2nd time,
- and
- (c) for a 3rd and subsequent contravention under this section,
- (i) the driver is suspended
 - (A) for an immediate period of 90 days, and
 - (B) following the expiration of the period in paragraph (A), for life,

- (ii) the peace officer or a person authorized by the peace officer shall seize the driver's vehicle for 30 days,
- (iii) the driver is liable to a fine as provided for under the *Provincial Administrative Penalties Act* for contravention of this section for the 3rd or subsequent time, and
- (iv) in the case of a driver who holds an operator's licence, the driver is subject to any additional conditions for reinstatement of the licence as set out in the regulations for contravention of this section for a 3rd or subsequent time.

(5) The peace officer shall advise the driver of the driver's right to voluntarily undergo the applicable test, analysis or evaluation referred to in section 88.11(2).

(6) On the expiration of a suspension imposed under subsection (4)(a)(i)(A), (b)(i)(A) or (c)(i)(A), a person may apply to the Registrar to set aside the operation of the suspension imposed under subsection (4)(a)(i)(B), (b)(i)(B) or (c)(i)(B).

(7) The Registrar may set aside the operation of a suspension imposed under subsection (4)(a)(i)(B), (b)(i)(B) or (c)(i)(B) only on the condition that the person who is subject to the suspension

- (a) does not operate a motor vehicle unless the vehicle is equipped with an alcohol-sensing device satisfactory to the Registrar, and
- (b) complies with any terms or conditions imposed by the Registrar.

(8) The term during which the person must not operate a motor vehicle without an alcohol-sensing device as described in subsection (7) is

- (a) for a suspension imposed under subsection (4)(a), 12 months;
- (b) for a suspension imposed under subsection (4)(b), 36 months;
- (c) for a suspension imposed under subsection (4)(c), life.

(9) Notwithstanding subsection (8), the Registrar may consider and grant or refuse an application for exemption from subsection (8) where it is not feasible for the suspended person to comply with the

requirement for the use of an alcohol-sensing device as prescribed in this section.

(10) On an application referred to in subsection (9), the Registrar may set aside the requirement for the use of an alcohol-sensing device, and instead impose a further period of suspension or another term or condition that will, in the opinion of the Registrar, ensure public safety.

(11) Where the operation of a suspension imposed under subsection (4)(a)(i)(B), (b)(i)(B) or (c)(i)(B) has been set aside by the Registrar on the condition that a person does not operate a motor vehicle unless the vehicle is equipped with an alcohol-sensing device, the Registrar may rescind the setting aside of the suspension if the alcohol-sensing device with which the person's vehicle has been equipped registers a warn or a fail.

(12) A person may apply to the Registrar for a review of the suspension imposed by subsection (4)(c)(i)(B) following the expiry of 10 years after the expiry of the period referred to in subsection (4)(c)(i)(A).

(13) The Registrar may set aside the operation of a suspension imposed under subsection (4)(c)(i)(B) subject to any conditions prescribed by the regulations.

(14) If the Registrar refuses to set aside the operation of a suspension imposed under subsection (4)(c)(i)(B), the person subject to the suspension may apply to the Registrar for a reconsideration within 30 days of the Registrar's decision.

(15) Notwithstanding subsection (14), where a person applies for a reconsideration more than 30 days after the Registrar's decision under subsection (13), the Registrar may reconsider the Registrar's decision under subsection (13) if in the opinion of the Registrar the circumstances in respect of the matter have substantially changed from the time of the decision.

(16) If the Registrar refuses to reconsider the decision under subsection (15), the person subject to the suspension may apply again to the Registrar at the end of 5 years after the Registrar's refusal for a review of the suspension imposed by subsection (4)(c)(i)(B), and subsection (13) applies to that application.

(17) A contravention of section 88.1 as it read immediately before the coming into force of this section is deemed to be a contravention of this section in determining whether a contravention is a 2nd, 3rd or subsequent contravention for the purposes of subsection (4).

2011 c22 s12;2017 c26 ss13,23;2020 cP-30.8 s44(29)

Roadside appeals

88.11(1) In this section,

- (a) “approved drug screening equipment” means equipment that is designed to ascertain the presence of a drug in a person’s body and that is
 - (i) approved drug screening equipment within the meaning of section 320.11 of the *Criminal Code* (Canada), or
 - (ii) approved under this Act by the Lieutenant Governor in Council to be used for the purposes of this section;
- (b) “approved instrument” means a device that is designed to receive and make an analysis of a sample of the breath of a person in order to measure the concentration of alcohol in that person’s blood and that is
 - (i) an approved instrument within the meaning of section 320.11 of the *Criminal Code* (Canada), or
 - (ii) approved under this Act by the Lieutenant Governor in Council to be used for the purposes of this section;
- (c) “approved screening device” means a device that is designed to ascertain the presence of alcohol in a person’s blood and that is
 - (i) an approved screening device within the meaning of section 320.11 of the *Criminal Code* (Canada), or
 - (ii) approved under this Act by the Lieutenant Governor in Council to be used for the purposes of this section;
- (d) “drug recognition evaluation” means an evaluation conducted by an evaluating officer for the purpose of determining the presence of a drug and whether the person’s ability to operate a motor vehicle is impaired by a drug, or a combination of alcohol and a drug;
- (e) “evaluating officer” means an evaluating officer as defined in section 320.11 of the *Criminal Code* (Canada).

- (2) Notwithstanding that a notice of administrative penalty has been issued to a driver under section 88.01, 88.02, 88.03 or 88.1, where a driver requests an appeal of that notice of administrative penalty and voluntarily attends immediately at a place designated by the peace officer and accompanies the peace officer to that place, if necessary, the driver shall immediately
- (a) where the basis for issuing the notice of administrative penalty was an initial test performed on an approved screening device, provide a sample of breath that in the opinion of the peace officer is suitable for analysis on a different approved screening device, or on an approved instrument, at the discretion of the peace officer,
 - (b) where the basis for issuing the notice of administrative penalty was an initial test on an approved instrument, provide a sample of breath that in the opinion of the peace officer is suitable for analysis on an approved instrument,
 - (c) where the basis for issuing the notice of administrative penalty was an initial test on approved drug screening equipment, provide a 2nd sample of oral fluid that in the opinion of the peace officer is suitable for analysis by approved drug screening equipment,
 - (d) where the basis for issuing the notice of administrative penalty was performance of a drug recognition evaluation, provide a sample of blood or urine that in the opinion of the peace officer is suitable for analysis, at the discretion of the peace officer,
 - (e) where the basis for issuing the notice of administrative penalty was an analysis of blood, provide an additional sample of blood that in the opinion of the peace officer is suitable for analysis,
 - (f) where the basis, in whole or part, for issuing the notice of administrative penalty was reasonable grounds to believe there was alcohol in the driver's body, and an initial test, evaluation or analysis referred to in clause (a), (b), (d) or (e) was not performed on the driver, provide a sample of breath that in the opinion of the peace officer is suitable for analysis on either an approved screening device or approved instrument, at the discretion of the officer,
 - (g) where the basis, in whole or part, for issuing the notice of administrative penalty was reasonable grounds to believe there was a drug in the driver's body, and an initial test,

evaluation or analysis referred to in clause (c), (d) or (e) was not performed on the driver,

- (i) provide a sample of oral fluid that in the opinion of the peace officer is suitable for analysis on approved drug screening equipment,
- (ii) undergo a drug recognition evaluation, or
- (iii) provide a sample of blood or urine that in the opinion of the peace officer is suitable for analysis,

at the discretion of the peace officer, or

- (h) where the basis for issuing the notice of administrative penalty was reasonable grounds to believe that the driver had both alcohol and a drug in the driver's body,
 - (i) provide a sample of breath that in the opinion of the peace officer is suitable for analysis on an approved screening device or approved instrument, at the discretion of the officer, and
 - (ii) either
 - (A) provide a sample of oral fluid that in the opinion of the peace officer is suitable for analysis on approved drug screening equipment or undergo a drug recognition evaluation, or
 - (B) provide a sample of blood or urine that in the opinion of the peace officer is suitable for analysis,

at the discretion of the peace officer.

(3) Where the result of a test, evaluation or analysis pursuant to an appeal under subsection (2) of a notice of administrative penalty issued to a novice driver under section 88.01 shows the novice driver does not have alcohol or a drug in the novice driver's body, the peace officer shall cancel the notice of administrative penalty and immediately return the novice operator's licence, if any, to the novice driver.

(4) Where the result of a test, evaluation or analysis pursuant to an appeal under subsection (2) of a notice of administrative penalty issued to the driver of a commercial vehicle under section 88.02 shows the driver does not have alcohol or a drug in the driver's body, the peace officer shall cancel the notice of administrative penalty and immediately return the operator's licence, if any, to the driver.

(5) Where the result of a test or analysis pursuant to an appeal under subsection (2) of a notice of administrative penalty issued to a driver under section 88.03 shows the driver does not have a blood alcohol concentration that is equal to or exceeds 50 milligrams of alcohol in 100 millilitres of blood, the peace officer shall cancel the notice of administrative penalty and immediately return the operator's licence, if any, to the driver.

(6) Where the result of a test, evaluation or analysis pursuant to an appeal under subsection (2) of a notice of administrative penalty issued to a driver under section 88.1(1)(b), (c) or (d) is that the driver no longer meets the conditions in those provisions in respect of which the notice of administrative penalty was issued, the peace officer shall cancel the notice of administrative penalty and immediately return the operator's licence, if any, to the driver.

(7) Despite subsection (6),

- (a) if the result of the test, evaluation or analysis referred to in subsection (2) indicates that the driver's blood alcohol concentration is equal to or greater than 50 milligrams of alcohol in 100 millilitres of blood but less than 80 milligrams of alcohol in 100 millilitres of blood, the peace officer shall take the action set out in section 88.03(1) and (2)(a);
- (b) if the result of the test, evaluation or analysis referred to in subsection (2) indicates the presence of alcohol in the driver's body and
 - (i) the driver is a novice driver as defined in section 88.01(1)(a), the peace officer shall take the action set out in section 88.01(2) and (3)(b), or
 - (ii) the driver is the driver of a commercial vehicle, the peace officer shall take the action set out in section 88.02(1);
- (c) if the result of the test, evaluation or analysis referred to in subsection (2) indicates the presence of a drug in the driver's body and
 - (i) the driver is a novice driver as defined in section 88.01(1)(a), the peace officer shall take the action set out in section 88.01(2) and (3)(b), or
 - (ii) the driver is the driver of a commercial vehicle, the peace officer shall take the action set out in section 88.02(1).

- (8)** No person may seek a roadside appeal under this section of a notice of administrative penalty
- (a) issued under section 88.01 as a result of subsection (7)(b)(i),
 - (b) issued under section 88.02 as a result of subsection (7)(b)(ii),
 - (c) issued under section 88.03 as a result of subsection (7)(a), or
 - (d) issued based on reasonable grounds that were formed after the time of the contravention and where in the opinion of the peace officer a roadside appeal could no longer provide any evidence of the blood alcohol or blood drug concentration of the recipient at the time of driving.

2017 c26 s14;2020 cP-30.8 s44(29)

Mandatory use of alcohol-sensing device when driving

88.2(1) Where a person has been disqualified arising out of the person being found guilty under section 320.14 or 320.15 of the *Criminal Code* (Canada), on the expiration of the disqualification imposed by a court, the person may apply to the Registrar to set aside the operation of a disqualification imposed under this Act.

(2) The Registrar may set aside the operation of a disqualification imposed under this Act only on the condition that the person who is subject to the disqualification

- (a) does not operate a motor vehicle unless the vehicle is equipped with an alcohol-sensing device satisfactory to the Registrar, and
- (b) complies with any terms or conditions imposed by the Registrar.

(3) Notwithstanding section 92, where a person has been disqualified arising out of the person being found guilty under section 320.14 or 320.15 of the *Criminal Code* (Canada), on the expiration of the disqualification imposed under this Act, the person may apply to the Registrar for the reinstatement or issuance of an operator's licence to the person who was subject to the disqualification.

(4) The Registrar may reinstate or issue an operator's licence only on the condition that the person, in addition to complying with the other requirements imposed under this Act,

- (a) does not operate a motor vehicle unless the vehicle is equipped with an alcohol-sensing device that meets the approval of the Registrar, and

(b) complies with any terms or conditions imposed by the Registrar.

(5) The term during which the person must not operate a motor vehicle without an alcohol-sensing device as described in subsections (2) and (4) is

- (a) for convictions under section 320.14 or 320.15 of the *Criminal Code* (Canada),
 - (i) one year for a first conviction;
 - (ii) 3 years for a 2nd conviction within 10 years;
 - (iii) 5 years for a 3rd or subsequent conviction within 10 years;
- (b) for convictions under subsection 320.14(2) or (3) or 320.15(2) or (3) of the *Criminal Code* (Canada), up to 5 years, as determined by the Registrar.

(5.1) A conviction under subsection 320.14(2) or (3) or 320.15(2) or (3) of the *Criminal Code* (Canada) is deemed to be a conviction in determining whether a conviction is a 2nd, 3rd or subsequent conviction for the purposes of subsection (5)(a).

(6) Notwithstanding subsection (5), the Registrar may

- (a) repealed 2016 c14 s6,
- (b) order the extension of the requirement for the use of an alcohol-sensing device beyond the periods stated in subsection (5) until such time as, in the opinion of the Registrar, the person no longer poses a significant risk to public safety, or
- (c) consider and grant or refuse applications for exemption from subsection (5) where it is not feasible for the disqualified person to comply with the requirement for the use of an alcohol-sensing device as prescribed in this section.

(7) On an application referred to in subsection (6)(c), the Registrar may set aside the requirement for the use of an alcohol-sensing device, and instead impose a further period of disqualification or another term or condition that will, in the opinion of the Registrar, ensure public safety.

(8) Any requirement for the use of an alcohol-sensing device that has been prescribed as a condition of operating a vehicle under this

Act is cancelled on a suspension or disqualification under section 88, 88.01, 88.02, 88.03 or 88.1.

2011 c22 s12;2016 c14 s6;2017 c26 ss24,29;2020 cP-30.8 s44(30)

Review of drivers from other jurisdictions

88.3(1) Subject to section 51(r), where a person who is licensed in or has applied to be licensed to operate a motor vehicle in a jurisdiction outside Alberta and who

- (a) has had that person's licence or permit to operate a motor vehicle in a jurisdiction outside Alberta suspended or cancelled,
- (b) has had that person's privilege to apply for or hold a licence or permit to operate a motor vehicle in a jurisdiction outside Alberta disqualified, suspended or cancelled, or
- (c) has had that person's driving privileges made subject to compliance with conditions imposed by the jurisdiction that issued the person's current and subsisting licence, if any,

becomes a resident of Alberta for the purposes of this Act, the person may apply to the Registrar to voluntarily comply with any conditions imposed on the person's current licence or other conditions as imposed by the Registrar in order to obtain an operator's licence.

(2) The Registrar may consider the person's application and may declare that the person is eligible to obtain an operator's licence, subject to any terms and conditions the Registrar may impose, or may refuse the application.

2011 c22 s12

89 and 90 Repealed 2020 cP-30.8 s44(31).

Disqualification, etc. by Registrar

91(1) The Registrar may disqualify a person from driving a motor vehicle in Alberta or cancel or suspend the certificate of registration issued for a person's motor vehicle, or both disqualify a person from driving a motor vehicle and cancel or suspend the certificate of registration issued for the person's motor vehicle,

- (a) if that person contravenes this Act or the *Fuel Tax Act*;
- (b) if the Registrar is not satisfied as to the competency of that person;
- (c) if the Registrar is satisfied that the person is not qualified or does not have the ability to operate a motor vehicle;

(d) for any other reason appearing to the Registrar to be sufficient.

(2) If a person who is not a resident of Alberta is found guilty of contravening section 65, 68, 69, 71 or 76, the regulations governing accident reports, Division 2 of Part 5, section 166, 176 or 188 or the regulations governing the destruction of non-repairable vehicles, or has a notice of administrative penalty issued to the person under the *Provincial Administrative Penalties Act* in respect of the contravention, the Registrar

- (a) may disqualify that person from driving a motor vehicle in Alberta until the fine or penalty imposed has been satisfied, and
- (b) may notify the proper authorities of the jurisdiction where the person resides of the contravention and of the non-satisfaction of the fine or penalty imposed.

(3) The Registrar shall not under subsection (1) disqualify a person from driving a motor vehicle or cancel or suspend a certificate of registration issued for a motor vehicle without giving that person at least 15 days' written notice of the disqualification, cancellation or suspension and giving that person an opportunity to make representations in respect of the matter.

(4) Notwithstanding that a 15-day notice period is prescribed in subsection (3), if the Registrar is of the opinion that the safety of a person referred to in subsection (1) or the public is in jeopardy with respect to the operation of a motor vehicle, the Registrar may take action under subsection (1) effective at the time of giving the notice to the person in respect of whom the action is being taken.

(5) Where the Registrar disqualifies a person from driving a motor vehicle under this section, the Registrar may prescribe any terms or conditions in respect of that disqualification that the Registrar considers appropriate in the circumstances.

RSA 2000 cT-6 s91;2020 cP-30.8 s44(32)

Removal of requirements disqualification

92(1) If under this Act or by an order or judgment made under this or any other Act a person is disqualified from driving a motor vehicle in Alberta, or the person's licence was suspended or cancelled, the disqualification, suspension or cancellation remains in effect notwithstanding that the period of disqualification, suspension or cancellation has expired until the Registrar removes the disqualification, suspension or cancellation.

(2) For the purpose of satisfying the Registrar as to a person's competency to drive a motor vehicle without endangering the safety of the general public, the Registrar may as a condition of removing the disqualification, suspension or cancellation referred to in subsection (1) require that person to do one or more of the following at any time before or after the removal of the disqualification, suspension or cancellation:

- (a) attend interviews conducted by or on behalf of the Registrar;
- (b) take and successfully complete training, educational or rehabilitation programs or courses as required by the Registrar;
- (c) provide to the Registrar medical and other reports prepared by physicians and other health care providers;
- (d) take and successfully complete any examinations or other tests as may be required by the Registrar;
- (e) successfully complete a drug and alcohol testing program that includes specimen collection and laboratory processing as required by the Registrar.

RSA 2000 cT-6 s92;2003 c42 s15;2011 c22 s15

Exceptions, etc.

93(1) Notwithstanding that a person is disqualified from driving a motor vehicle in Alberta, that person may, subject to subsection (2), operate implements of husbandry or industrial equipment that is

- (a) designed primarily for agricultural use, construction, maintenance, land clearing, ditching or other related tasks, and
- (b) not required to be licensed under this Act,

unless that person is disqualified under the *Criminal Code* (Canada) from operating a motor vehicle.

(2) If, for medical reasons, a person is disqualified from driving a motor vehicle under this Act, the Registrar may also disqualify that person from driving implements of husbandry or industrial equipment of the kind referred to in subsection (1).

(3) Notwithstanding that a person is disqualified from driving a motor vehicle in Alberta, a person may operate a vehicle, on any terms or conditions the Registrar may prescribe, while engaged in any course of remedial education or treatment under section 31.

1999 cT-6.4 s93

Prohibition re driving while unauthorized

94(1) For the purposes of this section, a person is an unauthorized driver if

- (a) that person's operator's licence is suspended or cancelled under this Act,
- (b) that person is disqualified from driving a motor vehicle in Alberta,
- (c) that person's licence or permit to operate a motor vehicle in a jurisdiction outside Alberta is suspended or cancelled, or
- (d) that person's privilege to secure a licence or permit to operate a motor vehicle in a jurisdiction outside Alberta is suspended or cancelled.

(2) A person shall not drive a motor vehicle on a highway at any time during which that person is an unauthorized driver.

(3) This section does not apply to a person referred to in section 94.1.
RSA 2000 cT-6 s94;2003 c42 s15;2020 cP-30.8 s44(33)

Prohibition re driving while suspended or disqualified under immediate roadside sanction

94.1(1) A person shall not drive a motor vehicle on a highway at any time during which

- (a) that person's operator's licence is suspended under section 88, 88.01, 88.02, 88.03 or 88.1, or
- (b) that person is disqualified from driving a motor vehicle in Alberta under section 88, 88.01, 88.02, 88.03 or 88.1.

(2) A person who is guilty of contravening subsection (1) is liable

- (a) for a first offence
 - (i) to a fine of not less than \$5000 and in default of payment to a term of imprisonment of not less than the term of imprisonment determined according to subsection 734(5) of the *Criminal Code* (Canada), and
 - (ii) to having the person's operator's licence suspended where the person holds an operator's licence, to being disqualified from applying for or holding an operator's licence and to being disqualified from driving in Alberta for 6 months from the day of finding of guilt,

- (b) for a 2nd offence committed after the commission of the offence referred to in clause (a),
 - (i) to imprisonment for a term of not less than 30 days and not more than one year, and
 - (ii) to having the person's operator's licence suspended where the person holds an operator's licence, to being disqualified from applying for or holding an operator's licence and to being disqualified from driving a motor vehicle in Alberta for 12 months from the day of finding of guilt,

and

- (c) for a 3rd or subsequent offence committed after the commission of the offence referred to in clause (a) or (b),
 - (i) to imprisonment for a term of not less than 60 days and not more than one year, and
 - (ii) to having the person's operator's licence suspended where the person holds an operator's licence, to being disqualified from applying for or holding an operator's licence and to being disqualified from driving a motor vehicle in Alberta for 18 months from the day of finding of guilt.

