

BY-LAW NO.1141

BY-LAW NO.1141 A By-law of Camrose County in the Province of Alberta introduced for the controlling and regulating the use of highways within Camrose County.

WHEREAS by virtue of the authority vested in the County Council of Camrose and by virtue of the Traffic Safety Act, being Chapter T-6 of the Revised Statutes of Alberta, 2000, and amendments thereto, which made provision for the enactment of By-laws relating to the regulations of vehicle and highway traffic.

NOW THEREFORE the Council of Camrose County in the Province of Alberta duly assembled, hereby enacts the following By-law to regulate vehicle traffic and road control in Camrose County.

1. This By-law may be cited as "Camrose County Road Use By-law"

PART ONE **INTERPRETATION**

2. (1) In this bylaw, including this Section, unless contrary context otherwise requires:

"ACT" means *Traffic Safety Act*, R.S.A. 2000, Chapter T-6 and amendments thereto.

"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.

"COUNTY" means Camrose County.

"COUNTY ADMINISTRATOR" means the individual who holds that position for the County at any given time and includes any Person authorized to act for and in the name of that individual.

"COUNCIL" means the Council of Camrose County duly assembled and acting as such.

"DRIVER" or "OPERATOR" means a person who drives or is in actual physical control of a vehicle.

"HIGHWAY" means any thoroughfare, street, road, trail, avenue, parkway, driveway, viaduct, lane, alley, square, bridge, causeway, trestleway 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 in the County, and includes

- i) a sidewalk, including a boulevard adjacent to the sidewalk;
- ii) where a ditch lies adjacent to and parallel with the roadway, the ditch, and

- iii) where 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 the regulation not to be a Highway.

"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.

"OWNER" means the person who owns a vehicle and includes any person renting a vehicle or having the exclusive use of a vehicle under a lease that has a term of more than 30 days, or otherwise having the exclusive use of a vehicle for a period of more than 30 days.

"PEACE OFFICER" means

- i) a member of the Royal Canadian Mounted Police;
- ii) a member of a municipal police service;
- iii) a special constable if under that person's appointment as a special constable that person is empowered to carry out the duties of a Peace Officer or Bylaw Enforcement Officer under, or to enforce the provisions of, the Act;
- iv) a park warden appointed under the *Parks Canada Agency Act* (Canada);

"PERMIT" means the written authority by the Public Works Manager or his designate to allow traffic or movement at any time on roads under the control of Camrose County.

- i) "OVERLOAD PERMIT" is required for vehicles operating on County controlled roads in excess of the load limits or the size limits as legislated in the Commercial Vehicle and Weight Regulation.
- ii) "SPECIAL HAUL PERMIT" is required for five or more loads at any time during a 24 hour period on the same County controlled road.
- iii) "SPECIAL OPERATING PERMIT" is required for the operation on County controlled roads of a particular type of vehicle otherwise prohibited by this bylaw.

"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 regulation as a trailer but does not include machinery or equipment

solely used in the construction or maintenance of highways.

"VEHICLE" means 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) Words which have been defined in the Act have the same meaning when they are used in the Bylaw, unless they have been otherwise defined in subsection (1) or unless the context expressly requires otherwise.
- (3) Words importing the masculine gender only, include the feminine gender whenever the context so requires and vice versa.
- (4) Words importing the singular shall include the plural or vice versa whenever the context so requires.

PART TWO

AUTHORITY

3. The *Traffic Safety Act* (Alberta), as amended, is adopted for use in the regulating and control of traffic in the County.
4. Council hereby delegates to the County Administrator the authority to regulate and control the use of all Highways and Sidewalks in the County as defined in this Bylaw or the Act, as amended.
5. Prosecutions and fines shall be determined pursuant to the provisions of the Act, as amended, and the *Provincial Offenses Procedure Act* (Alberta), as amended, unless a contrary prosecution or fine is prescribed by this Bylaw.
6. The County Administrator is hereby authorized to designate:
 - (1) Any Highway as one which is closed temporarily in whole or in part to traffic if the road is hazardous;
 - (2) Any area as one in which parking privileges are temporarily suspended; andshall cause such Highway or area to be marked with appropriate Traffic Control Devices.
7. The County Administrator is hereby authorized to designate a Highway intersection or other place on a Highway as a place at which no left-hand turn or no right-hand turn or both shall be made, and shall cause the place to be signed, barricaded or otherwise restricted.

PART THREE

POWERS OF PEACE OFFICERS

8. (1) Any Peace Officer is hereby authorized to remove or cause to be removed any vehicle or trailer:

- a) where emergency conditions may require such removal from a Highway,

and such Vehicle may be removed to a place designated by the County Administrator or his designate, where it will remain impounded until claimed by the Owner thereof or his authorized agent.

