



Bylaw: 17-2020

Road Use Bylaw

A BYLAW OF THORHILD COUNTY, IN THE PROVINCE OF ALBERTA, TO REGULATE THE USE OF ROADS BY COMMERCIAL VEHICLES WITHIN THORHILD COUNTY

WHEREAS pursuant to section 13 of the *Traffic Safety Act* the council of a municipality may, with respect to highways under its direction, control and management, pass bylaws not inconsistent with the *Traffic Safety Act* respecting matters enumerated therein;

AND WHEREAS pursuant to section 152 of the *Traffic Safety Act* the council of a municipality may pass bylaws restricting the weight of a commercial vehicle or a commercial vehicle and any goods being carried by the vehicle;

AND WHEREAS pursuant to section 7 of the *Municipal Government Act* the council of a municipality 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 for Thorhild County, in the Province of Alberta, duly assembled, enacts as follows:

PART I – DEFINITIONS AND INTERPRETATION

Bylaw Title

1 This Bylaw may be cited as the "Road Use Bylaw".

Definitions

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(1) In this Bylaw, words shall have the same meanings as in the *Traffic Safety Act* and its associated regulations unless otherwise defined below.

(2) In this Bylaw:

(a) "Chief Administrative Officer" means the chief administrative officer for the County, or their delegate;

- (b) "County" means the municipal corporation of Thorhild County, and includes the geographical area within the boundaries of the County where the context so requires;
- (c) "Heavy Vehicle" means a commercial vehicle, or commercial vehicle with a trailer attached, having 3 axles or more, but excludes vehicles operated by or on behalf of the County, including but not limited to, emergency services vehicles or vehicles engaged in snow removal, road construction or road maintenance activities. Heavy Vehicle does not include any equipment designed and intended for use in farming operations.
- (d) "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,
- (e) "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.
- (f) "Peace Officer" means a member of the Royal Canadian Mounted Police, a Community Peace Officer whose appointment includes enforcement of the County's Bylaws, or a Bylaw Enforcement Officer appointed by the County.
- (g) "Person" means any individual, firm, partnership, association, corporation, trustee, executor, administrator or other legal representative.
- (h) "Road Use Agreement" means a written agreement entered into by a Person with the County for the purpose of ensuring that any Highway travelled by any Heavy Vehicle owned, operated or controlled by that Person is protected from damage;
- (i) "Route" A route is a way for travel or movement, the path from point A to point B.
- (j) "Violation Ticket" means a ticket issued pursuant to either Part 2 or Part 3 of the *Provincial Offences Procedure Act*.

PART II – OPERATING RESTRICTIONS

Heavy Vehicles

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- (1) No Person shall operate a Heavy Vehicle on a Highway on a single route more than three times within a 24 hr period and/or a haul duration of more than 48hrs, unless a Road Use Agreement has been entered into with the County in respect of that Heavy Vehicle.
- (2) No Person shall operate a Heavy Vehicle on a Highway contrary to the terms and conditions of the Road Use Agreement issued in respect of that Heavy Vehicle.

Road Use Agreements

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- (1) The Chief Administrative Officer may, on behalf of the County, enter into a Road Use Agreement for the operation of a Heavy 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) daily vehicular traffic counts on the proposed haul route being more than five trips per day,
 - (g) the location of the proposed haul route and its proximity to residential dwellings school bus pick up or drop off areas; or
 - (h) proximity to nearest provincial route;
 - (i) any combination of the above factors.
- (2) 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 Chief Administrative Officer in order to secure performance of the Person's obligations under the Road Use Agreement.
- (3) No Person shall contravene any term or condition of a Road Use Agreement entered into by that Person.

- (4) 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.
- (5) On the request of a Peace Officer, a Person driving or otherwise having the care or control of a Heavy Vehicle shall forthwith produce to the Peace Officer for inspection a copy of the Road Use Agreement issued with respect to that Heavy Vehicle.

Overweight Vehicles

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- (1) No Person shall operate an overweight vehicle on a Highway unless an overweight permit has been issued through TRAVIS by Roadata granting approval on behalf of the County to operate that overweight vehicle.
- (2) No Person shall operate an overweight vehicle on a Highway contrary to the terms and conditions of the overweight permit issued in respect of that vehicle.

Over dimensional Vehicles

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- (1) No Person shall operate an over dimensional vehicle on a Highway unless an over dimensional permit has been issued through TRAVIS by Roadata granting approval on behalf of the County to operate that over dimensional vehicle.
- (2) No Person shall operate an over dimensional vehicle on a Highway contrary to the terms and conditions of the over dimensional permit issued in respect of that vehicle.

PART III – AUTHORITY OF THE CHIEF ADMINISTRATIVE OFFICER

General Powers

- 7 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 Heavy Vehicle over and above normal wear and tear;
 - (iv) imposing road maintenance and repair obligations due to damage caused by a Heavy 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 IV – ENFORCEMENT

Offence

- 8 Any Person who contravenes this Bylaw is guilty of an offence and is liable to a fine in an amount not less than that established in this Part and not exceeding \$10,000.00.

