

**COUNTY OF PAINTEARTH NO. 18
BYLAW NO. 715-23
ROAD USE BYLAW**

BEING A BYLAW OF THE COUNTY OF PAINTEARTH NO. 18, IN THE PROVINCE OF ALBERTA, TO REGULATE THE USE OF ROADS WITHIN THE BOUNDARIES OF THE MUNICIPALITY

WHEREAS, Section 13(1) of the *Traffic Safety Act* provides that a council may pass bylaws respecting the highways under its direction, control and management, including the weight of vehicles and penalties for the contravention of such a bylaw;

AND WHEREAS, Section 152(1) of the *Traffic Safety Act* provides that a council may, for the physical preservation of a highway under its direction, control, and management pass a bylaw restricting the weight of a commercial vehicle, including any goods being carried, to a weight that is less than the weight set out in *Act*.

AND WHEREAS, Section 18(1) of the *Municipal Government Act* provides that a municipality has the direction, control, and management of all roads within the municipality;

AND WHEREAS, the County of Paintearth No. 18 deems it necessary to provide for the regulation of commercial vehicles on highways within its jurisdiction.

NOW THEREFORE, the Council for the County of Paintearth No. 18, duly assembled, enacts as follows:

PART 1 – INTERPRETATION AND APPLICATION

Short Title

1. This bylaw may be cited as the “Road Use Bylaw.”

Definitions

2. Unless specifically set out, the terms in this Bylaw have the same meaning as those used in the *Traffic Safety Act* and Regulations made under the *Act*, including the *Commercial Vehicle Dimension and Weight Regulation*.
3. In this Bylaw, unless the context otherwise requires:
 - (a) “**Bylaw Enforcement Officer**” means an individual who has been appointed as a Bylaw Enforcement Officer for the County;
 - (b) “**Chief Administrative Officer**” or “**CAO**” means the individual appointed by Council as the Chief Administrative Officer of the County or his or her delegate;

- (c) **"County"** means the municipal corporation of the County of Paintearth No. 18, in the Province of Alberta or, if the context requires, the geographical area within the boundaries of the municipality;
- (d) **"Municipal Tag"** means a tag or similar document issued by the County pursuant the *Municipal Government Act* that alleges a bylaw offence and provides a Person with the opportunity to pay an amount to the County in lieu of prosecution for the offence;
- (e) **"Person"** includes one or more individuals, a partnership, corporation or proprietorship, and specifically includes the owner of a commercial vehicle and the operator of a commercial vehicle;
- (f) **"Road Use Agreement"** means an agreement executed between the County and the operator of a commercial vehicle in a form established by the County, and in accordance with this Bylaw; and
- (g) **"Violation Ticket"** has the meaning given to it in the *Provincial Offences Procedure Act*.

Rules of interpretation

- 4. The headings in this Bylaw are for guidance purposes and convenience only.
- 5. Every provision in this Bylaw is independent of all other provisions and if any provision of this Bylaw is declared invalid for any reason by a court of competent jurisdiction, all other provisions of this Bylaw shall remain valid and enforceable.
- 6. In this Bylaw, a citation of or reference to any enactment of the Province of Alberta or of Canada, or of any other bylaw of the County, is a citation of or reference to that enactment or bylaw as amended, whether amended before or after the commencement of the enactment or bylaw in which the citation or reference occurs.
- 7. 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 licence.

Application

- 8. This Bylaw does not apply to:
 - (a) Maintenance and construction equipment operated by or on behalf of the County;
 - (b) Emergency vehicles;
 - (c) Vehicles exempted from weight and dimension restrictions under the *Traffic Safety Act*, the *Commercial Vehicle Dimension and Weight Regulations*, or other Provincial legislation.

PART 2 – WEIGHT RESTRICTIONS

Weight limits

9. No Person shall operate a commercial vehicle on a highway under the direction, control and management of the County in excess of the weight limit set in accordance with this Bylaw, unless that Person has obtained an overweight permit.
10. Unless a lesser weight limit is set in accordance with section 12 of this Bylaw, the maximum allowable weight on a highway is the same as the maximum allowable weight specified in the *Traffic Safety Act* and *Commercial Vehicle Dimension and Weight Regulation*.

Road bans

11. The Chief Administrative Officer is hereby delegated the power to impose road bans within the County, pursuant to section 152(3) of the *Traffic Safety Act*.
12. The CAO is hereby authorized to establish a road ban whereby the maximum allowable weight limit is less than the weight that may be borne under the *Traffic Safety Act* and the *Commercial Vehicle Dimension and Weight Regulation*. A road ban may include exceptions to such a limit with respect to a portion of a specified highway or with respect to a specific vehicle or class of vehicles.
13. Any weight limit or exception set in accordance with section 12 of this Bylaw shall be advertised to the public by way of traffic control devices to be placed along the highway, as the Chief Administrative Officer considers necessary, to notify Persons operating vehicles on the highway of applicable weight and dimensional restrictions and road bans.
14. The County shall further erect signs along the highway as considered necessary by Council in the event of a road ban, pursuant to section 152(4) of the *Traffic Safety Act*.

Overweight permits

15. The CAO is hereby authorized to issue overweight permits on behalf of the County.
16. The CAO may delegate the issuance of overweight permits to an external agency for the purpose of allowing a vehicle to operate on a highway in excess of the posted weight limit.
17. No Person shall operate a vehicle on a highway under the direction, control and management of the County contrary to the terms and conditions of the overweight permit issued in respect of that vehicle.
18. On the request of a Bylaw Enforcement Officer, a Person operating or otherwise having the care or control of a commercial vehicle shall produce to the Officer for inspection a copy of the overweight permit issued with respect to that vehicle.

