

THE COUNTY OF VERMILION RIVER IN THE PROVINCE OF ALBERTA

BYLAW 20-04

A bylaw of the County of Vermilion River in the Province of Alberta for the purpose of regulating the use of Highways under the direction, control of management of the County of Vermilion River

- WHEREAS** pursuant to the *Traffic Safety Act, RSA 2000, c T-6* and the *Dangerous Goods Transportation and Handling Act, RSA 2000, c D-4*, Council may, with respect to Highways under its direction, control and management, pass bylaws not inconsistent with the aforesaid Acts;
- AND WHEREAS** pursuant to the *Highways Development and Protection Act*, Council may pass bylaws regulating the placing of roadside improvements on privately owned property;
- AND WHEREAS** pursuant to the *Municipal Government Act, RSA 2000, c M-26*, Council 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 of the County of Vermilion River, in the Province of Alberta, duly assembled, hereby enacts as follows:

PART 1 – SHORT TITLE

1. This Bylaw may be cited as the "Highway Management Bylaw".

PART 2 – DEFINITIONS

2. In this Bylaw, words shall have the same meanings as in the *Traffic Safety Act* except as otherwise defined herein.
3. In this Bylaw:
 - a) "**CAO**" means the Chief Administrative Officer for the County, or his or her designate;
 - b) "**Commercial Vehicle**" means a vehicle with a Gross Weight or a Gross Registered vehicle Weight of less than 22,500 kilograms, with or without a load, and as defined by the Alberta Traffic Safety Act, as amended.
 - c) "**Council**" means the municipal Council of the County of Vermilion River;
 - d) "**County**" means the municipal corporation of the County of Vermilion River, and includes the geographical area within the boundaries of the County of Vermilion River where the context so requires;
 - e) "**Court**" means a Court of competent jurisdiction in Alberta;
 - f) "**Dangerous Goods**" has the same meaning as in the *Dangerous Goods*

Transportation and Handling Act.

- g) **"Heavy Vehicle"** means a vehicle, or a vehicle with a trailer attached that has a Gross Weight or a Gross Registered vehicle Weight of 22,500 kilograms or more, with or without a load, or exceeds 12.5 metres in overall length, excluding Recreational Vehicles;
- h) **"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;
- i) **"Locality"** means an unincorporated community recognized by the County as a Locality, including but not limited to a hamlet located within the County;
- j) **"Multi-Lot Residential Use"** means a recognized property(ies) with a written legal description that includes the occupation and Use of land, Buildings, or structures as Dwellings, whether on a seasonal or year-round basis;
- k) **"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;
- l) **"Non-Standard Configuration"** any unit that requires an Alberta Transportation Permit (jeeps, wheelers, booster added to a tractor unit)
- m) **"Overweight Permit"** is a permit issued by the County pursuant to Part 6 of this Bylaw to a Person that will be operating a vehicle requiring an overweight permit as defined in the Commercial Vehicle Dimension and Weight Regulation, AR 315/2002, as amended from time to time, or who requires an Overweight Permit pursuant to Part 3 of this Bylaw.
- n) **"Park", "Parking", or "Parked"** means to allow a vehicle, whether occupied or not, to remain stationary in one place, except;
 - i. when standing temporarily for the purpose of and while actually engaged in loading or unloading passengers, goods or within a designated loading zone, or
 - ii. when complying with a direction given by a Peace Officer or Traffic Control Device;
- o) **"Peace Officer"** means a member of the Royal Canadian Mounted Police, a person appointed or designated as a Peace Officer pursuant to the *Peace Officer Act*, a Community Peace Officer whose appointment includes enforcement of the County's Bylaws, or a Bylaw Enforcement Officer appointed by the County;
- p) **"Person"** means any individual, firm, partnership, association, corporation, trustee, executor, administrator or other legal representative;
- q) **"Railway Crossing"** means that portion of a Highway under the County's direction, control and management that crosses a railway track;

- r) **"Recreational Vehicle"** means a vehicle designed to provide temporary living accommodation for travel, vacation, or recreational use, and to be driven, towed or transported, some examples of which include, without restricting the generality of the foregoing, a motor home, holiday trailer, camper, tent trailer and any bus or truck converted to provide temporary living accommodation;
- s) **"Road Use Permit"** means a written Permit issued by the County pursuant to Part 7 of this Bylaw.
- t) **"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;
- u) **"Undeveloped Road Allowance"** means any land dedicated as a road right of way that has not been developed, whether or not the right of way is shown on a road plan registered with the Land Titles Registry;
- v) **"Violation Ticket"** means a ticket issued pursuant to either Part 2 or Part 3 of the *Provincial Offences Procedure Act*.

