

TOWN OF TABER
BY-LAW NO. A - 203

BEING A BY-LAW OF THE TOWN OF TABER, IN THE PROVINCE OF ALBERTA, TO PROVIDE FOR REGULATIONS OF PARKS, BOULEVARDS, AND SIDEWALKS.

WHEREAS The Municipal Government Act being Chapter 246 of the Revised Statutes of Alberta 1970 provides that Council may pass By-Laws to control Parks, Boulevards, and Sidewalks within the Town.

AND WHEREAS the Council of the Town of Taber, in the Province of Alberta, deem it proper and expedient to introduce regulations pertaining to Parks, Boulevards, and Sidewalks and other Town owned property.

NOW, THEREFORE, the Municipal Council of the Town of Taber, in the Province of Alberta, duly assembled enacts as follows:

I DEFINITIONS

1) "Alley" means a narrow highway intended chiefly to give access to the rear of buildings and parcels of lands.

2) "Boulevard" means that portion of any Street between the curb lines or lateral lines of a roadway, and the adjoining property lines, exclusive of the sidewalk; also that portion of a Street between the curb lines or lateral lines of a divided roadway.

3) "Crosswalk" 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 highway measured from the curbs, or, in the absence of curbs, from the edge of the roadway, or

ii any part of a roadway at an intersection or elsewhere distinctly indicated for pedestrian crossing by signs or by other markings on the road surface.

4) "Highway" means any thoroughfare, street, road, trail, avenue, parkway, driveway, viaduct, lane, alley, square, bridge, causeway, trestleway or other place, whether publicly or privately owned, any part of which the public is ordinarily entitled or permitted to use for the passage of vehicles, and

i includes

a) a sidewalk (including a boulevard portion thereof);

b) where a ditch lies adjacent to a parallel with the roadway, the ditch, and

c) where a highway right-of-way is contained between fences or between a fence and on the side of the roadway, all the land between the fence and the edge of the roadway, as the case may be,

BUT

ii does not include a place declared by the Lieutenant Governor in Council not to be a highway.

5) "Intersection" means the area embraced within the prolongation or connection of

i the lateral curb lines, or if none,

ii the exterior edges of the roadways, of two or more highways join one another at an angle whether or not one highway crosses the other.

6) "Municipality" means the Town of Taber, in the Province of Alberta.

7) "Park" means a piece of ground in or near a Municipality, kept for ornament or recreation.

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I DEFINITIONS CONT'D

- 8) "Peace Officer" means a member of the Town of Taber Municipal Police Force, a Special Constable or a By-Law Enforcement Officer appointed for the Town.
- 9) "Roadway" means the part of a highway intended for use by vehicular traffic.
- 10) "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 the curb line thereof (of the edge of the roadway, where there is no curb line) and the adjacent property line, whether or not paved or improved.
- 11) "Town Traffic Control Devices" means any sign, signal, marking or device placed, marked or erected under the authority of the Town for the purpose of regulating, warning, or guiding traffic.
- 12) "Vehicle" means a device in, upon or by which a person or thing may be transported or drawn upon a highway.

II PARKS

- 1) No person shall damage or cause damage to the park flora, or to any equipment, fencing, play fields, irrigation systems or other fixtures located within a Park.
- 2) Except with the approval in writing of the Parks and Recreation Co-ordinator, no person in any park area shall:
- i place or erect any structure, sign, bulletin board, post, pole, or advertising device of any kind, or attach any notice, bill, poster, sign, wire, or cord to any tree, shrub, fence, railing, post or structure;
 - ii distribute any hand bills or circulars;
 - iii use any audible advertising vehicle; or
 - iv sell or offer for sale any article of food, drink, or merchandise, or carry on any other business.
- 3) No person shall place or deposit in any river, stream, irrigation ditch, pool, pond, fountain or spring, lawn, garden, display, in any part of a park, except in a receptacle provided for such purpose, any paper, cardboard, tire, bottle, glass or any matter of any kind which may be offensive, injurious or inconvenient to persons using a park area.
- 4)
- i In this section "vehicle" means
 - a) a "motorcycle" and a "motor vehicle" as defined in THE HIGHWAY TRAFFIC ACT, 1980, and amendments thereto, and
 - b) an "Off-Highway vehicle" as defined in THE OFF-HIGHWAY VEHICLE ACT, 1975, and amendments thereto.
 - ii No person shall operate, drive or park any vehicle in any park except:
 - a) on those public highways, lanes, pathways, or parking areas specifically designated for use by vehicles.
 - iii Subsection (ii) does not apply to:
 - a) public utility service vehicles when being used to construct, maintain or to service a public utility in a park;
 - b) police and fire fighting equipment when used for patrolling, rescuing, or fire fighting in a park;
 - c) Town of Taber vehicles carrying out those duties established by the Town Manager.