Specified Penalties

- 9 Without restricting the generality of section 8, 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".

Municipal Tags

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- (1) 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.
- (2) A Municipal Tag may be served:
 - (a) personally to the accused;
 - (b) mailed to the address of the registered owner of the vehicle concerned, or the Person concerned; or
 - (c) attached to or left upon the vehicle with respect of which the offence is alleged to have been committed.

- (3) The Municipal Tag shall be in a form approved by the Chief Administrative Officer and shall state:
 - (a) the name of the Person to whom the Municipal Tag is issued, if known;
 - (b) a description of the offence and the applicable Bylaw section;
 - (c) the appropriate penalty for the offence as specified in Schedule "A" of this Bylaw;
 - (d) that the penalty shall be paid within fourteen (14) days of the issuance of the Municipal Tag in order to avoid prosecution; and
 - (e) any other information as may be required by the Chief Administrative Officer.
- (4) 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.
- (5) 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

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- (1) 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*.
- (2) Notwithstanding subsection (1), 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.
- (3) 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*.
- (4) 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.
- (5) 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.

- (c) 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.

Owner Liable

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- (1) In this Part "Owner" includes any Person registered as an owner at the Motor Vehicle Registry.
- (2) If a vehicle is involved in an offence under this Bylaw, the Owner of that vehicle is guilty of an offence.
- (3) Subsection (1), does not apply if the Owner of the vehicle satisfies the court that, at the time that the vehicle was involved in an offence:
 - (a) In the case of a vehicle that was in motion;
 - (i) the Owner of the vehicle was not driving the vehicle, and
 - (ii) no other person was driving the vehicle with the Owner's expressed or implied consent,

PART V – GENERAL

Severability

- 13** Should any provision of this Bylaw be invalid, then such provision shall be severed and the remaining Bylaw shall be maintained.

Bylaw Schedules

- 14** Schedule "A" is attached to and forms part of this Bylaw.

Repeal

- 15** Bylaw 20-2018, the Road Use Bylaw, is repealed.

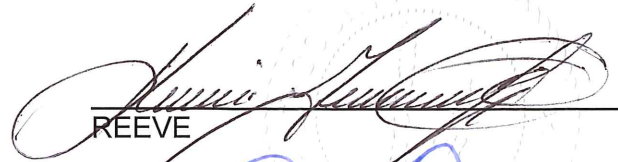
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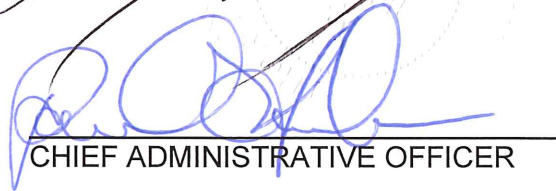
Effective Date

17 This Bylaw shall come into force and effect upon receiving third and final reading and being duly signed.

Read a first time this 23rd day of June, 2020.

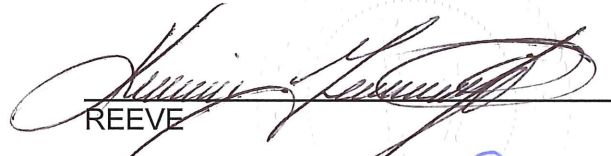


REEVE




CHIEF ADMINISTRATIVE OFFICER

Read a second time this 14th day of July, 2020.

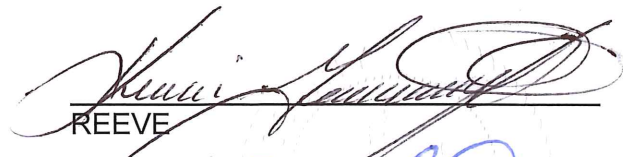


REEVE

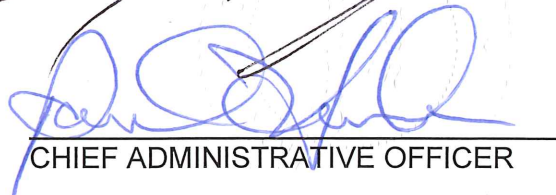


CHIEF ADMINISTRATIVE OFFICER

Read a third and final time this 14th day of July, 2020.



REEVE



CHIEF ADMINISTRATIVE OFFICER

SCHEDULE "A"

Specified Penalties

Section	Offence	Municipal Tag	Violation Ticket
Section 3(1)	Operate Heavy Vehicle without Road Use Agreement ("RUA")	\$1000	\$1000
Section 3(2)	Operate Heavy Vehicle contrary to RUA	\$1000	\$1000
Section 4(3)	Contravene term/condition of RUA	\$1000	\$1000
	Any subsequent offence		Double the specified penalty above

