

BYLAW No. 14 - 04

TRAFFIC BYLAW

A BYLAW OF THE COUNTY OF VERMILLION RIVER, IN THE PROVINCE OF ALBERTA, FOR THE PURPOSE OF REGULATING THE USE OF HIGHWAYS UNDER THE DIRECTION, CONTROL AND MANAGEMENT OF THE COUNTY.

WHEREAS pursuant to section 13 of the *Traffic Safety Act* the council of a municipality may, with respect to highways under its direction, control and management, pass bylaws not inconsistent with the *Traffic Safety Act* respecting matters enumerated therein;

AND WHEREAS pursuant to sections 107 and 108 of the *Traffic Safety Act* the council of a municipality may pass bylaws prescribing speed limits that are different from the speed limits established in that *Act*;

AND WHEREAS pursuant to section 152 of the *Traffic Safety Act* the council of a municipality may pass bylaws restricting the weight of a commercial vehicle or a commercial vehicle and any goods being carried by the vehicle;

AND WHEREAS pursuant to section 7 of the *Municipal Government Act* the council of a municipality may pass bylaws for municipal purposes respecting the safety, health and welfare of people and the protection of people and property and the enforcement of bylaws;

NOW THEREFORE, the Council for the County of Vermillion River, in the Province of Alberta, duly assembled, enacts as follows:

PART I – DEFINITIONS AND INTERPRETATION

Bylaw Title

1 This Bylaw may be cited as the "Traffic Bylaw".

Definitions

2(1) In this Bylaw, words shall have the same meanings as in the *Traffic Safety Act* and its associated regulations unless otherwise defined below.

(2) In this Bylaw:

(a) "**Chief Administrative Officer**" means the chief administrative officer for the County, or their delegate;

(b) "**Council**" means the municipal council of the County of Vermillion River;

Bylaw 14-04
Traffic Safety Bylaw

- (c) **“County”** means the municipal corporation of the County of Vermilion River, and includes the geographical area within the boundaries of the County where the context so requires;
- (d) **“Farm Equipment”** means equipment designated and intended for use in farming operations other than a licenced truck, trailer or semi-trailer;
- (e) **“Hamlet”** means an unincorporated community designated by Council from time to time as a hamlet of the County pursuant to section 59 of the *Municipal Government Act* and includes, but is not limited to, the hamlets of Blackfoot, Clandonald, Islay, McLaughlin, Rivercourse, Streamstown and Tulliby Lake;
- (f) **“Heavy Vehicle”** means a commercial vehicle having a registered gross vehicle weight of 22,500 kg or more, but excludes farm equipment designed and intended for use in farming operations, other than a truck, trailer or semi-trailer;
- (g) **“Highway”** means any road under the jurisdiction of the County of Vermilion River;
- (h) **“Industry Operator”** means an organization who controls the movement of Commercial Vehicles on the County highways;
- (i) **“Municipal Tag”** means a tag or similar document issued by the County pursuant to the *Municipal Government Act* for the purpose of notifying a person that an offence has been committed for which a prosecution may follow;
- (j) **“Peace Officer”** means a member of the Royal Canadian Mounted Police, a Community Peace Officer whose appointment includes enforcement of the County’s Bylaws, or a Bylaw Enforcement Officer appointed by the County;
- (k) **“Person”** means any individual, firm, partnership, association, corporation, trustee, executor, administrator or other legal representative;
- (l) **“Road Protection Maintenance Agreement”** means a written agreement between the County of Vermilion River and an Industry Operator who controls the movement of Commercial Vehicles for the purpose of ensuring that any highway used by those vehicles are repaired and maintained to an agreed standard by the Industry Operator.
- (m) **“Road Use Agreement”** means a written agreement entered into by a Person with the County for the purpose of ensuring that any highway travelled by any Vehicle owned, operated or controlled by that Person is protected from damage;
- (n) **“Special Road Use Operating Agreement”** means an agreement for less than one year’s time frame entered into by a Person or an Industry Operator and the County for the purpose of ensuring that any highway travelled by any Vehicle owned, operated or controlled by that Person is protected from damage
- (o) **“Traffic Control Device”** means any temporary or permanent sign, signal, marking or device placed, marked or erected under the authority of this Bylaw for the purpose of regulating, warning or guiding traffic or governing parking;

- (p) **“Vehicle”** means a device in, upon or by which a person or thing may be transported or drawn upon a highway and includes a combination of vehicles, but does not include a mobility aid;
- (q) **“Violation Ticket”** means a ticket issued pursuant to either Part 2 or Part 3 of the *Provincial Offences Procedure Act*.

