

BYLAW NUMBER 2021/10

BYLAW NO. 2021/10 is a Bylaw of the County of Wetaskiwin No. 10 in the Province of Alberta, for the purpose of establishing the protection of the County's road infrastructure.

WHEREAS: Section 7 of the *Municipal Government Act*, Revised Statutes of Alberta 2000, Chapter M-26.1, Section 7 gives the Council of a municipality the authority to pass bylaws for municipal purposes;

AND WHEREAS: Section 18(1) of the *Municipal Government Act* grants the Council of the County of Wetaskiwin direction, control, and management of all roads within the County;

AND WHEREAS: Section 13 of the *Traffic Safety Act*, RSA 2000, C. T-6 gives the Council of a municipality, with respect to a Highway under its direction, control, and management, the authority to pass bylaws that are not inconsistent with the *Traffic Safety Act*;

AND WHEREAS: Section 16 of the *Traffic Safety Act* restricts the Council of a municipality from passing any bylaw that imposes and tax, fee, licence, or permit respecting the use of Highways by pedestrians or Vehicles, excludes pedestrians or Vehicles generally from using Highways, prohibits the use of Highways by pedestrians or Vehicles, or affects in any way the registration or numbering of Motor Vehicles, unless such a bylaw is specifically permitted by the *Traffic Safety Act* or another Act.

NOW THEREFORE: The Council of the County of Wetaskiwin NO. 10, duly assembled, hereby enacts as follows:

Title

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

Definitions

2. In this Bylaw:
 - 2.1. "Balloon or Floater Tire" shall mean a tire that bears the following wording:
 - 2.1.1. "Not for Highway use";
 - 2.1.2. "Farm use only";
 - 2.1.3. "Competition circuit use only"; or
 - 2.1.4. Any other wording or lettering indicating that the tire has not been designed for Highway use.
 - 2.2. "Bridge" shall mean a structure facilitating passage of streams or other traffic through the roadway.
 - 2.3. "Chief Administrative Officer (CAO)" shall mean the person appointed by Council to the position of Chief Administrative Officer, or an individual designated to perform the required duties of the CAO.
 - 2.4. "Commercial Business" shall mean a building on a property that is properly districted where products are stored and offered for sale at retail prices.
 - 2.5. "Commercial Vehicle" shall mean 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.

- 2.6. "Community Event" shall mean a scheduled event open to the general public that is organized, advertised, and controlled by a non-profit community society.
- 2.7. "Contractor" shall mean a person or company that undertakes a contract to provide materials or labour to perform a service or do a job.
- 2.8. "Council" shall mean the duly elected Reeve and Councillors of the County of Wetaskiwin currently holding office.
- 2.9. "County" shall mean the County of Wetaskiwin No. 10.
- 2.10. "County Employee" shall mean any employee of the County, or any Contractor hired on behalf of the County to perform specific tasks.
- 2.11. "County Property" shall mean property (land or buildings) owned or leased by the County of Wetaskiwin, including, but not limited to, Environmental Reserves, Municipal Reserves, and Public Utility Lots.
- 2.12. "Culvert" shall mean a channel or drain of any type of construction designed to conduct water under, along, or across a Highway.
- 2.13. "Damage" shall mean any act of physical harm caused to something in such a way as to impair its value, usefulness, or normal function.
- 2.14. "Dangerous Goods" shall mean a product, substance, or organism included by its nature in any of the classes listed in the Appendix to the *Dangerous Goods Transportation and Handling Act*, RSA 2000, C. D-4, or the regulations pursuant to the same, with the following exceptions:
- 2.14.1. individual containers in amounts for which placards are not required by the *Dangerous Goods Transportation and Handling Act*, R.S.A 2000, Chapter D-4, or the regulations pursuant to the same; and
- 2.14.2. Fuel in the tank or tanks of the Commercial Vehicle, provided the fuel is carried in permanently mounted tanks with direct lines to the Commercial Vehicle's fuel system.
- 2.15. "Director of Public Works" shall mean the Director of Public Works for the County of Wetaskiwin, or an individual designated to perform the required duties of the Director.
- 2.16. "Disturbance" shall mean an interference with the normal arrangement or function of something.
- 2.17. "Environmental Reserve" shall mean land designated as such by the County, as per Section 664 of the *Municipal Government Act*.
- 2.18. "Farming Industry" shall mean a Commercial Vehicle that does not operate under the authority of an operating authority certificate as a Class 2 Commercial Vehicle if
- 2.18.1. it is used by or in:
- a) a farmer or a member of the farmer's family for personal use;