2020 cP-30.8 s44(34)

Punishment re driving while disqualified**95(1)** A person who contravenes section 94 is liable

- (a) where the person is found guilty of the contravention,
 - (i) for a first offence to a fine of not more than \$2000 and in default of payment to a term of imprisonment of not less than 14 days and not more than 6 months, and
 - (ii) for each subsequent offence committed within one year after the commission of the offence referred to in subclause (i), to imprisonment for a term of not less than 14 days and not more than 6 months,

and

- (b) where a notice of administrative penalty is issued under the *Provincial Administrative Penalties Act* in respect of the contravention, to a fine as prescribed under that Act.

(2) Subject to section 98, a person who contravenes section 94 is disqualified from driving a motor vehicle in Alberta for a period of 6 months from

- (a) where subsection (1)(a) applies, the day of the finding of guilt of the person, or
- (b) where subsection (1)(b) applies, the date of the issuance of a notice of administrative penalty to the person under the *Provincial Administrative Penalties Act* in respect of the contravention.

RSA 2000 cT-6 s95;2020 cP30.8 s44(35)

Suspension continues after licence expires

96(1) If a person's operator's licence is suspended or cancelled under this Act, the suspension or cancellation continues in effect notwithstanding the expiration of the licence during the period of the suspension or cancellation.

(2) If a person's operator's licence is suspended or cancelled under this Act, the suspension or cancellation operates to suspend or cancel any operator's licence held by that person during the period of suspension or cancellation, whether or not so stated in the suspension or cancellation.

1999 cT-6.4 s96

Extended period of disqualification

97 Notwithstanding anything in this Act, where

- (a) a person is found guilty of an offence under
 - (i) the *Criminal Code* (Canada) anywhere in Canada, or
 - (ii) the *National Defence Act* (Canada) anywhere in or out of Canada,
- (b) in respect of the conviction referred to in clause (a), that person is prohibited from operating a motor vehicle, and
- (c) the period of prohibition is for a period of time that is greater than the period of disqualification from driving provided for under this Act,

that person is, on the coming into effect of the prohibition, disqualified from driving a motor vehicle in Alberta during the period that the prohibition is in effect.

1999 cT-6.4 s97

Disqualifications to run consecutively

98(1) Where

- (a) a person is disqualified from driving a motor vehicle in Alberta, and
- (b) during the period of disqualification referred to in clause (a), that person is disqualified from driving a motor vehicle in Alberta under section 94 or anywhere in Canada under section 320.24 of the *Criminal Code* (Canada),

that 2nd mentioned disqualification referred to in clause (b) shall run consecutively to any previous disqualification that is still in effect or waiting to go into effect, as the case may be.

(2) Where

- (a) a person is disqualified from driving a motor vehicle in Alberta, and
- (b) during the period of disqualification referred to in clause (a), that person is disqualified from driving a motor vehicle in Alberta,

the 2nd mentioned disqualification shall run consecutively to any previous disqualification that is still in effect or waiting to take effect, as the case may be.

(3) Repealed 2020 cP-30.8 s44(36).

RSA 2000 cT-6 s98;2011 c22 s16;2017 c26 s27;2020 cP-30.8 s44(36)

Setting aside suspension, etc. re demerit points

99 Where a person's operator's licence is, by reason of the accumulation of demerit points, suspended or cancelled, the Registrar may, on the application by that person, review the matter and if the Registrar considers it appropriate set aside the operation of the suspension or cancellation and reinstate that person's operator's licence subject to any terms or conditions imposed by the Registrar.

1999 cT-6.4 s99

Regulations

100 The Minister may make regulations

- (a) governing the information and the form of information to be provided to the Registrar by peace officers with respect to the suspensions or the disqualifications referred to in sections 88, 88.01, 88.02, 88.03 and 88.1;
- (b) governing the handling of operator's licences and other documents surrendered under sections 88, 88.01, 88.02, 88.03 and 88.1;

- (c) prescribing and governing the use of forms to be used for the purposes of sections 88, 88.01, 88.02, 88.03 and 88.1;
- (c.1) prescribing the grounds for a review under the *Provincial Administrative Penalties Act* of a suspension or disqualification imposed under section 88, 88.01, 88.02, 88.03 or 88.1;
- (c.2) respecting the determination of blood alcohol concentrations, blood drug concentrations or blood drug and blood alcohol concentrations for the purposes of section 88.1;
- (c.3) prescribing vehicles that are not motor vehicles for the purposes of section 87.1(2)(a);
- (d) designating
 - (i) any of the Rules of the Road and any other regulations under this Act, and
 - (ii) the regulations under the *Canada National Parks Act* (Canada)

to which section 86 applies.

RSA 2000 cT-6 s100;2011 c22 s17;2020 cP-30.8 s44(37)

Division 2 Disqualifications Arising from Judgments

Saving of rights

101 Nothing in this Part restricts, limits or derogates from any remedy that a person may have by any statute or at law.

1999 cT-6.4 s101

Failure to satisfy judgment

102(1) If

- (a) a judgment for damages arising out of a motor vehicle accident is rendered against a person by a court in Alberta or in any other province or territory in Canada, and
- (b) that person fails, within 15 days from the day on which the judgment becomes final, to satisfy the judgment,

the Registrar, subject to sections 103 and 104 and the regulations, may do one or both of the following:

- (c) disqualify the person from driving a motor vehicle in Alberta;
- (d) suspend the registration of any motor vehicle registered in that person's name.

(2) When, under subsection (1), a person is disqualified from driving a motor vehicle in Alberta or the certificate of registration of that person's motor vehicle is suspended,

- (a) the disqualification or the suspension, as the case may be, remains in effect and shall not be removed, and
- (b) no motor vehicle shall be registered in that person's name,

until the judgment is satisfied or discharged, otherwise than by a discharge in bankruptcy, to the extent of

- (c) at least \$35 000, exclusive of interest and costs, if the judgment arises out of a motor vehicle accident occurring before January 1, 1974,
- (d) at least \$50 000, exclusive of interest and costs, if the judgment arises out of a motor vehicle accident occurring on or after January 1, 1974 but before July 1, 1978,
- (e) at least \$100 000, exclusive of interest and costs, if the judgment arises out of a motor vehicle accident occurring on or after July 1, 1978 but before January 1, 1986, or
- (f) at least \$200 000, exclusive of interest and costs, if the judgment arises out of a motor vehicle accident occurring on or after January 1, 1986.

(3) The Registrar, on being satisfied that

- (a) a state of the United States of America has enacted legislation similar in effect to subsection (1), and
- (b) the legislation extends and applies to judgments that are rendered by any court of competent jurisdiction in Alberta and have become final against residents of that state,

may, by order, extend and apply the provisions of subsections (1) and (2) to judgments that are rendered by any court of competent jurisdiction in that state and have become final against residents of Alberta.

(4) If, after a person has complied with subsection (2), another judgment against the same person for a motor vehicle accident that

occurred before subsection (2) was complied with is reported to the Registrar,

- (a) that person is disqualified from driving a motor vehicle in Alberta, and
- (b) the registration of that person's motor vehicle is suspended,

until the judgment is satisfied and discharged, otherwise than by a discharge in bankruptcy, to the extent of the appropriate amount set out in subsection (2).

(5) If any person to whom subsection (1) applies is not resident in Alberta,

- (a) that person is disqualified from driving a motor vehicle in Alberta, and
- (b) the privilege of driving in Alberta any motor vehicle registered in that person's name is suspended,

by virtue of the judgment until that person has complied with this section.

(6) If a person has been disqualified from driving a motor vehicle in Alberta or the certificate of registration of that person's motor vehicle has been suspended as a result of a judgment obtained against a person who was not driving the vehicle involved in the accident, the Registrar may remove the disqualification or reinstate the certificate of registration, or both.

1999 cT-6.4 s102

Payment of judgment by instalments

103(1) A judgment debtor to whom this Part applies may on notice to the judgment creditor apply to the court in which the trial judgment was obtained for the privilege of paying the judgment in instalments, and the court may, in its discretion, so order, fixing the amounts and times of payment of the instalments.

(2) If the Minister responsible for the administration of the *Motor Vehicle Accident Claims Act* has made a payment with respect to a judgment pursuant to the *Motor Vehicle Accident Claims Act*, the judgment debtor

- (a) may apply to the Minister responsible for the administration of the *Motor Vehicle Accident Claims Act* for the privilege of paying the judgment in instalments, in which case that Minister may cause an agreement to be entered into with the debtor for payment by instalments, or

(b) may apply to the court pursuant to subsection (1) for the privilege of paying the judgment to the Minister responsible for the administration of the *Motor Vehicle Accident Claims Act* in instalments, in which case the debtor must give notice of the application to the Administrator of the *Motor Vehicle Accident Claims Act*, who may appear personally or by counsel and be heard on the application.

(3) Except in a case to which subsection (2) applies, a judgment debtor and the judgment creditor may enter into an agreement for the payment of the judgment in instalments.

(4) While the judgment debtor is not in default in payment of the instalments, the judgment debtor is deemed not to be in default for the purposes of this Part in payment of the judgment, and the Minister in the Minister's absolute discretion may restore the operator's licence and the certificate of registration of the judgment debtor.

(5) Notwithstanding subsection (4), if the Minister is satisfied that the judgment debtor has defaulted with respect to complying with the terms of the court order or of the agreement, the judgment debtor's operator's licence and registration shall again be suspended and remain suspended as provided in section 102.

RSA 2000 cT-6 s103;2006 c23 s78

Application for relief

104(1) If a person becomes eligible to be disqualified from driving a motor vehicle in Alberta or to have the registration of that person's motor vehicle suspended on account of a final judgment being rendered against that person outside Alberta for damages arising out of a motor vehicle accident, that person may make an application for relief to the Court of Queen's Bench.

(2) On hearing an application made under subsection (1), the Court of Queen's Bench may,

(a) if

(i) the applicant has not then been disqualified from driving a motor vehicle in Alberta or the registration of the applicant's motor vehicle has not then been suspended, and

(ii) the circumstances so warrant,

direct that the operation of section 102(1) be suspended in respect of the disqualification from driving or the

suspension of registration, or both, on such terms and conditions as the Court considers appropriate, or

- (b) if
 - (i) the applicant has been disqualified from driving a motor vehicle in Alberta or the registration of the applicant's motor vehicle has been suspended by the Registrar, and
 - (ii) the circumstances so warrant,

direct that the Registrar remove the disqualification or suspension, or both, on such terms and conditions as the Court considers appropriate.

RSA 2000 cT-6 s104;2009 c53 s179

Regulations

105 The Minister may make regulations

- (a) governing, subject to section 103, any matter with respect to the imposing of sanctions where a person fails to satisfy a judgment arising out of an accident involving a vehicle;
- (b) respecting the disqualification of persons from driving a motor vehicle and the suspension of registration of motor vehicles arising out of the failure to satisfy judgments referred to in section 102.

1999 cT-6.4 s105

Part 5 General Operation of Vehicles

Division 1 Speed Limits and Traffic Control Devices

Standard speed limits

106 Subject to a speed limit that is prescribed under section 108 for a highway,

- (a) 100 kilometres per hour is the maximum speed limit for a provincial highway under the *Highways Development and Protection Act* that is located outside an urban area;
- (b) 80 kilometres per hour is the maximum speed limit for
 - (i) a highway that is subject to the direction, control and management of
 - (A) the council of a municipal district or Metis settlement, or

- (B) the Minister responsible for the *Special Areas Act*, in the case of a special area;
 - (ii) a provincial highway under the *Highways Development and Protection Act* that is located within a city;
 - (iii) a highway that is located on an Indian reserve where the title to the highway is vested in the Crown in right of Alberta;
 - (iv) a forestry road;
 - (v) a licence of occupation road;
 - (vi) a highway located within an improvement district;
 - (vii) a highway that is subject to the direction, control and management of the Minister responsible for the *Provincial Parks Act*;
- (c) subject to clause (b)(ii), 50 kilometres per hour is the maximum speed limit for a highway located within an urban area.

RSA 2000 cT-6 s106;2002 c30 s30;2004 cH-8.5 s76

Standard speed limit re school or playground zone

107(1) In this section, “school zone” and “playground zone” mean that portion of a highway identified as a school zone or a playground zone by a traffic control device in the manner prescribed by regulations.

(2) Subject to a speed limit that is prescribed under section 108(1)(h) for a highway,

- (a) 30 kilometres per hour is the maximum speed limit within a school zone, other than a school zone referred to in clause (c), during the periods of time and the days provided for or otherwise specified in the regulations;
- (b) 30 kilometres per hour is the maximum speed limit within a playground zone, other than a playground zone referred to in clause (c), during the period of time and the days provided for or otherwise specified in the regulations;
- (c) within a school zone or a playground zone that is identified by a traffic control device that shows rapid intermittent flashes of yellow light as provided for in the regulations when the traffic control device is activated, 30 kilometres per hour is the maximum speed limit during any period

when the traffic control device is showing rapid intermittent flashes of yellow light.

(3) Notwithstanding subsection (2)(a), with respect to a school zone that is located within a municipality the council of the municipality may, for a highway in respect of which it may by bylaw prescribe speed limits and having regard to the hours of opening and closing of the school for which the school zone exists, by bylaw increase or decrease the length of the periods of time referred to in the regulations during which the speed limit is in effect for that school zone.

(4) Where a council enacts a bylaw under subsection (3), the council shall cause traffic control devices to be displayed identifying the hours during which the speed limit for the school zone is in effect.

(5) Notwithstanding subsection (2)(b), with respect to a playground zone that is located within a municipality, the council of the municipality may, for a highway in respect of which it may by bylaw prescribe speed limits, by bylaw increase or decrease the length of the periods of time referred to in the regulations during which the speed limit is in effect for that playground zone.

(6) Where a council enacts a bylaw under subsection (5), the council shall cause traffic control devices to be displayed identifying the periods of time during which the speed limit for the playground zone is in effect.

RSA 2000 cT-6 s107;2013 c19 s2(15)

Other speed limits

108(1) In accordance with the following, a road authority may prescribe speed limits that are different from the speed limits established under section 106 or 107:

- (a) in the case of a provincial highway or a portion of a provincial highway under the *Highways Development and Protection Act*, the Minister may prescribe a maximum speed limit that is different from the relevant maximum speed limit prescribed in section 106;
- (b) in the case of a highway or any portion of a highway under the direction, control and management of a council of a municipal district or Metis settlement, the council may prescribe a maximum speed limit that is higher or lower than 80 kilometres per hour;
- (c) in the case of a highway or any portion of a highway under the direction, control and management of a council of an

urban area, the council may prescribe a maximum speed limit that is higher or lower than 50 kilometres per hour;

- (d) in the case of a highway referred to in section 106(b) that is not a provincial highway under the *Highways Development and Protection Act*, a road authority may prescribe a maximum speed limit that is not higher than 100 kilometres per hour;
- (e) in the case of a highway in respect of which a road authority may prescribe speed limits and for which a speed limit is prescribed under this section or section 106, the road authority may for all or any portion of that highway prescribe a lower maximum speed limit by erecting signs along the highway setting out the lower speed limit;
- (f) in the case of a highway in respect of which a road authority may prescribe speed limits, the road authority may prescribe minimum speed limits that are lower than the maximum speed limit prescribed for that highway;
- (g) in the case of a highway that
 - (i) is under construction or repair, or
 - (ii) is in a state of disrepair,

a maximum speed limit may, with respect to that portion of the highway that is under construction or repair or in disrepair, be prescribed by
 - (iii) an engineer under the administration of or providing services on behalf of the Minister if
 - (A) the highway is one in respect of which the Minister may set speed limits, or
 - (B) the highway is being constructed or repaired by or on behalf of the Government,
 - or
 - (iv) a person authorized by a road authority if, subject to subclause (iii)(B), the highway is one in respect of which the road authority may prescribe speed limits,

by erecting signs along the highway setting out the maximum speed limit;

(h) in the case of a school zone or playground zone located on a highway in respect of which a road authority may prescribe speed limits, the road authority may prescribe a lower maximum speed limit than that prescribed under section 107, but the speed limit so prescribed shall not be lower than 20 kilometres per hour.

(2) Where a road authority or other person is empowered to prescribe a speed limit, the road authority or other person prescribing the speed limit may make that speed limit applicable to

- (a) all vehicles or only to a certain class or classes of vehicles;
- (b) daytime;
- (c) nighttime;
- (d) different periods of the year;
- (e) different traffic lanes for the same highway.

(3) When speed limits are prescribed pursuant to this section, the road authority or the engineer or other person prescribing the speed limit shall erect signs along the highway indicating the speed limits so prescribed.

(4) Except where a speed limit may be prescribed by the erecting of signs along a highway,

- (a) the Minister, where the Minister is empowered to prescribe a speed limit, may make orders prescribing speed limits, and
- (b) a council of a municipality, where it is empowered to prescribe a speed limit, may make bylaws prescribing speed limits.

RSA 2000 cT-6 s108;2003 c42 s15;2004 cH-8.5 s76

Application of speed limits re signs

109 Where

- (a) a speed limit is established or prescribed pursuant to
 - (i) section 106 or 108,
 - (ii) the *Government Property Traffic Act* (Canada), or
 - (iii) the *National Parks Act* (Canada),

and

- (b) a sign is erected along the highway indicating the speed limit so established or prescribed,

that speed limit applies to all that portion of the highway that lies between the point at which a sign is erected indicating the speed limit and the next point at which a sign is erected indicating a greater or lesser speed limit or indicating that the speed limit has ceased to apply.

1999 cT-6.4 s109

Traffic control devices

110 A road authority may, in respect of a highway over which it has direction, control and management, place, erect or otherwise display traffic control devices at any location on, over or adjacent to the highway for the purposes of controlling and regulating traffic that is

- (a) on or entering that highway, or
- (b) crossing a railway track at railway crossings located on that highway.

1999 cT-6.4 s110

Division 2 Operation of Vehicles

Observance of Rules of the Road

111 A driver of a vehicle and any other person using a highway shall, insofar as applicable, obey the Rules of the Road, except when otherwise

- (a) instructed by any applicable traffic control device, or
- (b) directed by a peace officer.

1999 cT-6.4 s111

Rules of the Road

112 The Lieutenant Governor in Council may make regulations entitled, or otherwise referred to as, "Rules of the Road" governing the utilization of highways and the use and operation of vehicles in respect of the following:

- (a) where to drive or not to drive a vehicle on
 - (i) a highway;
 - (ii) a roadway;
 - (iii) a traffic lane;

- (b) the overtaking of vehicles by other vehicles;
- (c) the passing of vehicles by other vehicles;
- (d) the crossing of the centre line by a vehicle;
- (e) the turning of a vehicle;
- (f) the making of U-turns with a vehicle;
- (g) the backing up of vehicles;
- (h) the yielding of and to vehicles;
- (i) the stopping of vehicles;
- (j) the parking of vehicles;
- (k) the merging of vehicles;
- (l) the operation of traffic control signals;
- (m) the driving of vehicles pursuant to lights, directions or signals shown or given by a traffic control device;
- (n) the use of lamps located on vehicles;
- (o) the operation of vehicles in relation to other vehicles that are
 - (i) emergency vehicles;
 - (ii) maintenance vehicles;
 - (iii) school buses;
- (p) the speed at which vehicles may be operated;
- (q) the operation of slow moving vehicles;
- (r) the obligations of drivers with respect to the operation of vehicles;
- (s) the actions of persons in relation to the operation or use of vehicles;
- (t) the operation of vehicles in relation to other vehicles that are participating in processions and parades;
- (u) the walking on and use of highways by pedestrians;

- (v) the riding, driving and herding of animals on a highway.

1999 cT-6.4 s112

Operation of vehicles**113(1)** The Lieutenant Governor in Council may make regulations

- (a) governing the driving and operation of
 - (i) emergency vehicles;
 - (ii) maintenance vehicles;
 - (iii) school buses;
 - (iv) cycles;
- (b) governing the use of vehicles in relation to
 - (i) peace officers,
 - (ii) emergency vehicle personnel,
 - (iii) maintenance vehicle personnel, and
 - (iv) tow truck personnel

who are carrying out functions, duties or work on or in relation to a highway or vehicles or persons located on or using a highway.

(2) Subject to the regulations made under subsection (1), in the case of a highway or a portion of a highway

- (a) that is under the direction, control and management of the Minister, the Minister may make a regulation, or
- (b) that is under the direction, control and management of a municipality, the municipality may pass a bylaw,

governing the times during which, the locations at which or the circumstances under which, as the case may be, the alternately flashing lights and stop arm on a school bus may be, shall be or shall not be used while the school bus is operating on that highway or that portion of highway.