RULES OF INTERPRETATION

- 4. Nothing in this Bylaw relieves a Person from complying with any provision of any Provincial or Federal legislation or regulation, other bylaw or any requirement of any lawful permit, order or license.
- 5. Any heading or sub-headings in this Bylaw are included for guidance purposes and convenience only and shall not form part of this Bylaw.
- 6. This Bylaw is gender-neutral and, accordingly, any reference to one gender includes another.
- 7. 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, all other provisions of this Bylaw shall remain valid and enforceable.
- 8. Any reference to the provisions of a statute of Alberta is a reference to that statute and any regulations thereunder, as amended, or appealed and replaced from time to time.

APPLICATION

- 9. This Bylaw does not apply to the following:
 - a) an emergency vehicle that is responding to an emergency; or
 - b) a vehicle or equipment operated by or under hire by the County for snow removal, road and or bridge construction or maintenance, or maintenance of County property; or
 - c) Vehicles exempted by the MGA.

PART 3 – OPERATIONAL RESTRICTIONS

MAXIMUM SPEEDS

10. A person shall not do any of the following:
- a) Drive a vehicle on a highway at a speed that is great than the maximum speed limit established or prescribed for that highway under this bylaw; or
 - b) 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
 - c) Drive a vehicle on a portion of a highway at a speed that is greater than the maximum speed limit established or prescribed under this bylaw or *Traffic Safety Act* 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; {add to fine table}

WEIGHT LIMITS

11. No Person shall operate a vehicle on a Highway in excess of the posted weight limit unless that Person has obtained an Overweight Permit.
12. Unless the CAO establishes a weight limitation that is less than the weight that may be borne under the *Traffic Safety Act*, the maximum allowable weight on a Highway is the same as the maximum allowable weight specified in the *Traffic Safety Act*.

TRAFFIC CONTROL DEVICES

13. No Person shall:
- a) operate, or
 - b) Park,
- a vehicle in contravention of a Traffic Control Device.
14. No Person shall climb upon, interfere with, damage, deface, remove, alter or destroy a Traffic Control Device.

TRACKING MATERIAL

15. No Person shall operate a vehicle on a Highway so as to track any earth, sand, gravel or other material on the Highway.
16. A Person tracking material onto a Highway contrary to section 15 shall, in addition to any penalty that may be specified in County's "Fee for Services Bylaw", be liable to clean up or remove the material tracked onto the Highway and in default the County may clean up or remove the material at the expense of the Person responsible for the tracking.

LITTERING OR DUMPING

17. No Person shall place, cause or permit to be placed, throw or dump any litter, refuse, substance or thing of any kind on any Highway.
18. Section 17 does not apply to a Person who may place, cause or permit to be placed sand, salt or other de-icing agent onto a sidewalk adjacent to a private property during the winter season to mitigate potential dangers caused by the accumulation of ice and snow.

ROAD ALLOWANCES

19. No Person shall use, other than to access or travel along, an Undeveloped Road Allowance unless a license has been issued to the Person pursuant to this Bylaw.

HIGHWAY OBSTRUCTIONS

20. No Person shall permit any structure, object, or thing on or forming part of property that they own or occupy to:
 - a) cause a drifting or accumulation of snow on a Highway
 - b) damage a Highway;
 - c) obstruct the vision of pedestrians or drivers of vehicles on a Highway; or
 - d) create a hazard or obstruction to vehicular or pedestrian traffic on the Highway.
21. A Person who causes any damage to a Highway contrary to section 20 shall, in addition to any penalty that may be specified in County's "Fee for Services Bylaw", be liable to the County for the costs to repair the damage.

