

## BYLAW NO. 2020-10

### A BYLAW OF THE COUNTY OF ST. PAUL NO. 19, IN THE PROVINCE OF ALBERTA, FOR THE PURPOSE OF REGULATING THE USE OF HIGHWAYS UNDER THE DIRECTION, CONTROL AND MANAGEMENT OF THE MUNICIPALITY

**Whereas** pursuant to section 13 of the *Traffic Safety Act* the council of a municipality may, with respect to Highways under its direction, control, and management, pass bylaws not inconsistent with the *Traffic Safety Act* respecting matters enumerated therein; and

**Whereas** pursuant to section 108 of the *Traffic Safety Act* the council of a municipality may pass bylaws prescribing speed limits that are different from the speed limits established in that *Act*; and

**Whereas** pursuant to section 7 of the *Municipal Government Act* the council of a municipality may pass bylaws for municipal purposes respecting the safety, health and welfare of people and the protection of people and property and the enforcement of bylaws.

**Now Therefore**, the Council of the County of St. Paul No. 19, in the Province of Alberta, duly assembled, enacts as follows:

#### PART 1 - SHORT TITLE

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

#### PART 2 - INTERPRETATION AND APPLICATION

##### Definitions

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- (1) In this Bylaw, words shall have the same meanings as in the *Traffic Safety Act*, and the regulations thereunder, except as otherwise defined below.
- (2) In this Bylaw:
  - (a) "**Bylaw Enforcement Officer**" means a member of the Royal Canadian Mounted Police, a Community Bylaw Enforcement Officer whose appointment includes enforcement of the Municipality's Bylaws, or a Bylaw Enforcement Officer appointed by the Municipality;
  - (b) "**Chief Administrative Officer**" means the chief administrative officer of the Municipality, or the Chief Administrative Officer's designee;
  - (c) "**Council**" means the municipal council of the Municipality;
  - (d) "**Hamlet**" means an unincorporated community designated by Council from time to time as a hamlet of the Municipality pursuant to Section 59 of the *Municipal Government Act*;

- (e) **“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 and includes
  - (i) a sidewalk, including a boulevard adjacent to the sidewalk, RSA 2000 Section 1 Chapter T-6 11 *Traffic Safety Act*;
  - (ii) if a ditch lies adjacent to and parallel with the roadway, the ditch; and
  - (iii) 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, but does not include a place declared by regulation not to be a Highway;
- (f) **“Municipality”** means the municipal corporation of the County of St. Paul No. 19, and includes the geographical area within the County of St. Paul No. 19 where the context so requires;
- (g) **“Municipal Tag”** means a tag or similar document issued by the Municipality pursuant to the *Municipal Government Act* that alleges a bylaw offence and provides a Person with the opportunity to pay an amount to the Municipality in lieu of prosecution for the offence;
- (h) **“Person”** means any individual, firm, partnership, association, corporation, trustee, executor, administrator or other legal representative;
- (i) **“Traffic Control Device”** means any temporary or permanent sign, signal, marking or device placed, marked or erected under the authority of this Bylaw for the purpose of regulating, warning or guiding traffic or governing parking;
- (j) **“Vehicle”** means a device in, upon or by which a Person or thing may be transported or drawn upon a Highway and includes a combination of Vehicles, but does not include a mobility aid; and
- (k) **“Violation Ticket”** has the same meaning as in the *Provincial Offences Procedure Act*.

### **PART 3 - OPERATIONAL RESTRICTIONS**

#### **Maximum Speeds**

- 3 A maximum speed more than or less than eighty (80) kilometers per hour is hereby provided on the described portions of Highway set out in Schedule “A”.

#### **Compliance with Traffic Control Devices**

- 4 No Person shall operate a Vehicle in contravention of a Traffic Control Device.

## **Vehicles with Loads**

- 5 No Person shall operate a Vehicle containing any load on a Highway unless the load has been secured to prevent any part of it from falling onto the Highway.

## **PART 4 - VEHICLE WEIGHT AND DIMENSIONS**

### **Weight and Dimensional Restrictions and Road Bans**

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- (1) The Chief Administrative Officer is hereby authorized to:
  - (a) impose restrictions on the weight and dimensions of Vehicles permitted on any Highway, or portion thereof, under the direction, control and management of the Municipality;
  - (b) impose road bans on any Highway, or portion thereof, under the direction, control, and management of the Municipality; and
  - (c) establish exceptions to weight and dimensional restrictions and road bans imposed in accordance with subsections (a) and (b).
- (2) The Chief Administrative Officer shall cause Traffic Control Devices to be placed along the Highway, as the Chief Administrative Officer considers necessary, to notify Persons operating Vehicles on the Highway of applicable weight and dimensional restrictions and road bans.
- (3) Unless another weight or dimensional restriction is established by a person having the authority to do so, the maximum allowable weight or dimensions on a Highway is the same as the maximum allowable weight or dimensions specified in, or established under, the *Traffic Safety Act* or the regulations made thereunder.