- b) a farmer engaged in the delivery of animals, farm products, grains, or farm produce to:
 - i. the farmer's farm, if those commodities are to be used by the farmer in the operation of the farm; or
 - ii. to a market, if the commodities being transported were either grown or raised by the farmer on the farmer's farm;
 - c) a farmer transporting material or equipment that is owned by the farmer and used by the farmer in the operation or maintenance of the farmer's farm;
 - d) a farmer transporting logs or sawn lumber that is produced from timber grown on the farmer's land and is being transported from the farmer's land to market;
 - e) a farmer transporting the farmer's race horses or show animals for purposes related to racing or showing them;
 - f) a farmer transporting rodeo animals raised by the farmer to and from rodeos;
 - g) a farmer transporting livestock that is owned by some other person to or from land that is the subject of a grazing lease held by that other person, if the transportation is not for compensation of any kind;
 - h) a bee farmer transporting bees, honey, or supplies for the purposes of the farmer's bee keeping operation;
 - i) a fur farmer transporting fish that the farmer has caught to the fur farm for use as feed;
 - j) a person in the operation of a game farm;
 - k) a person transporting manure that is intended to be spread on land, if the Vehicle is equipped with permanently mounted equipment designed and used exclusively for hauling and spreading manure;
 - l) a person who is an alfalfa processor and is delivering alfalfa in its natural state to an alfalfa processing plant; or
 - m) an irrigation district as defined in the *Irrigation Districts Act*, RSA 2000, C.I-11, if the Vehicle is used only in respect of the construction, maintenance, or operation of irrigation works as defined in that *Act*.
- 2.18.2. it is used for the purpose of part-time farming operations;
- 2.18.3. it is used for the transportation of fresh milk or fresh cream from the place where the milk or cream is produced to the place where it is processed; and
- 2.18.4. it is used for the transportation of grain cleaning or drying equipment.

- 2.19. "Hamlet" shall mean any community designated as such by the County under Section 59(1) of the *Municipal Government Act*.
- 2.20. "Highway" shall mean 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, not including a place declared by regulation not to be a Highway, but including:
- 2.20.1. a sidewalk, or a boulevard adjacent to the sidewalk;
 - 2.20.2. a ditch, if the ditch lies adjacent to and parallel with the roadway; and,
 - 2.20.3. 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,
- 2.21. "Lugs" shall mean metallic projections of Vehicle wheels or tracks designed to hold or grip any surface or road, but does not include studded tires.
- 2.22. "Motor Vehicle" shall mean a Vehicle propelled by any power other than muscular power, or a moped, but shall not include a bicycle, a power bicycle, an aircraft, an implement of husbandry, or a Vehicle that runs only on rails.
- 2.23. "Obstruction" shall mean an act of deliberate hinderance to the normal or intended function of something.
- 2.24. "Off-highway Vehicle" shall mean any motorized mode of transportation built for cross-country travel on land, water, snow, ice, or marsh or swamp land, or on other natural terrain and, without limiting the generality of the foregoing, includes, when specifically designed for such travel:
- 2.24.1. 4-wheel drive Vehicles;
 - 2.24.2. low pressure tire Vehicles;
 - 2.24.3. motor cycles and related 2-wheel Vehicles;
 - 2.24.4. amphibious machines;
 - 2.24.5. all terrain Vehicles;
 - 2.24.6. miniature Motor Vehicles;
 - 2.24.7. snow Vehicles;
 - 2.24.8. minibikes; and
 - 2.24.9. any other means of transportation that is propelled by any power other than muscular power or wind, but does not include
 - 2.24.10. motor boats;
 - 2.24.11. golf carts; or
 - 2.24.12. any other vehicle exempted from being an Off-highway Vehicle by regulation.
- 2.25. "Peace Officer" shall mean:
- 2.25.1. A member of the Royal Canadian Mounted Police;

