

## **PONOKA COUNTY**

### **BY-LAW 30-11-WR**

*(with amendments incorporated from By-Law 3-13-A)*

A BY-LAW OF PONOKA COUNTY, IN THE PROVINCE OF ALBERTA, FOR THE PURPOSE OF ESTABLISHING WEIGHT RESTRICTIONS FOR VEHICLES ON HIGHWAYS WITHIN PONOKA COUNTY.

WHEREAS the Municipal Government Act, RSA 2000, c. M-26, as amended, grants municipal Councils the direction, control and management of all roads within the municipality;

WHEREAS the Traffic Safety Act, RSA 2000, c. T-6 (“the Act”), as amended, provides that a municipal Council may enact By-Laws 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 Ponoka County deems it necessary to provide for regulation of the recurrence of movement, and impose weight restrictions for vehicles on Highways within its jurisdiction; *(Section amended by By-Law 3-13-A)*

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

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

#### **1. SHORT TITLE**

1.1 This By-Law may be called the “Weight Restriction and Road Ban By-Law”.

#### **2. DEFINITIONS**

2.1 Except as otherwise provided in this By-Law, the terms used in the Act where used or referred to in this By-Law 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. Farm vehicles are commercial vehicles as defined under the Operator Licensing and Vehicle Control Regulation as being Class 2 commercial vehicles and are therefore, subject to the provisions of the Act.

2.3 “Council” means the Council of Ponoka County.

2.4 “County” means Ponoka County.

2.5 “Chief Administrative Officer” means the Chief Administrative Officer for Ponoka 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 or company owning or operating a Commercial Vehicle.
- 2.8 “Road Ban” means the restricted axle weight allowance prescribed in respect of a Highway.
- 2.9 “Road Protection Agreement” (RPA) means an agreement between Ponoka County and an operator for the purposes of allowing movement of Commercial Vehicles on local Highways under the jurisdiction of Ponoka County.
- 2.10 “Specified Operating Permit” (SOP) means a condition imposed on an operator by Ponoka County for the purposes of allowing limited overweight or regulating frequent movement of Commercial Vehicles on local Highways under the jurisdiction of Ponoka County.  
*(Section amended by By-Law 3-13-A)*
- 2.11 “Rules of the Road” shall refer to specific rules laid out by Ponoka County for Operators utilizing local Highways under the jurisdiction and control of the municipality, as identified in Schedule “A” attached.
- 2.12 “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.
- 2.13 “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
- 2.14 “Frequent” and “Recurrence” means three or more legal loads in a 24-hour period. *(Section added under By-Law 3-13-A)*

### 3. RESTRICTIONS

- 3.1 The Chief Administrative Officer, 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 Chief Administrative Officer, 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 Chief Administrative Officer is authorized to require any Operator to enter into an RPA or SOP prior to operating a Commercial Vehicle on a Highway.
- 3.4 An Operator entering into an RPA or SOP shall at all times ensure that the terms and conditions contained within the RPA or SOP are complied with.
- 3.5 Where an Operator has entered into an RPA or SOP, failure to comply with this By-Law may result in the cancellation of that RPA or SOP and imposition of penalties.
- 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. Ponoka County recognizes tridem trailers up to their legal maximum weight of 24,000 kg. *(Section amended by By-Law 3-13-A)*
- 3.7 Notwithstanding s. 3.5, an Operator shall comply with all other provisions of the Act and this By-Law, and without limiting the generality of the foregoing, shall obey all prohibitions, limitations, increases or restrictions imposed by an RPA or SOP.

#### 4. ROAD BAN

- 4.1 The Chief Administrative Officer 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 Chief Administrative Officer 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

- 5.1 This By-Law 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 declared disaster.
  - (d) Emergency Response Vehicles

#### 6. OFFENCES

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

## 7. VIOLATIONS TAGS

- 7.1 A Peace Officer is hereby authorized and empowered to issue a Violation Tag to any Operator who the Peace Officer has reasonable and probable grounds to believe has contravened any provision of this By-Law.
- 7.2 A Violation Tag may be issued to such Operator:
- (a) either personally; or
  - (b) by mailing a copy by registered mail to such Operator 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 Operator or his license plate number;
  - (b) the offence;
  - (c) the appropriate penalty for the offence as specified in this By-Law;
  - (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 By-Law 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. These additional fines are referred to in appendix "C".
- 7.5 Where a Violation Tag is issued pursuant to this By-Law, the Operator 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 By-Law shall prevent a Peace Officer from immediately issuing a Violation Ticket for a mandatory Court appearance of any Operator who contravenes any provision of this By-Law.

