

BY-LAW NUMBER 2017/33

BY-LAW NO. 2017/33 is a by-law of the County of Wetaskiwin No. 10 in the Province of Alberta, for the purpose of prohibiting water trucks and other related equipment from parking along local roads or bridges for the purpose of loading or unloading water;

WHEREAS: Pursuant to the provision of the Traffic Safety Act, RSA 2000, T-6, as amended, 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.

AND WHEREAS Council may, pursuant to Section 7 of the Municipal Government Act Revised Statutes of Alberta, 2000, Chapter M-26 as amended, pass a By-law respecting the safety, health and welfare of people and the protection of people and property;

AND WHEREAS Council may, pursuant to Section 7(i) of the Municipal Government Act Revised Statutes of Alberta, 2000, Chapter M-26 as amended, pass a By-law for the creation of offences;

AND WHEREAS water trucks and other related equipment have been parking within County of Wetaskiwin road allowances for the purposes of loading or unloading water from and to roadside water bodies;

AND WHEREAS spillage from the transfer of water causes damage to the local roadway, or in the alternative, freezes during cold weather creating icy conditions on bridge decks and local roadways;

AND WHEREAS the parked vehicles often create a traffic hazard, reducing vision and forcing traffic to detour around the vehicle;

NOW THEREFORE the Council of the County of Wetaskiwin No. 10 in the Province of Alberta, duly assembled, enacts as follows:

Definitions:

1) In this Bylaw:

- a) "County" means the County of Wetaskiwin No. 10.
- b) "Water trucks and other related equipment" shall mean any vehicle propelled by any power, other than muscular power, which is designed and adapted for the purpose of transporting liquid.
- c) "water body" shall mean any collection of water in a defined bed and bank and shall include, but is not limited to, dug outs, creeks, lakes, streams, canals and ditches.
- d) "Bridges" shall mean the surface of any structure contained within a County road allowance, designed to allow traffic to cross over a water body, and shall include bridges, culverts and low level crossings.
- e) "Temporary Diversion Licence" shall mean the permit required by the Province of Alberta to conditionally remove water from a body of water subsequent to conditions.

Specifications:

- 2) No person shall, being the operator or registered owner of a Water truck or related equipment, park along or upon any County road or bridge for the purpose of loading or unloading water from a water body, without a permit from the County.
- 3) Issuance of a permit by the County is conditional upon first having a Temporary Diversion Licence issued by the Province of Alberta and any other criteria as set by the County from time to time.

Enforcement

- 4) Any person who contravenes the provisions of this By-Law is guilty of an offence and liable on summary conviction to:
 - a) A fine of not less than \$500.00 for the first offence, and
 - b) A fine of not more than \$2,500.00 for the second or subsequent offences, and
 - c) In the case of non-payment of the fine, imprisonment for a period of not less than thirty (30) days for the first offence, and for a period of not more than six (6) months for the second and subsequent offences.
- 5) The following vehicles are exempt from Section 2 and 3 of this By-law:
 - a) County owned vehicles and equipment
 - b) Any other vehicle or equipment operating under contract to the County.
 - c) Agricultural equipment between the month of May 1st and to October 31st, inclusive, during any calendar year.
- 6) This Bylaw repeals Bylaw 2000/92.

This by-law comes into effect on the date of third reading and signing of the by-law.

READ: A First time this 20th day of June A.D., 2017.

READ: A Second time this 20th day of June A.D., 2017.

READ: A Third time and finally passed this 20th day of June, A.D., 2017.

Original Signed

REEVE

Original Signed

CHIEF ADMINISTRATIVE OFFICER