- 2.25.2. A member of a municipal police service;
 - 2.25.3. A Peace Officer appointed under the *Peace Officer Act*, RSA 2000, C. P-3.5, for the purposes of enforcing the *Traffic Safety Act*;
 - 2.25.4. A bylaw enforcement officer appointed as such under By-Law 2007/68, the "By-Law Enforcement Officer By-Law";
 - 2.25.5. A park warden appointed under the *Parks Canada Agency Act*, S.C 1998. Chapter 31;
 - 2.25.6. A conservation officer appointed under Section 1, Appendix 3.1 of the *Government Organization Act*, RSA 2000, C. G-10
 - 2.25.7. A forest officer appointed under the *Forests Act*, RSA 2000, C. F-22; or
 - 2.25.8. A wildlife officer appointed under the *Wildlife Act*, RSA 2000, C. W-10.
- 2.26. "Permit" shall mean the written authority of the Director of Public Works to allow traffic movement at any time on the roads under the control of the County.
- 2.27. "Private Passenger Vehicle" shall mean a Vehicle used solely for personal transportation, including:
- 2.27.1. the carriage of goods intended for the use or enjoyment of the owner of the Vehicle or members of the owner's household; but
 - 2.27.2. not including, in respect of a person's business, work, or employment, the carriage of passengers or of goods, except for sample cases of display goods that are conveyed by a salesperson and that are not for delivery or resale.
- 2.28. "Public Property" shall mean a place that is open to the public.
- 2.29. "Road Protection Committee" shall mean a committee comprised of the County's Reeve, Chief Administrative Officer, and Director of Public Works.
- 2.30. "Road Use Agreement (RUA)" shall mean an agreement between the County of Wetaskiwin and one (1) or more individuals and/or organizations to allow for movement and traffic along Highways within the County that would not normally be permitted under the provisions of this Bylaw.
- 2.31. "Street Furniture" shall mean every curb, pole, traffic sign, waste receptacle, bench, tree, plant, grass, hydrant, fence, utility, utility service, or any other property belonging to the County or located on County Property, or a Highway that is capable of being marked, defaced, or damaged.
- 2.32. "Subdivision" shall mean the division of a parcel of land by an instrument.
- 2.33. "Tracked Vehicle" shall mean a Vehicle or Trailer having metal spikes, Lugs, cleats, chains, or bands projecting from a tire or any part of the Vehicle or Trailer, such that the projecting materials make contact with the roadway surface while the Vehicle or Trailer is moving.

- 2.34. "Trailer" shall mean a Vehicle so designed that it may be attached to or drawn by a Motor Vehicle or tractor, and is intended to transport property or persons, and includes any Vehicle defined by Alberta Regulation as a Trailer, but does not include machinery or equipment solely used in the construction or maintenance of Highways
- 2.35. "Truck" shall mean a Motor Vehicle designed and intended for the transport of goods or carrying of loads.
- 2.36. "Vehicle" shall mean, other than an Off-highway Vehicle, 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.
- 2.37. "Waste" shall mean any solid or liquid material or product, or combination thereof, including, but not limited to:
- 2.37.1. rubbish, refuse, garbage, paper, packaging, containers, bottles, cans, manure, human or animal excrement, sewage, or the whole part of an animal carcass;
- 2.37.2. the whole or part of any article, raw or processed material, Vehicle, or other machinery that is disposed of; and
- 2.37.3. any other thing that is defined as Waste by a regulation.