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II

PARKS CONT'D

- iv Every person who:
 - a) operates a vehicle, or
 - b) permits another person to operate a vehicle;in a park without complying with the requirements of this Section is guilty of an offence.
- 5)
 - i The Parks and Recreation Co-ordinator may, at any time as is deemed necessary, temporarily close any park or portion thereof to the public use.
 - ii No person, other than an official, employee or servant of the Town in the cause of his duties, shall enter any part or portion thereof while it is closed.
- 6) No person shall, temporary or otherwise, reside or camp in any park, except in an area so designated for such purpose or any area temporarily permitted for such purpose, and then only upon and in accordance with terms and conditions established by the Parks and Recreation Co-ordinator.
- 7) No person shall start any open fires or permit any person under his or her control to start any open fires in any park within the Town of Taber.
- 8) No person shall write, mark, draw, or paint on any fence, tree, post, or other place or thing in any park, or expose to view or distribute or circulate any obscene picture, painting, drawing, marking, writing, printing or figure or in any way assist in doing any of the foregoing acts or deeds.
- 9) The Parks and Recreation Co-ordinator in respect to any park within his jurisdiction, may make rules and regulations pertaining to the operation of any park or portion thereof and may amend or delete same. All changes, amendments, or deletions to rules or regulations governing parks in the Town of Taber shall be referred to the Taber Recreation Board.
- 10) The Parks and Recreation Co-ordinator may limit the use of any park area or portion thereof to the use of one or more types of Recreation.

III

BOULEVARDS

The Town may permit the planting of grass and trees in Boulevards subject to the following conditions:

- 1)
 - i All property owners shall ensure that the Boulevard areas which abutt or flank their property are seeded to lawn or adequately landscaped within two growing seasons of the issuance of an Occupancy Permit.
 - ii In established residential areas all property owners shall ensure that Boulevard areas are seeded to lawn.
 - iii Only trees of a non-suckering variety shall be planted in Boulevards and only to a density of no greater than one tree for each 3.5 metres.
 - iv No tree of the Cottonwood variety shall be planted in a Boulevard area.

repealed
Bylaw
3-2021
May 25/2021

III BOULEVARDS CONT'D

1) Cont'd

v No person shall plant any shrub or hedge in a Boulevard area

vi. All persons shall ensure that the fire hydrant adjacent to their property is kept clear and accessible and that no shrubs, plants, trees or protruding items be planted or placed within 4.57 metres of the fire hydrant.

2) All persons shall remove or adequately trim trees or shrubs on private property that in any way interferes with and/or endangers the lines, poles, conduits, pipes, sewer or other workings of the Municipality or other Public Utility.

ORDER OF COMPLIANCE

All persons shall be provided with ten (10) days notice from the Town to comply with any order issued under Section III (2).

Failure of the Owner, Lessee, Tenant or Agent of the Owner to remove or adequately trim trees or shrubs which interfere or endanger the lines, poles, conduits, pipes, sewer or other workings of the Municipality or other Public Utility after the notice aforementioned, the Municipality may undertake the maintenance and charge the cost of the work done against the property as taxes due and owing and collectible in the same manner as taxes.

3)

i All Owners, Lessees, Tenants or Agents of the Owner shall cut the grass and properly maintain the Boulevard area which abutts and/or flanks the property occupied by him or her.

ii All Owners, Lessees, Tenants or Agents of the Owner shall cut any grass to the centre of the laneway which abutts and/or flanks the property occupied by him or her.

ORDER OF COMPLIANCE

All persons shall be provided with ten (10) days notice from the Town to comply with any order issued under Section 3) i) and ii).

Failure of the Owner, Lessees, Tenants or Agents of the Owner to maintain the property after the notice aforementioned the Municipality may undertake the works and charge the cost of the work done against the property as taxes due and owing and collectible in the same manner as taxes.