### **Operating Restrictions**

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- (1) No Person shall operate a Vehicle on a Highway that is subject to a weight or dimensional restriction established pursuant to this Bylaw if the weight or dimensions of the Vehicle exceeds the maximum weight or dimensions imposed by the weight or dimensional restriction, unless that Person holds a permit that has been issued by the Municipality, pursuant to this Bylaw, or has entered into a road use agreement with the Municipality, pursuant to this Bylaw, that expressly authorizes the operation of the Vehicle on the Highway, notwithstanding the weight or dimensional restriction.
- (2) No Person shall operate a Vehicle on a Highway that is subject to a road ban if the weight of the carrying axle or axle group of the Vehicle exceeds the specified percentage axle weight imposed by the road ban, unless that Person holds a permit that has been issued by the Municipality, pursuant to this Bylaw, or has entered into a road use agreement with the Municipality, pursuant to this Bylaw, that expressly authorizes the operation of the Vehicle on the Highway notwithstanding the road ban.

- (3) Subsection (2) is subject to any provincial legislation exempting certain Vehicles from road bans or permitting an increased specified percentage of axle weight.
- (4) Despite subsection (2), a Vehicle designed and intended for use in farming operations may operate without a permit and contrary to a road ban provided that the Vehicle is operated at no more than 100% axle weight and along the most direct route available to minimize the distance travelled along any banned Highway.

## **PART 5 - ROAD USE AGREEMENTS**

### **Road Use Agreements**

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- (1) No Person shall operate, on a Highway:
  - (a) a commercial Vehicle engaged in transport of gravel, sand, dirt or other aggregate substance;
  - (b) a commercial Vehicle engaged in transporting logs or other materials produced because of logging operations; or
  - (c) a commercial Vehicle engaged in transporting oil, fuel, and petrochemicals as part of oilfield operations

unless a road use agreement has been entered into with the Municipality which authorizes the operation of the Vehicle on the Highway.

- (2) The Chief Administrative Officer may require a Person not otherwise captured by subsection (1) to enter into a road use agreement with the Municipality if, in the opinion of the Chief Administrative Officer, the use of a Vehicle on a Highway may cause damage to the Highway or constitute a nuisance to area residents due to:
  - (a) the weight of the Vehicle;
  - (b) the dimensions of the Vehicle;
  - (c) the frequency of use of the Highway by the Vehicle;
  - (d) the size, type or tread pattern of the tires on the Vehicle;
  - (e) the physical condition of the proposed haul route, including the type of road surface;
  - (f) the location of the proposed haul route and its proximity to residential dwellings; or
  - (g) any combination of the above factors; and

if the Chief Administrative Officer has determined that a Person is required to enter into a road use agreement with the Municipality pursuant this subsection, that Person shall not operate a Vehicle for which a road use agreement is required on a Highway unless that Person has entered into a road use agreement with the Municipality.

- (3) A road use agreement entered pursuant to subsection (1) or subsection (2) shall be in a form, and contain terms and conditions, acceptable to the Chief Administrative Officer.
- (4) Without limiting the generality of subsection (3), a road use agreement shall contain provisions, acceptable to the Chief Administrative Officer:
  - (a) identifying the route or routes upon which Vehicles subject to the road use agreement are required to travel or are prohibited from travelling; and
  - (b) establishing requirements related to pre-haul and post haul inspections of portions of Highway that have been utilized.
- (5) Without limiting the generality of subsection (3), the Chief Administrative Officer may require that a road use agreement contain provisions, acceptable to the Chief Administrative Officer:
  - (a) requiring a Person to pay such amounts, bear such costs, or post security in a form or amount, as may be determined by the Chief Administrative Officer;
  - (b) requiring a Person to take steps or implement measures to maintain the safety, cleanliness, accessibility and condition of portions of Highway that are travelled upon, and to repair damage caused to Highways;
  - (c) establishing lowered speed limits that must be complied with by Persons or Vehicles subject to the road use agreement;
  - (d) providing exemptions from road bans or other restrictions, imposed by the Municipality, that would otherwise apply;
  - (e) requiring a Person to indemnify the Municipality against loss;
  - (f) requiring a Person to obtain and maintain insurance satisfactory to the Municipality;
  - (g) identifying circumstances in which hauling operations must be suspended; and
  - (h) addressing such other matters, or imposing such other requirements, as the Chief Administrative Officer determines to be necessary or beneficial in the Chief Administrative officer's sole discretion.
- (6) No Person shall contravene any term or condition of a road use agreement.

