VILLAGE OF SPRING LAKE

BYLAW #319

BEING A BYLAW OF THE VILLAGE OF SPRING LAKE, IN THE PROVINCE OF ALBERTA, RESPECTING ROAD BANS, VEHICLE WEIGHT RESTRICTIONS AND ROAD PROTECTION.

WHEREAS it is deemed necessary to place bans and restrictions on designated highways to protect the roads at various times during the year, such as "spring breakup", because of poor road conditions and the resulting need to restrict heavy vehicle traffic on any highway within the boundaries of the Village of Spring Lake, and

WHEREAS the Municipal Government Act being Chapter M-26 of the Revised Statutes of Alberta, 2000, Part 2, Section 7 and 8 and amendments thereto, authorizes the Council of a municipality to pass bylaws pertaining to the protection of people, property and transportation systems, and

WHEREAS within the corporate limits of the Village of Spring Lake there are roads under the ownership, control and management of the Village of Spring Lake, and

WHEREAS it is deemed desirable and expedient to provide for the control and use of these roads, and

WHEREAS the *Alberta Traffic Safety Act,* being chapter T -6 of the Revised Statutes of Alberta 2000, and amendments thereto, authorizes the Council of a municipality, with respect to highways under its direction, to control, manage and pass bylaws authorizing persons to operate vehicles on any portion of such highways, and

WHEREAS the Council of the Village of Spring Lake considers it desirable and expedient to do so,

NOW THEREFORE, the Council for the Village of Spring Lake, duly assembled, under the authority and provisions of the Traffic Safety Act, Revised Statutes of Alberta 2000, Chapter T-6, enacts as follows:

NOW THEREFORE, the Council of the Village of Spring Lake in the Province of Alberta, pursuant to authority conferred upon it by the Municipal Government Act 2000 enacts as follows:

I. This bylaw may be cited as *"The Road Ban, Vehicle Weight Restrictions and Road Protection Bylaw"*

2. In this bylaw:

(a) "Axle Weight Allowance Percentage" means the percentage that is applied to the maximum allowable weight of the carrying axles of a public vehicle to determine the weight that the carrying axles may bear on a highway during a road ban;

(b) "Council" means the Council of the Village of Spring Lake;

(c) "CAO" means the person appointed as the Chief Administrative Officer of the Village of Spring Lake;

(d) "Private passenger vehicle" means a vehicle that is properly registered to operate on a highway in Alberta having a licenced maximum gross weight in accordance with the Traffic Safety Act, Revised Statutes of Alberta 2000, Chapter T-6, of not more than fifty five hundred kilograms (5500 kg);

(e) "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;

(f) "Highway" means any thoroughfare, street, road, lane, trail, avenue, parkway, driveway, viaduct, lane, alley, square, bridge, causeway, trestle way or other place, whether publicly or privately owned, any part of which the public is ordinarily entitled or permitted to use for the passage or parking of vehicles;

(g) "Maximum Allowable Weight" means the weight that may be borne by a single axle, an axle group or all of the axles of a public vehicle as established by the Public Vehicle Weight Regulations of the Traffic Safety Act, Revised Statutes of Alberta 2000, Chapter T-6 including the steering axles;

(h) "On Advice of Council" means following approval in informal discussions with and by two Council Members, one of whom may be mayor;

(i) "Peace Officer" means a person appointed as a peace officer under Section 7 of the Peace Officer Act;

(j) "Person" means any individual, corporation, society, association, partnership or firm;

(k) ""Public Vehicle" means a vehicle operated on a highway by or on behalf of a person for the transportation of: a, passengers, b, goods, or c, the vehicle itself, but does not include a private passenger vehicle other than busses or motor homes, an emergency vehicle of the fire department,

ambulance authority or any utility company or any vehicle operated under contract with the Village, such as garbage trucks;

(l) "Road Ban" means the axle weight allowance restriction prescribed in respect of a highway, street, road or lane, etc;

(m) "Seasonal Road Ban" means a road ban in effect within the corporate limits during spring break up or any other time the highways are particularly vulnerable to damage;

(n) "Village" means the Village of Spring Lake and, where the context requires, means the area contained within the corporate boundaries of the said municipality.

(o) "Vehicle" means a device in, on, or by, which a person or thing may be transported or drawn on a highway.