1999 cT-6.4 s113

Peace officers**114** The Lieutenant Governor in Council may make regulations providing for and governing the powers of peace officers to give orders and directions to persons concerning the actions of persons

or in relation to matters arising under the regulations made under this Division and the consequences as a result of and sanctions that may be imposed on persons not following those orders or directions.

1999 cT-6.4 s114

Prohibited operation of vehicles, etc.

115(1) For the purposes of this section, a driver of a vehicle is driving carelessly if that driver drives the vehicle

- (a) without due care and attention, or
- (b) without reasonable consideration for persons using the highway.

(2) A person shall not do any of the following:

- (a) except where otherwise provided for under this Act, drive a vehicle in a manner contrary to the Rules of the Road or regulations governing the operation of vehicles;
- (b) drive a vehicle on a highway in a manner that constitutes driving carelessly;
- (c) drive a vehicle on a highway in a race unless authorized pursuant to a permit issued under subsection (3);
- (d) drive a vehicle on a highway on a bet or wager;
- (e) perform or engage in any stunt or other activity that is likely to distract, startle or interfere with users of the highway;
- (f) drive a vehicle so as to perform or engage in any stunt or other activity on a highway that is likely to distract, startle or interfere with other users of the highway;
- (g) drive a non-repairable vehicle on a highway;
- (h) drive a salvage motor vehicle on a highway unless it is being operated for the purposes of conducting a road test under the regulations;
- (i) where that person is the driver of a vehicle, permit any person, animal or thing to occupy the front seat of the vehicle in such a manner so as to impede the driver in the free and uninterrupted access to and use of the steering wheel, brakes and other equipment required to be used for the safe operation of the vehicle;

- (j) where that person is the driver of a vehicle, permit any person, animal or thing in the vehicle to cause any obstruction to the driver's clear vision in any direction;
- (k) ride in a position in a vehicle that interferes with the driver's control over the driving mechanism of the vehicle or that obstructs the driver's clear vision in any direction;
- (l) where the person is the driver of a vehicle, exchange places with any other person when the vehicle is in motion;
- (m) exchange places with the driver when the vehicle is in motion;
- (n) operate an over-dimensional vehicle on a highway other than in accordance with the terms and conditions specified in a permit or under this Act;
- (o) repealed 2001 c14 s16;
- (p) drive a vehicle on a highway at a speed that is greater than the maximum speed limit established or prescribed for that highway under
 - (i) this Act,
 - (ii) the *Government Property Traffic Act* (Canada), or
 - (iii) the *National Parks Act* (Canada);
- (p.1) drive a vehicle on a portion of a highway that is under construction or repair or is in a state of disrepair at a speed that is greater than the maximum speed limit established or prescribed under section 108(1)(g) for that portion of highway;
- (p.2) drive a vehicle on a portion of a highway at a speed that is greater than the maximum speed limit established or prescribed under section 108(1)(g) for that portion of highway where there are persons present on the highway who are constructing or repairing that portion of highway or who are directing traffic in connection with the construction or repair of that portion of highway;
- (q) drive a vehicle on a highway at a speed that is less than the minimum speed limit established or prescribed for that highway under this Act;
- (r) where a maximum speed limit is established or prescribed under this Act for a highway with respect to a period of

time, drive a vehicle on a highway during that period of time at a speed that is greater than the maximum speed limit established or prescribed for that highway for that period of time;

- (s) where a minimum speed limit is established or prescribed under this Act for a highway with respect to a period of time, drive a vehicle on a highway during that period of time at a speed that is less than the minimum speed limit established or prescribed for that highway for that period of time;
- (t) subject to subsection (4), drive a vehicle on a highway at a speed greater than 60 kilometres per hour, or the maximum speed limit established or prescribed for that highway under
 - (i) this Act,
 - (ii) the *Government Property Traffic Act* (Canada), or
 - (iii) the *National Parks Act* (Canada),whichever is lower, if the vehicle
 - (iv) is travelling on the same side of the highway as a stopped emergency vehicle or tow truck, and
 - (v) is passing the stopped emergency vehicle or tow truck when its flashing lamps are operating.

(3) Notwithstanding subsection (2)(c), the Registrar or the road authority may issue a permit authorizing a race to be held on a highway subject to any terms or conditions that the Registrar or the road authority considers appropriate.

(4) Subsection (2)(t) does not apply if there are 2 or more traffic lanes for traffic moving in the same direction as the vehicle and there is at least one traffic lane between the driver's vehicle and the stopped emergency vehicle or tow truck.

RSA 2000 cT-6 s115;2001 c14 s16;2005 c34 s21

Cellular telephones, electronic devices, etc.

115.1(1) Subject to this section and the regulations made under section 115.5, no individual shall drive or operate a vehicle on a highway while at the same time

- (a) holding, viewing or manipulating a cellular telephone, radio communication device or other communication device that is capable of receiving or transmitting telephone

communication, electronic data, electronic mail or text messages, or

- (b) holding, viewing or manipulating a hand-held electronic device or a wireless electronic device.

(2) An individual may drive or operate a vehicle on a highway while using a cellular telephone or radio communication device in hands-free mode.

(3) Subsection (1)(a) does not apply to

- (a) the use of a 2-way radio communication device, only for the purposes set out in the regulation, by an individual driving or operating an escort, pilot or trail vehicle who is required by regulation under this Act to maintain 2-way radio communication, or the use of a cellular telephone or other communication device by that individual for those purposes when 2-way radio communication is not functional or is unavailable,
- (b) the use of a 2-way radio communication device, only for the purpose of maintaining communication with the individual's employer, by an individual driving or operating a vehicle who is required by the individual's employer to maintain 2-way radio communication while the individual is acting within the scope of the individual's employment, or the use of a cellular telephone or other communication device by that individual for that purpose when 2-way radio communication is not functional or is unavailable,
- (c) the use of a 2-way radio communication device, only for the purpose of participating in a search, rescue or emergency management situation, by an individual driving or operating a vehicle, or the use of a cellular telephone or other communication device by that individual for that purpose when 2-way radio communication is not functional or is unavailable, or
- (d) the use of a cellular telephone or other communication device, only for the purpose of contacting an emergency response unit, by an individual driving or operating a vehicle.

(4) Subsection (1) does not apply to an individual driving or operating an emergency vehicle while the individual is acting within the scope of the individual's employment.

(5) Subsection (1) does not apply in respect of a vehicle that

- (a) is not on a highway, or
- (b) is parked in a manner specified in a regulation under this Act.

2010 c23 s2

Display screen visible to driver prohibited

115.2(1) Subject to this section and the regulations made under section 115.5, no individual shall drive or operate a vehicle on a highway if the display screen of a television, computer or other device in the vehicle is activated and is visible to the individual.

(2) Subsection (1) does not apply in respect of the display screen of

- (a) a global positioning system navigation device while it is being used to obtain navigation information in accordance with section 115.3,
- (b) a cellular telephone or radio communication device being used in hands-free mode,
- (c) a logistical transportation tracking system device that is used to track vehicle location, driver status or the delivery of packages or other goods for commercial purposes,
- (d) a dispatch system used for the transportation of passengers,
- (e) a collision avoidance system device while it is being used to provide collision avoidance information, or
- (f) an instrument, gauge, device or system that is used to provide information to the individual regarding the status of various systems or the location of the vehicle.

(3) Subsection (1) does not apply to an individual driving or operating an emergency vehicle while the individual is acting within the scope of the individual's employment.

2010 c23 s2

Global positioning system

115.3(1) Subject to this section and the regulations made under section 115.5, no individual shall use a global positioning system navigation device for navigation purposes while driving or operating a vehicle on a highway.

(2) An individual may use a global positioning system navigation device while driving or operating a vehicle on a highway if the system

- (a) is programmed before the individual begins to drive or operate the vehicle, or
 - (b) is used in a voice-activated manner.
- (3)** If a global positioning system navigation device is portable, an individual may use the system while driving or operating a vehicle on a highway if, in addition to the requirements of subsection (2), the system
- (a) is not held in the individual's hand, and
 - (b) is securely affixed to the vehicle in a manner that does not interfere with the safe operation of the vehicle.

2010 c23 s2

Prohibited activities

115.4(1) Subject to this section and the regulations made under section 115.5, no individual shall drive or operate a vehicle on a highway while engaged in an activity that distracts the individual from the operation of the vehicle, including but not limited to

- (a) reading or viewing printed material located within the vehicle other than an instrument, gauge, device or system referred to in section 115.2(2)(f),
- (b) writing, printing or sketching,
- (c) engaging in personal grooming or hygiene, and
- (d) any other activity that may be prescribed in the regulations.

(2) Subsection (1) does not apply in respect of a vehicle that

- (a) is not on a highway, or
- (b) is parked in a manner specified in a regulation made under this Act.

2010 c23 s2

Regulations

115.5 The Minister may make regulations

- (a) exempting any individual or class of individuals, vehicles or devices from section 115.1, 115.2, 115.3 or 115.4 and prescribing conditions and circumstances for any such exemption;
- (b) prescribing prohibited activities for the purposes of section 115.4;

- (c) respecting the manner in which a cellular telephone, radio communication device or electronic device may be used in hands-free mode.

2010 c23 s2

Regulations**116** The Minister may make regulations

- (a) governing any matter with respect to
 - (i) the loading of and the transporting of goods on vehicles,
 - (ii) the towing of vehicles, and
 - (iii) the transporting of passengers by vehicles;
- (b) governing any matter with respect to
 - (i) the dimensions of vehicles, including any goods transported on a vehicle;
 - (ii) the operation of over-dimensional vehicles;
 - (iii) the operation of vehicles that may be a hazard to users of a highway by reason of a vehicle's unusual or novel size, dimension or shape;
- (c) governing any matter respecting the amount of noise, sounds or substances that may be emitted, given off or made by a vehicle;
- (d) governing any matter respecting trailers, the towing of trailers and the transporting of goods and persons by trailers;
- (e) governing any matter respecting the riding of persons on or in or the carrying of persons by vehicles;
- (f) governing any matter respecting the safe use and operation of vehicles;
- (g) limiting the operation of vehicles during specific periods of time;
- (h) governing any matter respecting the equipping of vehicles with and the use of flashing lights;
- (i) designating vehicles as emergency response units and governing any matter respecting the use and operation of those vehicles;

- (j) governing any matter respecting traffic control devices;
- (k) governing the prescribing and utilization of speed limits referred to in section 108(1)(g);
- (l) respecting the requirements for and the use of intersection safety devices;
- (m) restricting the use of specified traffic lanes to vehicles carrying a prescribed number of passengers;
- (n) restricting the use of specified traffic lanes to specific vehicles or classes of vehicles.

RSA 2000 cT-6 s116;2007 c45 s9;2013 c19 s2(16)

Part 6 **Off-highway Vehicles**

Definitions

117 In this Part,

- (a) “off-highway vehicle” means any motorized mode of transportation built for cross-country travel on land, water, snow, ice or marsh or swamp land or on other natural terrain and, without limiting the generality of the foregoing, includes, when specifically designed for such travel,
 - (i) 4-wheel drive vehicles,
 - (ii) low pressure tire vehicles,
 - (iii) motorcycles and related 2-wheel vehicles,
 - (iv) amphibious machines,
 - (v) all terrain vehicles,
 - (vi) miniature motor vehicles,
 - (vii) snow vehicles,
 - (viii) minibikes, and
 - (ix) any other means of transportation that is propelled by any power other than muscular power or wind,

but does not include
 - (x) motor boats, or

- (xi) any other vehicle exempted from being an off-highway vehicle by regulation;
- (b) “vehicle” means a device in, on or by which a person or thing may be transported or drawn and includes a combination of vehicles but does not include a mobility aid.

RSA 2000 cT-6 s117;2016 c14 s12

Application of Act

118(1) When a person drives an off-highway vehicle on a highway,

- (a) the driving of that vehicle by that person on the highway is, and
- (b) the obligations on the person driving the vehicle and any person riding in or on that vehicle while the vehicle is located on the highway are,

except as otherwise provided for under this Act, subject to the other Parts of this Act in the same manner as if the off-highway vehicle were a vehicle as defined in section 1.

(2) When a person drives an off-highway vehicle in a location other than on a highway,

- (a) the driving of that vehicle by that person is, and
- (b) the obligations on the person driving the vehicle and any person riding in or on that vehicle are,

except as otherwise provided for under this Act, subject to this Part and sections 53(1)(b), 160(1) and (2) and 169(2)(j), (k), (l) and (m).

(3) In sections 18, 64, 70, 71, 81 and 91(1), (3) and (4), any reference to a vehicle includes a reference to an off-highway vehicle.

RSA 2000 cT-6 s118;2001 c14 s17

Registration

119(1) Except as otherwise permitted under this Act, a person shall not do any of the following:

- (a) drive or permit another person to drive an off-highway vehicle unless there is a subsisting certificate of registration issued in respect of that vehicle;
- (b) drive an off-highway vehicle unless the vehicle is an insured motor vehicle;

- (c) where a person is the registered owner of an off-highway vehicle, permit another person to drive the vehicle unless the vehicle is an insured motor vehicle;
 - (d) unless an off-highway vehicle is an insured motor vehicle,
 - (i) apply for the registration of the off-highway vehicle, or
 - (ii) obtain the registration of the off-highway vehicle.
- (2) Subsection (1)(a), (b) and (c) do not apply to the driving of an off-highway vehicle while the off-highway vehicle is being driven
- (a) on land owned by the person driving the off-highway vehicle, or
 - (b) on land owned by some other person if that other person has expressly or impliedly consented to the driving of that off-highway vehicle on that land.
- (3) If the registration of an off-highway vehicle is suspended under this Act, the off-highway vehicle is still registered for the purposes of subsection (1)(b), (c) and (d).
- (4) Where a person is found guilty of or has a notice of administrative penalty issued to the person under the *Provincial Administrative Penalties Act* in respect of a contravention of subsection (1)(b), (c) or (d) or section 124(6), the Registrar may cancel the certificate of registration in respect of every off-highway vehicle owned by the person.
- (5) Where the Registrar has cancelled a certificate of registration for a contravention of subsection (1)(b), (c) or (d), the Registrar shall not issue a new certificate of registration for that off-highway vehicle until the owner of the motor vehicle provides to the Registrar proof of financial responsibility.

RSA 2000 cT-6 s119;2020 cP-30.8 s44(38)

Prohibited operation

- 120(1)** For the purposes of this section, a driver of an off-highway vehicle is driving carelessly if that driver drives the off-highway vehicle
- (a) without due care and attention, or
 - (b) without reasonable consideration for other persons or property.
- (2) A person shall not do any of the following:

- (a) drive an off-highway vehicle on any property, whether publicly or privately owned, that the public is ordinarily entitled or permitted to use, in a manner that constitutes driving carelessly;
- (b) except as permitted under this Act, drive an off-highway vehicle on any portion of a highway;
- (c) permit another person to drive an off-highway vehicle in contravention of this Act.

(3) A driver of an off-highway vehicle may drive the off-highway vehicle across any highway, including the roadway, parking lane or sidewalk portion of the highway, as the case may be, if

- (a) the driver stops the off-highway vehicle before driving it on the highway or portion of the highway to be crossed,
- (b) all passengers disembark from the off-highway vehicle and any vehicle or thing attached to it before the driver commences to drive the off-highway vehicle across the highway,
- (c) the driver yields the right of way to all other vehicles and persons on the highway,
- (d) the driver drives the off-highway vehicle across the highway or portion of the highway to be crossed
 - (i) by the most direct and shortest route of travel available to the driver, or
 - (ii) if the most direct and shortest route of travel available to the driver is not the safest route, with reasonable care and caution by the safest and most direct route available to the driver,

and

- (e) the driver waits to proceed across the highway until the condition of the traffic on the highway being entered on and crossed is such that the off-highway vehicle can enter on and cross the highway in safety.

(4) Notwithstanding subsection (2)(b),

- (a) in the case of any highway or class of highway under the Minister's direction, control and management,

- (i) the Minister may by order authorize persons to drive off-highway vehicles along any portion of that highway, or
 - (ii) the Minister may issue a permit authorizing persons to drive off-highway vehicles along any portion of that highway;
- (b) in the case of any highway or class of highway that is under the direction, control and management of a municipality, the council of the municipality may by bylaw authorize or issue a permit authorizing persons to drive off-highway vehicles along any portion of that highway;
 - (c) in the case of any highway or class of highway that is under the direction, control and management of a Minister other than the Minister responsible for this Act, that Minister may by order authorize or issue a permit authorizing persons to drive off-highway vehicles along any portion of that highway.
- (5) A permit, order or bylaw issued or made under this section may do one or more of the following:
- (a) prescribe terms and conditions, or either of them, under which an off-highway vehicle may be operated on a highway;
 - (b) prescribe the maximum speed limits, not to exceed the maximum speed limits prescribed for vehicles under this Act, that are applicable to an off-highway vehicle;
 - (c) prescribe the minimum speed limits that are applicable to off-highway vehicles;
 - (d) prescribe routes to be used by off-highway vehicles.
- (6) The *Regulations Act* does not apply to an order made under subsection (4)(a) or (c).

RSA 2000 cT-6 s120;2005 c34 s22

Duty of driver re off-highway vehicle

121(1) Notwithstanding anything in this Act, the driver of an off-highway vehicle shall at all times yield the right of way to all other classes of vehicles.

(2) When an off-highway vehicle is on or approaching a highway, the driver of the off-highway vehicle shall obey all traffic control devices regulating traffic on, approaching or leaving the highway.

1999 cT-6.4 s121

Restriction on municipality

122 Whether an off-highway vehicle is located on or off a highway, the council of a municipality does not, except where this Act or any other Act specifically provides for a contrary effect, have any power to make a bylaw that

- (a) forbids, in a manner contrary to or inconsistent with this Act, the operation of off-highway vehicles;
- (b) requires from any owner or driver of an off-highway vehicle any tax, fee, licence or permit for the use, possession or operation of an off-highway vehicle;
- (c) affects in any way the registration or numbering of off-highway vehicles.

1999 cT-6.4 s122

Stopping for peace officer

123(1) For the purposes of administering and enforcing this Act, a peace officer may

- (a) signal or direct a driver of an off-highway vehicle to stop the vehicle, and
- (b) request information from the driver of the off-highway vehicle and any passengers on or in the vehicle.

(2) When signalled or directed to stop by a peace officer who is readily identifiable as a peace officer, a driver of an off-highway vehicle shall

- (a) forthwith bring the vehicle to a stop,
- (b) forthwith furnish to the peace officer any information respecting the driver or the vehicle that the peace officer requires, and
- (c) remain stopped until permitted by the peace officer to leave.

(3) At the request of a peace officer who is readily identifiable as a peace officer, a passenger in or on an off-highway vehicle who is acting in a manner that is contrary to this Act shall forthwith furnish to the peace officer the passenger's name and address.

1999 cT-6.4 s123

Production of documents

124(1) On the request of a peace officer, a person driving an off-highway vehicle shall produce to the peace officer for inspection the following documents as requested by the peace officer:

- (a) the person's subsisting operator's licence if the vehicle is being operated on a highway;
- (b) the subsisting certificate of registration issued in respect of that vehicle;
- (c) the subsisting financial responsibility card issued in respect of that vehicle.

(2) Subsection (1)(b) and (c) do not apply with respect to the operation of an off-highway vehicle while that vehicle is being operated on land and in the circumstances referred to in section 119(2).

(3) Where a peace officer makes a request under subsection (1)(b) or (c), the peace officer shall allow the person to whom the request was made reasonable time within which to produce the document issued in respect of the off-highway vehicle.

(4) If a person produces to a peace officer a document under this section that is illegible, mutilated, defaced or altered, the peace officer may request that person to produce to a peace officer within a reasonable time a new document or duplicate of the document issued under this Act.

(5) A person who fails to produce to a peace officer a document as requested under subsection (1) or (4) commits a contravention.

(6) A person driving an off-highway vehicle commits a contravention if, when requested to produce a financial responsibility card under subsection (1), the person produces

- (a) a document that purports to be a financial responsibility card but that was not issued pursuant to the *Insurance Act*, or
- (b) a financial responsibility card relating to an insurance policy that is not in force or is otherwise invalid at the time of production.

(7) Subsection (6)(b) does not apply where the person also produces the subsisting financial responsibility card issued in respect of the vehicle.

RSA 2000 cT-6 s124;2016 c14 s8;2020 cP-30.8 s44(39)

Onus

125 In a proceeding in respect of a contravention,

- (a) in the case of a contravention of or failure to comply with section 119(1)(b), (c) or (d), the onus is on the person alleged to have contravened or failed to comply with section

119(1)(b), (c) or (d) to show that, at the time of the contravention or failure to comply, the vehicle was an insured motor vehicle, and

- (b) in the case of a contravention of or failure to comply with section 124, the onus is on the person alleged to have contravened or failed to comply with section 124 to show that, at the time of the contravention or failure to comply, the person held subsisting insurance at the time that the person was required to produce a financial responsibility card.

