

## BY-LAW NO. 30/97

A By-law of the Village of Bentley, in the Province of Alberta, to regulate the parking of vehicles on streets in the Village of Bentley.

WHEREAS, the Council of the Village of Bentley, pursuant to the Municipal Government Act, Chapter M-26.1, and the Highway Traffic Act, Chapter H-7, of the Revised Statutes of Alberta and amendments thereto, may make by-laws not inconsistent with the said highway Traffic Act, and on matters for which no provision is made in the said Highway Traffic Act for regulations of vehicles, pedestrians and animal traffic.

NOW THEREFORE, the Council of the Village of Bentley, in the Province of Alberta, duly assembled, hereby enacts as follows:

### 1. DEFINITIONS

In this By-law, except where otherwise defined:

- a) “Council” means the Council of the Village of Bentley.
- b) “Driver” or “Operator” means a person who drives or is in physical control of a vehicle.
- c) “Motor Vehicle” means any vehicle propelled by any power, other than muscular power.
- d) “Municipality” means the Village of Bentley.
- e) “Peace Officer” means a member of the Royal Canadian Mounted Police or a special constable or By-law Enforcement Officer of the Village of Bentley.
- f) “Service Road” means a road that runs parallel to a main road and is separated from the main road by a boulevard or curb.
- g) “Trailer” means a vehicle so designed that it may be attached to or drawn by a motor vehicle and intended to transport property or persons and includes any trailer that is designed, constructed and equipped as a dwelling place, living abode, or sleeping place, either permanently or temporarily.

### 2. NO PARKING

The parking of any motor vehicle or trailer shall not be permitted in the following locations:

- a) On the south side of the service road located between Block 24 and Highway 12, running east and west between 47 Street and 48 Street, and
- b) On the south side of the service road located between Block 21 and Highway 12, running east and west between 46 Street and 47 Street, and
- c) On the north side of the service road located between Block 7 and Highway 12 running east and west, between 46 Street and 47 Street,

as shown on the attached road plan, Schedule A, which shall be included as part of this By-law.

### 3. REMOVAL AND IMPOUNDMENT OF VEHICLES

- a) A Peace Officer is hereby authorized to remove or cause to be removed any vehicle or trailer parked in contravention of any provision of this By-law, or

b) Such vehicle may be removed to a place designated by a Peace Officer, where it will remain until claimed by the owner thereof or his agent.

c) No impounded vehicle shall be released to its owner or his agent until the impounding charge and removal charge on the vehicle have been paid; such charges shall be in addition to any fine or penalty imposed in respect of any such violation, or to any payment made in lieu of prosecution as hereinafter provided. The Village is not responsible for impounding, towing or removal charges.

4. BREACH

a) Any person who contravenes any of the provisions or requirements of this By-law is guilty of an offence and is liable for and subject to a penalty in the amount of \$50.00.

5. OFFENCE TICKET

a) A Peace Officer is hereby authorized to enforce the provisions of this By-law and to issue offence tickets to any person to whom they reasonably believe has contravened the provisions of this By-law.

b) Where a Peace Officer has reasonable grounds to believe a person has contravened this By-law, he may issue and serve upon such person an offence ticket.

c) Service of such offence ticket shall be sufficient if it is:

i) personally served, or

ii) attached to the vehicle in respect of which an offence is alleged to have been committed, or

iii) if mailed to the address of the registered owner of the vehicle or to the person in possession of the said vehicle.

6. SUMMARY CONVICTION

a) Should a person not pay the penalty provided for contravention of any section of this By-law and a prosecution has been entered against him, he shall be liable on summary conviction to pay the minimum fine equal to the penalty stated in the said offence ticket, plus Court costs and in default of payment of the penalty and costs imposed by the Court, and subject to Section 170(2) of the Highway Traffic Act, to imprisonment for a period not exceeding sixty (60) days.

b) Nothing in this part shall:

i) prevent any person from exercising his right to defend any charge laid for contravention of any sections of this By-law, or

ii) prevent any Peace Officer in lieu of serving an offence ticket, or any other person, from laying an information or complaint against any person for contravention of any section of this By-law, or

iii) prevent any person from laying an information against any other person, whether such person has made payment under the provision of this By-law.

7. AMENDMENTS

The Council of the Village of Bentley may, by By-law or resolution in Council, alter, amend or repeal any or all of the Schedule "A" which forms part of this By-law.

8. ENACTMENT

This By-law shall come into effect on the date of the final passing thereof.

Read a first time this 8 day of July, 1997.

Read a second time this 12 day of August, 1997.

Read a third time and finally passed this 12 day of August, 1997.

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MAYOR

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CHIEF ADMINISTRATIVE OFFICER