IV SIDEWALKS

1)

i All persons in the Town shall make all reasonable efforts to remove and clear away all ~~of snow~~ snow, ice, slush or other frozen matter from the sidewalks situated on land adjoining the property owned, or occupied by them within twenty-four (24) hours of the last snowfall.

ii All persons within the Town shall remove all deleterious substances and obstructions from the sidewalk situated on land adjoining the property owned, or occupied by them including dirt, leaves, and other natural material which may accumulate in such areas from time to time.

2) All persons who own, or lease property to which an awning or canopy projects over a Public Sidewalk shall cause the awning and/or canopy to be cleared of snow so as not to create a hazard to pedestrians or private property.

ORDER OF COMPLIANCE

The Town may issue an order in this regard and within six (6) hours of same may enter upon the property to eliminate the hazard.

Repealed
by Bylaw
B-2021
May 25/2021

Repealed
by Law 4-2008
March 10/08

IV

SIDEWALKS CONT'D

Order of Compliance Cont'd

Failure of Owners, Lessees, Tenants or Agents of the Owner to comply with the aforementioned order, the Municipality may enter upon the property and charge the cost of the work done against the property as taxes due and owing and collectible in the same manner as taxes.

3) No person shall without the written consent of the Town sell, auction, or otherwise dispose of any article or things whatsoever on any of the Highways in the Municipality.

4) No person shall without the written consent of the Town place any paint marks, or other markings on any sidewalks, curb, gutter or highway within the Municipality.

5) No person shall without the consent of the Town place any goods, wares, or merchandise or other articles of any kind upon a Street or sidewalk or expose any goods, or merchandise or other articles outside any shop, warehouse or other building which shall project over any portion of the sidewalk or Street, or do any act or thing which may in any way obstruct the free use of the Street or sidewalk.

Provisions of this section shall not be construed to interfere with any portion of such Street or sidewalk for a reasonable time during the taking in or delivery of goods, wares, or merchandise.

6) No person shall cause any electrical extension cords to be conveyed across a public sidewalk unless the extension cord is conveyed above the surface of the sidewalk subject to the following conditions:

- i the electrical extension cord must be of a grade approved for outdoor use;
- ii a sturdy device of a nonconductive material not susceptible to wind action must be used to support and convey the extension cord above the surface of the sidewalk at a height of not less than 2.15 Metres;
- iii all electrical extension cords and portable supporting devices shall be removed from Boulevards not later than April 30 of each year.

*Repealed
By-law 27/84*

Order of Compliance

The Town may issue an order in this regard and within five (5) days of same may enter upon the property to remove the extension cord and portable supporting devices from the Boulevard area.

Failure of the Owners, Lessees, Tenants or Agents of the Owner to comply with the aforementioned order, the Municipality may enter upon the property and charge the cost of the work done against the property as taxes due and owing and collectible in the same manner as taxes.

V

CONTROL OF NOXIOUS WEEDS

- 1)
 - i All persons are required to eradicate dandelions and noxious weeds to the centre of the Highway or alley, that is adjacent to or flanks their property.

Order of Compliance

The Town may issue an order in this regard and within ten (10) days of same may enter upon the property to eradicate all dandelions and noxious weeds.

Failure of the Owner, Lessees, Tenants or Agents of the Owner to comply with the aforementioned order, the Municipality may enter upon the property and charge the cost of the work done against the property as taxes due and owing and collectible in the same manner as taxes.

*Repealed
By-law 4-2008*

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VI PENALTIES

Any person guilty of any infraction or breach of any provisions of this By-Law shall upon summary conviction thereof before a Court of Competent jurisdiction be liable to a penalty not exceeding FIVE HUNDRED DOLLARS (\$500.00) exclusive of costs and in the case of non payment of the fine be liable for imprisonment for a period not exceeding six (6) months. In addition thereto the Court may determine the cost of restitution and/or costs.

VII BY-LAW NO. A-31 is hereby repealed.

This By-Law shall come into force and effect upon the date of first reading thereof.

RES. 198/82 READ a first time this 19 day of APRIL 1982.

RES. 255/82 READ a second time this 10 day of MAY 1982.

RES. 256/82 READ a third time and finally passed this 10 day of
MAY 1982.


MAYOR


MUNICIPAL ADMINISTRATOR