RSA 2000 cT-6 s125;2020 cP-30.8 s44(40)

Duty of driver, etc. re accident

126(1) Where an accident in which an off-highway vehicle is involved occurs off a highway, the driver or other person in charge of any vehicle that was directly or indirectly involved in the accident shall

- (a) remain at the scene of the accident, or if the person has left the scene of the accident, immediately return to the scene of the accident unless otherwise directed by a peace officer,
- (b) render all reasonable assistance, and
- (c) produce in writing to anyone sustaining loss or injury, to any peace officer and to any witness all or such of the following information as is requested:
 - (i) that person's name and address;
 - (ii) the name and address of the owner of the vehicle;
 - (iii) where the vehicle is a registered off-highway vehicle, the licence plate number of the vehicle;
 - (iv) where the vehicle is an insured off-highway vehicle, a financial responsibility card issued in respect of that vehicle.

(2) The driver of an off-highway vehicle that

- (a) is involved in an accident with an unattended vehicle shall stop at the scene of the accident and shall forthwith or as soon thereafter as is practicable
 - (i) locate and notify the owner or person in charge of the unattended vehicle of the name and address of the driver and of the owner of the off-highway vehicle and, where the off-highway vehicle is a registered off-highway

vehicle, of the licence plate number of the off-highway vehicle that was involved in the accident with the unattended vehicle, or

- (ii) leave in a conspicuous place in or on the unattended vehicle a written notice giving the name and address of the driver and of the owner of the off-highway vehicle and, where the off-highway vehicle is a registered off-highway vehicle, of the licence plate number of the off-highway vehicle that was involved in the accident with the unattended vehicle,

or

- (b) is involved in an accident resulting in damage to any property that is not dealt with under clause (a) or subsection (1), shall forthwith or as soon after the accident as is practicable take reasonable steps to locate and notify the owner or person in charge of the property of the fact and of the name and address of the driver and of the owner of the off-highway vehicle and, where the off-highway vehicle is a registered off-highway vehicle, of the licence plate number of the vehicle.

(3) If the driver of an off-highway vehicle is incapable of providing the information required by subsection (1) or (2) and there is a passenger in or on the off-highway vehicle capable of providing the information, the passenger shall provide the information required to be provided by the driver.

(4) If the information has not been provided under subsection (1), (2) or (3) and the driver of or passenger in or on the off-highway vehicle is not the owner of the off-highway vehicle, the owner shall forthwith on determining that that owner's off-highway vehicle has been involved in an accident provide the information required under those subsections.

(5) If the driver of an off-highway vehicle is alone at the time of an accident, is the owner of the vehicle and is incapable of providing the information required by subsection (1) or (2), that person shall provide the information forthwith after becoming capable of doing so.

1999 cT-6.4 s126

Seizure of off-highway vehicle

127 A peace officer who on reasonable grounds believes that section 71, 119 or 120(2)(a) or (b) has been contravened may seize and detain any off-highway vehicle in respect of which the contravention was committed until the final disposition of any

proceedings taken under this Act, and section 170 applies to that off-highway vehicle as if it were a vehicle to which section 169 applies.

RSA 2000 cT-6 s127;2013 c19 s2(17);2020 cP-30.8 s44(41)

Municipal bylaws

128 The council of a municipality may make bylaws that are not inconsistent with this Act, doing the following:

- (a) repealed 2016 c21 s2;
- (b) setting maximum speed limits respecting the operation of off-highway vehicles with respect to property that is not a highway that is located within the municipality and to which members of the public have access while operating off-highway vehicles.

RSA 2000 cT-6 s128;2016 c21 s2

Safety helmets

128.1(1) In this section, “safety helmet” means a helmet that complies with the regulations.

(2) Except as otherwise permitted under this Act, a person shall not drive, operate, ride in or on or be towed by an off-highway vehicle unless the person is properly wearing a safety helmet.

(3) Subsection (2) does not apply to the driving or operation of, riding in or on, or being towed by, an off-highway vehicle on

- (a) land within an Indian reserve,
- (b) land within a Metis settlement, or
- (c) land referred to in section 119(2)(a) or (b).

(4) Subsection (2) does not apply to a person performing farming or ranching work where the person is not required under the *Occupational Health and Safety Act* or a regulation or code of rules made under that Act to wear a helmet while driving, operating, riding in or on, or being towed by, a vehicle that is an off-highway vehicle during the performance of that work.

2016 c21 s3

Regulations

129 The Minister may make regulations

- (a) governing the driving and operation of off-highway vehicles;

- (b) exempting vehicles from being off-highway vehicles;
- (c) respecting the use of helmets used in connection with the driving or operation of, riding in or on, or being towed by, off-highway vehicles;
- (d) respecting standards to be met by helmets used in connection with the driving or operation of, riding in or on, or being towed by, off-highway vehicles;
- (e) exempting or providing for the granting of exemptions from section 128.1(2) or the regulations made under clause (c) of persons or classes of persons driving, operating, riding in or on, or being towed by, off-highway vehicles;
- (f) respecting the sale of helmets intended to be used in connection with the driving or operation of, riding in or on, or being towed by, off-highway vehicles.

RSA 2000 cT-6 s128;2016 c21 s4

Part 6.1

Transportation Network Companies

Transportation network companies

129.1 A transportation network company may only operate in accordance with the regulations under this Part.

2016 c14 s9

Administrative penalties

129.2(1) Where the Registrar is of the opinion that a transportation network company has contravened or failed to comply with this Part or the regulations under this Part, the Registrar may, subject to the regulations, by notice in writing given to the transportation network company, require that transportation network company to pay to the Government an administrative penalty in an amount set out in the notice, not to exceed \$50 000

- (a) for the contravention or failure to comply, or
- (b) for each day or part of a day that the contravention or failure to comply occurs or continues.

(2) A transportation network company who pays an administrative penalty in respect of a contravention or failure to comply shall not be charged under this Act with an offence in respect of that contravention or failure to comply.

(3) Where a transportation network company fails to pay an administrative penalty in accordance with a notice under subsection

(1), the Government may recover the amount owing in respect of the penalty by an action in debt.

2016 c14 s9

Injunction

129.3 The Court of Queen's Bench, on application by the Registrar, may grant an injunction enjoining any person from contravening or failing to comply with this Part or the regulations under this Part notwithstanding any penalty or sanction that may be provided by this Part or the regulations under this Part in respect of that contravention or failure to comply.

2016 c14 s9

Regulations

129.4 The Lieutenant Governor in Council may make regulations respecting any matter concerning the operation of a transportation network company, including, without limitation, regulations

- (a) defining any word used in this Part or the regulations under this Part and not defined in this Act;
- (b) respecting requirements to be met by transportation network companies;
- (c) respecting requirements to be met by the owners of vehicles used to perform services for transportation network companies;
- (d) respecting requirements to be met by drivers performing services for transportation network companies;
- (e) providing for and governing sanctions that may be imposed for contraventions or failures to comply with this Part or the regulations under this Part;
- (f) respecting the form and contents of notices of administrative penalties for the purposes of section 129.2;
- (g) prescribing the amounts, or the manner of determining the amounts, of the administrative penalties that may be imposed by the Registrar, not to exceed the maximum set out in section 129.2(1);
- (h) prescribing limitation periods for the giving of notices of administrative penalties;
- (i) respecting any other matter necessary for the administration of the system of administrative penalties;

- (j) providing for any other matter that the Lieutenant Governor in Council considers advisable for carrying out the purpose and intent of this Part.

2016 c14 s9

Part 7

Commercial Motor Transport

Interpretation

130(1) In this Part,

- (a) “bus” means a commercial vehicle
 - (i) that is designed for carrying 11 or more persons, including the person driving the vehicle, and
 - (ii) that is used or intended to be used for the transportation of persons,and includes any other commercial vehicle designated as a bus by regulation;
- (b) “carrier” means an owner of a commercial vehicle in respect of which a certificate is issued or who holds a certificate or is required to hold a certificate;
- (c) “certificate” means,
 - (i) in the case of a commercial vehicle that is used or intended to be used to transport goods or provide a service other than the transportation of passengers, a safety fitness certificate,
 - (ii) in the case of a commercial vehicle that is a bus as defined in this Part,
 - (A) a safety fitness certificate, and
 - (B) an operating authority certificate,and
 - (iii) in the case of a commercial vehicle that is used or intended to be used to transport passengers and that is designed for carrying 10 or fewer persons, including the person driving the vehicle, an operating authority certificate;

- (d) “compensation” means any rate, remuneration, reimbursement or consideration of any kind paid, payable or received, directly or indirectly;
- (e) “driver” includes a co-driver of a commercial vehicle who is travelling in the vehicle;
- (f) “exempted operator” means
 - (i) in the case of a commercial vehicle that is used or intended to be used to transport goods or provide a service other than the transportation of passengers, the owner of a commercial vehicle in respect of which a safety fitness certificate is not required,
 - (ii) in the case of a commercial vehicle that is a bus as defined in this Part, the owner of a commercial vehicle in respect of which a safety fitness certificate and an operating authority certificate are not required, and
 - (iii) in the case of a commercial vehicle that is used or intended to be used to transport passengers and that is designed for carrying 10 or fewer persons, including the person driving the vehicle, the owner of a commercial vehicle in respect of which an operating authority certificate is not required;
- (g) “motor transport regulatory legislation” means
 - (i) this Act,
 - (ii) in the case of a commercial vehicle that is a bus as defined in this Part, a safety fitness certificate and the operating authority certificate issued in respect of the operating authority under which the bus is operated;
 - (ii.1) in the case of a commercial vehicle that is used or intended to be used to transport passengers and that is designed for carrying 10 or fewer persons, including the person driving the commercial vehicle, the operating authority certificate issued in respect of the commercial vehicle;
 - (iii) in the case of a commercial vehicle that is used or intended to be used to transport goods or provide a service other than the transportation of passengers, a safety fitness certificate;
 - (iv) a permit;

- (v) any term, condition or restriction to which an operating authority certificate, a safety fitness certificate or a permit is subject;
- (h) “passenger” means any person, other than the driver of a commercial vehicle, who is transported by a commercial vehicle;
- (i) “record” includes
 - (i) any document, agreement, account, book, return, statement, report or other memorandum of financial or non-financial information whether in writing or in electronic form or represented or reproduced by any other means, and
 - (ii) the results of the recording of details of electronic data processing systems to illustrate what the systems do and how they operate;
- (j) “Registrar of Corporations” means the Registrar as defined in the *Business Corporations Act*;
- (k) “road ban” means the maximum allowable weight that may be borne on a highway by a commercial vehicle pursuant to a regulation made under section 151 or a bylaw made under section 152;
- (l) “toll” or “rate” means a fee or rate charged, levied or collected
 - (i) for the transportation of passengers or goods, or
 - (ii) for the use of a commercial vehicle;
- (m) “transportation” includes one or more of the following:
 - (i) the driving or utilization of a commercial vehicle;
 - (ii) the carrying of goods or passengers, or both, on or in a commercial vehicle;
 - (iii) the care, handling, assembly or storage of goods that are being carried in or on a commercial vehicle or that are in the possession or under the control of a carrier, permit holder or exempted operator or of a person on behalf of a carrier, permit holder or exempted operator and awaiting carriage or delivery by means of a commercial vehicle;

- (iv) the handling of passengers awaiting carriage by means of a commercial vehicle;
 - (n) “vehicle inspection sign” means a traffic control device that is designed to indicate to the driver of a commercial vehicle that the driver of the vehicle is required to report to a vehicle inspection station;
 - (o) “vehicle inspection station” means a site or facility that is used by persons who are under the administration of or providing services on behalf of the Minister for the purposes of carrying out inspections under this Act and other duties and functions under motor transport regulatory legislation.
- (2)** For the purposes of this Part and the regulations and bylaws made in respect of matters governed by this Part, a person operates a commercial vehicle if
- (a) the person drives the vehicle, or
 - (b) the person owns or otherwise has control over the vehicle and uses the vehicle for the provision of transportation in respect of that person’s undertaking, business, work or employment whether or not that person actually drives the vehicle.

RSA 2000 cT-6 s130;2005 c34 s23

Division 1 Operation of Commercial Vehicles

Use of commercial vehicles

131(1) Except as otherwise permitted under this Act, a person shall not do the following:

- (a) in the case of a commercial vehicle that is used or intended to be used to transport goods or provide a service other than the transportation of passengers, operate the commercial vehicle on a highway unless the operation of that vehicle
 - (i) is carried out under the authority of a safety fitness certificate, or
 - (ii) is exempted from the requirement of a safety fitness certificate being issued in respect of the vehicle;
- (b) in the case of a commercial vehicle that is a bus, operate the vehicle on a highway unless the operation of that vehicle

- (i) is carried out under the authority of a safety fitness certificate and an operating authority for which an operating authority certificate is issued, or
- (ii) is exempted
 - (A) in the case of a safety fitness certificate, from the requirements of a safety fitness certificate being issued in respect of the vehicle, and
 - (B) in the case of an operating authority certificate, from the requirements of an operating authority certificate being issued in respect of the vehicle;
- (b.1) in the case of a commercial vehicle that is used or intended to be used to transport passengers and that is designed for carrying 10 or fewer persons, including the person driving the vehicle, operate the vehicle on a highway unless the operation of the vehicle
 - (i) is carried out under the authority of an operating authority certificate, or
 - (ii) is exempted from the requirements of an operating authority certificate being issued in respect of the vehicle;
- (c) operate a commercial vehicle on a highway unless the operation of the vehicle is carried out
 - (i) within the requirements of this Part and the regulations made in respect of matters governed by this Part, and
 - (ii) where a certificate is required in respect of that vehicle, within the terms and conditions of the certificate granted in respect of that vehicle;
- (d) operate a commercial vehicle in a manner that is prohibited under or does not comply with motor transport regulatory legislation;
- (e) dump or unload on a highway or at a vehicle inspection station any goods being transported by a commercial vehicle unless otherwise authorized to do so by a peace officer, an employee of the Government who is under the administration of the Minister or a person performing services on behalf of or for the Minister;
- (f) except where authorized by permit, operate a commercial vehicle on a highway when the weight of the vehicle

exceeds the maximum allowable weight for that vehicle provided for under this Act;

- (g) except where authorized by permit, operate a commercial vehicle on a highway when the weight of the vehicle exceeds the maximum weight specified on the certificate of registration issued in respect of that vehicle;
 - (h) operate a commercial vehicle on a highway when the weight of the vehicle exceeds the maximum allowable weight specified in a permit issued in respect of that vehicle;
 - (i) except where authorized by permit, operate a commercial vehicle on a bridge when the weight of the vehicle exceeds the maximum weight specified for that bridge;
 - (j) operate a commercial vehicle on a bridge when the weight of the vehicle exceeds the maximum weight specified in a permit issued in respect of that vehicle and that bridge;
 - (k) except where authorized by permit, operate a commercial vehicle on a highway that is subject to a road ban when the weight of the vehicle exceeds the maximum weight allowed for that vehicle under the road ban;
 - (l) operate a commercial vehicle on a highway that is subject to a road ban when the weight of the vehicle exceeds the maximum weight specified in a permit issued in respect of that vehicle and that road ban;
 - (m) operate a commercial vehicle on a highway if any portion or part of the vehicle exceeds the dimensions prescribed in a permit or under this Act;
 - (n) solicit or undertake to arrange the transportation of passengers or goods by means of a vehicle operated on a highway unless the person by, for or on behalf of whom the vehicle is operated is authorized under this Act to transport passengers or goods in accordance with the solicitation or undertaking.
- (2) For the purposes of
- (a) clauses (b) and (c) and subsection (1)(f) to (m), “vehicle” includes any goods carried on or in a vehicle;
 - (b) subsection (1)(k) and (l), “permit” means a permit issued to a person specifically allowing a vehicle to be operated on a highway that is subject to a road ban when the weight of the vehicle is in excess of that allowed under the road ban;

- (c) subsection (1)(i), where a sign is erected indicating the maximum allowable weight that may be carried by a vehicle on a bridge, the weight indicated on the sign is the maximum weight specified for the bridge in respect of which the sign is erected.

RSA 2000 cT-6 s131;2005 c34 s24

Cancellation of certificate**132(1)** In this section,

- (a) “federal transportation legislation” means an enactment or a provision of an enactment of Canada that relates to transportation;
- (b) “foreign transportation legislation” means an enactment or a provision of an enactment of
 - (i) the United States of America,
 - (ii) a state or territory of the United States of America,
 - (iii) Mexico, or
 - (iv) a state of Mexico,that relates to transportation;
- (c) “provincial transportation legislation” means an enactment or a provision of an enactment of a province or territory of Canada that relates to transportation;
- (d) “transportation legislation” means motor transport regulatory legislation and includes, except where otherwise provided by regulations made under section 156,
 - (i) federal transportation legislation,
 - (ii) foreign transportation legislation,
 - (iii) provincial transportation legislation, and
 - (iv) any certificate, authorization, licence, permit or order that relates to transportation that is issued, granted, provided or otherwise made under any enactment referred to in subclauses (i) to (iii).

(2) Where with respect to the operation of a commercial vehicle the Registrar is of the opinion that

- (a) a carrier, or

- (b) a driver of the commercial vehicle who is employed or otherwise engaged by a carrier,

is not complying with or is contravening any transportation legislation, the Registrar may, on 15 days' written notice to the carrier, suspend or cancel any certificate issued in respect of that carrier.

(3) Where a certificate is issued to a carrier that is a corporation and the corporation is dissolved, the Registrar may, on 15 days' written notice to the person who in the opinion of the Registrar was the manager or a senior officer of the corporation, cancel that certificate.

(4) Where with respect to the operation of a commercial vehicle the Registrar is of the opinion that

- (a) a carrier, or
- (b) an exempted operator,

is not complying with or is contravening any transportation legislation, the Registrar may on 15 days' written notice to the carrier or exempted operator, as the case may be, do one or more of the following:

- (c) suspend or cancel the certificate of registration of the commercial vehicle;
- (d) cause the licence plates issued in respect of the commercial vehicle to be seized and detained.

(5) Notwithstanding that a 15-day notice period is prescribed under subsection (2), if the Registrar is of the opinion that

- (a) the safety of the driver or the public is in jeopardy with respect to the operation of a commercial vehicle, or
- (b) the requirements relating to the insuring of the commercial vehicle have not been met,

the Registrar may take action under subsection (2) effective at the time of giving the notice to the person in respect of whom the action is being taken.

(6) In giving a notice under subsection (2) or (3), the Registrar may give the notice subject to any terms or conditions that the Registrar considers appropriate in the circumstances.

(7) Where the Registrar suspends or cancels a certificate, the carrier shall, within the period of time set by the Registrar, deliver to the Registrar the document held by that carrier that evidences the issuing of the certificate.

(8) Where a carrier does not comply with subsection (7), a peace officer shall, when directed to do so by the Registrar, attend on the carrier and take possession of the document held by the carrier that evidences the issuing of the certificate.

(9) Where a certificate is or is to be suspended or cancelled pursuant to this section, that suspension or cancellation may take place without a hearing being conducted or an opportunity for representations being given, but

- (a) a carrier or an exempted operator, as the case may be, may apply to the Registrar for a reconsideration of the Registrar's decision to suspend or cancel the certificate within 30 days of service of notice of the decision, and
- (b) the Registrar may grant interim relief in accordance with the regulations

at any time after the giving of the notice respecting the suspension or cancellation, whether or not the suspension or cancellation is in effect.

(10) The Registrar may extend the period referred to in subsection (9) if in the opinion of the Registrar the circumstances in respect of the matter have substantially changed from the time of the decision.

(11) The Registrar may confirm, cancel or vary the Registrar's decision.

(12) Once a decision or action of the Registrar has been reconsidered by the Registrar in respect of a matter referred to in subsection (9)(a), the Registrar may refuse to reconsider the decision again.

(13) A reconsideration commenced under this section does not, except as otherwise directed by the Registrar, stay the suspension or cancellation of the certificate.

RSA 2000 cT-6 s132;2005 c34 s25;2020 cP-30.8 s44(42)

Non-payment of fees or charges

133 When a fee or charge provided for pursuant to this Act, or a fee or charge provided for pursuant to the laws of a jurisdiction outside Alberta that is similar in nature to a fee or charge provided for pursuant to this Act,

- (a) is imposed on a carrier but not paid, the Registrar may suspend or cancel any certificate or permit issued to that carrier, or
- (b) is imposed on an exempted operator but not paid, the Registrar may suspend or cancel any permit issued to that exempted operator.

1999 cT-6.4 s133

Division 2 Compliance

Definition

134 In this Division, “commercial vehicle” includes any vehicle that a peace officer has reasonable grounds to believe is a commercial vehicle and includes any goods being carried by the vehicle.

