

BYLAW NO. 1074/08

A BYLAW OF LACOMBE COUNTY IN THE PROVINCE OF ALBERTA RESPECTING THE USE OF ROADS UNDER THE DIRECTION, CONTROL AND MANAGEMENT OF LACOMBE COUNTY.

WHEREAS pursuant to the provisions of Section 18 of the *Municipal Government Act*, being Chapter M-26 of the Revised Statutes of Alberta, 2000 with amendments, a Municipal Council may pass bylaws respecting the direction, control and management of all roads within the municipality;

AND WHEREAS the Council of Lacombe County deems it necessary to provide for the direction, control and management of all roads within the County;

NOW THEREFORE the Council of Lacombe County in the Province of Alberta, duly assembled, hereby enacts the following:

1. TITLE

1.1 This Bylaw shall be known as the "Use of Road Bylaw".

2. DEFINITIONS

2.1 "County" means Lacombe County.

2.2 "Cultivate" means to loosen or break up the soil.

2.3 "County Commissioner" means the Chief Administrative Officer of Lacombe County or his designate.

2.4 "Dispose" includes discharging, dumping, throwing, dropping, discarding, or abandoning.

2.5 "Litter" means:

- a) Rubbish, refuse, garbage, waste material, paper, packages, containers, bottles, cans or any part thereof,
- b) Any article, product, machinery, motor vehicle, building materials or other manufactured goods or part thereof, or
- c) Trees, shrubs, manure, sewage, straw, hay, soil, gravel, rock, dead animals or dead fowl.

2.6 "Road" means land:

- a) Shown as a road on a plan of survey that has been filed or registered in a land titles office, or
- b) Used as a public road, and includes a bridge forming part of a public road and any structure incidental to a public road.

2.7 "Second Offence" means the penalty when any person contravenes the same provision of the Bylaw twice within a consecutive twelve month period.

2.8 "Third Offence" means the penalty when any person contravenes the same provision of the Bylaw three times within a consecutive twelve month period.

3. REGULATIONS

3.1 No person shall dispose of, or cause to be disposed of, any litter on a road.

3.2 No person shall cultivate, or cause to be cultivated, a road or any portion thereof.

- 3.3 No person shall remove, cut or otherwise destroy trees or shrubs located on a road.
- 3.4 No person shall remove any soil, sand or gravel from a road.
- 3.5 No person shall grade, ditch or otherwise change the contour of a road.
- 3.6 No person shall deposit snow upon the traveled portion of a road.
- 3.7 No person may wash or clean equipment or vehicles on any portion of a road.
- 3.8 No person shall install a fence or other physical structure on a road.
- 3.9 No person shall install an approach on a road.
- 3.10 No person shall install drainage works or facilities on a road.
- 3.11 No person shall install a sign on a road.
- 3.12 Notwithstanding anything hereinbefore contained the County Commissioner may issue a permit to a person authorizing any of the actions or things prohibited within Sections 3.1 to 3.11 inclusive of this Bylaw.

4. VIOLATIONS

- 4.1 Any person who contravenes any of the regulations of this By-Law is guilty of an offence and liable on summary conviction as outlined in "Schedule A".

5. VIOLATION TAG

- 5.1 A Community Peace Officer is hereby authorized and empowered to issue a Violation Tag to any person the Community Peace Officer has reasonable and probable grounds to believe has contravened any provision of this Bylaw.
- 5.2 The Violation Tag shall state:
 - a) the name and address of the offender if ascertainable,
 - b) the offence and location,
 - c) date of the offence,
 - d) the appropriate penalty for the offence as in Schedule "A" of this Bylaw,
 - e) that the penalty shall be paid within thirty (30) days of the issuance of the Violation Tag, and
 - f) any other information as may be required by the County Commissioner.
- 5.3 The Violation Tag may be issued to such person:
 - a) either personally, or
 - b) by mailing a copy to such person at their last known address, or
 - c) by leaving it for the defendant at his residence with a person on the premises who appears to be at least eighteen (18) years of age.
- 5.4 Where a Violation Tag is issued pursuant to Section 5.1 of this Bylaw, the person to whom the Violation Tag is issued may, in lieu of being prosecuted for the offence, pay to Lacombe County the penalty specified on the Violation Tag.
- 5.5 Nothing in this Bylaw shall prevent a Community Peace Officer from immediately issuing a Violation Ticket.

6. VIOLATION TICKETS

- 6.1 In those cases where a Violation Tag has been issued and if the penalty specified on the Violation Tag has not been paid within the prescribed time, then a Community Peace Officer is hereby authorized to issue a Violation Ticket pursuant to Part II of the *Provincial Offences Procedure Act*, to any person who the Community Peace Officer has reasonable grounds to believe has contravened any provision of this Bylaw.
- 6.2 Notwithstanding Section 6.1 of this Bylaw, a Community Peace Officer is hereby authorized and empowered to immediately issue a Violation Ticket pursuant to Part II of the *Provincial Offences Procedure Act*, to any person who the Community Peace Officer has reasonable grounds to believe has contravened any provision of this Bylaw.
- 6.3 Any person to whom a Violation Ticket has been issued may make voluntary payment in respect of the Violation Ticket by delivering the Violation Ticket along with an amount equal to that specified for the offence as set out in Schedule "B" of this Bylaw, to the Provincial Court office specified on the Violation Ticket.

7. SEVERABILITY PROVISION

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

8. REPEAL OF BYLAW

- 8.1 Bylaw No. 849/96 is hereby repealed.

9. EFFECTIVE DATE

- 9.1 This Bylaw shall take effect as and from third and final reading.

Received first and second readings, and by unanimous consent of the Councillors present, a third reading and finally passed this 27th day of March, A.D. 2008.


Reeve


County Commissioner

SCHEDULE "A"

PENALTIES

	<u>PENALTIES</u>	<u>SECTION</u>
First Offence	Not less than \$ 150.00 or not more than \$ 1000.00 and in default of payment to imprisonment for a period not exceeding 30 days.	4.1
Second Offence	Not less than \$ 300.00 or not more than \$ 2000.00 and in default of payment to imprisonment for a period not exceeding 60 days.	4.1
Third Offence	Not less than \$ 500.00 or not more than \$ 5000.00 and in default of payment to imprisonment for a period not exceeding 90 days.	4.1

SCHEDULE "B"

VIOLATION TICKET

	<u>PENALTIES</u>	<u>SECTION</u>
First Offence	Not less than \$ 300.00 or not more than \$ 2000.00 and in default of payment to imprisonment for a period not exceeding 30 days.	4.1
Second Offence	Not less than \$ 600.00 or not more than \$ 4000.00 and in default of payment to imprisonment for a period not exceeding 60 days.	4.1
Third Offence	Not less than \$ 1000.00 or not more than \$ 10,000.00 and in default of payment to imprisonment for a period not exceeding 90 days.	4.1