PART 3 – OVER DIMENSIONAL VEHICLES

Dimension limits

19. No Person shall operate a vehicle on a highway under the direction, control and management of the County in excess of the maximum allowable dimensions set in accordance with this Bylaw unless that Person has obtained an over dimensional permit.
20. For the purposes of this Bylaw, the maximum allowable dimensions on a highway are the same as the maximum allowable dimensions specified in the *Traffic Safety Act* and *Commercial Vehicle Dimension and Weight Regulation*.

Over dimensional permits

21. The CAO is hereby authorized to issue over dimensional permits on behalf of the County.
22. The CAO may delegate the issuance of over dimensional permits to an external agency for the purpose of allowing a vehicle to operate on a highway in excess of the posted dimensional limits.
23. No Person shall operate an over dimensional vehicle on a highway under the direction, control and management of the County contrary to the terms and conditions of the over dimensional permit issued in respect of that vehicle.
24. On the request of a Bylaw Enforcement Officer, a Person operating or otherwise having the care or control of a commercial vehicle shall produce to the Officer for inspection a copy of the over dimension permit issued with respect to that vehicle.

PART 4 – ROAD USE AGREEMENTS

Authority re Road Use Agreements

25. The CAO is hereby authorized to require an operator of a commercial vehicle to enter into a Road Use Agreement where it has been determined by the CAO that the use of the vehicle on a highway under the direction, control and management of the County may likely cause damage to the highway or on the basis of the factors set out in section 26 of this Bylaw.
26. The CAO may, on behalf of the County, enter into a Road Use Agreement for the operation of a commercial vehicle on a highway on such terms and conditions as the Chief Administrative Officer determines are reasonable in the circumstances, having regard for:
 - (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.
27. 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 CAO in order to secure performance of the Person's obligations under the Road Use Agreement.

Compliance with Agreement

28. When required by this Bylaw, no Person shall operate a commercial vehicle on a highway under the direction, control and management of the County without a Road Use Agreement.
29. No Person shall contravene any term or condition of a Road Use Agreement entered into by that Person.
30. If any term or condition of a Road Use Agreement is contravened then, in addition to any other remedy available to the County, the Chief Administrative Officer may immediately terminate the Road Use Agreement.
31. On the request of a Bylaw Enforcement Officer, a Person operating or otherwise having the care or control of a commercial vehicle shall produce to the Officer for inspection a copy of the Road Use Agreement issued with respect to that vehicle.

PART 5 – AUTHORITY OF THE CHIEF ADMINISTRATIVE OFFICER

32. 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 forms for the purpose of this Bylaw;
 - (e) establish a standard form of Road Use Agreement;
 - (f) prescribe approved form(s) of security for the performance of a Person's obligations under a Road Use Agreement;
 - (g) establish terms and conditions for Road Use Agreements which may include, but are in no way limited to:
 - i. prescribing haul routes;

- ii. requiring pre-trip and post-trip inspections of approved haul routes;
 - iii. imposing costs in relation to additional maintenance and repair obligations caused by a vehicle over and above normal wear and tear;
 - iv. imposing road maintenance and repair obligations due to damage caused by a vehicle over and above normal wear and tear; and
- (h) delegate any powers, duties or functions under this Bylaw to an employee of the County.

PART 6 – OFFENCES

Fines and offences

33. Any Person who contravenes any provision of this Bylaw is guilty of an offence and is liable to a penalty not exceeding ten thousand (\$10,000.00) dollars.
34. Without restricting the generality of section 33, 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 "A".

Enforcement

35. A Bylaw Enforcement Officer is hereby authorized to issue a Municipal Tag to any Person who the Bylaw Enforcement Officer has reasonable grounds to believe has contravened a provision of this Bylaw.
36. If the penalty specified on a Municipal Tag is not paid within the prescribed time period then a Bylaw Enforcement Officer is hereby authorized and empowered to issue a Violation Ticket pursuant to either Part II or Part III of the *Provincial Offences Procedure Act*.
37. Notwithstanding section 35 of this Bylaw, a Bylaw Enforcement Officer is hereby authorized and empowered to immediately issue a Violation Ticket pursuant to either Part II or Part III of the *Provincial Offences Procedures Act*, to any Person who the Bylaw Enforcement Officer has reasonable grounds to believe has contravened any provision of this Bylaw.
38. A Municipal Tag or Violation Ticket may be issued to the owner of a commercial vehicle, the operator of the commercial vehicle, or both.

Effective Date

39. This bylaw shall come into force when it has received third and final reading and has been signed.

Read a first time this 20th day of JUNE, 2023.

Read a second time this 20th day of JUNE, 2023.

Read a third and final time this 20th day of JUNE, 2023.

Signed by the Chief Elected Official and Chief Administrative Officer this 20th day of JUNE, 2023


Reeve


Chief Administrative Officer

SCHEDULE "A"

Specified Penalties

Section	Municipal Tag	Violation Ticket
Section 9 – operating in excess of weight limit	\$20 per 100 kg for overloads of up to 5000 kg and \$40 per 100 kg for overloads over 5000 kg.	\$27 per 100 kg for overloads of up to 5000 kg and \$47 per 100 kg for overloads over 5000 kg.
Section 17 – contravention of overweight permit	\$150	\$270
Section 18 – failure to produce overweight permit	\$150	\$250
Section 19 – operating over dimensional vehicle	\$200	\$270
Section 23 - contravention of over dimensional permit	\$150	\$250
Section 24 - failure to produce over dimensional permit	\$150	\$250
Section 28 – operating without a Road Use Agreement	\$150	\$250
Section 29 – contravention of Road Use Agreement	\$150	\$250
Section 31 – failure to produce Road Use Agreement	\$150	\$250