## **PART 6 - PERMITS**

### **Permits**

- (1) The Chief Administrative Officer may issue permits in relation to activities governed by this Bylaw on such terms and conditions as the Chief Administrative Officer deems appropriate.
- (2) In issuing a permit under this section, the Chief Administrative Officer may impose such terms and conditions as are determined to be necessary or beneficial in the Chief Administrative Officer's sole discretion, including, without limiting the generality of the foregoing, requirements that a Person pay such amounts, or post security in a form and amount, or both, as may be determined by the Chief Administrative Officer.
- (3) A Person to whom a permit has been issued pursuant to this Bylaw and any Person carrying out an activity otherwise regulated, restricted or prohibited by this Bylaw pursuant to such permit, shall comply with any terms or conditions forming part of the permit and shall produce the permit to a Bylaw Enforcement Officer upon request.
- (4) A Person shall not make any false or misleading statement or provide any false or misleading information to obtain a permit pursuant to this Bylaw.
- (5) If any term or condition of a permit issued pursuant to this Bylaw is contravened or if a false or misleading statement or false or misleading information was provided to obtain the permit, in addition to any other remedy available to the Municipality, the Chief Administrative Officer may immediately cancel the permit.
- (6) The onus of proving a permit has been issued in relation to any activity otherwise regulated, restricted, or prohibited by this Bylaw is on the Person alleging the existence of such a permit on a balance of probabilities.

## **PART 7 - AUTHORITY OF MUNICIPAL OFFICIALS**

### **Authority of the Chief Administrative Officer**

- 10 Without restricting any other power, duty or function granted by this Bylaw, the Chief Administrative Officer is authorized to:
  - (a) carry out any inspections to determine compliance with this Bylaw;
  - (b) take any steps or carry out any actions required to enforce this Bylaw;
  - (c) take any steps or carry out any actions required to remedy a contravention of this Bylaw;
  - (d) establish areas where activities restricted by this Bylaw are permitted;
  - (e) establish forms for the purpose of this Bylaw;
  - (f) establish the criteria to be met for a permit pursuant to this Bylaw;
  - (g) issue permits and licences with such terms and conditions as are deemed appropriate;

- (h) prescribe the location and placement of any Traffic Control Device in the Municipality and keep or cause to be kept a record of such locations and placements;
- (i) impose road bans on any Highway and designate the period of time that the road bans are in effect;
- (j) temporarily close any Highway for the purpose of repairs, maintenance or other valid reason or in the case of an emergency;
- (k) prescribe maximum speed limits for a Highway that is under construction or repair, or is in a state of disrepair;
- (l) cause moveable signs to be placed on or near a Highway;
- (m) designate school zones and playground zones and cause such zones to be marked by the appropriate Traffic Control Device;
- (n) designate crosswalks upon any Highway, and may cause them to be marked with signs or lines painted on the surface of the Highway;
- (o) delegate any powers, duties, or functions under this Bylaw to an employee of the Municipality.

## **PART 8 - AUTHORITY OF BYLAW ENFORCEMENT OFFICERS**

### **Municipal Tags**

11

- (1) A Bylaw Enforcement Officer is hereby authorized and empowered to issue a Municipal Tag to any Person who the Bylaw Enforcement Officer has reasonable and probable grounds to believe has contravened any provision of this Bylaw.
- (2) A Municipal Tag may be served:
  - (a) personally, to the accused;
  - (b) mailed to the address of the registered owner of the Vehicle concerned, or the Person concerned; or
  - (c) attached to or left upon the Vehicle with respect of which the offence is alleged to have been committed.
- (3) The Municipal Tag shall be in a form approved by the Chief Administrative Officer and shall state:
  - (a) the name of the Person to whom the Municipal Tag is issued, if known;
  - (b) a description of the offence and the applicable Bylaw section;
  - (c) the appropriate penalty for the offence as specified in Schedule "B" of this Bylaw;

- (d) that the penalty shall be paid within fourteen (14) days of the issuance of the Municipal Tag to avoid prosecution; and
  - (e) any other information as may be required by the Chief Administrative Officer.
- (4) Where a contravention of this Bylaw is of a continuing nature, further Municipal Tags may be issued by a Bylaw Enforcement Officer, provided that no more than one Municipal Tag shall be issued for each day that the contravention continues.
  - (5) A Person to whom a Municipal Tag has been issued may pay the penalty specified on the Municipal Tag and if the amount is paid on or before the required date, the Person will not be prosecuted for the offence.
  - (6) Nothing in this Bylaw shall prevent a Bylaw Enforcement Officer from immediately issuing a Violation Ticket.