3. **General Rules of the Road**

- 3.1. No person shall cause to be removed, or permit another person to cause to be removed, from the surface of any Highway, the gravel, paved, or oiled surface of that Highway.
- 3.2. No person shall cause, or permit another person to cause, any water to escape from private land into a Culvert, ditch, or into or onto a Highway.
- 3.3. No person shall commit an act likely to cause Damage to, or Obstruction of, a Highway, Bridge, or Culvert.
- 3.4. No person, other than a County Employee in execution of their duties, shall push or deposit snow into a ditch or onto a Highway.
- 3.5. No person shall in any way damage or otherwise vandalize any Street Furniture on any Highway, County Property, or Public Property.
- 3.6. No person shall deposit, or cause to be deposited, Waste on a Highway.
- 3.7. No person shall operate on an oiled or paved Highway any of the following:
- 3.7.1. a Vehicle having Lugs;
- 3.7.2. any Vehicle or Trailer having skids or tracks; or
- 3.7.3. any Vehicle with chains attached to the wheels of the Vehicle
- 3.8. No person shall cause, or permit another person to cause, Damage to, Disturbance of, or Obstruction of a County road allowance.

- 3.9. No person shall utilize a County road allowance for storage purposes, or erect a fence or gate on any part of a County road allowance, without first obtaining a Permit for such from the Director of Public Works.
 - 3.10. A Peace Officer is authorized to prevent, in any reasonable way, Damage to, Disturbance of, or Obstruction of a Highway by:
 - 3.10.1. ordering any person found damaging, disturbing, or obstructing a Highway to desist from doing so; and/or
 - 3.10.2. removing or impounding, if necessary, any Vehicle, machine, piece of equipment, or any other thing used to damage, disturb, or obstruct a Highway.
 - 3.11. Any person who does any act likely to cause Damage to, or Obstruction of, a Highway, Bridge, or Culvert, commits an offence and is liable on summary conviction to the penalty prescribed.
 - 3.12. The County is authorized to charge a Fixed Municipal Fee for the issuance of required permits, as per the Fees and Charges Bylaw.
 - 3.13. The provisions of this Bylaw may be waived where a person or organization obtains a Permit and enters into a Road Use Agreement (RUA) with the County before entering the Highway.
 - 3.14. A person may obtain a Permit to walk equipment within the County of Wetaskiwin's right of way, upon approval from the Director of Public Works.
 - 3.15. A person may obtain a Permit to utilize tire chains on gravel surfaces, in frozen conditions only, upon approval from the Director of Public Works.
4. **Road Bans**
- 4.1. Under authority of Section 152(3) of the *Traffic Safety Act*, Council hereby delegates authority to impose the prohibition, limitation, exemptions, or restriction of vehicular weight to the Road Protection Committee in the form as provided in Appendix 'B' of this Bylaw.
 - 4.1.1. Council shall be advised of any such order under Section 4.1 of this Bylaw.
 - 4.2. Under authority of Section 25 of the *Municipal Government Act*, Council hereby delegates authority to temporarily close roads to the Road Protection Committee.
 - 4.3. Should a person or organization fail to execute a Road Use Agreement (RUA), and/or fails to meet all the conditions outlined within the RUA, the Road Protection Committee shall be delegated full authority to take all necessary action to protect the identified roads, including the issuance of road bans as required.
 - 4.3.1. The Director of Public Works may also, at their discretion, refuse to grant the person or organization any or all permits as required under this Bylaw.
 - 4.3.2. Council shall be advised of any such action taken under Section 4.3 of this Bylaw.

- 4.4. The Director of Public Works shall cause to be erected along Highways such traffic control devices as they deem necessary to notify persons using the Highways of any prohibition, limitation, or restriction imposed by this Bylaw.
- 4.5. A Peace Officer may, while in lawful execution of their duties, operate an Off-highway Vehicle on any Highway or County Property in order to execute their duties.
- 4.6. Any Vehicle, or any other thing impounded under the authority of this Bylaw, may be held in a suitable place until such time as a Peace Officer is convinced the impounded thing will not be used contrary to the provisions of this Bylaw.