PART II – OPERATIONAL RESTRICTIONS

Maximum Speeds

- 3 A maximum speed in excess of or less than 80 kilometres per hour is hereby provided on the described portions of highway set out in Schedule “A”.

Road Bans

- 4(1) No Person shall operate a Vehicle on a highway that is subject to a road ban if the weight of the carrying axle or axle group of the Vehicle exceeds the specified percentage axle weight imposed by the road ban, unless a permit has been issued by the Chief Administrative Officer.
- (2) No Person shall operate a Vehicle on a highway that is subject to a road ban contrary to the terms and conditions of the permit issued in respect of that Vehicle.
- (3) This section is subject to any provincial legislation exempting certain vehicles from road bans or permitting an increased specified percentage of axle weight.
- (4) The Chief Administrative Officer shall cause signs to be erected along the highway as the Chief Administrative Officer considers necessary to notify Persons using the highway of the road ban.

Engine Retarder Brakes

- 5 No Person shall use engine retarder brakes within a Hamlet of the County, or where otherwise prohibited by a Traffic Control Device.

Compliance with Traffic Control Devices

- 6 No Person shall operate a Vehicle in contravention of a Traffic Control Device.

Vehicles with Loads

- 7 No Person shall operate a Vehicle containing any load on a highway unless the load has been secured to prevent any part of it from falling onto the highway.

Over-Dimensional Vehicles

- 8(1) No Person shall operate an over-dimensional Vehicle on a highway unless a permit has been issued by the Chief Administrative Officer.
- (2) No Person shall operate an over-dimensional Vehicle on a highway contrary to the terms and conditions of the permit issued in respect of that Vehicle.

Heavy Vehicles

- 9(1) No Person shall operate a Heavy Vehicle on a highway unless a permit has been issued by the Chief Administrative Officer.
- (2) No Person shall operate a Heavy Vehicle on a highway contrary to the terms and conditions of the permit issued in respect of that Vehicle.

No Litter or Dumping

- 10(1) No Person shall discard any litter, garbage, refuse or other waste material on a highway.
- (2) A Person discarding waste contrary to subsection (1) shall, in addition to any penalty that may be specified in this Bylaw, be liable to remove the discarded waste from the highway and in default the County may remove the discarded waste at the expense of the Person.

Tracking Material

- 11(1) No Person shall operate a Vehicle on a highway so as to track any earth, sand, gravel or other material on the highway.
- (2) A Person tracking material contrary to subsection (1) shall, in addition to any penalty that may be specified in this Bylaw, be liable to clean up or remove the material tracked upon the highway and in default the County may clean up or remove the material at the expense of the Person tracking.

Spikes Prohibited

- 12(1) No Person shall operate a Vehicle on a highway with spikes, cleats, bands, or other items projecting from the surface of the wheel or tire.
- (2) A person operating a Vehicle contrary to subsection (1) shall, in addition to any penalty that may be specified in this Bylaw, be liable for all costs incurred by the County to repair any damage.

Road Protection Maintenance Agreement

- 13(1) The Chief Administrative Officer may, require an Industry Operator to enter into a Road Protection Maintenance Agreement if, in the Chief Administrative Officer's opinion, the use of a Vehicle on a highway controlled by the Industry Operator may or will likely cause damage to the highway or constitute a nuisance to area residents due to:

- (a) the weight of the Vehicle;
- (b) the dimensions of the Vehicle;
- (c) the frequency of use of the highway by the Vehicle;
- (d) the size, type or tread pattern of the tires on the Vehicle;
- (e) the physical condition of the proposed haul route, including the type of road surface;
- (f) the location of the proposed haul route and its proximity to residential dwellings; or
- (g) any combination of the above factors.
- (h) A Road Protection Maintenance Agreement may require a Person to pay such amounts, or post security in a form and amount, or both, as may be determined by the Chief Administrative Officer in order to secure performance of the Person's obligations under the Road Maintenance Protection Agreement.
- (i) No Person shall contravene any term or condition of a Road Use Agreement entered into by that Person.