### **Violation Tickets**

12

- (1) Where a Municipal Tag has been issued and the penalty specified on the Municipal Tag is not paid within the prescribed time, a Bylaw Enforcement Officer is hereby authorized and empowered to issue a Violation Ticket.
- (2) Notwithstanding subsection (1), a Bylaw Enforcement Officer may immediately issue a Violation Ticket to any Person whom the Bylaw Enforcement Officer has reasonable and probable grounds to believe has contravened any provision of this Bylaw.
- (3) A Violation Ticket issued with respect to a contravention of this Bylaw shall be served upon the Person responsible for the contravention in accordance with the *Provincial Offences Procedure Act*.
- (4) Subject to the *Provincial Offences Procedure Act* and the regulations thereunder, if a Violation Ticket is issued in respect of an offence, the Violation Ticket may:
  - (a) specify the fine amount established by this Bylaw for the offence in Schedule "B"; or
  - (b) require a Person to appear in court without the alternative of making a voluntary payment.
- (5) A Person who commits an offence may:
  - (a) if a Violation Ticket is issued in respect of the offence; and
  - (b) if a Violation Ticket specifies the fine amount established by this Bylaw for the offence;

make a voluntary payment equal to the specified fine.
- (6) When a clerk records in the Court records the receipt of a voluntary payment pursuant to this Bylaw and the *Provincial Offences Procedure Act*, the act of recording receipt of



that payment constitutes acceptance of the guilty plea and also constitutes a conviction and the imposition of a fine in the amount of the specified penalty.

## **PART 9 - PENALTIES**

### **Offence**

- 13 A Person who contravenes or fails to comply with any provision of this Bylaw is guilty of an offence and is liable to a fine in an amount not less than that established in this Part and not exceeding \$10,000.00.

### **Specified Penalties**

- 14 Without restricting the generality of section 14, the fine amounts established for use on Municipal Tags and Violation Tickets if a voluntary payment option is offered are as set out in Schedule "B".

### **Owner Liable**

15

- (1) In this Part "owner" includes any Person registered as an owner at the Motor Vehicle Registry.
- (2) If a Vehicle is involved in an offence under this Bylaw, the owner of that Vehicle is guilty of an offence.
- (3) Subsection (2) does not apply if the owner of the Vehicle satisfies the court that, at the time that the Vehicle was involved in an offence:
  - (a) the owner of the Vehicle was not driving the Vehicle, and
  - (b) no other Person was driving the Vehicle with the owner's expressed or implied consent.

## **PART 10 - GENERAL**

### **Severability**

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

### **Bylaw Schedules**

- 17 Schedules "A" and "B" attached hereto shall form part of this Bylaw.

### **Repeal**

- 18 The following bylaws, as amended, are hereby repealed:
- (a) Bylaw No. 1180;

- (b) Bylaw No. 1181; and
- (c) Bylaw No. 2018-14, Speed Control Bylaw.

**Effective Date**

19 This Bylaw takes effect upon being passed.

READ a first time this 30<sup>th</sup> day of June, 2020.

READ a second time this 30<sup>th</sup> day of June, 2020.

READ a third time this 30<sup>th</sup> day of June, 2020.

SIGNED AND PASSED this 30<sup>th</sup> day of June, 2020.

*(Original signed by Reeve S. Upham)*

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Reeve

*(Original signed by CAO S. Kitz)*

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Chief Administrative Officer

