

BYLAW NO. 1116/10

A BYLAW OF LACOMBE COUNTY, IN THE PROVINCE OF ALBERTA, FOR THE PURPOSE OF ESTABLISHING WEIGHT RESTRICTIONS FOR VEHICLES ON HIGHWAYS WITHIN LACOMBE COUNTY.

WHEREAS the Traffic Safety Act, RSA 2000, c. T-6 ("the Act"), as amended, provides that a municipal Council may enact bylaws for the purpose of restricting the weight of Commercial Vehicles and the goods being carried by the Commercial Vehicles;

AND WHEREAS damage may be caused to Highways by the weight of Commercial Vehicles and the goods being carried by Commercial Vehicles, or by the frequency of the use of the Highways;

AND WHEREAS Lacombe County deems it necessary to provide for weight restrictions for vehicles on Highways within its jurisdiction;

AND WHEREAS the Act provides that the Council of a municipality may by bylaw delegate to an employee of the municipality the power to impose road bans;

NOW THEREFORE, the Council of Lacombe County, duly assembled, enacts as follows:

1. SHORT TITLE

1.1 This Bylaw may be called the "Weight Restriction and Road Ban Bylaw".

2. DEFINITIONS

2.1 Except as otherwise provided in this Bylaw, the terms used in the Act where used or referred to in this Bylaw shall have the same meaning as used or defined in the Act.

2.2 "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.

2.3 "Council" means the Council of Lacombe County.

2.4 "County" means Lacombe County.

2.5 "County Commissioner" means the Chief Administrative Officer for Lacombe County.

2.6 "Highway" or "Highways" has the same meaning as set out in the Act but is limited to Highways under the direction, control and management of the County.

2.7 "Operator" means a person responsible for the operation of a Commercial Vehicle and includes an owner of a Commercial Vehicle.

2.8 "Road Ban" means the axle weight allowance prescribed in respect of a Highway.

2.9 "Road Use Agreement" (RUA) means an agreement between Lacombe County and a motor carrier for the purposes of allowing movement of Commercial Vehicles on local Highways under the jurisdiction of Lacombe County.

2.10 "Tridem Axle Certificate" ("TAC") means a permit, issued under the Act authorizing the operation of a Commercial Vehicle, consisting of any three consecutive axles on a vehicle, on a Highway.

2.11 "Peace Officer" means:

- (a) A peace officer appointed under the *Peace Officer Act*
- (b) A member of a municipal police service
- (c) A member of the Royal Canadian Mounted Police



3. RESTRICTIONS

- 3.1 The County Commissioner, in his or her sole discretion, may make a determination that the use of a Highway by a Commercial Vehicle or Commercial Vehicles may or will likely cause damage to a Highway due to:
- (a) The weight of the Commercial Vehicle or Commercial Vehicles,
or
 - (b) The frequency of use of the Highway by the Commercial Vehicle or Commercial Vehicles.
- 3.2 The County Commissioner, in exercising his discretion under s. 3.1, shall have consideration for the following:
- (a) Highway surface classification,
 - (b) Daily vehicular traffic count, and/or
 - (c) Number of occupied driveways adjacent to a Highway.
- 3.3 Where such a determination is made under s. 3.1, the County Commissioner is authorized to require any Operator to enter into an RUA prior to operating a Commercial Vehicle on a Highway.
- 3.4 An Operator entering into a RUA shall at all times ensure that the terms and conditions contained within the RUA are complied with.
- 3.5 Where an Operator has entered into a RUA, failure to comply with this Bylaw may result in the cancellation of that RUA.
- 3.6 Commercial Vehicles requiring a Provincial TAC permit will be required to operate under the TAC conditions when on Highways under the care and control of the County.
- 3.7 Notwithstanding s. 3.5, an Operator shall comply with all other provisions of the Act and this Bylaw, and without limiting the generality of the foregoing, shall obey all prohibitions, limitations, increases or restrictions imposed by an RUA.

4. ROAD BAN

- 4.1 The County Commissioner is hereby authorized to impose Road Bans from time to time to define:
- (a) load limits upon Highways;
 - (b) Highway locations with percentage axle weights for those Highways; and
 - (c) Bridge locations with the maximum gross Commercial Vehicle weights to be posted on those bridges.
- 4.2 Where the County Commissioner imposes a Road Ban in respect of a Highway or bridge, he shall cause signs to be erected along the Highway or bridge as he considers necessary to notify Operators using Commercial Vehicles on the Highway or bridge of the Road Ban Order.