ENGINE RETARDER BRAKES

22. No Person shall use engine retarder brakes within a Locality of the County where prohibited by signs.

PART 4 – PARKING RESTRICTIONS

PROHIBITED PARKING

23. Unless permitted or required by a Traffic Control Device, no Person shall stop or Park a vehicle:
 - a) where a Traffic Control Device prohibits stopping or Parking, during such times as stopping or Parking is so prohibited;
 - b) on any bridge or on any approach to a bridge; or
 - c) in such a manner that may obstruct the safe movement of traffic and pedestrians using a Highway.
24. Parking within a Hamlet Boundary as established by Council Heavy Vehicles may only be permitted to park within areas established as by the CAO and a record kept of such locations and placements

HEAVY VEHICLE OR COMMERCIAL VEHICLE PARKING

25. No Person shall Park:

- a) a Heavy Vehicle; or
- b) a Commercial vehicle

in a location adjacent to Multi-Lot Residential Use , except:

- i. a commercial vehicle with the hazard warning lamps alight and in the process of loading or unloading goods; or
- ii. construction equipment being used during construction or improvement of property, provided that the equipment is Parked adjacent to the property where the work is being done.

HIGHWAY MAINTENANCE

26. The CAO may cause temporary Traffic Control Devices to be placed on or near a Highway for snow removal, maintenance, or construction purposes.

PART 5 – EXEMPTION PERMITS

27. At the discretion of the CAO an Exemption permit may be issued for any Part identified in this Bylaw and must be presented upon request of a Peace Officer.

PART 6 – OVERWEIGHT PERMITS

28. The CAO may designate the issuance of Overweight Permits to an external agency for the purpose of allowing:

- a) a vehicle to operate on a Highway in excess of the posted weight limit; or
- b) an overweight vehicle to operate on a Highway within the County of Vermilion River.

29. In issuing a permit under this Part, the CAO may impose such terms and conditions as are determined to be necessary or beneficial in his or her discretion acting reasonably.

PART 7 – ROAD USE PERMIT

30. The CAO may, require a Person or company to apply for a Road Use Permit and pay the required fee set out in County's "Fee for Services Bylaw" if, in the CAO's opinion, the proposed use may cause damage to the Highway beyond normal wear and tear, create a public safety hazard, or constitute a nuisance to area residents due to:

- a) the weight of the vehicle(s);
- b) the frequency of use of the Highway by the vehicle(s);
- c) the size, type or tread pattern of the tires on the vehicle(s);
- d) the physical condition of the proposed haul route, including the type of road surface;

- e) the location of the proposed haul route and its proximity to residential dwellings;
or
- f) any combination of the above factors or conditions outlined in County policy;

Any person who fails to obtain a Road Use Permit where required by the CAO to do so is guilty of an offence.

- 31. A Road Use Permit may require the permit holder to pay such amounts, or post security in a form and amount, or both, as may be determined by the CAO in order to secure performance of the permit holder's obligations under the Road Use Permit.
- 32. No Person shall contravene any term or condition of a Road Use Permit.

PART 8 – ROAD BANS

- 33. The CAO may impose road bans from time to time to define:
 - a) load limits upon Highways;
 - b) Highway locations with percentage axle weights for those Highways; and
 - c) bridge locations with the maximum gross commercial vehicle weights to be posted on those bridges.
- 34. Where the CAO imposes a road ban on a Highway, he or she shall cause signs to be erected along the Highway as considered necessary to notify Persons operating vehicles of the road ban in effect.
- 35. No Person shall operate a vehicle on a Highway in contravention of a road ban.

