

# THE COUNTY OF VERMILION RIVER

## BYLAW 24-10

### HIGHWAY MANAGEMENT BYLAW

**BEING 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 AND MANAGEMENT OF THE COUNTY OF VERMILION RIVER**

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**WHEREAS** under the provisions of the *Traffic Safety Act* and the *Dangerous Goods Transportation and Handling Act*, a council may, with respect to highways under its direction, control and management, pass bylaws not inconsistent with the aforesaid Acts.

**AND WHEREAS** under the provisions of the *Highways Development and Protection Act*, a council may pass bylaws regulating the placing of roadside improvements on privately owned property.

**AND WHEREAS** under the provisions of the *Municipal Government Act*, a council may pass bylaws for municipal purposes respecting the safety, health, welfare, and 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, enacts as follows:

#### **Title**

1. This Bylaw may be cited as the County of Vermilion River "Highway Management Bylaw".

## 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. "Chief Administrative Officer" or CAO" means the Chief Administrative Officer of the County, or their 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 Council of the County of Vermilion River.
  - d. "County" means the County of Vermilion River.
  - e. "Court" means a Court of competent jurisdiction in Alberta.
  - f. "Municipal Tag" means a tag or similar document issued by the County pursuant to the *Municipal Government Act*;
  - g. "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.
  - h. "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.
  - i. "Peace Officer" means a Bylaw Enforcement Officer appointed by the County pursuant to Section 555 of the *Municipal Government Act* and includes a Regular Member of the Royal Canadian Mounted Police and, when authorized, a Community Peace Officer appointed under the *Peace Officer Act*.

- j. "Person" means any individual, firm, partnership, association, corporation, trustee, executor, administrator or other legal representative.
- k. "Railway Crossing" means that portion of a Highway under the County's direction, control and management that crosses a railway track.
- l. "Road Use Permit" means a written Permit issued by the County pursuant to Part 7 of this Bylaw.
- m. "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.
- n. "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.
- o. "Violation Ticket" means a ticket issued pursuant to either Part 2 or Part 3 of the Provincial Offences Procedure Act.

### **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. The headings of this Bylaw are for guidance purposes and convenience only.
- 6. This Bylaw is gender-neutral and, accordingly, any reference to one gender includes another.
- 7. If any provision of this Bylaw is declared invalid by a Court, all other provisions 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 repealed and replaced from time to time.

## **Bylaw Exemptions**

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.

## **TEMPORARY TRAFFIC CONTROL DEVICES**

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

## **PERMITS**

### **Road Use Permits**

11. 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 outlines 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.

### **Issuance of Overweight Permits**

12. 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.

### **Exemption Permits**

13. 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.

## **ROAD BANS**

### **Road Bans**

14. 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.
15. 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.
16. No Person shall operate a vehicle on a Highway in contravention of a road ban.

## **ROAD ALLOWANCES**

17. 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.
18. 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.
19. In issuing a license under this Part and subject to section 37, 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.
20. Notwithstanding section 38, 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.

## **AIRCRAFT ON MUNICIPAL ROADS**

21. Other than emergencies, no private aircraft will utilize municipal roads as landing strips.

## **COMPLIANCE**

22. 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.

23. The CAO may impose such terms and conditions as are determined to be necessary or beneficial in his or her discretion acting reasonably.
24. 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.
25. No Person shall contravene any term or condition of a Road Use Permit.
26. No 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.
27. 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.
28. 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.

## **GENERAL**

### **Powers of Chief Administrative Officer**

29. Without restricting any other power, duty or function granted by this Bylaw, the CAO is authorized to:
  - d. carry out any inspections to determine compliance with this Bylaw;
  - e. take any steps or carry out any actions required to enforce this Bylaw;

- f. take any steps or carry out any actions required to remedy a contravention of this Bylaw;
- g. establish forms for the purpose of this Bylaw;
- h. establish the criteria to be met for a permit or license pursuant to this Bylaw;
- i. temporarily close any Highway for the purpose of repairs, maintenance or other valid reason or in the case of an emergency;
- j. 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;
- k. 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;
- l. delegate any powers, duties or functions under this Bylaw to an employee of the County.

## **ENFORCEMENT**

### **Offence**

30. Any Person who contravenes any provision of this Bylaw is guilty of an offence and is liable upon summary conviction to the specified penalty for the offence set out in Schedule A.

### **Continuing Offence**

31. 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.

### **Vicarious Liability**

32. 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**

33. 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, acquiesced in, or participated in the act or omission is guilty of the offence.

34. 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, acquiesced in, or participated in the act or omission that constitutes the offence is guilty of the offence.