## **SCHEDULE “A” – SPEED LIMITS**

- 1 The maximum speed limit on the portion of Range Road 50 (Murphy Road) proceeding north between Secondary Highway 646 and the boundary of the Municipality is one hundred kilometers per hour (100 km/hr).
- 2 The maximum speed limit on the portion of Moosehills Road between Highway 41 and Junction Murphy Road is ninety kilometers per hour (90 km/hr).
- 3 The maximum speed limit on the portion of Range Road 100 between Highway 28 and Township Road 604 is one hundred kilometers per hour (100 km/hr).
- 4 The maximum speed limit on the portion of Township Road 590 beginning 400 metres east of Range Road 101 and going west for a total distance of 900 metres is sixty kilometers per hour (60 km/hr).
- 5 The maximum speed limit on Highways within a Hamlet, other than the Hamlet of Lottie Lake, is fifty kilometers per hour (50 km/hr). Hamlets include Ashmont, Heinsburg, Lafond, Lindbergh, Mallaig, St. Edouard, St. Lina, and St. Vincent.
- 6 The maximum speed limit on Highways within the Hamlet of Lottie Lake is thirty kilometers per hour (30 km/hr).
- 7 The maximum speed limit on Highways within residential subdivisions is thirty kilometers per hour (30 km/hr). Residential subdivisions include the following:
  - ASHMONT ACREAGE SUBDIVISION
  - ELKLAND SUBDIVISION
  - FLOATINGSTONE LAKE SUBDIVISIONS
    - Floatingstone Estates
    - Plateau Estates
    - Smith Grove Resort
    - Sunset Cove
  - GARNER LAKE SUBDIVISIONS
    - North Bay Resort
    - Parkland Resort
  - HILL SIDE ESTATES
  - LAC BELLEVUE SUBDIVISIONS
    - Warren Development
    - Aspen Ridge
  - LAC SANTE SUBDIVISIONS
    - French Quarter
    - Harbour Park
    - Labrecque’s Paradise
    - Labrecque Estates
    - Paziuk Subdivision
    - Sante Estates
    - Sante Hills Resort
    - Still Water Resort

- Ternovoy Subdivision
- LAC ST CYR SUBDIVISIONS
  - Lac St. Cyr
- LAURIER LAKE SUBDIVISIONS
  - Blue Bird Beach
  - Ernie's Beach
  - Forest Lawn Estates
  - Gregor Beach
  - Vermilion Beach
  - Waterton Subdivision
  - Wenzel Subdivision
- LOWER MANN LAKE SUBDIVISIONS
  - Big Bend Beach
  - Bonnie Haven
  - Holiday Inn Resort
  - McLeod Beach
  - Ministik Bay
- LOWER THERIEN LAKE SUBDIVISIONS
  - Crestview Beach
  - Poirier Subdivision
- OWLSEYE
- PERCH LAKE SUBDIVISIONS
  - Glen On The Lake
- PRATCH SUBDIVISION
- RIDGEVIEW ESTATE SUBDIVISION
- RIVERVIEW SUBDIVISION
- ST. BRIDES
- UPPER MANN LAKE SUBDIVISIONS
  - Ashmont Beach
  - Bayview Beach
  - Cameron Cove
  - Fisherman's Cove
  - Kaehn Beach
- VINCENT LAKE SUBDIVISIONS
  - Beau Rivage
  - Birch Crescent
  - Michaud Park Estates
  - Sunset Bay

8 The maximum speed limit on the portion of Highway between the intersection of Township Road 564 and Still Water Drive (located at NE 22 and SE 27-56-11-W4) and the intersection of Range Road 112 and Hillside Road (located at SE 27 and SW 26-56-11-W4), which is the curve near the boat launch at Lac Sante), is fifty kilometers per hour (50 km/hr).

- 9 The maximum speed limit on the portion of Range Road 104 between the correction line (Township Road 590) and the north end of the Hamlet of Owlseye is fifty kilometers per hour (50 km/hr).
- 10 The maximum speed limit on the portion of Range Road 74 (Richland Road) between Township Road 562 and Highway 646 is fifty kilometers per hour (50 km/hr).
- 11 The maximum speed limit on a Highway located within land owned or controlled by the County that has been designated as, or is used as, a park or recreational area is twenty kilometers per hour (20 km/hr). These include the Floatingstone Lake Campground, Lac Bellevue Campground, Stoney Lake Campground, and Westcove Campground at Vincent Lake.

**SCHEDULE "B" – SPECIFIED PENALTIES**

Section	Infraction	Penalty			
		Municipal Tag			Violation Ticket
		1 <sup>st</sup> Offence	2 <sup>nd</sup> Offence	3 <sup>rd</sup> Offence	
<b>Part 3 – Operational Restrictions</b>	All Sections	\$150.00	\$200.00	\$300.00	\$300.00
<b>Section 8(1)</b>	Contravention of weight or dimensional restriction	\$500.00	\$750.00	\$1000.00	\$1000.00
<b>Section 8(2)</b>	Contravention of road ban	\$500.00	\$750.00	\$1000.00	\$1000.00
<b>Sections 9(1) and 9(2)</b>	Operation of Vehicle on Highway without having entered into required road use agreement	\$1000.00	1750.00	\$2500.00	\$2500.00
<b>Section 9(6)</b>	Contravention of term or condition of road use agreement	\$500.00	\$750.00	\$1000.00	\$1000.00
<b>Part 6 – Permits</b>	All Sections	\$500.00	\$750.00	\$1000.00	\$1000.00