

BYLAW NO. 191

BEING A BYLAW OF THE SUMMER VILLAGE OF VAL QUENTIN IN THE PROVINCE OF ALBERTA FOR THE PURPOSE OF DESIGNATING AND REGULATING CONTROLLED STREETS:

WHEREAS section 35 of the *Public Highways Development Act*, R.S.A. 2000, c. P-38, as amended, provides that a council may pass bylaws designating any of its streets as a controlled street;

WHEREAS sections 7 and 8 of the *Municipal Government Act*, R.S.A. 2000, c. M-26, as amended, provides that a council may pass bylaws in respect of safety, health and welfare of people, activities or things on or near public places, transport, providing for systems of permits, establishment of fees and enforcement of bylaws;

AND WHEREAS the Council of the Summer Village of Val Quentin (the "Village") wishes to regulate and control access to controlled streets for the health, safety and welfare of its residents and users of its streets;

NOW THEREFORE the Council of the Village, in the Province of Alberta, duly assembled, enacts:

1. In this bylaw any capitalized words will have the meaning as set out below:
 - a. **"Adjacent Land"** means any lands which lie adjacent to a Controlled Street;
 - b. **"Streets"** means the streets within the Village of Val Quentin as marked in red on the map attached hereto as Schedule "A";
 - c. **"Access"** means any means of traveling in a motorized vehicle to and from a Lot and a Controlled Street;
 - d. **"Chief Administrative Officer"** means the person appointed by Council to hold that office or the designate of the Officer;
 - e. **"Controlled Street"** means a street designated as controlled under this Bylaw;
 - f. **"Owner"** means the registered owner of a Lot;
 - g. **"Lot"** has the same meaning as it has in the *Municipal Government Act*;
 - h. **"Permit"** means a permit issued under this bylaw.
2. The Streets shown in Schedule "A" are hereby designated Controlled Streets.
3. No person shall construct, maintain, use or allow to be used an Access except in accordance with the terms and conditions of a Permit duly issued under this Bylaw.
4. A Permit is deemed to have been issued under this Bylaw upon it taking effect in respect of an Access lawfully existing on the date this bylaw comes into effect.
5. An Owner who wishes to be issued a permit must submit a written request to the Chief Administrative Officer, accompanied by payment of a fee as prescribed by Schedule "B", containing the following information:
 - (a) The name and address and postal address of the Owner;

- (b) If the Owner is a corporation or is applying for a Permit through an agent, the name and address of the representative or agent of the Owner;
 - (c) Plans, designs and specifications showing the precise location of the proposed Access and the nature of any proposed alterations to the Village roadway improvements or other Village property;
 - (d) A certificate of Title for the Owner's land;
 - (e) The use of the Lot for which a Permit is applied;
 - (f) If required by the Chief Administrative Officer, a Transportation impact assessment prepared by a qualified professional engineer describing the effect the proposed Access will have on the safe and efficient movement of traffic on the Village's Controlled Streets.
6. The Chief Administrative Officer shall consider the application having regard to the safe and efficient movement of traffic and the impact of the proposed Access on the Controlled Street.
 7. A Permit shall be refused if, in the opinion of the Chief Administrative Officer, the Access applied for would result in unsafe or inefficient movement of traffic on the Controlled Street or if it would result in undue wear and tear or other undesirable conditions created by traffic.
 8. The Chief Administrative Officer shall provide written reasons if a Permit is denied.
 9. If a Permit is granted, the location of the Access shall be as determined by the Chief Administrative Officer and it shall be deemed to contain the condition that the Chief Administrative Officer may terminate the Permit upon 30 days notice to the Owner without the Village being required to pass a bylaw under the *Municipal Government Act*
 10. The Chief Administrative Officer may impose such other conditions in the Permit as he necessary having regard to the circumstances of the case and the objectives of this Bylaw.
 11. If the Chief Administrative Officer terminates a Permit that proves the only means of access to a Lot, then the Chief Administrative Officer shall provide an alternative means of Access to the Lot
 12. If an alternative means of Access, however indirect or circuitous, exists or is provided, the Owner is not entitled to compensation for cancellation of the Permit or relocation of his Access under any statute or at common law.
 13. All Permits are deemed to run with the land and shall be deemed to be assigned to and be binding upon any subsequent Owners of the residential land or farmland.
 14. In addition to any other remedies at law, the Chief Administrative Officer may enforce the provisions of this Bylaw in the manners provided for in the *Municipal Government Act*, including obtaining an injunction from the Court of Queen's Bench.
 15. (1) A person who contravenes a provision of this Bylaw is guilty of an offence.
 - (2) A person who is found guilty of an offence is liable to a fine in an amount of \$500. for each offence or to imprisonment for not more than 60 days or to both.

- (3.) In the case of an offence that is of a continuing nature, each day on which the offence continues shall constitute a separate offence.
- 15. Notices to an Owner may be given by mailing them to the postal address provided by the Owner in the request for a permit or in the case of other Owners at the address shown in the tax rolls.
- 16. (1) If any portion of this Bylaw is for any reason declared invalid in whole or in part by any court of competent jurisdiction, such portion shall be deemed a separate, distinct and independent portion.

(2) Declaration of invalidity will not affect the validity of the remaining portions which will remain in full force and effect.
- 17. The Chief Administrative Officer may delegate any of his powers, duties or functions under this Bylaw to an employee or sub-contractor of the Village.
- 18. This Bylaw takes effect on passing.

READ a first time this 13th day of April, 2005.

READ a second time this 11th day of May 2005.

READ a third time and finally passed this 11th day of May 2005.

SIGNED as of the 11th Day of May, 2005

SUMMER VILLAGE OF VAL QUENTIN

Lori Jeffery-Heaney, Mayor

Hilda R. Marsh, CAO

SCHEDULE B - SCHEDULE OF FEES

- 1, The Application Fee for an Access permit for a residential property is \$30.00.
2. An Application Fee for Farmland with no improvements is \$50.00.
- 3 An Application fee for farmland with improvements on the land is \$75.00