3. Authority

(a) The CAO of the Village, on the advice of Council, has the authority to determine appropriate road bans for the Village subject to this bylaw.

4. Posting of Roads

(a) All entry roads into the Village shall be posted as to the allowable road use limits, i.e, the permanent road ban or acceptable axle weight allowance when in effect by relaxation of the permanent road ban, Any member of the Council of the Village or the CAO of the Village Office or a Peace Officer has the authority to post appropriate road bans.

5. Seasonal Road Bans

(a) The CAO, on advice of Council, may prohibit commercial vehicles over 5500 kilograms gross vehicle weight during the spring thaw, until the Village road is deemed in satisfactory condition that the road ban may be relaxed to 100%.

(b) The CAO, on advice of Council, may prohibit commercial vehicles over 5500 kilograms gross vehicle weight at any time during the year until the Village road is deemed in satisfactory condition that the road ban may be relaxed to 100%.

6. Exceptions to Road Bans

(a) Commercial vehicles exempt from road bans shall be those vehicles identified as garbage trucks, emergency vehicles (fire, ambulance), utility companies, and any vehicle operated under contract to the Village

7. Damaging Surface of Highway

(a) Vehicles with metal spikes, cleats, lugs or bands projecting from the wheel, tire or tread are prohibited from being operated or caused to be operated by a person on any highway within the Village.

(b) Regardless of exemptions in section 9, the owner of a commercial vehicle may be held liable for damages to public property, including highways, caused by the owner's vehicle(s).

8. Penalties

(a) Any person who contravenes any section of this bylaw is guilty of an offence is liable to a fine of $250.00 for first offence and $500.00 for second and $1,000.00 for subsequent offences.

(b) Every Peace Officer is hereby granted authority and charged with the duty of enforcing the provisions of this By-Law.

(c) Any fine or penalty imposed under this By-Law shall ensure to the benefit of the Village of Spring Lake.

(d) 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.

(e) A Violation Tag may be issued to such person:
   i) personally;
   ii) by mailing a copy to such person at his last known post office address; or
   iii) by leaving it for the defendant at his residence with a person on the premises who appears to be at least 18 years of age.

(f) The Violation Tag shall be in a form approved by the Village Administrator and shall state:
   i) the name of the defendant;
   ii) the offence;

iii) the appropriate penalty for the offence as specified by this By-Law;
iv) that the penalty shall be paid within 30 days of the issuance of the Violation Tag;
v) any other information as may be required by the Village Administrator

(g) Where a contravention of this By-Law is of a continuing nature, further Violation Tags may be issued by a Peace Officer, provided however, that no more than one Violation Tag shall be issued for each day that the contravention continues.

(h) Where a Violation Tag is issued pursuant to this By-Law, the person to whom the Violation Tag is issued may, in lieu of being prosecuted for the offence, pay to the Village Treasurer the penalty specified on the Violation Tag.

(i) Nothing in the By-Law shall prevent a Peace Officer from immediately issuing a Violation Ticket.

(j) In those cases where a Violation Tag has been issued and if the penalty specified on the Violation Tag has not been paid within the prescribed time, then a Peace Officer is hereby authorized to issue a Violation Ticket pursuant to Part II of the Provincial Offences Procedure Act, to any person who the Peace Officer has reasonable grounds to believe has contravened any provision of this By-Law.

(k) Any person to whom a Violation Ticket has been issued may make voluntary payment in respect of the Violation Ticket by delivering the Violation Ticket along with an amount equal to that specified for the offence as set out in this By-Law, to the Provincial Court office specified on the Violation Ticket.

9. Should any section or part of this Bylaw be found to have been improperly enacted, for any reason, then such section or part shall be regarded as being severable from the rest of the Bylaw and the Bylaw remaining after such severance shall be effective and enforceable as if the section found to be improperly enacted had not been enacted as part of this Bylaw.

10. Upon passing of this bylaw, Bylaw #90 is hereby repealed

11. This bylaw shall come into force and take effect upon the date of third reading and signing in accordance with Section 7(a), Municipal Government Act, Revised Statutes of Alberta RSA 2000.

Read a first time this 9 day of March, 2010

Read a second time this 9 day March, 2010

Read a third time this 9 day March, 2010

Village of Spring Lake

Mayor

Chief Administrative Officer