

BY-LAW NUMBER 2014/21

By-LAW NO. 2014/21 is a by-law of the County of Wetaskiwin in the Province of Alberta to establish the protection of the County's road infrastructure.

WHEREAS: Pursuant to the provision of the Municipal Government Act, RSA 2000, M26, Section 7 provides for a Council of a municipality to pass by-laws for municipal purposes and Section 18 provides for a municipality to provide direction, control and management of all roads within the County of Wetaskiwin.

And WHEREAS: Pursuant to the provision of the Traffic Safety Act, RSA 2000, T-6 Section 13 provides for a Council of a municipality, with respect to a highway under its direction, control and management, may make bylaws that are not inconsistent with the Traffic Safety Act and Section 16 provides for restriction of powers whereas a council of a municipality does not have any power to make a bylaw that imposes and tax, licence or permit respecting the use of highways by pedestrians or vehicles; excludes pedestrians or vehicles generally from using highways; prohibits the use of highways by pedestrians or vehicles; affects in any way the registration or numbering of motor vehicles.

NOW THEREFORE: The Council of the County of Wetaskiwin No. 10 duly assembled, hereby enacts as follows:

TITLE

1. This By-Law may be cited as the "Road Protection Bylaw"

DEFINITIONS

2. In this By-Law:

- 2.1 "*Balloon or Floater tires*" means a tire that bears the wording 'not for highway use', 'farm use only', 'competition circuit use only' or any other wording or lettering indicating that the tire was not designed for highway use.
- 2.2 "*Bridge*" means a structure facilitating passage of streams or other traffic through the roadway. Bridge size culverts have an equivalent diameter of at least 1500mm; or an infrastructure grouping that includes bridges (single-span, multi-span, continuous beam, single or multiple arch, suspension, frame type, bridge size culverts, watercourse training works and overhead sign structures); or a bridge that does not fit the standard bridge category due to the length and height requirements for the bridge or other site conditions, including temporary bridges and major bridges.
- 2.3 "CAO" means the Chief Administrative Officer for the County of Wetaskiwin No. 10 or their designate.
- 2.4 "*Commercial Business*" means a building on a property that is properly districted where products are stored and offered for sale at retail prices.

Road Protection By-law 2014/21

- 2.5 “*Commercial Vehicle*” means a vehicle operated on a highway by or on behalf of a person for the purpose of providing transportation but does not include a private passenger vehicle.
- 2.6 “*Community Event*” means a scheduled event open to the general public that is organized, advertised and controlled by a non-profit community society.
- 2.7 “*Council*” means the Council of the County of Wetaskiwin No. 10.
- 2.8 “*County*” means the County of Wetaskiwin No.10.
- 2.9 “*County Employee*” shall mean any employee or contractor hired on behalf of the County to perform specific tasks;
- 2.10 “*County Property*” means property (land or buildings) owned or leased by the County of Wetaskiwin No. 10, including but not limited to Environmental Reserves, Municipal Reserves and Public Utility Lots.
- 2.11 “*Culvert*” means a channel or drain of any type construction designed to conduct water under, along, or across a highway.
- 2.12 “*Dangerous Goods*” means a product, substance or organism included by its nature in any of the classes listed in the Appendix to the Dangerous Goods Transportation and Handling act, R.S.A. 2000, Ch D-4 as amended (or the regulations pursuant to the same), and for the purposes of this Bylaw, shall not include
- (i) individual containers in amounts for which placards are not required by the Dangerous Goods Transportation and Handling act, R.S.A. 2000, Chapter D-4 as amended (or the regulations pursuant to the same), and
 - (ii) fuel in the tank or tanks of the Carrier, provided the fuel is carried in permanently mounted tanks with direct lines to the Carrier’s fuel system.
- 2.13 “*Director of Public Works*” means the Director of Public Works for the County of Wetaskiwin No. 10 or their designate.
- 2.14 “*Emergency Situation*” means if the road requires immediate protection.
- 2.15 “*Environmental reserve*” means land designated as environmental reserve by the County of Wetaskiwin No. 10 under Division 8, section 664 of the Municipal Government Act.
- 2.16 “*Farming Industry*” means a commercial vehicle that does not operate under the authority of an operating authority certificate as a Class 2 commercial vehicle if