1999 cT-6.4 s134

Purposes of inspections

135 For the purposes of

- (a) administering motor transport regulatory legislation,
- (b) fostering compliance with motor transport regulatory legislation,
- (c) fostering the safe operation of commercial vehicles, and
- (d) preserving the physical condition of highways,

a peace officer may carry out inspections under sections 136 and 139 and determine weight pursuant to Division 3.

1999 cT-6.4 s135

Inspections of commercial vehicles

136 A peace officer may carry out an inspection of a commercial vehicle and in respect of that inspection with respect to matters that come under this Act may do one or more of the following:

- (a) require the driver of the vehicle to stop the vehicle for the purposes of inspecting the vehicle;
- (b) enter the vehicle;
- (c) inspect the vehicle;
- (d) inspect
 - (i) any goods being carried by the vehicle, and

- (ii) any record relating to any goods being carried by the vehicle;
- (e) weigh the vehicle or any portion or part of a vehicle and any goods being carried by the vehicle or any portion or part of the vehicle;
- (f) inspect any record relating to, issued or required under transportation legislation as defined in section 132(1);
- (g) inspect any record, object or thing that relates to the vehicle, its operation or any goods being carried by the vehicle;
- (h) make inquiries of any person who operates the vehicle being inspected under this section;
- (i) perform or cause to be performed tests or examinations of or in respect of the vehicle or any goods being carried by the vehicle.

1999 cT-6.4 s136

Stopping for peace officer

137 For the purposes of enabling an inspection to take place under section 136 or weight to be determined pursuant to Division 3, a driver of a commercial vehicle shall,

- (a) on being signalled or requested to do so by a peace officer who is readily identifiable as a peace officer, forthwith bring the vehicle to a stop, and
- (b) if requested to do so by the peace officer, forthwith take the vehicle to a vehicle inspection station as directed by the peace officer.

1999 cT-6.4 s137

Vehicle inspection stations

138 When a vehicle inspection station sign indicates that the vehicle inspection station is in operation and directs that a commercial vehicle or class of commercial vehicles is to be taken to the vehicle inspection station, the driver of a vehicle that is subject to that direction shall, for purposes of enabling an inspection to take place under section 136,

- (a) forthwith take the vehicle to the vehicle inspection station, and
- (b) subject to any directions given by the person operating the vehicle inspection station,
 - (i) permit an inspection to take place, and

- (ii) remain at the vehicle inspection station until the driver is informed by the person operating the vehicle inspection station that the inspection has been completed.

1999 cT-6.4 s139

Inspections of transportation business premises**139(1)** In this section,

- (a) “safety services” means inspections, evaluations, repairs and other services provided by persons licensed under this Act to carry out inspections of commercial vehicles;
- (b) “transportation business” means any undertaking by a carrier or the holder of a permit under which
 - (i) goods are received, shipped or transported,
 - (ii) commercial vehicles are operated, or
 - (iii) persons are transported;
- (c) “transportation business premises” means premises that are used with respect to
 - (i) the operation of a commercial vehicle by a carrier or the holder of a permit,
 - (ii) the operation of a transportation business, or
 - (iii) the provision of safety services.

(2) A peace officer may do any one or more of the following:

- (a) during any time that any transportation business premises are open to the public or are in use, enter and inspect
 - (i) those premises, and
 - (ii) any commercial vehicle that is at the time of inspection located at or in the premises;
- (b) inspect any records, objects or things that relate to
 - (i) the provision of safety services in respect of a commercial vehicle, or
 - (ii) the operation of a transportation business;
- (c) make inquiries of any person who

- (i) drives a commercial vehicle that is operated by a carrier or the holder of a permit, or
 - (ii) is employed in the transportation business or the provision of safety services;
 - (d) make inquiries of any carrier or holder of a permit with respect to the operation of a commercial vehicle.
- (3) Notwithstanding subsection (2)(a), a peace officer shall not enter a private residence without the permission of an adult resident of that residence.

1999 cT-6.4 s139

Production of documents

140(1) A person who is subject to an inspection under section 136 or 139 shall, when requested to do so by a peace officer, forthwith produce for inspection any record, object or thing that may be inspected under section 136 or 139.

(2) A peace officer may remove the record, object or thing being inspected and make copies or take photographs of it.

(3) Where a peace officer removes a record, object or thing under subsection (2), the peace officer

- (a) may retain possession of the record, object or thing only for the period of time that is reasonably required to make copies or take photographs of it, and
- (b) shall, on the copies being made or photographs taken, return the record, object or thing to the person from whom it was taken.

(4) Notwithstanding subsection (3), when, on inspecting a record, object or thing, a peace officer is of the opinion that for the purposes of this Part the peace officer must retain possession of the record, object or thing for a longer period of time than that permitted under subsection (3), the peace officer may retain possession of the record, object or thing for a longer period of time if the peace officer gives to the person from whom the record, object or thing was taken a receipt for it.

(5) Where a peace officer retains possession of a record, object or thing pursuant to subsection (4), the peace officer shall, once the record, object or thing has served the purposes for which it was retained, forthwith return the record, object or thing to the person from whom it was taken.

(6) If a peace officer retains possession of a record, object or thing under subsection (4), the peace officer shall, where requested to do so by the person from whom the record, object or thing was taken and if practicable to do so, provide to that person a copy or a photograph of that record, object or thing.

1999 cT-6.4 s140

Detention of vehicle

141(1) If a peace officer is of the opinion that in order

- (a) to determine or confirm the ownership of a commercial vehicle,
- (b) to determine whether a person who is a carrier or an exempted operator is complying with motor transport regulatory legislation,
- (c) to determine whether a commercial vehicle meets the requirements of motor transport regulatory legislation, or
- (d) to determine whether a commercial vehicle is being operated in accordance with motor transport regulatory legislation,

it is necessary to detain the vehicle, the peace officer may, subject to section 142, detain the vehicle for not more than 72 hours or such longer period that is reasonable under the circumstances.

(2) Where a commercial vehicle is detained, a peace officer may

- (a) cause the vehicle to be removed to and stored in a suitable place, and
- (b) carry out any of those functions that may be carried out under sections 136, 139 and 140.

1999 cT-6.4 s141

Review by Court

142(1) Where a peace officer is unable to detain a commercial vehicle under section 141, the peace officer may apply to the Court of Queen's Bench for an order directing that the vehicle be seized for the purposes of section 141.

(2) Where a peace officer wishes to detain a commercial vehicle under section 141 for a longer period of time than that permitted under section 141, the peace officer may apply to the Court of Queen's Bench for an order authorizing the vehicle to be detained for a longer period of time.

(3) Where a commercial vehicle is detained under section 141, the owner or driver of the vehicle may apply to the Court of Queen's Bench for an order directing that the detained vehicle be released to the owner or the driver, as the case may be.

(4) Repealed 2009 c53 s179.

(5) On the filing of an application with the clerk of the Court of Queen's Bench, the Court may, if it considers it necessary in the circumstances, hear an interim application on 2 days' notice, or any shorter period of time that the Court may direct, and make an interim order granting any relief that the Court considers appropriate pending the determination of the application.

(6) An interim application under subsection (5) may be made ex parte if the Court considers it appropriate in the circumstances.

(7) On hearing an application, the Court may do one or more of the following:

- (a) in the case of an application made under subsection (1), direct that the commercial vehicle be seized;
- (b) in the case of an application made under subsection (2),
 - (i) direct that the commercial vehicle be detained for a longer period of time, and
 - (ii) set out the period of time for which the commercial vehicle may be detained;
- (c) in the case of an application made under subsection (3), direct that a commercial vehicle be released from detention;
- (d) in the case where a commercial vehicle is detained under section 141 or is to be detained pursuant to a seizure referred to in clause (a),
 - (i) give directions as to where and how the vehicle shall be seized or detained, as the case may be;
 - (ii) direct that the vehicle be released subject to security being provided to the Government in the form and an amount determined by the Court;
 - (iii) give directions as to the disposition of the security given;
- (e) dismiss the application;

- (f) make the order subject to any terms or conditions that the Court considers appropriate in the circumstances;
- (g) award costs in respect of the matter.

RSA 2000 cT-6 s142;2009 c53 s179

Administrative penalties**143(1)** In this section,

- (a) “regulated person” means
 - (i) a carrier;
 - (ii) an exempted operator;
 - (iii) a driver of a commercial vehicle;
 - (iv) a person engaged in carrying out safety services as defined in section 139;
 - (v) a holder of a permit issued in respect of the operation of a commercial vehicle;
 - (vi) a person engaged in carrying out inspections, evaluations, repairs and other services provided by persons licensed under this Act to carry out inspections of motor vehicles, whether or not the vehicles are commercial vehicles;
 - (vii) a driver examiner;
 - (viii) a driving instructor;
 - (ix) the operator of a driver training school;
- (b) “regulatory legislation” means
 - (i) transportation legislation as defined in section 132(1), and
 - (ii) any regulation under this Act that provides for testing, inspecting, evaluating, repairing and providing similar services, or any one or more of those functions, in respect of motor vehicles, whether or not the vehicles are commercial vehicles.

(2) Where the Registrar is of the opinion that a regulated person has failed to comply with regulatory legislation, the Registrar may, subject to the regulations, by notice in writing given to the regulated person, require that regulated person to pay to the

Government an administrative penalty in an amount set out in the notice, not to exceed \$10 000

- (a) for the failure to comply, or
- (b) for each day or part of a day that the failure to comply occurs or continues.

(3) A regulated person who pays an administrative penalty in respect of a failure to comply may not be charged under this Act with an offence in respect of that failure to comply.

(4) Where a regulated person fails to pay an administrative penalty in accordance with a notice under subsection (2), the Government may recover the amount owing in respect of the penalty by an action in debt.

(5) The *Provincial Administrative Penalties Act* does not apply to a failure by a regulated person to comply with regulatory legislation.

RSA 2000 cT-6 s143;2005 c34 s26;2009 c35 s7;2020 cP-30.8 s44(43)

Vicarious liability

144(1) In this section, “related function” means

- (a) the loading of goods on or into a commercial vehicle;
- (b) the adjusting or rearranging of goods being carried by a commercial vehicle;
- (c) the unloading or removal of goods from a commercial vehicle;
- (d) the provision of documentation or records, other than motor vehicle documents, with respect to the operation of a commercial vehicle;
- (e) the giving of directions, directives, instructions or orders respecting the operation of the commercial vehicle.

(2) With respect to a commercial vehicle, where a person other than the carrier responsible for the commercial vehicle carries out a related function in respect of that commercial vehicle and as a result of carrying out that related function this Act is not complied with, that person and the carrier are jointly and severally liable for that non-compliance.

(3) Subsection (2) does not apply to a person referred to in subsection (2) who is not the carrier if that person establishes to the

satisfaction of the court that the non-compliance occurred without the consent, expressed or implied, of that person.

(4) Subsection (2) does not apply to a carrier if that carrier establishes to the satisfaction of the court that the non-compliance occurred without the consent, expressed or implied, of that carrier.

1999 cT-6.4 s144

Division 3 Weight

Weighing of vehicle

145 Where a commercial vehicle is stopped by a peace officer for the purpose of determining the weight of or being carried on a commercial vehicle, the driver of the commercial vehicle shall, if directed to do so by the peace officer, forthwith take the vehicle as directed by the peace officer to a vehicle inspection station or other weigh scale that is capable of measuring the weight of the vehicle on a stationary scale that is certified under the *Weights and Measures Act* (Canada).

1999 cT-6.4 s145

Checking of weight by portable scales, etc.

146(1) When a peace officer has reason to believe that the weight of or carried on a commercial vehicle exceeds the weight permitted under this Act or a permit, the peace officer may require the driver of the vehicle to allow the weight to be measured by means of a portable scale.

(2) When a portable scale is used to measure weight under subsection (1), the peace officer shall advise the driver of the vehicle that the driver has the right to take the vehicle forthwith to a vehicle inspection station or other weigh scale that is capable of measuring the weight of the vehicle on a stationary scale that is certified under the *Weights and Measures Act* (Canada).

1999 cT-6.4 s146

No alteration or redistribution of weight

147 From the time that a driver

- (a) is directed by a peace officer under section 145 to take a commercial vehicle to a vehicle inspection station or a stationary scale, or
- (b) elects to exercise the right provided for under section 146(2),

whichever is the earlier, that driver shall ensure that no alteration in or redistribution of the weight of or on the vehicle occurs from that

time until after the weight of the vehicle is finished being measured or a peace officer otherwise permits the alteration in or redistribution of the weight.

1999 cT-6.4 s147

Reduction of weight

148(1) When a peace officer determines that the weight of or carried on a commercial vehicle exceeds the weight permitted under this Act or a permit, the peace officer may require the driver of the vehicle to stop the vehicle in a suitable place and remain there until a sufficient portion of the goods being carried by the vehicle are redistributed or removed, as the case requires, to reduce weight so that the weight of or carried on the vehicle complies with that permitted under this Act or a permit.

(2) Where goods or any portion of the goods being carried are redistributed or removed under subsection (1), the handling and storage, or either of those functions, as the case may be, of the goods or any portion of the goods remains the responsibility of the driver of the vehicle and the owner of the vehicle and, in the case where the carrier is not the owner of the vehicle, the carrier.

1999 cT-6.4 s148

Penalty re excess weight

149 Where a person commits a contravention by reason of that person contravening or failing to comply with

- (a) section 131,
- (b) a regulation made under this Act, or
- (c) a permit

with respect to the maximum weight of or that may be carried by or on a commercial vehicle, that person is liable to a penalty as prescribed by regulation.

RSA 2000 cT-6 s149;2020 cP-30.8 s44(44)

Certificates of weight

150(1) In a proceeding under this Act or a bylaw, a certificate or a statement of accuracy

- (a) purporting to be issued and signed by an inspector under the *Weights and Measures Act* (Canada), and
- (b) bearing a date that is not more than one year before or after the day on which the contravention was charged,

shall be admitted in evidence as proof, in the absence of evidence to the contrary, of the facts stated in the certificate or the statement of accuracy without proof of the signature or official character of the person who signed the certificate or the statement of accuracy.

(2) A certificate purporting to be signed by a peace officer

- (a) stating that the peace officer weighed a vehicle on a scale, and
- (b) setting out either
 - (i) the gross weight of the vehicle or the vehicle and the goods being carried by the vehicle, or
 - (ii) the gross weight carried on or by any portion, part, axle, axle group or tire of the vehicle where that weight is transferred to the road through any point or points of contact of the vehicle with the road,

shall be admitted in evidence as proof, in the absence of evidence to the contrary, of the facts stated in the certificate without proof of the signature or official character of the person who signed the certificate if the scale is inspected under the *Weights and Measures Act* (Canada) and a certificate described in subsection (1) is issued in respect of the scale.

(3) In a proceeding under this Act or a bylaw, a certificate purporting to be signed by a peace officer or a person authorized by the Registrar

- (a) stating that the weight of a vehicle was measured on a portable scale or other scale,
- (b) setting out either
 - (i) the gross weight of the vehicle or the vehicle and the goods being carried by the vehicle, or
 - (ii) the gross weight carried on or by any portion, part, axle, axle group or tire of the vehicle where that weight is transferred to the road through any point or points of contact of the vehicle with the road,

and

- (c) stating that the driver of the vehicle agreed to accept the weight determined as being accurate,

shall be admitted in evidence as proof, in the absence of evidence to the contrary, of the facts stated in the certificate without proof of the signature or official character of the person who signed the certificate.

RSA 2000 cT-6 s150;2020 cP-30.8 s44(45)

Establishment of weights for vehicles

151 The Minister may make regulations in respect of commercial vehicles

- (a) governing any matter with respect to the weight that may be carried on a highway, including any bridge that forms part of a highway, by or on
 - (i) a commercial vehicle;
 - (ii) an axle or an axle group of a commercial vehicle;
 - (iii) a tire or a group or combination of tires of a commercial vehicle;
 - (iv) any other portion or part of a commercial vehicle;
- (b) governing any matter with respect to
 - (i) road bans and their establishment,
 - (ii) the criteria under which road bans may be established,
 - (iii) delegating the authority to establish road bans, and
 - (iv) exempting the establishment of road bans from the operation of the *Regulations Act*;
- (c) prescribing and governing any matter with respect to or the imposition of penalties or a graduated series of penalties in respect of vehicles that are carrying weight that is in excess of that permitted under this Act or a permit.

1999 cT-6.4 s151

Municipalities re weight for vehicles

152(1) Subject to this Act and the *Dangerous Goods Transportation and Handling Act*, a council of a municipality may, for the physical preservation of a highway under its direction, control and management, including any bridge that forms part of that highway, make bylaws restricting the weight of a commercial vehicle or a commercial vehicle and any goods being carried by the

vehicle, to weight that is less than the weight that may be borne under this Act.

(2) Where there is a conflict between

- (a) a bylaw made under subsection (1), and
- (b) a provision of this Act or a permit,

this Act or the permit, as the case may be, prevails.

(3) The council of a municipality may by bylaw delegate to an employee of the municipality or to a committee established by the council the power to impose road bans.

(4) Where under subsection (1) a council of a municipality imposes a prohibition, limitation, condition or restriction in respect of a highway, the council shall cause signs to be erected along the highway as the council considers necessary to notify persons using commercial vehicles on the highway of the prohibition, limitation, condition or restriction.

(5) Where, with respect to commercial vehicles,

- (a) a penalty is provided by bylaw in respect of overweight vehicles, and
- (b) the penalty is greater than the penalty provided for under this Act in respect of overweight vehicles for a similar matter,

the penalty provided for under this Act in respect of overweight vehicles shall apply as if it had been provided for under the bylaw.

(6) With respect to an improvement district or a special area,

- (a) where a council of a municipality is empowered to make bylaws under subsection (1),
 - (i) the Minister, in the case of an improvement district, or
 - (ii) the Minister responsible for the *Special Areas Act*, in the case of a special area,

may make regulations in respect of the matters for which a council may make bylaws under subsection (1);

- (b) a regulation made under this section shall be treated for the purposes of this Act as if it were a bylaw made under this Act;

- (c) in the case of an improvement district, the Minister may in writing delegate to an employee of the Government the power to make regulations for the purposes of imposing and governing road bans under subsection (1);
- (d) in the case of a special area, the Minister responsible for the *Special Areas Act* may in writing delegate to the Minister or an employee of the Government or authorize the Minister to delegate to an employee of the Government, the power to make regulations for the purposes of imposing or governing road bans under subsection (1).

1999 cT-6.4 s152

Division 4 General Matters

Restriction on municipality

153(1) The council of a municipality shall not impose a fee or charge in respect of the operation of a commercial vehicle by a person who is a carrier, a holder of a permit or an exempted operator, other than

- (a) a business tax, where the person maintains an office within the boundaries of the municipality, or
- (b) a property tax, where a municipality is authorized to impose a property tax.

(2) Subsection (1) does not apply to the imposition of a fee or charge by a council of an urban area on a person who is a carrier, a holder of a permit or an exempted operator carrying on business within the limits of the urban area if the major portion of that person's revenue is obtained within the boundaries of that urban area.

1999 cT-6.4 s153

Penalty re contravention

154(1) A person who commits a contravention referred to in section 157 by reason of the contravention of or failure to comply with a provision of this Part is liable

- (a) where the person is found guilty of the contravention, to a fine of not more than \$25 000, and
- (b) where a notice of administrative penalty is issued under the *Provincial Administrative Penalties Act* in respect of the contravention, to a fine as prescribed under that Act.

(2) A person who commits a contravention referred to in section 157 by reason of the contravention of or failure to comply with a provision of this Part is not liable to imprisonment in respect of that contravention.

(3) The Minister may make regulations governing fines referred to in subsection (1)(a), including setting a maximum or minimum amount for a fine, but shall not increase a fine to an amount greater than the maximum amount prescribed in subsection (1)(a).

(4) Subsection (1)(a) does not apply where a penalty is otherwise prescribed under this Part or the regulations made in respect of matters coming under this Part.

RSA 2000 cT-6 s154;2020 cP-30.8 s44(46);2021 c13 s15

Bills of lading, etc.

155 In a proceeding under this Act, a document that is a bill of lading, way-bill, shipping bill or customs permit or any other document that pertains to the goods or passengers being transported by a commercial vehicle

- (a) that is produced to a peace officer by the carrier or the owner or driver of the vehicle,
- (b) that is a copy of that document and that is certified by a peace officer as being a true copy of the document, or
- (c) that is a copy made under this Act of that document,

shall be admitted in evidence as proof, in absence of evidence to the contrary, of

- (d) the origin and destination of the trip,
- (e) the description of the goods or passengers transported, and
- (f) the carrier, owner, driver or lessee of the vehicle,

without proof of the signature or official character of the person who signed or certified the copies of the document.