9. Any Peace Officer or Bylaw Enforcement Officer, or the Fire Department may, in case of fire, designate a point beyond which no Person shall pass which point is proximate to such fire.

PART FOUR

PENALTIES

10. The penalties for breaches of this Bylaw shall be the amounts set out in Schedule "A", unless specified otherwise in this Bylaw, any other Bylaw or the Act, as amended.

PART FIVE

SPECIAL CLASSES OF VEHICLES

11.
 - (1) No person shall operate a Vehicle in excess of the load limits or the size limits as legislated in the Commercial Vehicle and Weight Regulation, or in contravention of any prohibitions as stated in this or any other County Bylaw without first obtaining from the Public Works Manager a permit to do so, subject to such conditions as specified in the permit.
 - (2) No person shall operate a Vehicle or combination of Vehicles over or on any Highway within the County when the Vehicle or combination of Vehicles is in excess of the allowable weight without first obtaining authorization from the County.
 - (3) The Public Works Manager or his designates are hereby appointed to issue permits on behalf of the County under this part.
 - (4) No person shall operate a truck over and on any Highway within the County where Traffic Control Devices have been erected indicating that truck traffic is prohibited.
12.
 - (1) No person, except with permission of the Public Works Manager, shall operate or move upon or over any paved or graveled highway any Vehicle or traction engine having cleats, tracks or other devices attached to its wheels or made a part thereof, which may damage the Highway.
 - (2) No person, except with the permission of the Public Works Manager, shall operate or move upon or over any County Highway any Vehicle, load, building, machine, contrivance or things which may obstruct traffic, or which would exceed the maximum weight limitations set out in Section 11(1) herein or any other object or thing which in the opinion of the County might have some adverse effect on the Highway.

- (3) Before granting permission to move the load, object or thing over any Highway as prescribed in subsection (2), the County may, if in its opinion deems necessary, direct the applicant as to conditions under which such load, object or thing may be moved.
13.
 - (1) The Public Works Manager or his designate may issue a special operating permit in cases for the operation of a particular type of Vehicle otherwise prohibited by this Bylaw.
 - (2) The Public Works Manager or his designate may require the Owner, Operator, Driver or mover of such Vehicle and/or load, or any of them as a condition precedent to obtaining such a permit, to agree to be responsible for all damages which may be caused to the Highway by reason of driving, operating or moving of any such Vehicle and/or load upon the Highway, and the County may, as a condition precedent to the granting of such permit, require an irrevocable letter of credit or security bond to cover the cost of repairing such possible injury or damage to the Highway. Failure on the part of the holder of the permit, the Owner, or the Operator, Driver or mover of the Vehicle and/or load, to comply with the condition set out in such permit constitutes a breach of this Bylaw.
 - (3) The Public Works Manager or his designate may, in writing, alter, suspend or revoke a permit whenever it is determined that:
 - a) the permit was issued in error;
 - b) the permit was issued on incorrect information supplied; and
 - c) the permit is in violation of any County bylaw or resolution.
 - (4) Nothing in this Bylaw shall be construed to require the County to enter into any agreement.
14.
 - (1) The Public Works Manager or his designate shall be at liberty to require any person whose use of a Highway by a Vehicle or Vehicles may or will likely cause damage to a Highway due to the weight of the Vehicle or Vehicles or the frequency of use of the Highway by the Vehicle or Vehicles to obtain a special haul permit, overload permit or special operating permit to haul on the Highway and to enter into an agreement for the purposes of ensuring that the Highway or Highways affected are protected.
 - (2) The application for a special haul permit, overload permit or special operating permit shall be in such a form as may be approved by the Public Works Manager or his designate and shall contain such information with respect to the goods and materials being hauled, the Vehicles which will be used to haul the goods and materials and the frequency of the hauls taking place.
 - (3) Assuming that all of the other by-laws and requirements of the County have been met, the Public Works Manager or his designate upon the receipt of a

completed application pursuant to section 14(2) of this By-law shall issue a special haul permit, overload permit or special operating permit containing such conditions as the Public Works Manager or his designate shall deem necessary to protect the Highways being used from damage.