5. **Commercial Vehicles**

- 5.1. All overweight Commercial Vehicles shall apply for a Permit before travelling on a County road.
- 5.2. Users possessing a Provincial Multi-Trip Permit will be allowed the maximum allowable weight as determined by the conditions of the Multi-Trip Permit.
- 5.3. No person shall make use of any engine retarding devices within any Hamlet, Subdivision, or other posted area.
- 5.4. No person shall park a Vehicle containing Dangerous Goods within a Hamlet or Subdivision.
- 5.5. Users possessing a Provincial Annual Equipment Exemption Permit, for Balloon or Floater type tires, will be allowed to operate on the Highway, subject to the conditions set out in the Permit.

6. **Exemptions**

- 6.1. The following shall be exempt from the provisions of this Bylaw:
 - 6.1.1. Vehicles and equipment required by the County to maintain and repair roads and provide basic services;
 - 6.1.2. Rubber tire farm tractors, with or without Trailer, used exclusively for the Farming Industry;
 - 6.1.3. Deliveries for Commercial Businesses within Hamlets;
 - 6.1.4. Vehicles and equipment in possession of, and not contravening, a valid Permit issued by the County of Wetaskiwin;
 - 6.1.5. Emergency vehicles as defined in the *Traffic Safety Act*; and
 - 6.1.6. Subject to Section 3.3, Vehicles and equipment travelling to and using Highways adjacent to lands hosting a Community Event.
- 6.2. Farming Industry is allowed 75% on a 50% ban and 90% on a 75% ban year-round, without requiring a Permit.

7. **Penalties**

- 7.1. Any person who:
 - 7.1.1. violates any provision of this Bylaw;
 - 7.1.2. permits any act or thing to be done in contravention of or in violation of any provision of this Bylaw; or

7.1.3. neglects to do or refrains from doing anything required to be done by the provisions of this Bylaw;

is guilty of an offence under this Bylaw and upon a conviction is liable to a fine as outlined in Appendix 'A' of this Bylaw.

7.2. A Peace Officer is hereby authorized and empowered to issue a violation ticket to any person whom the Peace Officer has reasonable and probable grounds to believe has contravened or violated any provision of this Bylaw and also issue violation tickets pursuant to the *Provincial Offences Procedures Act* and amendments thereto, with respect to offences under this Bylaw;

7.3. The conviction of a person under the provisions of this Bylaw does not operate as a bar to further prosecution for the continued neglect or failure on the part of the person to comply with the provisions of this Bylaw, or conditions, orders, or Permits, issued in accordance with this Bylaw;

7.4. Any fine or penalty imposed under this Bylaw inures to the benefit of the County.

8. **Severability**

8.1. Should any provision of this Bylaw become invalid, void, illegal, or otherwise not enforceable, it shall be considered separate and severable from the By-law and the remainder shall remain in force and be binding as though such provision had not been included.

9. **Repeal**

9.1. This Bylaw shall repeal Bylaw 2014/21 of the County of Wetaskiwin.

10. **Effective Date**

10.1. This Bylaw shall come into full force and effect upon third and final reading thereof.

READ: A First time this 2nd day of February, A.D., 2021.

READ: A Second time this 2nd day of February, A.D., 2021.

READ: A Third time and finally passed this 2nd day of February, A.D., 2021.

REEVE

CHIEF ADMINISTRATIVE OFFICER

Appendix 'A'

INFRACTION	FIRST OFFENCE	SECOND OFFENCE
3.1 Cause to remove the gravel, paved or oiled surface of a highway	\$500.00	\$1,000.00
3.2 Cause or permit water to escape from private land into a culvert, ditch or onto a highway	\$500.00	\$1,000.00
3.3 Does any act likely to cause damage to or obstruct a highway, bridge or culvert	\$500.00	\$1,000.00
3.4 Push or deposit snow into a ditch or onto a highway	\$500.00	\$1,000.00
3.5 Damage or otherwise vandalize any street furniture on any highway, County Property, or public place	\$500.00	\$1,000.00
3.6 Cause or permit to deposit waste on a highway	\$500.00	\$1,000.00
3.7 Operate tracked vehicle on an oiled or paved highway	\$500.00	\$1,000.00
5.1 Overweight commercial vehicles fail to apply for a permit	\$345.00	
5.6 Use of engine retarding devices within any Hamlet, Subdivision or posted area	\$250.00	\$500.00
5.7 Park a vehicle containing Dangerous Goods within a hamlet or subdivision	\$500.00	
5.9 Balloon or floater tire type vehicles fail to obtain a Provincial Annual Equipment Exemption Permit	\$345.00	