PART 9 – LICENSE FOR MUNICIPAL ROAD ALLOWANCE AND USE

- 36. The CAO may, upon receipt of an application in an approved form and payment of the required fee set out in the County's "Fee for Services Bylaw", issue to a Person a license for the purpose of authorizing the non-exclusive access and use of a Municipal Road Allowance.
- 37. In issuing a license under this Part and subject to section 36, the CAO may impose such terms and conditions as are determined to be necessary or beneficial in his or her sole discretion, including but not limited to insurance requirements, signage requirements, whether obstructions such as fences and gates are permissible, and the limitations on the Person's access or use.
- 38. Notwithstanding section 37, as a condition of every license issued to a Person under this Part;
 - a) the license is for non-exclusive access and the license holder may not prevent the public from accessing or travelling along the Municipal Road Allowance;
 - b) no work, development, improvement, or change to the condition of the Municipal Road Allowance is permitted without the prior written authorization of the CAO; and
 - c) the County may terminate the license with 30 days written notice to the license holder pursuant to the *Traffic Safety Act*.

PART 10 – PERMITS AND LICENSES

39. A Person to whom a permit or license 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 or license, shall comply with any terms or conditions forming part of the permit or license and shall produce the permit or license to a Peace Officer upon request.
40. A Person shall not make any false or misleading statement or provide any false or misleading information to obtain a permit or license pursuant to this Bylaw.
41. If any term or condition of a permit or license 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 or license, in addition to any other remedy available to the County, the CAO may immediately cancel the permit or license.
42. The onus of proving a permit or license 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 or license on a balance of probabilities.

PART 11 – AUTHORITY OF MUNICIPAL OFFICIALS

AUTHORITY OF THE CAO

43. Without restricting any other power, duty or function granted by this Bylaw, the CAO 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 forms for the purpose of this Bylaw;
 - e) establish the criteria to be met for a permit or license pursuant to this Bylaw;
 - f) temporarily close any Highway for the purpose of repairs, maintenance or other valid reason or in the case of an emergency;
 - g) prescribe a maximum speed in excess of or less than 80 kilometers per hour, and to keep or cause to be kept a record of such speed limits imposed;
 - h) prescribe the location and placement of any Traffic Control Device or other sign in the County, including on, over or adjacent to a Railway Crossing, and keep or cause to be kept a record of such locations and placements;
 - i) delegate any powers, duties or functions under this Bylaw to an employee of the County.

AUTHORITY OF PEACE OFFICERS

MUNICIPAL TAGS

44. 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.
45. A Municipal Tag may be served:
- j) Personally to the accused;
 - k) mailed to the address of the registered owner of the vehicle concerned, or the Person concerned; or
 - l) attached to or left upon the vehicle with respect of which the offence is alleged to have been committed.
46. The Municipal Tag shall be in a form approved by the CAO and shall state:
- m) the name of the Person to whom the Municipal Tag is issued, if known;
 - n) a description of the offence and the applicable Bylaw section;
 - o) the specified penalty for the offence set out in County's "Fee for Services Bylaw";
 - p) that the penalty shall be paid within thirty (30) days of the issuance of the Municipal Tag in order to avoid prosecution; and
 - q) any other information as may be required by the CAO.
47. 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.
48. 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

49. 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*.
50. Notwithstanding section 49 of this Bylaw, 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.
51. 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*.
52. 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 "A"; or
- b) require a Person to appear in Court without the alternative of making a voluntary payment.

53. 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.

54. 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 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.

PART 12 – PENALTIES OFFENCE

55. A Person who is guilty of an offence is liable upon summary conviction to a fine in an amount:

- a) not less than the specified penalty established in County's "Fee for Services Bylaw"; and
- b) not exceeding \$10,000.00; and
- c) to imprisonment for not more than six (6) months for non-payment of a fine.

SPECIFIED PENALTIES

56. Without restricting the generality of section 55, the fine amounts established for use on Municipal Tags and Violation Tickets if a voluntary payment option is offered are as set out in County's "Fee for Services Bylaw".

OWNER LIABLE

57. In this Part "owner" includes any Person registered as an owner at the Motor Vehicle Registry.

58. If a vehicle is involved in a Parking offence under this Bylaw, the owner of that vehicle is guilty of an offence.

VICARIOUS LIABILITY

59. 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.

CORPORATIONS AND PARTNERSHIPS

60. 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.
61. 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.

PART 13 - GENERAL

REMEDIES NOT RESTRICTED TO BYLAW

62. A Peace Officer may pursue any and all remedies set out in this Bylaw, the *Municipal Government Act* and any other law in the Province of Alberta. Nothing in this Bylaw shall restrict, limit or preclude the County from taking multiple steps to regulate Highway use within the County.