(a) it is used as

- i) a farmer or a member of the farmer's family for personal use,
- (ii) a farmer engaged in the delivery of animals, farm products, grains or farm produce
 - (A) to the farmer's farm, if those commodities are to be used by the farmer in the operation of the farm, or
 - (B) to a market, if the commodities being transported were either grown or raised by the farmer on the farmer's farm,
- (iii) a farmer transporting material or equipment that is owned by the farmer and used by the farmer in the operation or maintenance of the farmer's farm,
- (iv) a farmer transporting logs or sawn lumber that
 - (A) is produced from timber grown on the farmer's land, and
 - (B) is being transported from the farmer's land to market,
- (v) a farmer transporting the farmer's race horses or show animals for purposes related to racing or showing them,
- (vi) a farmer transporting rodeo animals raised by the farmer to and from rodeos,
- (vii) a farmer transporting livestock that is owned by some other person to or from land that is the subject of a grazing lease held by that other person, if the transportation is not for compensation of any kind,
- (viii) a bee farmer transporting bees, honey or supplies for the purposes of the farmer's bee keeping operation,
- (ix) a fur farmer transporting fish that the farmer has caught to the fur farm for use as feed,
- (x) a person in the operation of a game farm,
- (xi) a person transporting manure that is intended to be spread on land if the vehicle is equipped with permanently mounted equipment designed and used exclusively for hauling and spreading manure,
- (xii) a person who is an alfalfa processor and is delivering alfalfa in its natural state to an alfalfa processing plant, or
- (xiii) an irrigation district as defined in the *Irrigation Districts Act* if the vehicle is used only in respect of the construction, maintenance or operation of irrigation works as defined in that Act.

AND

(b) for the purposes of part-time farming operations,

AND

(c) for the transportation of fresh milk or fresh cream from the place where the milk or cream is produced to the place where it is processed

AND

(d) for the transportation of grain cleaning or drying equipment,

2.17 “*Hamlet*” means any community designated as a Hamlet by the County of Wetaskiwin No. 10 under section 59(1) of the Municipal Government Act.

2.18 “*Highway*” means any thoroughfare, street, road, trail, avenue, parkway, driveway, viaduct, lane, alley, square, bridge, causeway, trestle way 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.

2.19 “*Lugs*” means metallic projections of vehicle wheels or tracks designed to hold or grip any surface, or road, but does not include studded tires.

2.20 “*Motor vehicle*” means

- (i) a vehicle propelled by any power other than muscular power, or
- (ii) a moped,

but does not include a bicycle, a power bicycle, an aircraft, an implement of husbandry or a motor vehicle that runs only on rails.

2.21 “*Off highway vehicle*” means any motorized mode of transportation built for cross-country travel on land, water, snow, ice or marsh or swamp land or on other natural terrain and, without limiting the generality of the foregoing, includes, when specifically designed for such travel,

- (i) 4-wheel drive vehicles,
- (ii) low pressure tire vehicles,
- (iii) motor cycles and related 2-wheel vehicles,
- (iv) amphibious machines,
- (v) all terrain vehicles,
- (vi) miniature motor vehicles,
- (vii) snow vehicles
- (viii) minibikes, and
- (ix) any other means of transportation that is propelled by any power other than muscular power or wind,

but does not include

- (x) motor boats,
- (xi) golf carts, or

Road Protection By-law 2014/21

- (xii) any other vehicle exempted from being an off-highway vehicle by regulation.

2.22 “Peace Officer” means

- (i) a member of the Royal Canadian Mounted Police,
- (ii) a member of a municipal police service,
- (iii) a peace officer appointed under the Peace Officer Act for the purposes of enforcing the Traffic Safety Act,
- (iv) a by-law enforcement officer appointed as such in accordance with By-Law 2007/68, the “By-Law Enforcement Officer By-Law” (or as amended),
- (v) a park warden appointed under the Parks Canada Agency Act (Canada),
- (vi) a conservation officer appointed under Section 1 of Appendix 3.1 to the Government Organization Act,
- (vii) a forest officer appointed under the Forests Act,
- (viii) a wildlife officer appointed under the Wildlife Act.