## 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 By-Law, 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 Operator who the Peace Officer has reasonable grounds to believe has contravened any provision of this By-Law.

9. SEVERABILITY PROVISION

9.1 Should any provision of this By-Law be invalid, then such a provision shall be severed and the remaining By-Law 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 By-Law.

11. REPEAL OF BY-LAW

11.1 By-Law 6-87-LL is hereby repealed.

12. EFFECTIVE DATE

12.1 This By-Law shall take effect on the day of final passing thereof.

Given first reading this 13<sup>th</sup> day of December, 2011 and was carried unanimously.

Given second reading this 13<sup>th</sup> day of December, 2011 and was carried unanimously.

By unanimous consent of Council to proceed with third reading of By-Law 30-11-WR at this time;

By-Law 30-11-WR was given third and final reading this 13<sup>th</sup> day of December, 2011 and was unanimously passed.

*By-Law 3-13-A, authorizing amendments to this by-law, was passed on March 26, 2013*

(Original signed by) \_\_\_\_\_  
Reeve

(Original signed by) \_\_\_\_\_  
Chief Administrative Officer

## **SCHEDULE "A"**

*(amended by By-Law 3-13-A)*

### **General rules for travel on Ponoka County roads**

- Company must have a valid road protection agreement in place. No movement allowed without valid Road Protection Agreement in place.
- As much as feasibly possible, existing road ban conditions must be met.
- Tire chains are not allowed on County roads at any time.
- Metal track equipment is not allowed to walk on County roads or in ditches at any time.
- All mud tracked onto the road surface must be cleaned off. Road may need to be regraded after cleaning.
- No parking, loading or unloading of vehicles, trailers or equipment on County roads, shoulders or in the ditches.
- Must not delay/obstruct any other vehicles.
- If road surface or road condition starts to deteriorate, STOP moving. Notify the County immediately.
- Grader must be available to follow equipment, if required at the discretion of the PW Superintendent.
- Operators transporting three or more legal loads must obtain approval from the County.
- Operators transporting manure must obtain approval from the County.
- Operators transporting manure can only haul from one hour before sunrise to one hour after sunset.
- The erection of metal posts (even on a temporary basis) is not permitted within County road allowances/ditches. Temporary signage should be located on a tripod or on wooden posts and removed upon completion of the project.

### **Specified Permits – Date/Time specific for Banned Road Travel/Multiple Loads**

- Specified permits **may** be issued for the movement of equipment on banned roads, at the discretion of the Public Works Superintendent or his designate.
- Specified permits **may** be issued for the movement of multiple loads, at the discretion of the Public Works Superintendent or his designate.
- Specified permits may be extended at the discretion of the Public Works Superintendent or his designate.
- Specified permits must be in the possession of the holder and be presented upon demand to a Peace Officer.

### **Dry weather conditions:**

- All drilling rig moves or moves consisting of three or more legal loads traveling the same route require a water truck for dust control in front of residences. Watering must continue for duration of move, whether loaded or empty
- Single truck loads or service rigs may move without a water truck, but speed must be restricted to 30 km/hr in order to avoid creating dust

SCHEDULE "B"  
Index to Offences and Specified Penalties

<u>Sec. #</u>	<u>Title of Offence</u>	<u>Penalty</u>
6.1	Operate a vehicle without a TAC	\$500.00
	Operate a Vehicle without an RPA or SOP	500.00
	Fail to produce a TAC, RPA or SOP when requested	500.00
	Fail to comply with the terms and conditions of a TAC, RPA or SOP	500.00
	Surcharge per violation tag/ticket	\$500.00
	Surcharge amount will be waived if specified penalty amount is paid within 30 days of issuance of Violation Tag	

SCHEDULE "C"  
Reoccurrence/continuation of offences

Penalty doubles from previous amount for each subsequent offence