RSA 2000 cT-6 s155;2020 cP-30.8 s44(47)

Regulations

156 The Minister may make regulations

- (a) establishing and governing with respect to carriers a program under which persons are assessed defaults or demerit points for a contravention of or failure to comply with transportation legislation as defined in section 132(1);

- (b) providing for and governing sanctions that may be imposed in respect of a program referred to in clause (a);
- (b.1) establishing and governing with respect to carriers and other persons who engage in, have engaged in or may become engaged in the operation of commercial vehicles a program under which a profile or other record is kept in respect of safety matters and matters relating to compliance or the failure to comply with transportation legislation as defined in section 132(1);
- (b.2) providing for and governing sanctions that may be imposed in respect of a program referred to in clause (b.1);
- (b.3) governing any matter with respect to the safe operation of commercial vehicles, including minimum performance standards and safety management practices;
- (c) providing for a person who does not own a commercial vehicle or a class or type of commercial vehicle but who, as an integral part of that person's business, uses the services of a commercial vehicle to be treated under this Act as if that person were the owner of that commercial vehicle;
- (d) exempting or providing for the granting of an exemption of the operation of commercial vehicles from the requirement of a certificate;
- (e) governing any matter with respect to the operation of and the provision of services using commercial vehicles for commercial and business purposes;
- (f) governing any matter with respect to driving and the physical operation of a commercial vehicle;
- (g) governing any matter with respect to bills of lading and the conditions of carriage of and the insuring of goods and passengers being transported by commercial vehicles and the provision of bonds or other security respecting the operation of commercial vehicles;
- (h) governing signage on or in respect of commercial vehicles;
- (i) prescribing and governing classes or types of carriers;
- (j) for the purposes of this Part,
 - (i) excluding an enactment or a provision of an enactment from the definition of transportation legislation;

- (ii) providing that an enactment or a provision of an enactment may only be included in the definition of transportation legislation subject to any directions, terms, conditions or modifications established or otherwise provided for under the regulations or by the Minister;
- (j.1) respecting interim relief that may be granted under section 132(9);
- (k) for the purposes of section 143, respecting the form and contents of notices relating to administrative penalties;
- (l) prescribing the amounts, or the manner of determining the amounts, of the administrative penalties that may be imposed by the Registrar, not to exceed \$10 000 for each contravention;
- (m) prescribing limitation periods for the giving of notices of administrative penalties;
- (n) respecting any other matter necessary for the administration of the system of administrative penalties;
- (o) designating a commercial vehicle, or a class of commercial vehicles, as a bus.

RSA 2000 cT-6 s156;2005 c34 s27;2020 cP-30.8 s44(48)

Part 8 Enforcement, Rights, Remedies and Obligations

Division 1 Contraventions

Offences

157(1) A person commits a contravention who contravenes or fails to comply with one or more of the following:

- (a) section 51, 52(1), 53, 54(1), 61(2), 65, 66(5), 68(2), 69(1), 69(2), 69(3), 69(4), 69(5), 69(6), 70, 71, 76(1), 80, 88, 88.01, 88.02, 88.03, 88.1, 94(2), 94.1(1), 111, 115(2), 115.1, 115.2, 115.3, 115.4, 119(1), 120(2), 120(3), 121, 123(2), 123(3), 126, 128.1(2), 131(1), 137, 138, 140(1), 145, 147, 166(2), 166(3), 166(4), 173(5), 176(2), 183 or 188;
- (b) a regulation made under this statute where the regulation specifies that it is a contravention to contravene or fail to comply with the regulation;

- (c) a certificate as defined in section 130(1)(c);
- (d) an order made under section 120(4);
- (e) a permit;
- (f) any terms or conditions to which a certificate as defined in section 130(1)(c) or a permit is subject.

(1.1) A notice of administrative penalty under the *Provincial Administrative Penalties Act* may not be issued in respect of a contravention of section 70 or 94.1(1).

(1.2) An information may not be laid or a summons or violation ticket issued under the *Provincial Offences Procedure Act* in respect of a contravention of section 88, 88.01, 88.02, 88.03 or 88.1.

(1.3) An information may not be laid or a summons or violation ticket issued under the *Provincial Offences Procedure Act* and a notice of administrative penalty under the *Provincial Administrative Penalties Act* may not be issued in respect of a failure to comply by a regulated person as defined in section 143(1)(a) with regulatory legislation as defined in section 143(1)(b).

(2) When an information is laid or a summons or a violation ticket is issued by a person in respect of a contravention referred to in subsection (1), that person shall on the information, summons or violation ticket, as the case may be, refer

- (a) to the provision that the accused is alleged to have contravened or failed to comply with, and
- (b) in the case of a contravention with respect to section 115(2)(a), to the provision of the Rules of the Road or other regulations that the accused is alleged to have contravened or failed to comply with.

(3) Where a person is alleged to have contravened or failed to comply with a provision of this statute by reason that the person contravened or failed to comply with a provision of a regulation, it is sufficient, for the purposes of subsection (2), not to refer to that provision of this statute but instead only

- (a) to refer to the provision of the regulation, and
- (b) to describe in words the nature of the contravention under the regulation.

(4) When a notice of administrative penalty is issued under the *Provincial Administrative Penalties Act* in respect of a contravention referred to in subsection (1), the person shall on the notice of administrative penalty provide the content required by that Act or by regulations under this Act.

(5) Where an information is laid or a summons or violation ticket is issued in respect of a contravention referred to in subsection (1), a notice of administrative penalty may not be issued under the *Provincial Administrative Penalties Act* in respect of the same contravention.

(6) Where a notice of administrative penalty is issued under the *Provincial Administrative Penalties Act* in respect of a contravention referred to in subsection (1), an information may not be laid and a summons or violation ticket may not be issued in respect of the same contravention.

RSA 2000 cT-6 s157;2001 c14 s18;2003 c42 s15;
2005 c34 s28;2010 c23 s3;2016 c21 s5;2017 c26 s16;
2020 cP-30.8 s44(50)

Punishment

158(1) Except as otherwise provided in this Act, a person who is guilty of an offence under this Act for which a penalty is not otherwise provided is liable to a fine or other punishment as provided for under the *Provincial Offences Procedure Act*.

(1.1) Except as otherwise provided in this Act, a person who commits a contravention to which the *Provincial Administrative Penalties Act* applies for which a penalty is not otherwise provided is liable to a fine or other administrative penalty as provided for under that Act.

(2) A person who is guilty of an offence under section 52(1)(c), 65(1)(h) or (2) or 115(2)(g) or (h) is liable to a fine of not less than \$500 and not more than \$25 000 and in default of payment to imprisonment for a term not exceeding 6 months, or to imprisonment for a term not exceeding 6 months without the option of a fine.

(3) A person who is guilty of an offence under section 51(i) is liable to a fine of not less than \$300 and not more than \$2000 and in default of payment to imprisonment for a term of not less than 14 days and not more than 6 months.

(4) A person who is guilty of an offence under section 176 is liable to a fine of not less than \$200 and in default of payment to imprisonment for a term not exceeding 2 months.

RSA 2000 cT-6 s158;2020 cP-30.8 s44(51)

Onus

159 In a proceeding in respect of a contravention,

- (a) in the case of a contravention of or failure to comply with section 51, the onus is on the person alleged to have contravened or failed to comply with section 51 to show that, at the time of the contravention or failure to comply, the person held a subsisting operator's licence;
- (b) in the case of a contravention of or failure to comply with section 52(1)(h) or 54, the onus is on the person alleged to have contravened or failed to comply with section 52(1)(h) or 54 to show that, at the time of the contravention or failure to comply, the vehicle was an insured motor vehicle;
- (c) in the case of a contravention of or failure to comply with section 167, the onus is on the person alleged to have contravened or failed to comply with section 167 to show that, at the time of the contravention or failure to comply, the person held subsisting insurance at the time that the person was required to produce a financial responsibility card.

RSA 2000 cT-6 s159;2020 cP-30.8 s44(52)

Owner liable

160(1) If a vehicle is involved in a contravention referred to in section 157 or a bylaw, the owner of that vehicle has committed a contravention.

(2) Subsection (1) does not apply if the owner of the vehicle satisfies

- (a) the court, where the contravention is an offence to which the *Provincial Offences Procedure Act* applies, or
- (b) an adjudicator under the *Provincial Administrative Penalties Act* where the contravention is a contravention to which that Act applies that, at the time that the vehicle was involved in a contravention referred to in section 157 or a bylaw,
- (c) in the case of a vehicle that was in motion,
 - (i) the owner of the vehicle was not driving the vehicle, and
 - (ii) no other person was driving the vehicle with the owner's expressed or implied consent,

and

- (d) in the case of a vehicle that was parked,

- (i) the owner did not park the vehicle, and
- (ii) no other person parked the vehicle with the owner's expressed or implied consent.

(3) An owner who has committed a contravention under this section is not liable to imprisonment in respect of that contravention or in respect of a default of a fine imposed in respect of that contravention.

RSA 2000 cT-6 s160;2020 cP-30.8 s44(53)

Dismissal of charge

161 Where a person is charged with an offence under this Act or a bylaw, the court trying the case may dismiss the charge if the person satisfies the court that the offence could not have been avoided by the exercise of reasonable care or precaution.

1999 cT-6.4 s161

Disposition of fines and penalties

162(1) Subject to subsections (2) and (3), fines and penalties imposed under this Act belong to the Crown in right of Alberta.

(2) Subject to subsection (4), fines and penalties imposed under this Act in respect of contraventions occurring in a municipality for which policing services are required to be provided under section 4(5) or (6) of the *Police Act* belong to the municipality that is required to provide the policing services.

(3) Subject to subsection (4), fines and penalties imposed under this Act in respect of contraventions for which informations are laid or violation tickets are issued under the *Provincial Offences Procedure Act* or notices of administrative penalty are issued under the *Provincial Administrative Penalties Act* by peace officers employed by a municipality belong to that municipality.

(4) Subsections (2) and (3) do not apply to fines imposed for contraventions of sections 88.01, 88.02, 88.03 or 88.1.

RSA 2000 cT-6 s162;2004 cH-8.5 s76;
2005 c34 s29;2010 c11 s2;2020 cP-30.8 s44(54)

Division 2 Evidence in Proceedings

Certificates and affidavits

163(0.1) In this section, "recording device" means a device that is installed by the manufacturer of a motor vehicle as part of the original vehicle equipment, or by or at the request of the owner of a motor vehicle, that is capable of recording or transmitting information regarding any one or more of the following:

- (a) the speed at which the motor vehicle is travelling;
 - (b) the direction in which the motor vehicle is travelling;
 - (c) a history of where the motor vehicle has travelled;
 - (d) steering performance;
 - (e) brake performance, including, but not limited to, whether brakes were applied before a collision;
 - (f) whether the driver was wearing a complete seatbelt assembly;
 - (g) the number of hours a commercial vehicle has been operating;
 - (h) a collision in which the motor vehicle has been involved.
- (1)** In any proceeding under this Act or a bylaw, a certificate
- (a) stating the result of
 - (i) a test of
 - (A) the speedometer of a vehicle identified in the certificate,
 - (B) a device identified in the certificate and used for determining the accuracy of a radar device, or
 - (C) any other device identified in the certificate and used for or in connection with establishing the speed of vehicles,
 - or
 - (ii) a test of an intersection safety device,
 - (b) bearing a date on it that is not more than,
 - (i) in the case of a device referred to in clause (a)(i)(B), one year before or after the day on which the offence was charged or in respect of which contravention a notice of administrative penalty was issued under the *Provincial Administrative Penalties Act*,
 - (ii) in the case of a speedometer or other device used for or in connection with establishing the speed of vehicles, 180 days before or after the day on which the offence was charged or in respect of which contravention a

notice of administrative penalty was issued under the *Provincial Administrative Penalties Act*, or

- (iii) in the case of an intersection safety device, 30 days before or after the day on which the offence was charged or in respect of which contravention a notice of administrative penalty was issued under the *Provincial Administrative Penalties Act*,

and

- (c) purporting to be signed by a tester who is appointed under this Act to test devices of the type stated in the certificate to have been tested,

shall be admitted in evidence as proof, in the absence of evidence to the contrary, of the facts stated in the certificate without proof of the signature or appointment as a tester of the person signing the certificate.

(2) In any proceeding under this Act or a bylaw, a certificate purporting to be signed by a meteorologist and stating the time of sunrise or the time of sunset in any area on any day shall be admitted in evidence as proof, in the absence of evidence to the contrary, of the facts stated in the certificate without proof of the signature or qualifications of the person signing the certificate.

(3) In any proceedings under which a person is charged with, or a notice of administrative penalty is issued under the *Provincial Administrative Penalties Act* with respect to, a contravention of a provision of this Act or the regulations relating to the speed at which the motor vehicle was travelling or red lights shown at an intersection by a traffic control signal,

- (a) the evidence of any person involved in the installation, operation or use of an intersection safety device and the issuance of a violation ticket, or a notice of administrative penalty under the *Provincial Administrative Penalties Act*, in respect of that failure to comply may be given by affidavit;
- (b) an affidavit referred to in clause (a) is proof, in the absence of evidence to the contrary, of the facts stated in the affidavit;
- (c) where the contravention is deemed by section 2(2) of the *Provincial Offences Procedures Act* to be an offence under this Act and an offence to which that Act applies,

- (i) a copy of an affidavit referred to in clause (a) must be served on the defendant by ordinary mail at that person's latest address, as indicated on the records of the Registrar, at least 14 days before the day of the hearing;
- (ii) the defendant may, with the permission of the court, require the attendance of any person giving evidence by affidavit pursuant to clause (a) for the purpose of cross-examination.

(4) In any proceedings in respect of a charge, or a notice of administrative penalty issued under the *Provincial Administrative Penalties Act*, that a person has failed to comply with this Act,

- (a) the evidence of any person involved in the manufacture, installation or operation of, or analysis or interpretation of data collected, reported or transmitted by, a recording device located in a motor vehicle may be given by affidavit;
- (b) an affidavit referred to in clause (a) is proof, in the absence of evidence to the contrary, of the facts stated in the affidavit;
- (c) where the contravention is deemed by section 2(2) of the *Provincial Offences Procedures Act* to be an offence under this Act and an offence to which that Act applies,
 - (i) a copy of an affidavit referred to in clause (a) must be served on the defendant by ordinary mail at that person's latest address, as indicated on the records of the Registrar, at least 14 days before the day of the hearing;
 - (ii) the defendant may, with the permission of the court, require the attendance of any person giving evidence by affidavit pursuant to clause (a) for the purpose of cross-examination.

RSA 2000 cT-6 s163;2005 c34 s30;2007 c45 s10;
2014 c13 s44;2020 cP-30.8 s44(56)

Traffic control device

164(1) In any proceeding under this Act or a bylaw, the existence of a traffic control device is proof, in the absence of evidence to the contrary, that the device was properly designated and erected by the proper authority without other or further proof.

(2) For the purposes of this Act or a bylaw, a traffic sign or device marked or erected pursuant to regulations under the *Government Property Traffic Act* (Canada) or the *National Parks Act* (Canada) is deemed to be a traffic control device as defined in this Act and to have been erected under the authority of this Act.

RSA 2000 cT-6 s164;2020 cP-30.8 s44(57)

Engineer's certificate

165 Where lines for the purpose of indicating distances are painted or repainted on the highway, a certificate or statement of accuracy

- (a) purporting to be signed by an engineer or land surveyor who is
 - (i) employed by the Government and under the administration of the Minister,
 - (ii) employed by a road authority other than the Minister, or
 - (iii) providing services to the Government or a road authority,

and

- (b) certifying the measured distance between those lines,

shall be admitted in evidence as proof, in the absence of evidence to the contrary, of the facts stated in the certificate or statement of accuracy without proof of the signature or official character of the person signing the certificate or statement of accuracy.

1999 cT-6.4 s165

Division 3 Peace Officers

Stopping for peace officer

166(1) For the purposes of administering and enforcing this Act or a bylaw, a peace officer may

- (a) with respect to a vehicle,
 - (i) signal or direct a driver of a vehicle to stop the vehicle, and
 - (ii) request information from the driver of the vehicle and any passengers in the vehicle,

and

- (b) with respect to a pedestrian using or located on a highway, request information from that pedestrian.
- (2) When signalled or directed to stop by a peace officer who is readily identifiable as a peace officer, a driver of a vehicle shall
- (a) forthwith bring the vehicle to a stop,
 - (b) forthwith furnish to the peace officer any information respecting the driver or the vehicle that the peace officer requires, and
 - (c) remain stopped until permitted by the peace officer to leave.
- (3) At the request of a peace officer who is readily identifiable as a peace officer, a passenger in a vehicle who is acting in a manner that is contrary to this Act or a bylaw shall forthwith furnish to the peace officer the passenger's name and address.
- (4) At the request of a peace officer who is readily identifiable as a peace officer, a pedestrian using or located on a highway in a manner contrary to this Act or a bylaw shall forthwith furnish to the peace officer the pedestrian's name and address.

1999 cT-6.4 s166

Production of documents

- 167(1)** On the request of a peace officer, a person driving or otherwise having the care or control of a motor vehicle or trailer shall produce to the peace officer for inspection the following documents as requested by the peace officer:
- (a) the person's subsisting operator's licence;
 - (b) the subsisting certificate of registration issued in respect of the motor vehicle and any trailer attached to the motor vehicle and, in the case of a vehicle in a prescribed class of commercial vehicles, either the subsisting certificate of registration or a copy of the certificate of registration;
 - (c) the subsisting financial responsibility card issued in respect of that motor vehicle;
 - (d) the customs permit issued in respect of the motor vehicle where a customs permit has been obtained in respect of the motor vehicle's entry into Canada.
- (2) On the request of a peace officer a person who is engaged in supervising a student driver in a motor vehicle shall produce to the peace officer for inspection that person's operator's licence.

(3) Where a peace officer makes a request under subsection (1)(d), the peace officer shall allow the person to whom the request was made reasonable time within which to produce the document.

(4) Where a peace officer makes a request under subsection (1)(b) or (c), the peace officer shall allow the person to whom the request was made reasonable time within which to produce the document issued in respect of the vehicle if the vehicle

(a) is being operated

(i) with dealer's licence plates,

(ii) by an appraiser who has custody of the vehicle for the purpose of appraising it, or

(iii) by a person who has custody of the vehicle for the purpose of repairing it,

or

(b) is a newly acquired vehicle being operated with licence plates as allowed under the regulations.

(5) Subsection (1)(c) does not apply in respect of a motor vehicle that

(a) is registered in a jurisdiction other than Alberta,

(b) is registered only as an antique motor vehicle, or

(c) is owned by the Crown.

(6) If a person produces to a peace officer a document under this section that is illegible, mutilated, defaced or altered, the peace officer may request that person to produce to a peace officer within a reasonable time a new document or duplicate of the document issued under this Act.

(7) A person who fails to produce to a peace officer a document as requested under subsection (1), (2) or (6) commits a contravention.

(8) A person driving a motor vehicle commits a contravention and is liable to the penalty and any other sanction provided for under section 54(4) to (7) if, when requested to produce a financial responsibility card under subsection (1), the person produces

(a) a document that purports to be a financial responsibility card but that was not issued pursuant to Part 7 of the *Insurance Act*, or

(b) a financial responsibility card relating to an insurance policy that is not in force or is otherwise invalid at the time of production.

(9) Subsection (8)(b) does not apply where the person also produces the subsisting financial responsibility card issued in respect of the motor vehicle.

RSA 2000 cT-6 s167;2007 c45 s11;2016 c14 s10;2020 cP-30.8 s44(58)

Seizure of licence plates

168(1) If a peace officer has reasonable grounds to believe

(a) that a vehicle is displaying licence plates that

(i) were not issued for that vehicle, or

(ii) were obtained by false pretences,

or

(b) that a vehicle is located on a highway in contravention of section 54,

the peace officer may seize and take possession of the licence plates displayed on that vehicle.

(2) When licence plates are seized under subsection (1)(a) they may be retained by the peace officer until the facts concerning the issue of those licence plates have been determined or, if an information is laid, until the final disposition of the matter.

(3) When licence plates are seized under subsection (1)(b), they may be retained by the peace officer until the owner of the vehicle is in compliance with the requirements of this Act respecting the insuring of the vehicle.

(4) If licence plates are not returned to the Registrar pursuant to a request made under this Act, a peace officer on the direction of the Registrar may seize those licence plates and return them to the Registrar.

RSA 2000 cT-6 s168;2013 c19 s2(18);2017 c22 s49

Arrest without warrant

169(1) A peace officer may arrest a person without warrant if the peace officer, on reasonable grounds, believes that

(a) the person has committed a contravention in respect of any of the provisions set out in subsection (2), and

(b) the person

- (i) will continue or repeat that contravention if not arrested, or
- (ii) has provided the peace officer with inadequate or questionable information as to the person's identification.