### **Fines and Penalties**

35. The penalty amounts for each offence are specified in Schedule A of this bylaw.

36. The fine amounts set out in Schedule A are established for use on Municipal Tags and Violation Tickets if a voluntary payment option is offered.

37. Penalties for repeated offences within a 12-calendar month period will increase as follows:

- a. Two times within a 12-calendar month period, the specified penalty payable in respect of the second offence is double the amount specified in Schedule A.
- b. Three or more times within a 12-calendar month period, the specified penalty payable in respect of the third or subsequent offence is triple the amount specified in Schedule A.

### **Municipal Tags**

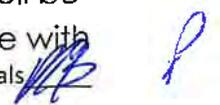
38. A Peace Officer is hereby authorized and empowered to issue a Municipal Tag to any Person who the Peace Officer has reasonable and probable grounds to believe has contravened any provision of this Bylaw.
- a. A Municipal Tag may issued in person, by mailing a copy to the recipient's last known address, or by posting it upon the vehicle with respect of which the offence is alleged to have been committed.
39. The Municipal Tag shall be in a form approved by the CAO and must contain the following information:
- a. Name of the person;
  - b. Offence committed;
  - c. Specified penalty established by this bylaw;
  - d. Deadline for penalty payment;
  - e. Any other information as required by the CAO.

### **Payment in Lieu of Prosecution**

40. Where a Municipal Tag is issued pursuant to this Bylaw, the Person to whom the Municipal Tag is issued may, in lieu of being prosecuted for the offence, pay to the County the penalty specified within the time period indicated on the Municipal Tag.

### **Violation Tickets**

41. If a Municipal Tag has been issued and if the specified penalty has not been paid within the prescribed time, then a Peace Officer is hereby authorized and empowered to issue a Violation Ticket pursuant to the *Provincial Offences Procedure Act*.
42. A Peace Officer is hereby authorized and empowered to immediately issue a Violation Ticket pursuant to the *Provincial Offences Procedure Act* to any Person who the Peace Officer has reasonable and probable grounds to believe has contravened any provision of this Bylaw;
43. 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.

44. 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; or
  - b. require a Person to appear in Court without the alternative of making a voluntary payment.

### **Voluntary Payment**

45. The voluntary payment option allows individuals to resolve the matter without court prosecution. Failure to choose this option may result in further legal proceedings, and the individual may be required to appear in court.

46. 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 by submitting to a Clerk of the Provincial Court, on or before the initial appearance date indicated on the Violation Ticket, the specified penalty set out on the Violation Ticket.

47. 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 the conviction and the imposition of a fine in the amount of the specified penalty.

### **Remedies Not Restricted To Bylaw**

48. 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 Of Peace Officer**

49. 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.

## TRANSITIONAL

### Schedules

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

### Repeal

51. Bylaw 21-04, as amended is repealed.

### Effective Date

**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 23<sup>rd</sup> day of April, 2024.

Read this Second time this 23<sup>rd</sup> day of April, 2024.

Introduced for Third and Final time this 23<sup>rd</sup> day of April, 2024.

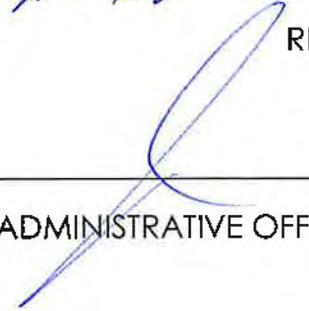
Read a Third and Final time and finally passed, this 23<sup>rd</sup> day of April, 2024.

**SIGNED** by the Reeve and Chief Administrative Officer this 23<sup>rd</sup> day of April, 2024.



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REEVE



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CHIEF ADMINISTRATIVE OFFICER

## Schedule A – Specified Penalties

Section	Description	Minimum Penalty
11	Operate a heavy vehicle without obtaining a Road Use Permit as required	\$500.00
13	Fails to produce an exemption permit upon request of a Peace Officer	\$500.00
16	Operate a vehicle on a Highway in contravention of a road ban.	\$500.00
17	Use an Undeveloped Road Allowance, other than to access or travel along, without a road allowance license	\$200.00
19	Fail to follow the conditions of a road allowance license	\$500.00
21	Contravene any term or condition of any permit or license issued pursuant to this bylaw	\$500.00
21	Fail to produce a permit or license upon request of a Peace Officer	\$500.00
23	Fail to pay such amounts, or post security in a form and amount, or both, as required under a Road Use Permit	\$400.00
24	Contravene any term or condition of a Road Use Permit	\$500.00
25	Make or provide false or misleading statements to obtain a permit or license pursuant to this bylaw	\$400.00

**\*Double the specified penalty above for the second offence**

**\*Triple the specified penalty above for the third or subsequent offences**