Special Road Use Operating Agreement

- 14(1) The Chief Administrative Officer may, require an Industry Operator to enter into a Special Road Use Operating Agreement if, in the Chief Administrative Officer's opinion, the use of a Vehicle on a highway controlled by the Industry Operator may or will likely cause damage to the highway or constitute a nuisance to area residents due to:
- (a) the weight of the Vehicle;
 - (b) the dimensions of the Vehicle;
 - (c) the frequency of use of the highway by the Vehicle;
 - (d) the size, type or tread pattern of the tires on the Vehicle;
 - (e) the physical condition of the proposed haul route, including the type of road surface;
 - (f) the location of the proposed haul route and its proximity to residential dwellings; or
 - (g) any combination of the above factors.
 - (h) A Special Road Use Operating Agreement may require a Person to pay such amounts, or post security in a form and amount, or both, as may be determined by the Chief Administrative Officer in order to secure performance of the Person's obligations under the Special Road Use Operating Agreement.

- (i) No Person shall contravene any term or condition of a Special Road Use Operating Agreement entered into by that Person.

PART III – AUTHORITY OF THE CHIEF ADMINISTRATIVE OFFICER

Permits

- 15(1) The Chief Administrative Officer may issue permits in relation to activities governed by this Bylaw on such terms and conditions as the Chief Administrative Officer deems appropriate.
 - (2) A Person to whom a permit has been issued pursuant to this Bylaw and any Person carrying out an activity otherwise regulated, restricted or prohibited by this Bylaw pursuant to such permit, shall comply with any terms or conditions forming part of the permit and shall produce the permit to a Peace Officer upon request.
 - (3) No Person shall make any false or misleading statement or provide any false or misleading information to obtain a permit pursuant to this Bylaw.
 - (4) If any term or condition of a permit issued pursuant to this Bylaw is contravened or if a false or misleading statement or false or misleading information was provided to obtain the permit, in addition to any other remedy available to the County, the Chief Administrative Officer may immediately cancel the permit.
 - (5) The onus of proving a permit has been issued in relation to any activity otherwise regulated, restricted or prohibited by this Bylaw is on the Person alleging the existence of such a permit on a balance of probabilities.

Road Use Agreements

- 16(1) The Chief Administrative Officer may, as a condition of issuing a permit, require a Person to enter into a Road Use Agreement if, in the Chief Administrative Officer's opinion, the use of a Vehicle on a highway may or will likely cause damage to the highway or constitute a nuisance to area residents due to:
 - (a) the weight of the Vehicle;
 - (b) the dimensions of the Vehicle;
 - (c) the frequency of use of the highway by the Vehicle;
 - (d) the size, type or tread pattern of the tires on the Vehicle;
 - (e) the physical condition of the proposed haul route, including the type of road surface;
 - (f) the location of the proposed haul route and its proximity to residential dwellings; or
 - (g) any combination of the above factors.

Bylaw 14-04
Traffic Safety Bylaw

- (2) A Road Use Agreement may require a Person to pay such amounts, or post security in a form and amount, or both, as may be determined by the Chief Administrative Officer in order to secure performance of the Person's obligations under the Road Use Agreement.
- (3) No Person shall contravene any term or condition of a Road Use Agreement entered into by that Person.