5. EXEMPTIONS

This Bylaw does not apply to:

- (a) Construction and maintenance equipment operated or hauled by or on behalf of the County.
- (b) Commercial Vehicles or combinations of Commercial Vehicles required by the County to transport materials needed for maintenance and repair of Highways.

- (c) The movement of equipment to a natural or man-made disaster such as a fire, flood, train derailment or pipeline spill, PROVIDED THAT the County Commissioner is immediately notified of the occurrence of such disaster.
- (d) Emergency Response Vehicles

6. OFFENCES

- 6.1 It is an offence under this Bylaw to:
 - (a) Operate a Vehicle without a TAC;
 - (b) Operate a Vehicle without a RUA;
 - (c) Fail to produce a TAC or RUA when requested;
 - (d) Fail to comply with the terms and conditions of a TAC or RUA.
- 6.2 Any person who contravenes any provision of this Bylaw is guilty of an offence and is liable to penalties as set out in Schedule "A".

7. VIOLATIONS TAGS

- 7.1 A Peace Officer is hereby authorized and empowered to issue a Violation Tag to any person who the Peace Officer has reasonable and probable grounds to believe has contravened any provision of this Bylaw.
- 7.2 A Violation Tag may be issued to such person:
 - (a) either personally; or
 - (b) by mailing a copy to such person at his/her last known post office address.
- 7.3 The Violation Tag shall be in a form approved by the County and shall state:
 - (a) the name of the person;
 - (b) the offence;
 - (c) the appropriate penalty for the offence as specified in this Bylaw;
 - (d) that the penalty paid shall be paid within thirty (30) days of the issuance of the violation tag;
 - (e) Any other information as may be required by the County.
- 7.4 Where a contravention of this Bylaw is of a continuing nature, further Violation Tags may be issued by the Peace Officer, provided that no more than one Violation Tag shall be issued for each day that the contravention continues.
- 7.5 Where a Violation Tag is issued pursuant to this Bylaw, the person to whom the Violation Tag is issued may, in lieu of being prosecuted for the offence, pay the County the penalty specified on the Violation Tag.
- 7.6 Nothing in this Bylaw shall prevent a Peace Officer from immediately issuing a Violation Ticket for a mandatory Court appearance of any person who contravenes any provision of this Bylaw.



8. VIOLATION TICKET

8.1 If the penalty specified on a Violation Tag is not paid within the prescribed time period then a Peace Officer is hereby authorized and empowered to issue a Violation Ticket pursuant to Part II of the Provincial Offences Procedure Act, RSA 2000, c. P-34.

8.2 Notwithstanding Section 7.1 of this Bylaw, a Peace Officer is hereby authorized and empowered to immediately issue a Violation Ticket pursuant to Part II of the Provincial Offences Procedure Act, RSA 2000, c. P-334, as amended, to any Person who the Peace Office has reasonable grounds to believe has contravened any provision of this Bylaw.

9. SEVERABILITY PROVISION

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

10. DELEGATION OF AUTHORITY

10.1 The County Commissioner is hereby authorized to delegate and to authorize further delegation of any authorization, action, determination or exercising discretion pursuant to this Bylaw.

11. REPEAL OF BYLAW

11.1 Bylaw 577/81 is hereby repealed.


12. SEVERABILITY PROVISION


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

13. EFFECTIVE DATE

13.1 This Bylaw shall take effect on the day of final passing thereof.

Received first reading on the 9th day of December, 2010 and by unanimous consent of the Councillors present, second and third reading and finally passed this 27th day of January, 2011.


Reeve


County Commissioner

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SCHEDULE "A"

OFFENCE	SECTION	FINE
Operate a Vehicle Without a TAC	s. 6.1(a)	\$ 500
Operate a Vehicle Without a RUA	s. 6.1(b)	\$ 500 (1 st Offence) \$ 1,000 (2 nd Offence) \$ 2,000 (3 rd and Subsequent Offences)
Fail to Produce a TAC or RUA When Requested	s. 6.1(c)	\$ 200