(2) For the purposes of subsection (1), the following are the provisions for which a person may be arrested without a warrant:

- (a) sections 51(a) and 94 relating to the operation of a motor vehicle without having a subsisting operator's licence;
- (b) section 52(1)(a) and (d) relating to the operation of a motor vehicle without having a subsisting certificate of registration;
- (c) section 53(1)(b) relating to the displaying of a licence plate other than one authorized under this Act;
- (d) section 61 relating to the defacing of licence plates;
- (e) section 68(2)(a) relating to possession of a motor vehicle or serially numbered part,
 - (i) where a serial number or other authorized identifying number or mark is not displayed in the space provided for displaying that identification by the manufacturer, or
 - (ii) where the serial number has been removed, defaced, covered, altered or destroyed or become illegible;
- (f) section 69 relating to the duties of a driver of a vehicle at the scene of an accident;
- (g) section 115(2)(b) relating to driving a motor vehicle carelessly;
- (h) section 115(2) relating to driving a motor vehicle in a race or on a bet or wager;
- (i) section 115(2) and the Rules of the Road relating to the speed of motor vehicles;
- (j) section 120(2)(a) relating to driving an off-highway vehicle carelessly;
- (k) section 123(2) relating to the requirement that drivers of off-highway vehicles stop when so requested by a peace officer who is readily identifiable as a peace officer;

- (l) section 123(3) relating to the requirement that a passenger in or on an off-highway vehicle furnish to a peace officer who is readily identifiable as a peace officer the passenger's name and address when so requested by the peace officer;
- (m) section 126 relating to the duties of a driver of an off-highway vehicle at the scene of an accident;
- (n) section 166(2) relating to the requirement that drivers of motor vehicles stop when so requested by a peace officer who is readily identifiable as a peace officer;
- (o) section 166(3) relating to the requirement that a passenger in a motor vehicle furnish to a peace officer who is readily identifiable as a peace officer the passenger's name and address when so requested by the peace officer;
- (p) section 166(4) relating to the requirement that a pedestrian furnish to a peace officer who is readily identifiable as a peace officer the pedestrian's name and address when so required by the peace officer;
- (q) where designated by the regulations, the provisions of the regulations relating to tampering with motor vehicles;
- (r) where designated by the regulations, the provisions of the regulations relating to the defacement of signs.

(3) Where a peace officer arrests a person under this section, the peace officer may not issue a notice of administrative penalty under the *Provincial Administrative Penalties Act* in respect of the contravention.

RSA 2000 cT-6 s169;2013 c19 s2(19);2020 cP-30.8 s44(59)

Seizure of vehicle

170(1) In this section, "vehicle" includes any contents in the vehicle or goods being carried by the vehicle.

- (2) Where a peace officer believes, on reasonable grounds,
- (a) that any of the contraventions referred to in section 169 has been committed with or in relation to any vehicle,
 - (b) that examination or testing of the vehicle will furnish evidence relevant to the contravention, and
 - (c) that the evidence could be lost if the vehicle is not seized at that time,

the peace officer may seize that vehicle and cause it to be removed, taken and stored in a suitable place pending the granting of an order pursuant to subsection (4).

(3) When a peace officer has seized a vehicle pursuant to subsection (2), the peace officer shall, as soon as practicable after the seizure, apply to the Provincial Court for an order permitting the examination, testing or detention of the seized vehicle.

(4) On application under subsection (3), the Provincial Court may, if it considers it appropriate in the circumstances, do one or more of the following:

- (a) order the examination or testing of the seized vehicle;
- (b) order the further detention and storage of the vehicle;
- (c) order the release of the vehicle to any person with a rightful claim to it, with or without a requirement that the person deposit with the Court security not exceeding the amount that the Court may grant in damages under the *Provincial Court Act*.

(5) An order made under subsection (4) may be renewed, amended or extended on application to the Provincial Court.

(6) In hearing an application pursuant to subsection (4), the Provincial Court may, if it orders the vehicle to be released to a person with a rightful claim to it without the requirement of any deposit of security with the Court, order that the costs referred to in section 63(1) be paid

- (a) in any case where the seizure was effected by a member of a municipal police service, by the municipality, or
- (b) in any other case, by the Crown in right of Alberta.

(7) In hearing a trial of any offence relating to any vehicle seized pursuant to this section the Provincial Court may, if the person with a rightful claim to the vehicle is not convicted of any offence relating to the vehicle, order that the costs referred to in section 63(1) be paid

- (a) in any case where the seizure was effected by a member of a municipal police service, by the municipality, or
- (b) in any other case, by the Crown in right of Alberta.

(8) This section does not apply in respect of a motor vehicle that is seized or immobilized under section 173 or 173.1.

RSA 2000 cT-6 s170;2003 c48 s5;2013 c19 s2(20);2020 cP-30.8 s44(60)

Seizure of motor vehicle re insurance matters

171(1) Where a peace officer believes, on reasonable grounds, that a person has committed a contravention in respect of section 52(1)(h) or 54(1)(a), (b) or (c) in relation to the operation of a motor vehicle, the peace officer may seize or immobilize that vehicle.

(2) to (6) Repealed 2020 cP-30.8 s44(61).

RSA 2000 cT-6 s171;2013 c19 s2(21);2020 cP-30.8 s44(61)

24-hour seizure or immobilization of vehicle

172 Where a person has been charged with an offence under

(a), (b) repealed 2011 c22 s18,

(c) section 115(2)(c) or (d), where a peace officer believes that the safety of the public may be at risk, then, notwithstanding sections 169 and 170,

a peace officer or another person authorized by a peace officer may, for a period of time not exceeding 24 hours from the time that the person was charged, seize or immobilize the motor vehicle that was being operated by that person at the time that the person was charged.

RSA 2000 cT-6 s172;2005 c34 s32;2011 c22 s18

Seizure of vehicle for impaired driving, etc.

172.1(1) Where a person has been charged with an offence under section 130 of the *National Defence Act* (Canada) by reason of that person contravening section 320.14 or 320.15 of the *Criminal Code* (Canada), a peace officer or another person authorized by a peace officer shall seize or immobilize the motor vehicle that was being operated by that person at the time that the person was disqualified or charged

(a) for a period of 3 days, if it is the first time the person has been disqualified or charged within 10 years, and

(b) for a period of 7 days, if it is the 2nd or a subsequent time the person has been disqualified or charged within 10 years.

(2) Subsection (1) does not apply where a driver has been suspended under section 88, 88.01, 88.02 or 88.1 and the driver's vehicle has been seized under one of those sections.

2011 c22 s19;2013 c19 s2(22);2017 c26 s28;2020 cP-30.8 s44(62)

Seizure or immobilization of motor vehicle

173(1) Where a person has been charged with an offence under

- (a) section 94 or 94.1(1),
- (b) section 320.18 of the *Criminal Code* (Canada), or
- (c) section 130 of the *National Defence Act* (Canada) by reason of that person's contravening section 320.18 of the *Criminal Code* (Canada),

a peace officer, the Registrar or a person authorized by a peace officer or the Registrar shall seize or immobilize the motor vehicle that was being operated by that person at the time that the person was charged.

(2) Where a motor vehicle is seized or immobilized under subsection (1), the seizure or immobilization is in effect for

- (a) 30 days from the day that the motor vehicle is seized or immobilized, or
- (b) if a shorter period of time is provided for by regulation, that shorter period of time.

(3) Notwithstanding subsection (2), where

- (a) a person has previously been charged with an offence referred to in subsection (1),
- (b) as a result of that charge, the motor vehicle that was being operated by that person was seized or immobilized under subsection (1),
- (c) that seizure or immobilization has not been revoked or rescinded,
- (d) within 3 years from the day that the motor vehicle referred to in clause (b) was seized or immobilized, the person referred to in clause (a) is once again charged with an offence referred to in subsection (1), and
- (e) as a result of the charge referred to in clause (d), the motor vehicle that was being operated by that person has been seized or immobilized under subsection (1),

the seizure or immobilization of the motor vehicle referred to in clause (e) is in effect for

- (f) 60 days from the day that the motor vehicle is seized or immobilized, or
- (g) if a shorter period of time is provided for by regulation, that shorter period of time.

(4) Subsection (3) applies only where the person who is the registered owner of the motor vehicle referred to in subsection (3)(e) at the time that that vehicle is seized or immobilized was the registered owner of the motor vehicle referred to in subsection (3)(b) at the time that the vehicle referred to in subsection (3)(b) was seized or immobilized.

(5) Subject to the regulations, no person shall release a motor vehicle from seizure or immobilization while the seizure or immobilization of the motor vehicle is in effect.

RSA 2000 cT-6 s173;2001 c14 s19;2005 c34 s33;
2018 c20 s17;2020 cP-30.8 s44(63)

Seizure of vehicle in prostitution related offences

173.1(1) Where a person has been charged with an offence under section 211, 212 or 213 of the *Criminal Code* (Canada), a peace officer or a person authorized by a peace officer may seize or immobilize the motor vehicle that was being operated by that person at the time that the person was charged.

(2) Where a motor vehicle is seized or immobilized under subsection (1), a peace officer may release the vehicle to the registered owner, or a person authorized by the registered owner, if the officer is satisfied that

- (a) the vehicle was stolen,
- (b) every person
 - (i) who was in the vehicle at the time it was seized, and
 - (ii) who the peace officer had reasonable grounds to believe had committed an offence referred to in subsection (1),

is eligible for, and consents to be dealt with by way of, a program of alternative measures authorized under section 717(1)(a) of the *Criminal Code* (Canada), or

- (c) seizure of the vehicle is causing or will cause undue financial hardship.

(3) Subject to subsection (2) and any review by the Registrar under Division 3 of Part 2, when a person who is in a motor vehicle at the time it is seized or immobilized under subsection (1) is convicted

of an offence referred to in that subsection, the vehicle is forfeited to the Government subject to any security interest registered under the *Personal Property Security Act* before the seizure or immobilization.

(4) If no person is convicted of an offence in respect of which a motor vehicle is seized under this section, a peace officer shall release the vehicle.

2003 c48 s6;2005 c34 s34;2020 cP-30.8 s44(64)

Claim by owner for expenses

174 Where

- (a) a motor vehicle has been seized or immobilized under section 172, 172.1, 173 or 173.1,
- (b) the person driving the vehicle at the time of the seizure or immobilization was not the owner of the vehicle, and
- (c) the owner of the vehicle incurs expenses in respect of the release of the vehicle,

the owner of the motor vehicle may claim against the person who was driving the vehicle at the time of the seizure or immobilization any expenses incurred by the owner with respect to the release of the vehicle from the seizure or immobilization.

RSA 2000 cT-6 s174;2003 c48 s7;2011 c22 s21

No action against the Crown, etc.

174.1 Except as provided for under this Act, no action lies or order or judgment may be made against the Crown, the Minister, any employee of the Crown or any person acting on behalf of the Crown for anything done or omitted to be done under section 172, 172.1, 173 or 173.1.

2011 c22 s20

Personal property

175(1) In this section, “personal property” means personal property other than personal property that is a part of a motor vehicle.

(2) Where personal property is in or on a motor vehicle that is seized or immobilized under section 172, 172.1, 173 or 173.1, that personal property is not subject to the seizure or immobilization and, subject to the regulations, shall, on request, be returned to the person having claim to that personal property.

RSA 2000 cT-6 s175;2003 c48 s7;2011 c22 s21

Repair of damaged vehicle

176(1) In this section, “repairs” means the repair of damage to a motor vehicle that arises out of

- (a) the vehicle having been in an accident that is required to be reported under this Act, or
- (b) the vehicle having been struck by a bullet.

(2) A person shall not commence repairs or direct or require repairs to be commenced on a motor vehicle

- (a) unless a notice in the form provided by the Registrar has been affixed to the motor vehicle, or
- (b) if no notice is affixed to the motor vehicle, until the person has been authorized to do so in writing,

by a peace officer or other person on behalf of the police service that provides policing services for the jurisdiction in which the vehicle was damaged.

1999 cT-6.4 s176

Right of entry to repair shops, etc.

177(1) In this section, “taxi” means a motor vehicle

- (a) that has a seating capacity of not more than 10 persons, including the person driving the vehicle, and
- (b) that is used to transport passengers and their baggage to a requested destination,

but does not include a motor vehicle that is operated outside an urban area

- (c) at regular intervals,
- (d) in accordance with a set time schedule, or
- (e) over a specified route.

(2) A peace officer may, without permission, enter at any time between 6 a.m. and 9 p.m.,

- (a) the business premises of any dealer in motor vehicles or trailers or any person operating a taxi,
- (b) any place where motor vehicles or trailers or serially numbered parts of those vehicles are kept for sale, hire, dismantling, destruction or storage, or

- (c) any garage or place of business where motor vehicles or trailers are repaired,

for the purpose of ascertaining whether this Act is being complied with in respect of the vehicles located in that place and by the persons employed in that place.

1999 cT-6.4 s177

Assistance to peace officer

178(1) A person may assist another person who appears to be a peace officer in the carrying out of the duties of a peace officer under this Act if

- (a) requested to do so by that other person, and
- (b) the person to whom the request is made reasonably believes that the other person making the request for assistance is in fact a peace officer.

(2) In making a request under subsection (1), a peace officer shall not request a person

- (a) to operate a vehicle in pursuit of another vehicle, or
- (b) to carry out a function that would place the person in a position of apparent abnormal danger.

(3) When a person provides assistance pursuant to a request made under this section, that person is, with respect to providing the assistance, entitled to the same rights and protection under the law that a peace officer is entitled to.

(4) Nothing in subsection (3) shall be construed so as to waive or restrict any rights or protection under the law to which the person providing the assistance would be entitled if that person were not providing the assistance.

1999 cT-6.4 s178

Division 4 Pleas, Appeals, Prohibitions and Surrender of Licences

Guilty pleas

179 For the purposes of this Act, a person who pleads guilty to an offence that is a contravention referred to in this Act is deemed to have been found guilty of that offence.

RSA 2000 cT-6 s179;2020 cP-30.8 s44(65)

Surrender of operator's licence

180 When, after a finding of guilt,

- (a) the operator's licence of a person is suspended, or
- (b) a person is disqualified from holding an operator's licence,

the court shall by order require that person to surrender that person's operator's licence to the court and on the surrender of the licence the court shall cause the operator's licence to be forwarded to the Registrar.

1999 cT-6.4 s180

Appeal

181(1) If a person who has been disqualified from driving a motor vehicle in Alberta appeals against that person's conviction, applies for permission to appeal against the conviction or applies to quash the conviction, the disqualification remains in effect unless

- (a) the court being appealed to or to which the application is made orders that the disqualification be stayed pending the disposition of the appeal or application, and
- (b) the appellant or applicant serves on the Registrar by personal service or by registered mail
 - (i) a copy of the notice of appeal, stated case, application or other document by which the appeal or application is commenced,
 - (ii) a copy of the document by which the application to stay the disqualification from driving a motor vehicle is commenced,
 - (iii) a copy of the order staying the disqualification, and
 - (iv) a notice setting out the person's full name, address, date of birth and operator's licence number.

(2) An application for a stay of the disqualification under subsection (1) must be brought by

- (a) an application, if the application for the stay is to be made in the same court as the application for the appeal, application for permission to appeal or application to quash the conviction, or
- (b) an originating application, if the application for the stay is to be made in the Court of Queen's Bench and the application for permission to appeal or application to quash the conviction is to be made in the Court of Appeal.

(3) The applicant must serve a copy of the application referred to in subsection (2) and the supporting documents on the Minister of Justice and Solicitor General or that Minister's agent on not less than 2 days' notice of the application.

(4) If the court on an appeal or application under subsection (1) confirms the finding of guilt,

- (a) a disqualification from driving a motor vehicle in Alberta that has been stayed under subsection (1) is revived on the day that the finding of guilt is confirmed, and
- (b) the period of time during which the disqualification was stayed shall not be included in calculating the termination day of the disqualification.

(5) If an appeal, or an application described in subsection (1), of a person whose disqualification is stayed under subsection (1) is abandoned, withdrawn, discontinued or dismissed, the disqualification that has been stayed under subsection (1)

- (a) is automatically revived on the day the appeal or application is abandoned, withdrawn, discontinued or dismissed, and
- (b) the period of time during which the disqualification was stayed shall not be included in calculating the termination day of the disqualification.

(6) If a disqualification from driving a motor vehicle in Alberta is revived under subsection (4) or (5), the person disqualified from driving is deemed to have knowledge of that revival and notice under this Act is not required to be served on that person.

RSA 2000 cT-6 s181;2009 c53 s179;2013 c10 s31;2014 c13 s44

Securing of motor vehicle document

182 If a person fails to return a suspended or cancelled motor vehicle document as required under this Act, a peace officer on the request of the Registrar shall secure possession of it and return it to the Registrar.

1999 cT-6.4 s182

Failure to surrender an operator's licence, etc.

183 A person shall not do the following:

- (a) fail to surrender or return to a court or the Registrar a suspended or cancelled motor vehicle document as required under this Act;

- (b) fail to deliver a suspended or cancelled motor vehicle document to a peace officer acting under section 182.

1999 cT-6.4 s183

Division 5 Rights, Remedies and Obligations

Action for negligence not affected

184 Subject to section 187, nothing in this Act shall be construed to curtail or abridge the right of any person to commence and maintain an action for damages by reason of any injuries to a person or any property resulting from

- (a) the negligence of the owner or driver of any motor vehicle, or
- (b) the negligence of any agent or employee of the owner of the motor vehicle.

RSA 2000 cT-6 s184;2007 c45 s12

Onus where Act contravened

185 If

- (a) a person sustains loss or damage arising out of the operation of a motor vehicle on a highway, and
- (b) that motor vehicle is operated by a person who is in contravention of or fails to comply with this Act,

the onus of proof in any civil proceeding that the loss or damage did not arise by reason of that contravention or failure to comply is on the owner or driver of the motor vehicle.

1999 cT-6.4 s185

Onus on owner or driver

186(1) If a person sustains loss or damage by reason of a motor vehicle being in motion, the onus of proof in any civil proceeding that the loss or damage did not entirely or solely arise through the negligence or improper conduct of the owner or driver of the motor vehicle is on that owner or driver.

(2) This section does not apply in the case of an accident between motor vehicles on a highway.

(3) In this section, “motor vehicle” includes a self-propelled implement of husbandry.

1999 cT-6.4 s186

When driver deemed agent of owner

187(0.1) In this section,

- (a) “lender” means a person who holds a security interest in a motor vehicle through a written security agreement, who under that agreement has lent money to a person in respect of the motor vehicle and who is not in possession of the motor vehicle but retains title to the motor vehicle, or a person to whom the lender has assigned the agreement;
 - (b) “lessor” means a person who by agreement, in the ordinary course of the person’s business, leases or grants exclusive use of a motor vehicle to another person for a term of more than 30 days or otherwise grants exclusive use of a motor vehicle to another person for a period of more than 30 days, and who is not in possession of the motor vehicle, or a person to whom the lessor has assigned the agreement;
 - (c) “motor vehicle liability policy” means a motor vehicle liability policy under the *Insurance Act*;
 - (c.1) “renter” means a person who, by agreement, in the ordinary course of the person’s business, rents a motor vehicle to another person for a term of no more than 30 days and who is not in possession of the motor vehicle, or a person to whom the renter has assigned the agreement;
 - (d) “security agreement” means a security agreement under the *Personal Property Security Act*;
 - (e) “security interest” means a security interest under the *Personal Property Security Act*;
 - (f) “seller” means a person who holds a security interest in a motor vehicle through a written security agreement and sells the motor vehicle to another person under a contract in writing but retains title to the motor vehicle until the purchaser has carried out the terms of the contract and who is not in possession of the motor vehicle, or a person to whom the seller has assigned the security agreement or the contract.
- (1)** In an action for the recovery of loss or damage sustained by a person by reason of a motor vehicle on a highway, a person who, at the time that the loss or damage occurred,
- (a) was driving the motor vehicle, and
 - (b) was living with and as a member of the family of the owner of the motor vehicle,

is deemed, with respect to that loss or damage,

- (c) to be the agent or employee of the owner of the motor vehicle,
- (d) to be employed as the agent or employee of the owner of the motor vehicle, and
- (e) to be driving the motor vehicle in the course of that person's employment.

(2) In an action for the recovery of loss or damage sustained by a person by reason of a motor vehicle on a highway, a person who, at the time that the loss or damage occurred,

- (a) was driving the motor vehicle, and
- (b) was in possession of the motor vehicle with the consent, expressed or implied, of the owner of the motor vehicle,

is deemed, with respect to that loss or damage,

- (c) to be the agent or employee of the owner of the motor vehicle,
- (d) to be employed as the agent or employee of the owner of the motor vehicle, and
- (e) to be driving the motor vehicle in the course of that person's employment.

(2.1) Notwithstanding any other provision in this Division except subsections (5) and (6), in an action for the recovery of loss or damage sustained by a person by reason of a motor vehicle on a highway, the maximum amount for which a lender, lessor, renter or seller of the motor vehicle is liable in respect of the same incident in its capacity as a lender, lessor, renter or seller of the motor vehicle is the amount determined under subsection (4) less any amounts that

- (a) are recovered for loss or damage under the third party liability provisions of contracts evidenced by a motor vehicle liability policy issued to a person other than a lender, lessor, renter or seller,
- (b) are in respect of the use or operation of the motor vehicle, and
- (c) are in respect of the same incident.

(3) Notwithstanding subsections (1) to (2.1), nothing in this section relieves any person who is deemed to be the agent or

employee of the owner and to be driving the motor vehicle in the course of that person's employment from liability for the loss or damage.