General Powers

- 17 Without restricting any other power, duty or function granted by this Bylaw, the Chief Administrative Officer is authorized to:
- (a) carry out any inspections to determine compliance with this Bylaw;
 - (b) take any steps or carry out any actions required to enforce this Bylaw;
 - (c) take any steps or carry out any actions required to remedy a contravention of this Bylaw;
 - (d) establish areas where activities restricted by this Bylaw are permitted;
 - (e) establish forms for the purpose of this Bylaw;
 - (f) establish the criteria to be met for a permit pursuant to this Bylaw;
 - (g) issue permits with such terms and conditions as are deemed appropriate;
 - (h) enter into Road Use Agreements on behalf of the County;
 - (i) prescribe the location and placement of any Traffic Control Device in the County and keep or cause to be kept a record of such locations and placements;
 - (j) impose road bans on any highway and designate the period of time the road bans are in effect;
 - (k) temporarily close any highway for the purpose of repairs, maintenance or other valid reason or in the case of an emergency;
 - (l) cause moveable signs to be placed on or near a highway; and
 - (m) delegate any powers, duties or functions under this Bylaw to an employee of the County.

Exemptions

- 18 This Bylaw does not apply to:
- (a) Farm Equipment

Bylaw 14-04
Traffic Safety Bylaw

- (b) Commercial vehicles being operated by or on behalf of the County for snow and ice control, except on weight restricted bridges, while being operated with the jurisdiction of the County
- (c) The movement of equipment to a natural or man-made disaster such as a fire, flood, oil well site spill, pipeline spill or other emergency, provided that the Chief Administrative Officer has already been notified of the occurrence of such disaster.
- (d) Emergency Response Vehicles
- (e) School buses
- (f) Vehicles crossing a weight restricted highway

PART IV – ENFORCEMENT

Offence

- 19 A Person who contravenes this Bylaw is guilty of an offence and is liable to a fine in an amount not less than that established in this Part and not exceeding \$10,000.00.

Specified Penalties

- 20 Without restricting the generality of section 16, the fine amounts established for use on Municipal Tags and Violation Tickets if a voluntary payment option is offered are as set out in Schedule “B”.

Municipal Tags

- 21 A Peace Officer is hereby authorized and empowered to issue a Municipal Tag to any Person who the Peace Officer has reasonable and probable grounds to believe has contravened any provision of this Bylaw.
- 22 A Municipal Tag may be served:
- (a) personally to the accused;
 - (b) mailed to the address of the registered owner of the Vehicle concerned, or the Person concerned; or
 - (c) attached to or left upon the Vehicle with respect of which the offence is alleged to have been committed.
- 23 The Municipal Tag shall be in a form approved by the Chief Administrative Officer and shall state:
- (a) the name of the Person to whom the Municipal Tag is issued, if known;
 - (b) a description of the offence and the applicable Bylaw section;

Bylaw 14-04
Traffic Safety Bylaw

- (c) the appropriate penalty for the offence as specified in Schedule “B” of this Bylaw;
 - (d) that the penalty shall be paid within fourteen (14) days of the issuance of the Municipal Tag in order to avoid prosecution; and
 - (e) any other information as may be required by the Chief Administrative Officer.
- 24 Where a contravention of this Bylaw is of a continuing nature, further Municipal Tags may be issued by a Peace Officer, provided that no more than one Municipal Tag shall be issued for each day that the contravention continues.
- 25 A Person to whom a Municipal Tag has been issued may pay the penalty specified on the Municipal Tag and if the amount is paid on or before the required date, the Person will not be prosecuted for the offence.

Violation Tickets

- 26(1) Where a Municipal Tag has been issued and the penalty specified on the Municipal Tag is not paid within the prescribed time, a Peace Officer is hereby authorized and empowered to issue a Violation Ticket pursuant to either Part 2 or Part 3 of the *Provincial Offences Procedure Act*.
- (2) Notwithstanding subsection (1), a Peace Officer may immediately issue a Violation Ticket to any Person whom the Peace Officer has reasonable and probable grounds to believe has contravened any provision of this Bylaw.
- 27 A Violation Ticket issued with respect to a contravention of this Bylaw shall be served upon the Person responsible for the contravention in accordance with the *Provincial Offences Procedure Act*.
- 28 If a Violation Ticket is issued in respect of an offence, the Violation Ticket may:
- (a) specify the fine amount established by this Bylaw for the offence in Schedule “B”; or
 - (b) require a Person to appear in court without the alternative of making a voluntary payment.
- 29 A Person who commits an offence may:
- (a) if a Violation Ticket is issued in respect of the offence; and
 - (b) if a Violation Ticket specifies the fine amount established by this Bylaw for the offence;
- make a voluntary payment equal to the specified fine.
- 30 When a clerk records in the Court records the receipt of a voluntary payment pursuant to this Bylaw and the *Provincial Offences Procedure Act*, the act of recording receipt of that

Bylaw 14-04
Traffic Safety Bylaw

payment constitutes acceptance of the guilty plea and also constitutes a conviction and the imposition of a fine in the amount of the specified penalty.