- (4) The Public Works Manager or his designate shall be at liberty to require any person desiring to haul goods and materials on a Highway to enter into a haul agreement, in a form approved by Council, and to provide such security to the County to ensure compliance with the terms of the haul agreement as the Public Works Manager or his designate shall deem necessary.
 - (5) Any person shall be at liberty to appeal to Council within fourteen (14) days any term or condition attached by the Public Works Manager or his designate to a special haul permit, overload permit or special operating permit or any decision made by the Public Works Manager or his designate under this section 14.
 - (6) No person shall haul any goods or materials on a Highway in a situation to which this By-law would apply without first having obtained a special haul permit, overload permit or special operating permit under this By-law and having satisfied the conditions attached to any such special haul permit, overload permit or special operating permit including the entering into of an agreement and the provision of security.
 - (7) Any person obtaining a permit under this By-law shall at all times ensure that the conditions attached to any such permit are complied with.
 - (8) Any person who fails to comply with the terms of this section 14, a special haul permit, overload permit or special operating permit or an Agreement entered into pursuant to this section 14, is guilty of an offence and is liable on summary conviction to the penalties set out in Schedule "A" of this By-law
 - (9) Vehicles registered in the Province of Alberta as "FARM" vehicles are exempt from section 14.
15. Except for a Vehicle authorized by a highway authority to transport materials needed for emergency maintenance of a Highway, no person shall at any time operate a Vehicle on any Highway while the Vehicle is carrying gravel, sand or any material that could shift, slip, blow off or fall off the Vehicle, unless the gravel, sand or material is placed inside a container and covered so as to prevent it from blowing, slipping or falling off the Vehicle while being transported.

PART SIX

MISCELLANEOUS

16. No person owning or occupying any lands which are adjacent to a Highway and to which entry or exit for Pedestrians or Vehicles is made onto or from the Highway, shall permit any materials including soil, mud, snow, slush or ice to be pushed onto or across the Highway from the said lands or the entry or exit to or from the said lands to or from such Highway or let such materials remain on the Highway if the presence of such materials will likely constitute a danger for those using the Highway.
17. No person, unless authorized by the Camrose County Public Works Manager or his designate, shall develop, place, construct, extend, erect a building, structure, fixture, road, excavation or other development, whether on, above or below ground or display machinery, motor vehicles or other articles, whether placed for storage or wrecking or for the purpose of advertising or sale, adjacent to a highway under the direction, control and management of Camrose County.

PART SEVEN

PROSECUTIONS

18. Any Person who contravenes this Bylaw is guilty of an offence.
19. Persons contravening certain sections of this Bylaw shall be liable for the penalties set out in such section or set out opposite such section number in Schedule "A" hereto.
20.
 - (1) A notice or form commonly called a Violation Ticket may be issued by a Peace Officer to any person alleged to have breached any provisions of this Bylaw, and such notice shall require the payment of such in the amount specified in this Bylaw or the Act, as amended or regulations pursuant to the Provincial Offences Procedure Act (Alberta), as amended.
 - (2) If a Person has been prosecuted for the offence named in the Violation Ticket and has been convicted of such offence, then the fine imposed shall not be less than the original amount indicated on the said Violation Ticket plus court costs.
 - (3) Nothing in this Section shall prevent any Person from defending a charge of committing a breach of this Bylaw.
21. A Violation Ticket shall be deemed to be sufficiently served:
 - (1) If serviced personally on the accused, or
 - (2) If mailed to the address of the registered Owner of the Vehicle concerned or to the Person concerned.
22. Except as otherwise provide in this Bylaw, a Person who is guilty of an offence under this Bylaw for which a penalty is not otherwise provided, is liable to a fine of not less than \$100.00 and not more than \$2,500.00 and in default of payment, is liable to imprisonment for a term not exceeding

six (6) months or to imprisonment for a term not exceeding six (6) months without the option of a fine.

This Bylaw comes into effect on the date of final passing.

RECEIVED FIRST READING THIS
24th DAY OF June A.D. 2008
IN THE CITY OF CAMROSE, IN THE
PROVINCE OF ALBERTA

* _____
* REEVE
* _____
* COUNTY ADMINISTRATOR

RECEIVED SECOND READING THIS
DAY OF AD 2008
PROVINCE OF ALBERTA
IN THE CITY OF CAMROSE, IN THE
PROVINCE OF ALBERTA

* _____
* REEVE
* _____
* COUNTY ADMINISTRATOR

RECEIVED THIRD AND FINAL
READING THIS DAY OF
A.D. 2008, IN THE CITY OF CAMROSE*
IN THE PROVINCE OF ALBERTA

* _____
* REEVE
* _____
* COUNTY ADMINISTRATOR

SCHEDULE "A"

Part 5	Load Permit - County permission Section 11 (1) & (2)	\$500.00
Part 5	Prohibited Truck Route Section 11 (4)	\$345.00
Part 5	Cleated Vehicles Section 12 (1)	\$500.00
Part 5	Hauling Agreement Section 14 (8)	\$345.00
Part 5	Hauling sand, gravel, material Section 15	
	First Offence	\$250.00
	Second Offence	\$500.00
Part 6	Depositing snow on road Section 16	\$ 57.00
Part 6	Unauthorized development on roadway Section 17	\$250.00