Appendix 'B'

ORDER BY THE COUNCIL OF THE COUNTY OF WETASKIWIN NO. 10

Pursuant to the authority granted under the provision of the Road Protection By-Law 2021/10 the Council of the County of Wetaskiwin No. 10 orders that effective _____ the following maximum allowable weights will be permitted on local roads in the County of Wetaskiwin No. 10:

Description **Percentage Axle Weights**

GRAVELED SEASONAL ROAD BANS

GRAVELED SURFACES NOT IDENTIFIED BY ANNUAL ROAD BANS	100%
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ANNUAL ROAD BANS

Range Road 10 between Township Road 472 & Township Road 472.75 (.75 miles)	50%
Range Road 10 South of Secondary Highway 616 to Scott Avenue (1.5 miles) and all roads within Cameron Highlands	75%
Range Road 12 North of Lakedell Transfer Station to Summer Village Boundary	50%
Range Road 61 from Hwy 13 to TR 460A	100%
Range Road 61 from TR 460A to Lakeshore Drive (Hamlet of Buck Lake)	100%
Range Road 243 between Township Road 473 and Township Road 472 – East boundary of Town of Millet (C & E Trail)	50%
Range Road 243 South of Township Road 474 (1.25 miles)	50%
Range Road 243A from Township Road 474 to Township Road 473	50%
Range Road 244 between Township Road 474.5 and Township Road 474 (.5 mile)	50%
Township Road 460 between Range Road 54 to Range Road 55 (1 mile)	75%
Township Road 463 from Hwy 780 east for .75 miles (Wicked Witch)	50%
Township Road 464 from Highway 2A to Range Road 245 (Golf Course Road) (3 miles)	50%
Township Road 471 from Range Road 241 to Range Road 242 (1 mile)	50%
Township Road 472, West 2 miles from Secondary Highway 814 (2 miles)	50%
Township Road 474 between Range Road 240 (Secondary Highway 814) and Range Road 242	50%
Township Road 474 between Range Road 243 and Range Road 242 (.75 miles)	50%

HAMLETS AND SUBDIVISIONS

Oiled and Paved Roads in Hamlets and Subdivisions	50%
All other Oiled Surfaced roads within the County of Wetaskiwin Jurisdiction	50%

ROADS EXEMPTED FROM SEASONAL ROAD BANS

Range Road 64 North of Hwy 13 for .5 mile	100%
Range Road 241 between Township Road 461 to the City of Wetaskiwin boundary (.5 mile)	100%
Township Road 470 East of Highway 22 to Range Road 65 and Range Road 65 North of Township Road 470 (1 mile)	100%
Within the Hamlet of Winfield from Main Street for 50 metres in a north-eastern direction to the connecting laneway between 1 st Street E and 1 st Street W	100%
Within the Hamlet of Buck Lake from Range Road 63 east to the Bridge (Range Road 62.5)	100%

Exemptions:

- Vehicles and equipment required by the County of Wetaskiwin No. 10.
- Vehicles and equipment in possession of a valid Permit issued by the County of Wetaskiwin.
- Emergency vehicles & essential services as defined in the Traffic Safety Act.
- Farming Industry ~ one increment above any posted ban year-round (without a permit)

Note:

- Any permit issued by the County of Wetaskiwin or Roadata Services Ltd (RDS), shall be considered null and void in the event the Permit Holder has violated any of the terms and conditions contained within the Permit. Any permit issued by the County of Wetaskiwin does not absolve the Permit Holder or operator from responsibility for any damages caused to the roadway as a result of travel pursuant to the permit. Call 1-877-236-6445 for information concerning numbered highways.

FOR PERMIT INFORMATION CALL ROADATA SERVICES LTD. TOLL FREE AT 1-888-830-7623. This Order shall remain in effect until further notice.

Chief Administrative Officer

Reeve