OBSTRUCTION

63. No Person shall obstruct, hinder or impede any Peace Officer, designated officer, or County employee, contractor or agent in the exercise of any of their powers or duties under this Bylaw.

PART 14 – TRANSITIONAL BYLAW

SCHEDULES

64. Schedule "A" attached hereto shall form part of this Bylaw.

REPEAL AND EFFECTIVE DATE

65. The following Bylaws, as amended, , as listed in Schedule A, are hereby repealed upon this Bylaw passing and coming into effect.

SHOULD any provision of this Bylaw be determined to be invalid, then such provisions shall be severed and the remaining bylaw shall be maintained.

THIS Bylaw shall come into force and effect upon receiving third and final reading and having been signed by the Reeve and Chief Administrative Officer.

READ THIS FIRST TIME THIS 11th DAY OF May, 2021.

READ A SECOND TIME THIS 11th DAY OF May, 2021.

READ A THIRD TIME AND FINALLY PASSED THIS 11th DAY OF May, 2021.

SIGNED by the Reeve and Chief Administrative Officer this 11th day of May, 2021



REEVE



CHIEF ADMINISTRATIVE OFFICER

SCHEDULE "A"

BYLAWS REPEALED UPON PASSING AND COMING INTO EFFECT OF HIGHWAY MANAGEMENT BYLAW NO. 21-04

| BYLAW NO. | YEAR | TITLE |
|-----------|------|--|
| 288 | 1948 | To limit the speed of Motor Vehicles operating in and passing through the Hamlets of this Municipal District. |
| 308 | 1949 | To govern and regulate the parking of Motor Vehicles in the Hamlet of Clandonald |
| 567 | 1952 | To limit the speed of all Vehicles operating in and passing through the Hamlets of this Municipal District. |
| 687 | 1953 | To prohibit buildings being moved over Municipal roads without a permit. |
| 749 | 1954 | The prohibition of construction along District Highways. |
| 814 | 1955 | The prohibition of construction along District Highways. |
| 950 | 1957 | The regulation of vehicles and highway traffic within the limits of the Hamlet of Clandonald. |
| 906 | 1957 | Limit the operation of trucks, tailers and traction engines on all public roads, highways, streets and lanes |
| 984 | 1958 | Amend Bylaw 906 – Limit truck, trailers, and traction engines on public roads |
| 1136 | 1961 | To regulate the crossing of a bridge by heavy vehicles and vehicles bearing a heavy load. |
| 1619 | 1972 | To establish a speed limit on a County of Vermilion River 24 road. |
| 1672 | 1973 | To regulate the use of snow vehicles with the County boundaries. |
| 1685 | 1974 | To limit or restrict the weight and load to be carried by a traction engine, public service vehicle or commercial vehicle using part of Hwy 897 and Hwy 893 |
| 1723 | 1975 | The prohibition of construction along District Highways. |
| 1724 | 1975 | The prohibition of construction along District Highways. |
| 1804 | 1977 | To limit or restrict the weight and load to be claimed by vehicles or combination of vehicles using Secondary Highway No. 897. |
| 1878 | 1979 | Establishment of speed limits on Secondary Road No. 897 |
| 2318 | 1990 | Establish speed limits on Secondary Road No. 893 |
| 2320 | 1990 | Establish speed limits on Secondary Road No. 641 |
| 2423 | 1996 | To prevent the parking of vehicles and trailers on highways, roads, road diversions, and road allowances with the County, where such vehicles or vehicles and trailers are used for the purpose of loading tanks with water. |
| 05-21 | 2005 | To regulate Heavy Vehicle Traffic within the established boundaries of the Hamlet of Clandonald. |

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| 06-12 | 2006 | To regulate Heavy Vehicle Traffic within the established boundaries of the Hamlet of Islay. |
| 14-04 | 2014 | Regulating the Use of Highways under the Direction, Control and Management of the County |
| 18-04 | 2018 | Amendment to the Traffic Bylaw |