2.23 “Private passenger vehicle” means a vehicle used solely for personal transportation,

- (i) including the carriage of goods intended for the use or enjoyment of the owner of the vehicle or members of the owner’s household, but
- (ii) not including, in respect of a person’s business, work or employment, the carriage of passengers or of goods, except for sample cases or display goods that are conveyed by a salesperson and that are not for delivery or resale.

2.24 “Public property” means a place that is open to the public.

2.25 “Road Protection Committee” means a Committee comprised of the Reeve, Chief Administrative Officer and Director of Public Works.

2.25 “Road Use Agreement” as defined in the County of Wetaskiwin No. 10 Policy #3206

2.26 “Street furniture” means every curb, pole, traffic sign, waste receptacle, bench, tree, plant, grass, hydrant, fence, utility, utility service, or any other property belonging to the County or located on County property or the highway that is capable of being marked, defaced, or damaged.

2.27 “Subdivision” means the division of a parcel of land by an instrument.

2.28 “TAC Permit” means Transportation Association of Canada permit

2.29 “Tracked vehicle” means a vehicle or trailer having metal spikes, lugs, cleats, chains, or bands projecting from a tire or any part of the vehicle or trailer such that the projecting materials make contact with the roadway surface while the vehicle or trailer is moving.

2.30 “Trailer” means a vehicle so designed that it

- i) may be attached to or drawn by a motor vehicle or tractor, and
- ii) *is intended to transport property or persons,*

and includes any vehicle defined by Alberta Regulation as a trailer, but does not include machinery or equipment solely used in the construction or maintenance of highways

2.28 “*Truck*” means a motor vehicle designed and intended for the transport of goods or carrying of loads.

2.29 “*Vehicle*” means other than an off highway vehicle, a device in, on or by which a person or thing may be transported or drawn on a highway and includes a combination of vehicles but does not include a mobility aid.

2.30 “*Waste*” means any solid or liquid material or product or combination of solid or liquid material or product, including, but not limited to,

- i) rubbish, refuse, garbage, paper, packaging, containers, bottles, cans, manure, human or animal excrement, sewage, or the whole part of an animal carcass, or
- ii) the whole or part of any article, raw or processed material, vehicle or other machinery that is disposed of, and
- iii) any other thing that is defined as waste by a regulation.

3.0 GENERAL RULES OF THE ROAD

3.1 No person shall cause to be removed from the surface of any highway, the gravel, paved or oiled surface of that highway.

3.2 No person shall cause or permit another to cause any water to escape from private land into a culvert, ditch, or into or onto a highway.

3.3 No person shall commit an act likely to cause damage to or obstruct a highway, bridge or culvert.

3.4 No person, other than a County employee in execution of his or her duties, shall push or deposit snow into a ditch or onto a highway.

3.5 No person shall in any way damage or otherwise vandalize any street furniture on any highway, County Property, or public property.

3.6 No person shall deposit or cause to be deposited waste on a highway.

3.7 No person shall operate on an oiled or paved highway:

- (i) a vehicle having lugs;
- (ii) any vehicle or trailer having skids or tracks;
- (iii) any vehicle with chains attached to the wheels of the vehicle

- 3.8 A Peace Officer is authorized to prevent in any reasonable way damage to, disturbance or obstruction of a highway by
- (i) ordering any person found damaging, disturbing or obstructing a highway to desist from doing so; and/or
 - (ii) removing or impounding, if necessary, any vehicle, machine, piece of equipment, or any other thing used to damage, disturb or obstruct a highway.
- 3.9 Any person who does any act likely to cause damage to or obstruct a highway, bridge or culvert commits an offence and is liable on summary conviction to the penalty prescribed.
- 3.10 The County is authorized to charge a Fixed Municipal Fee for the issuance of required permits.
- 3.11 The provisions of this Bylaw may be waived where a person obtains a permit and enters into a Road Use Agreement with the County before entering the highway.

