

## BYLAW NO. 1543

A BYLAW OF THE MUNICIPAL DISTRICT OF BONNYVILLE NO. 87, IN THE PROVINCE OF ALBERTA, FOR THE PURPOSE OF ESTABLISHING WEIGHT RESTRICTIONS FOR VEHICLES ON HIGHWAYS WITHIN AND UNDER THE CONTROL OF THE MUNICIPAL DISTRICT OF BONNYVILLE NO. 87

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 weights of Commercial Vehicles and the goods being carried by Commercial Vehicles, or by the frequency of the use of the Highways;

AND WHEREAS the Municipal District of Bonnyville No. 87 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 Municipal District of Bonnyville No. 87, 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 Municipal Council of the Municipal District of Bonnyville No. 87.
- 2.4 "Chief Administrative Officer" means the Chief Administrative Officer for the Municipal District of Bonnyville No. 87.
- 2.5 "Director of Transportation and Utilities" means the Director of Transportation and Utilities for the Municipal District of Bonnyville No. 87.
- 2.6 "Farm equipment" means equipment designed and intended for use in farming operations, other than a truck, trailer or semi-trailer, but does not include farm equipment that is loaded on a truck, trailer or semi-trailer or that is towing equipment other than another piece of farm equipment.
- 2.7 "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 Municipal District
- 2.8 "MD" means Municipal District of Bonnyville No. 87.
- 2.9 "Operator" means a person responsible for the operation of a Commercial Vehicle and includes an owner of a Commercial Vehicle.
- 2.10 "Reeve" means the chief elected official for the Municipal District of Bonnyville No. 87.
- 2.11 "Road Ban" means the axle weight allowance prescribed in respect of a Highway.

- 2.12 "Road Ban Committee" means a committee made up of the following persons:
- (a) Reeve
  - (b) Chief Administrative Officer
  - (c) Director of Transportation and Utilities.
- 2.13 "Road Maintenance Agreement" (RMA) means an agreement between the Municipal District of Bonnyville No. 87 and an organization that controls the movement of Commercial Vehicles, for the purpose of ensuring the roads used by those vehicles are repaired and maintained to an agreed standard, by that organization.
- 2.14 "Road Use Agreement" (RUA) means an agreement between the Municipal District of Bonnyville No.87 and a motor carrier for the purposes of allowing movement of Commercial Vehicles on local Highways, which are subject to a road ban, within the jurisdiction of the Municipal District of Bonnyville 87.
- 2.15 "Tridem Axle Certificate" (TAC) means a permit, issued under the Provincial Act authorizing the operation of a Commercial Vehicle, consisting of any three consecutive axles on a vehicle, on a Highway.
- 2.16 "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 Road Ban Committee at their 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 Road Ban Committee, in exercising their discretion under Section 3.1 shall have consideration for the following:
- (a) Highway surface classification and condition,
  - (b) Daily vehicular traffic count, and/or
  - (c) Number of occupied driveways adjacent to a Highway.
- 3.3 The Chief Administrative Officer or designate is authorized to allow any Operator to apply for a RUA prior to operating a Commercial Vehicle on a Highway which is subject to a road ban weight restriction
- 3.4 Application for a RUA must be received by the Chief Administrative Officer or designate a minimum of 48 hours prior to the time the Operator is requesting the start of the RUA
- 3.5 An Operator entering into a RUA shall at all times ensure that the terms and conditions contained within the RUA are complied with.
- 3.6 Where an Operator has entered into a RUA, failure to comply with this Bylaw may result in the cancellation of that RUA.
- 3.7 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 MD.

- 3.8 Notwithstanding Section 3.5, an Operator shall comply with all other provisions of the Act and this Bylaw, and without limiting the generality of the forgoing, shall obey all prohibitions, limitations, increases or restrictions imposed by an RUA.
- 3.9 A RMA is solely for road maintenance purposes and does not allow any commercial vehicle to exceed any Road Ban.

#### 4. ROAD BAN

- 4.1 The Road Ban Committee 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 Road Ban Committee imposes a Road Ban in respect of a Highway or bridge, the Chief Administrative Officer 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. EXCEPTIONS

- 5.1 This Bylaw does not apply to:
- (a) Farm equipment
  - (b) Farmers hauling their own produce or livestock along local highways adjacent to their farm property or local highways on the most direct route to market. (Farm produce being hauled by a second party or contracted Operator is NOT EXEMPT).
  - (c) Commercial vehicles being operated by the Municipal District of Bonnyville except on a weight restricted bridge, while being operated within the jurisdiction of the MD.
  - (d) The movement of equipment to a natural or man-made disaster such as a fire, flood, oil well site spill, pipeline spill or other emergency, PROVIDED THAT the Chief Administrative Officer has already been notified of the occurrence of such disaster.
  - (e) Emergency Response Vehicles
  - (f) School bus
  - (g) Vehicle crossing a weight restricted highway
  - (h) Vehicles listed as being exempt, or partly exempt, in accordance with Alberta Regulation 315/2002 – Commercial Vehicle Dimension and Weight Restriction

#### 6. OFFENCES

- 6.1 It is an offence under this Bylaw to :
- (a) Operate a Vehicle without a TAC;
  - (b) Operate an overweight Vehicle without a RUA;
  - (c) Fail to produce a TAC or RUA when requested by a Peace Officer;
  - (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 MD 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 MD.
- 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 MD 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 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 or Part III 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 or Part III of the provincial Offences Procedure Act, RSA 2000, c. P-34, as amended, for contravention of 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 Chief Administrative Officer 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 No. 1529 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.

12.2 The Schedule "A" - Penalties is attached and forms part of this Bylaw and may be amended from time to time by resolution of Council.


13. **EFFECTIVE DATE**

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

READ A FIRST TIME IN COUNCIL THIS 28<sup>TH</sup> DAY OF AUGUST ,2013.

READ A SECOND TIME IN COUNCIL THIS 28<sup>TH</sup> DAY OF AUGUST ,2013.

READ A THIRD AND FINAL TIME, WITH THE UNANIMOUS CONSENT OF ALL COUNCILLORS PRESENT, THIS 28<sup>TH</sup> DAY AUGUST, 2013.

  
REEVE

  
CHIEF ADMINISTRATIVE OFFICER

**Bylaw 1543  
Schedule "A" – Penalties**

| <b>Section</b> | <b>Violation</b>   | <b>Fine</b> |
|----------------|--|-------------|
| 6.1(a)         | Operate vehicle without a Tridem Axle Certificate  | \$250.00    |
| 6.1(b)         | Operate overweight vehicle on Banned Highway without a Road Use Agreement                      | \$500.00    |
| 6.1(c)         | Fail to produce a Tridem Axle Certificate/Road Use Agreement when requested by a Peace Officer | \$500.00    |
| 6.1(d)         | Fail to comply with terms and conditions of a Tridem Axle Certificate/Road Use Agreement       | \$500.00    |