(4) The maximum amount for which a lender, lessor, renter or seller of a motor vehicle is liable for the purposes of subsection (2.1) is the greatest of

- (a) \$1 000 000,
- (b) the amount of third party liability insurance required by law to be carried in respect of the motor vehicle, and
- (c) the amount established, or determined in the manner prescribed, by regulation.

(5) Subsection (2.1) does not apply

- (a) in respect of amounts payable by a lender, lessor, renter or seller other than by reason of vicarious liability imposed by this section, or
- (b) to prescribed lenders, lessors, renters or sellers or motor vehicles, or prescribed classes of lenders, lessors, renters or sellers or motor vehicles.

(6) This section applies only in relation to loss or damage sustained on or after the date this section comes into force.

(7) The Minister may make regulations

- (a) establishing amounts payable, or prescribing the manner of determining amounts payable, for the purposes of subsection (4)(c);
- (b) prescribing lenders, lessors, renters and sellers and motor vehicles or classes of lenders, lessors, renters and sellers and motor vehicles for the purposes of subsection (5)(b).

(8) The Minister may make different regulations under subsection (7)(b) in relation to lenders, lessors, renters and sellers and motor vehicles, or classes of lenders, lessors, renters and sellers and motor vehicles, for different circumstances.

RSA 2000 cT-6 s187;2007 c45 s13;2009 c35 s9

False statement

188 A person shall not knowingly make a false statement in a document, application, statement, declaration or accident report made under this Act.

1999 cT-6.4 s188

Regulations respecting reviews and non-monetary penalties under the Provincial Administrative Penalties Act

188.1 The Minister may make regulations

- (a) respecting applications to the Registrar for relief under section 36 from the imposition of an administrative penalty through the issuance of a notice of administrative penalty under the *Provincial Administrative Penalties Act* for a contravention to which that Act applies by affected persons other than recipients under that Act, including, without limitation, regulations
 - (i) determining who is an affected person;
 - (ii) respecting the grounds for a request for relief and for granting or refusing relief;
 - (iii) respecting the relief that may be granted to affected persons;
 - (iv) respecting costs and expenses that may be refunded to affected persons;
- (b) respecting non-monetary administrative penalties that may be imposed in respect of contraventions to which the *Provincial Administrative Penalties Act* applies;
- (c) respecting publicly accessible information to be made available for the purposes of section 4 of the *Provincial Administrative Penalties Act* in respect of contraventions to which that Act applies;
- (d) respecting the grounds for a request for review under section 7 of the *Provincial Administrative Penalties Act* respecting a notice of administrative penalty issued under that Act for a contravention and for confirming or cancelling a notice of administrative penalty under section 21 of that Act;
- (e) respecting the payment of fines, applicable surcharges and late payment charges to the Crown for a contravention, including, without limitation, the period within which those payments must be made;
- (f) respecting the records the Director under the *Provincial Administrative Penalties Act* may or must provide to a recipient under section 12 of that Act;
- (g) respecting the refund to recipients under the *Provincial Administrative Penalties Act* of fines, applicable surcharges,

late payment charges and costs and expenses incurred by recipients related to administrative penalties other than fines imposed for contraventions to which that Act applies;

- (h) respecting notifications to recipients under the *Provincial Administrative Penalties Act* of decisions by the adjudicator under that Act of decisions under section 20 of that Act respecting reviews of contraventions to which that Act applies;
- (i) respecting the substitution by an adjudicator under the *Provincial Administrative Penalties Act* of applicable administrative penalties under section 21(2) of that Act for contraventions to which that Act applies;
- (j) respecting the relief the Director under the *Provincial Administrative Penalties Act* may provide under section 23(2) of that Act;
- (k) respecting applications under section 27 of the *Provincial Administrative Penalties Act* for an additional period of time to pay fines and applicable surcharges for contraventions to which that Act applies, including, without limitation, prescribing the maximum number of days the Director defined in that Act may grant a recipient to pay a fine and any applicable surcharge;
- (l) prescribing exceptional circumstances for the purposes of sections 15, 20, 22 and 27 of the *Provincial Administrative Penalties Act* relating to a review under that Act of a notice of administrative penalty issued under that Act for a contravention to which that Act applies;
- (m) respecting the information that is required on a notice of administrative penalty issued under the *Provincial Administrative Penalties Act* for a contravention referred to in section 157(1).
- (n) in respect of this Act as a prescribed enactment under the *Provincial Administrative Penalties Act*, respecting any matter or thing that that Act refers to as being set out in, subject to, specified by, prescribed in, required by or in accordance with the regulations under a prescribed enactment, or as prescribed under a prescribed enactment.

2020 cP-30.8 s44(66)

Part 9
Transitional Provisions,
Consequential Amendments,
Repeals and Coming into Force

Transitional provisions

189(1) In this section, “previous legislation” means

- (a) the *Highway Traffic Act*;
- (b) the *Motor Transport Act*, RSA 1980 cM-20;
- (c) the *Motor Transport Act*, SA 1992 cM-20.1;
- (d) the *Motor Vehicle Administration Act*;
- (e) the *Off-highway Vehicle Act*.

(2) Where on the coming into force of this Act

- (a) a proceeding is in progress or pending
 - (i) before the Alberta Motor Transport Board, that proceeding shall be continued under this Act before the Alberta Transportation Safety Board, or
 - (ii) before the Driver Control Board, that proceeding shall be continued under this Act before the Alberta Transportation Safety Board;
- (b) a reference is made in any enactment, order in council, agreement or document to the Alberta Motor Transport Board or the Driver Control Board, that reference is deemed to be a reference to the Alberta Transportation Safety Board;
- (c) a reference is made to a provision of any Act repealed pursuant to this Act, that reference is deemed to be a reference to the appropriate corresponding provision of this Act;
- (d) a person is subject to a prosecution for a failure to comply with an Act repealed pursuant to this Act, that prosecution shall be carried on as if that repealed Act had not been repealed;
- (e) a person is disqualified from driving in Alberta, that person is disqualified under this Act from driving in Alberta;

- (f) the registration of a vehicle has been suspended or cancelled, that registration is suspended or cancelled, as the case may be, under this Act;
 - (g) any licence plates issued in respect of a vehicle have been suspended or cancelled, those licence plates are suspended or cancelled, as the case may be, under this Act;
 - (h) a person's operator's licence is suspended, that operator's licence is suspended under this Act;
 - (i) any reference in any provision of an enactment, other than a provision that is amended by sections 192 to 214, to a vehicle that is a public vehicle as defined in the *Motor Transport Act*, RSA 1980 cM-20, is deemed to be a reference to a commercial vehicle;
 - (j) subject to clauses (a) to (i), any order, rule, regulation, direction, permit, instrument or document that was made, issued, created, registered or otherwise dealt with and every action taken, decision made or thing done under an Act repealed pursuant to this Act that could have been made, issued, created, registered, dealt with, taken or done under this Act if this Act had been then in force and that is still valid at the commencement of this section is deemed to have been made, issued, created, registered, dealt with, taken or done under this Act.
- (3) The Minister may make regulations
- (a) respecting the transition of any matter from the previous legislation;
 - (b) to deal with any difficulty or impossibility resulting from the transition from the previous legislation.

1999 cT-6.4 s189

Transitional — appeals and reviews**189.1(1)** In this section and section 189.3,

- (a) “appeal” means an appeal under Part 2, Division 3 of this Act as it read immediately before the coming into force of this section;
- (b) “Board” means the Alberta Transportation Safety Board referred to in section 22;
- (c) “hearing” means a hearing under Part 2 of this Act as it read immediately before the coming into force of this section;

(d) “review” means a review under Part 2, Division 2 of this Act as it read immediately before the coming into force of this section.

(2) Subject to subsection (4)(a) and section 189.4, if a hearing, a review or an appeal has commenced but is not concluded before the coming into force of this section, the hearing, review or appeal is to be continued under and in conformity with this Act as it read immediately before the coming into force of this section.

(3) Subject to subsection (4)(b) and section 189.4, where an obligation to hold a hearing or a right of review or appeal arose before the coming into force of this section but the hearing, review or appeal has not commenced before the coming into force of this section, the Board shall conduct the hearing or hear the review or appeal in conformity with this Act as it read immediately before the coming into force of this section.

(4) If

(a) the hearing, review or appeal referred to in subsection (2) is not concluded before the coming into force of section 189.4, the Minister may appoint a person to continue the hearing, review or appeal, and subsection (2) applies with any necessary modifications to the continuation of that hearing, review or appeal;

(b) an obligation to hold a hearing or a right of review or appeal arose before the coming into force of this section, but the hearing, review or appeal has not commenced before the coming into force of section 189.4, the Minister may appoint a person to conduct the hearing, review or appeal, and subsection (3) applies with any necessary modifications to the conduct of that hearing, review or appeal.

2020 cP-30.8 s44(67)

Transitional — reconsideration and reviews of Board decisions

189.2(1) Subject to subsection (3), where a reconsideration under section 32 or 46 of this Act as it read immediately before the coming into force of this section of a decision by the Alberta Transportation Safety Board has commenced but is not concluded before the coming into force of this section, the reconsideration is to be continued under and in conformity with this Act as it read immediately before the coming into force of this section.

(2) Subject to subsection (3), where a right of reconsideration under section 32 or 46 of this Act as it read immediately before the coming into force of this section arose before the coming into force

of this section but the reconsideration has not commenced before the coming into force of this section, the Board shall reconsider the decision in conformity with this Act as it read immediately before the coming into force of this section.

(3) If the reconsideration referred to in subsection (1) is not concluded or a reconsideration referred to in subsection (2) has not commenced before the coming into force of section 189.4, the Minister may appoint a person to review the Board's decision.

2020 cP-30.8 s44(67)

Continued application of provisions to Alberta Transportation Safety Board

189.3(1) In this section, "reconsideration" means a reconsideration under Part 2 of this Act as it read immediately before the coming into force of this section.

(2) Subject to sections 24, 189.1 and 189.2, this Act as it read immediately before the coming into force of this section continues to apply until the coming into force of section 189.4

- (a) in respect of the Board in relation to any appeal, hearing, review, reconsideration or other matter before the Board on or after the coming into force of this section, and
- (b) in respect of the rights of a person who is the subject of a decision of the Board under this Act made on or after the coming into force of this section.

2020 cP-30.8 s44(67)

Dissolution of Alberta Transportation Safety Board

189.4 The Alberta Transportation Safety Board referred to in section 22 is dissolved and the appointments of members of the Board are terminated on the coming into force of section 44(17) of the *Provincial Administrative Penalties Act*.

2020 cP-30.8 s44(67)

Transitional — regulations

189.5 The Lieutenant Governor in Council may make regulations

- (a) respecting the transitional application of the amendments to this Act made by section 44 of the *Provincial Administrative Penalties Act*, including the interpretation of any provision amended, and
- (b) to remedy any confusion, difficulty, inconsistency or impossibility resulting from the amendments.

2020 cP-30.8 s44(67)

190 Repealed 2016 c14 s11.

Regulations

191(1) The Lieutenant Governor in Council may make regulations in respect of matters coming under this Act that the Minister considers are not provided for or are insufficiently provided for in this Act.

(2) A regulation made under subsection (1) is repealed on the earliest of the following:

- (a) the coming into force of an amendment to a statute that provides for the matter dealt with in the regulation;
- (b) the coming into force of a regulation that repeals the regulation made under subsection (1);
- (c) the expiration of 2 years from the day that the regulation made under subsection (1) comes into force.

(3) The repeal of a regulation under subsection (2)(b) or (c) does not affect anything done, incurred or acquired under the authority of that regulation before the repeal of that regulation.

(4) A regulation shall not be made under subsection (1) after the expiration of 3 years from the day that this section comes into force, but any regulation made under subsection (1) that is in force on the expiration of that 3-year period remains in force until it is repealed under subsection (2).

(5) A regulation shall not be made under subsection (1) altering the provisions of subsection (2) or extending the 3-year period provided for under subsection (4).

1999 cT-6.4 s191

192 to 213 *(These sections amend other Acts; the amendments have been incorporated into those Acts.)*

Repeals

214 The following enactments are repealed on Proclamation:

- (a) the *Highway Traffic Act*;
- (b) the *Motor Transport Act*, RSA 2000 cM-21;
- (c) the *Motor Transport Act*, SA 1992 cM-20.1;
- (d) the *Motor Vehicle Administration Act*;

- (e) the *Motor Vehicle Administration Amendment Act, 1995*;
- (f) the *Off-highway Vehicle Act*;
- (g) the Schedule to this Act.

1999 cT-6.4 s215

(NOTE: RSA 2000 cH-8, RSA 2000 cM-21, 1992 cM-20.1, RSA 2000 cM-23, RSA 2000 cO-5 and the Schedule to the Traffic Safety Act proclaimed repealed May 19, 2003.)

Coming into force

216 This Act, except sections 64(a), (m) and (u) and 189 and the Schedule, comes into force on Proclamation.

1999 cT-6.4 s216

(NOTE: Proclaimed in force May 20, 2003, except ss8(2) and (3), 64(a), (m) and (u) and 189 and the Schedule.)

Schedule Repealed RSA 2000 cT-6 s214.

RIMBEY BYLAW REVIEW (RECREATIONAL VEHICLES)

BYLAW #	917/16	951/18	950/18	(RSA 2000, c T-6, RSA 2000, c T-6.)
BYLAW NAME	Land Use Bylaw	Traffic Bylaw	Nuisance Bylaw	Traffic Safety Act
DEFINITIONS				INTERPRETATION
Recreational Vehicle			(k) "recreational vehicle" means any vehicle, trailer or anything designed to be carried on a vehicle or trailer that is designed for temporary habitation of people commonly referred to as a holiday trailer, motor home, camper or tent trailer	N/A
Trailer		"trailer" as defined in the Act means a vehicle so designed that it may be attached to or drawn by a motor vehicle or tractor, and is intended to transport property or persons , and includes any vehicle defined by regulation as a trailer, but does not include machinery or equipment solely used in the construction or maintenance of highways;		same
dismantled or wrecked vehicle'	dismantled or wrecked vehicle. No definition but noted in Section 8.18		(f) 'non-operational vehicle' - means any motor vehicle or part of a motor vehicle which is unlicensed or uninsured or derelict , or not in a state to legally travel on a highway. (g) "nuisance" ... (ix) the storage or accumulation of dilapidated vehicles or the storage of vehicles contrary to the Land Use Bylaw	(3) In sections 76, 77, 78 and 79, a reference to a vehicle includes a reference to a wrecked or partially dismantled vehicle or any part of a vehicle. Removal of vehicles 77(1) A peace officer may cause any vehicle to be removed and taken to and stored in a suitable place when the vehicle (a) is abandoned under section 76; (b) is left unattended on a highway in a manner that obstructs the normal movement of traffic; (c) is parked on any highway in contravention of this Act or a bylaw; (d) is parked on a highway in a manner that prevents access by fire-fighting equipment to a fire hydrant; (e) is not displaying a subsisting licence plate or a permit ; (f) is parked on private property without the consent of the owner of the property or on a highway in a manner that obstructs any private driveway;
commercial vehicle'	"Commercial vehicle in excess of 2000kg". No definition but noted in Section 8.18. (1)(e)	"Commercially licensed vehicle of more than 1 tonne". No definition but noted in Section 6.1(i)		1(h) commercial vehicle : means a vehicle operated on a highway by or on behalf of a person for the purpose of providing transportation but does not include a private personal vehicle
heavy vehicle	"heavy vehicle (> 4,500 kg or 9,900 lbs)". No definition but noted in Section 9(4)(e)	"heavy vehicle" means a motor vehicle, alone or together with any trailer, semi-trailer or other vehicle being towed by the motor vehicle, with a registration gross weight of five (5) tonnes or more, or exceeding eleven (11) metres in total length . A public passenger vehicle, when engaged in the transport of passengers, shall be deemed to be excluded from the definition of a heavy vehicle for the purposes of sections 11.1 and 11.2 of this Bylaw;		N/A
Other		vehicle' means a device in, on or by which a person or thing may be transported or drawn on a highway that includes a combination of vehicles but does not include a mobility aid		same
		motor vehicle' as defined by the Act means: (i) a vehicle propelled by any power other than muscular power or (ii) a moped. But does not include a bicycle, power bicycle, an aircraft, an implement of husbandry or a motor vehicle that runs only on rails.		same
	"Home occupation vehicle" - No definition but noted in Section 9 (4) "lane" means a right-of-way on which motorized vehicles are normally allowed to operate which is 10m or less in width	"alley" as defined in the Act means a narrow highway intended chiefly to give access to the rear of buildings and parcels of land;		alley - same / lane - NIL
SECTIONS	8.18 OBJECTIONABLE ITEMS IN YARDS	6.1 PARKING RESTRICTIONS AND PROHIBITIONS (GENERAL PROVISIONS)	3.3. OFFENCES	
	(1) No person shall keep or permit in any part of a yard in any residential district:			
	(a) Any dismantled or wrecked vehicle for more than fourteen (14) successive days ; or	(s) No person shall park an unregistered vehicle or a vehicle without a license plate on a public roadway or parking lot within the town limits of Rimbey.		
	(b) Any object or chattel which, in the opinion of the Development Authority, is unsightly or tends to adversely affect the amenities of the district ; or			
	(c) Any excavation, storage or piling up of materials required during the construction stage unless all necessary safety measures are undertaken, and the owner of such materials or excavations assumes full responsibility to ensure the situation does not prevail any longer than reasonably necessary to complete a particular stage of construction work; or			
	(d) Any vehicle not parked on a prepared hard surface (i.e. concrete pad or gravel) in the front yard; or			
	(e) A commercial vehicle loaded or unloaded of a maximum weight in excess of 2000 kg; or	(l) No person shall park any commercial licensed vehicle , of any design capacity of more than one (1) tonne , including but not limited to a truck, bus, trailer, or delivery van, on any roadway in a residential area except when such vehicle is actively engaged in bona fide delivery, transport, or other similar activities.		
	(f) A commercial vehicle in a front yard; or			
	(g) A recreational vehicle in the front yard of a laned subdivision.	(g) No person shall park any unattached trailer, whether designed for occupancy or for the carrying of goods and equipment , upon any roadway except for the purpose of loading or unloading for a period not to exceed forty-eight (48) hours , and only if it is located on that portion of the roadway that lies immediately adjacent to the property it is being loaded from or unloaded to, and is parked in the same direction of travel with no slides extended. At the expiration of the forty-eight (48) hour period, the trailer must be moved to an off-roadway location for a period of not less than forty eight (48) hours.	a) there is no vehicle access to the rear yard of the lot, and;	
	(h) Contravene the Town of Rimbey Nuisance Bylaw.		c) the parking of the vehicle will not, in the Development Authority's opinion reduce the value or enjoyment of adjacent properties.	
	(2) No person maintaining more than one recreation vehicle or more than two (2) motor vehicles in a residential district shall allow them to be kept in a manner which, in the opinion of the Development Authority is unsightly or tends to adversely affect the amenities of the district.	(h) Where any type of motor vehicle has removable camping accommodation installed on it, the operator or owner of the vehicle shall not remove and leave the camping accommodation on or extending over any sidewalk, boulevard, alley or any portion of the roadway.	b) the vehicle will not overhang the sidewalk or road or otherwise create a traffic hazard, and;	
	(3) In commercial districts garbage shall be stored in weatherproof containers screened from adjacent sites and public thoroughfares to the satisfaction of the Development Authority and shall be in a location easily accessible for pickup.			
	(4) No Recreational Vehicle may be parked, kept or stored outside on any parcel in town for the purposes of human habitation for more than 48 hours .	(j) No person shall park any vehicle on a roadway or public parking lot owned by or in the care, custody and control of the Town of Rimbey, unless otherwise provided for in this Bylaw for a period exceeding 72 hours .	3.3 No person shall keep a recreational vehicle , in a residential area, in the front yard or in the flanking yard on a corner lot, for a period longer than is reasonably necessary to load or unload the vehicle . The foregoing does not apply between the months of April and October inclusive if;	
		(e) No person shall park a vehicle in an alley except for such period of time as may be reasonable necessary for the loading or unloading of passengers or goods from a vehicle, and in any case not longer than one (1) hour .		
		(f) Except for section 6.1(f), no person shall park a vehicle in an alley in a manner that obstructs the safe passage of other vehicles along the alley		
	9(4) HOME OCCUPATIONS	11. HEAVY AND OVER DIMENSION VEHICLES AND TRUCK ROUTES		
	(e) The home occupation shall have no more than two (2) home occupation vehicles used in conjunction with the home occupation, parked and maintained on site. There shall be no heavy vehicles (> 4,500 kg or 9,900 lbs) parked on-site of a home occupation .	11.1 No person shall operate a heavy vehicle, excluding a motor home , on a roadway or public parking lot owned and operated by the Town except on a designated truck route as outlined in Schedule "B" of this Bylaw, the Schedule being hereby incorporated into and made part of this Bylaw.		