4.0 ROAD BANS

- 4.1 Under authority of Section 152(3) of the Traffic Safety Act, RSA 2000, T6 as amended, Council hereby delegates authority to impose the prohibition, limitation, exemptions or restriction of vehicular weight to the Road Protection Committee in the form as provided in Appendix 'B'. Council shall be advised of the order once signed and it will be ratified at the next scheduled Public Works Council Meeting.
- 4.2 Under authority of Section 25 of the Municipal Government Act, RSA 2000, M26 as amended, Council hereby delegates authority to temporarily close roads to the Road Protection Committee.
- 4.3 Should the User fail to execute a Road Use Agreement, the Road Protection Committee shall be delegated full authority to take all necessary action to protect the identified roads, including the issuance of road bans as required.

The Director of Public Works may also, at his discretion, refuse to grant the User any or all permits as required under the Road Protection Bylaw. Any such action taken shall be reported to Council at the next regularly scheduled Council for Public Works Meeting.

- 4.2 The Director of Public Works shall cause to be erected along highways such traffic control devices as they deem necessary to notify persons using the highways of any prohibition, limitation or restriction imposed by this section.
- 4.3 A Peace Officer may, while in lawful execution of his or her duties, may operate an Off Highway Vehicle on any Highway, or County Property in order to execute their duties.

- 4.4 Any vehicle, or any other thing impounded under the authority of this Bylaw may be held in a suitable place until such time as a Peace Officer is convinced the impounded thing will not be used contrary to the provisions of this bylaw.

5.0 COMMERCIAL VEHICLES

- 5.1 All over weight commercial vehicles shall apply for a permit before traveling on a County road.
- 5.2 Users possessing a Provincial TAC permit will be allowed the maximum allowable weights as determined by the conditions of the TAC permit.
- 5.3 Users possessing a Provincial Multi-Trip permit will be allowed the maximum allowable weight as determined by the conditions of the Multi-Trip permit.
- 5.4 Users possessing a Provincial Steering Axle permit will be allowed the maximum allowable weight as determined by the conditions of the Steering Axle permit.
- 5.5 Any tridem axle group operating on a local road is restricted to the maximum allowable rates set out in Provincial regulations.
- 5.6 No person shall make use of any engine retarding devices within any hamlet, subdivision or other posted area.
- 5.7 No person shall park a vehicle containing Dangerous Goods within a hamlet or subdivision.
- 5.8 Tridem Drive trucks must obtain and follow conditions listed on a Provincial Permit.
- 5.9 Users possessing a Provincial Annual Equipment Exemption permit (for balloon or floater type tires) will be allowed to operate on the Highway subject to the conditions set out in the permit.

6.0 EXEMPTIONS

- 6.1 Vehicles and equipment required by the County of Wetaskiwin No. 10 to maintain, repair roads and provide basic services.
- 6.2 Rubber tired farm tractors, with or without trailer, used exclusively for the Farming Industry.
- 6.3 Deliveries to Commercial Businesses within Hamlets
- 6.4 Vehicles and equipment in possession of, and not contravening a valid Permit issued by the County of Wetaskiwin.
- 6.5 Emergency vehicles as defined in the Traffic Safety Act.
- 6.6 Farming Industry is allowed 75% on a 50% ban and 90% on a 75% ban year round, without requiring a permit.

- 6.7 Subject to Section 3.3, vehicles and equipment travelling to and using Highways adjacent to lands hosting a Community Event.