Owner Liable

- 31 In this Part "Owner" includes any Person registered as an owner at the Motor Vehicle Registry.
- 32(1) If a Vehicle is involved in an offence under this Bylaw, the Owner of that Vehicle is guilty of an offence.
- (2) Subsection (1), does not apply if the Owner of the Vehicle satisfies the court that, at the time that the Vehicle was involved in an offence:
- (a) 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; or
- (b) 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 is guilty of an offence under this Section is not liable to imprisonment in respect of that offence or in respect of a default of a fine imposed in respect of that offence.

PART V – GENERAL

Severability

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

Bylaw Schedules

- 34 Schedules "A" and "B" are attached to and form part of this Bylaw.

Repeal

- 35 The following Bylaws, as amended, are hereby repealed:
- (a) Bylaw No. 640;
 - (b) Bylaw No. 906;

Bylaw 14-04
Traffic Safety Bylaw

- (c) Bylaw No. 1119;
- (d) Bylaw No. 1535;
- (e) Bylaw No. 1571;
- (f) Bylaw No. 1855;
- (g) Bylaw No. 1869;
- (h) Bylaw No. 02-09;
- (i) Bylaw No. 05-01; and
- (j) Bylaw No. 05-10.


Effective Date

36 This Bylaw shall come into force and effect upon receiving third and final reading and being duly signed.

Read a first time this 25 day of Feb, 2014.

Read a second time this 25 day of Feb, 2014.

Read a third and final time this 25 day of Feb, 2014.



REEVE



Chief Administrative Officer

SCHEDULE "A"

SPEED LIMIT EXCEPTIONS

1. A 70 km/hr speed limit for all Vehicles operating on Range Road 22 six miles north of Highway 45.
2. A 70 km/hr speed limit for all Vehicles operating on Range Road 23 eight miles north of Highway 641.
3. A 70 km/hr speed limit for all Vehicles operating on Range Road 14 North of Highway 16 to Township Road 502.
4. A 50km/hr speed limit for all Vehicles operating on Township Road 472 for 300 metres east and west of Mainstreet in front of the Hamlet of Rivercourse.

Bylaw 14-04
Traffic Safety Bylaw

SCHEDULE "B"

Permit Fees

Fee for processing a permit application for any activity regulated by this Bylaw \$25

Specified Penalties

Section	Offence	Municipal Tag	Violation Ticket
Section 4(1)	Operate Vehicle contrary to a road ban	\$30 for every 100 kg overweight	\$35 for 100 kg overweight
Section 4(2)	Operate contrary to permit (road ban)	\$200	\$250
Section 5	Unauthorized use of engine retarder brakes	\$150	\$200
Section 6	Operate contrary to Traffic Control Device	\$125	\$175
Section 7(1)	Unsecured load	\$150	\$200
Section 8(1)	Operate over-dimensional vehicle without a permit	\$200	\$250

Bylaw 14-04
Traffic Safety Bylaw

Section	Offence	Municipal Tag	Violation Ticket
Section 8(2)	Operate contrary to permit (over-dimensional vehicle)	\$200	\$250
Section 9(1)	Operate Heavy Vehicle without a permit	\$200	\$250
Section 9(2)	Operate contrary to permit (Heavy Vehicle)	\$200	\$250
Section 10	Litter/dump on highway	\$450	\$500
Section 11	Track on highway	\$450	\$500
Section 12	Spikes/lugs on highway	\$450	\$500
Section 13(3)	False information to obtain permit	\$200	\$250
Section 14(3)	Breach Road Use Agreement	\$200	\$250
	Any subsequent offence		Double the specified penalty above-except 4(1)