7.0 PENALTIES

7.1 Any person who:

- (i) violates any provision of this By-law;
- (ii) permits any act or thing to be done in contravention of or in violation of any provision of this By-law;
- (iii) neglects to do or refrains from doing anything required to be done by the provisions of this By-law; or
- (iv) does any act or thing or omits any act or thing, thus violating any provision of this By-law;

is guilty of an offence under this By-law and upon a conviction is liable to a fine as outlined in Appendix 'A';

7.2 A Peace Officer is hereby authorized and empowered to issue a violation ticket to any person who the Peace Officer has reasonable and probable grounds to believe has contravened any provision of this By-law;

7.3 Any person that is involved in a contravention of this By-law is guilty of an offense and liable upon summary conviction to a fine specified in Traffic Safety Act, RSA 2000, T6 as amended and in default of payment is liable to imprisonment for a term not exceeding six (6) months;

7.4 A Violation Ticket shall be deemed to be sufficiently served:

- a. if served personally on the accused; or
- b. if mailed to the address of the registered owner of the vehicle concerned; or to the person concerned;

7.5 The conviction of a person under the provisions of this By-law does not operate as a bar to further prosecution for the continued neglect or failure on the part of the person to comply with the provisions of this By-law, or conditions, orders, or permits, issued in accordance with this By-law;

7.6 Any fine or penalty imposed under this By-law inures to the benefit of the County.

8.0 SEVERABILITY

Should any provision of the By-law become invalid, void, illegal or otherwise not enforceable, it shall be considered separate and severable from the By-law and the remainder shall remain in force and be binding as though such provision had not been included.

9.0 REPEAL

This By-law shall repeal By-laws No. 78/30, 79/10 and 81/25 of the County of Wetaskiwin No. 10.

10.0 EFFECTIVE DATE

This By-law shall come into full force and effect upon third and final reading thereof.

READ: A First time this 16th day of September A.D., 2014

READ: A Second time this 16th day of September A.D., 2014

READ: A Third time and finally passed this 16th day of
September A.D., 2014.

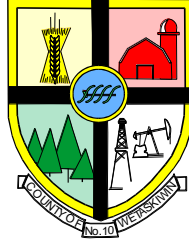
Original Signed
REEVE

Original Signed
CHIEF ADMINISTRATIVE OFFICER

Appendix 'A'

INFRACTION	FIRST OFFENCE	SECOND OFFENCE
3.1 Cause to remove the gravel, paved or oiled surface of a highway	\$500.00	\$1,000.00
3.2 Cause or permit water to escape from private land into a culvert, ditch or onto a highway	\$500.00	\$1,000.00
3.3 Does any act likely to cause damage to or obstruct a highway, bridge or culvert	\$500.00	\$1,000.00
3.4 Push or deposit snow into a ditch or onto a highway	\$500.00	\$1,000.00
3.5 Damage or otherwise vandalize any street furniture on any highway, County Property, or public place	\$500.00	\$1,000.00
3.6 Cause or permit to deposit waste on a highway	\$500.00	\$1,000.00
3.7 Operate tracked vehicle on an oiled or paved highway	\$500.00	\$1,000.00
5.1 Overweight commercial vehicles fail to apply for a permit	\$345.00	
5.6 Use of engine retarding devices within any Hamlet, Subdivision or posted area	\$250.00	\$500.00
5.7 Park a vehicle containing Dangerous Goods within a hamlet or subdivision	\$500.00	
5.9 Balloon or floater tire type vehicles fail to obtain a Provincial Annual Equipment Exemption Permit	\$345.00	

Appendix "C"



TEMPORARY ROAD CLOSURE ORDER

BE ADVISED that pursuant to the authority granted me, in accordance with Section 25 of the *Municipal Government Act*, 2000, Chapter M-26 and amendments thereto, and By-law 95/34 of the County of Wetaskiwin No. 10 which states:

B. CHIEF ADMINISTRATIVE OFFICER:

. . . In addition to the powers, duties and functions given to the Chief Administrative Officer under the Municipal Government Act or any other act, the Chief Administrative Officer will: . . .

- 37) *authorize a temporary closure of whole or part of any road at any time that a construction or maintenance project on or adjacent to the road may create a hazard;*

I hereby authorize the temporary road closure of Range Road ** between Township Road ** and Township Road ** in the Province of Alberta, for the period of **Date**..

I make this Temporary Road Closure Order due to **.

DATED this ** day of **, 2012.

Project # **

Frank Coutney
Chief Administrative Officer
County of Wetaskiwin No. 10

Faxed to Emergency Services	
Emailed to CPO's	