

BYLAW NO. 364-13

BEING A BYLAW OF THE TOWN OF COALHURST, IN THE PROVINCE OF ALBERTA, FOR THE PURPOSE OF ESTABLISHING WEIGHT RESTRICTIONS FOR VEHICLES ON HIGHWAYS WITHIN THE TOWN OF COALHURST.

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 or of commercial vehicles and the goods being carried by the commercial vehicles;

AND WHEREAS damage may be caused to the highways by the weight of the commercial vehicles and the goods being carried by commercial vehicles, or by the frequency of the use of the highways;

AND WHEREAS the Town of Coalhurst 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 the Town of Coalhurst, in the Province of Alberta, duly assembled, hereby enacts as follows:

SECTION 1 – SHORT TITLE

1.1 This Bylaw may be called the “Weight Restriction and Road Ban Bylaw”,

SECTION 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 “Council” means the Council of the Town of Coalhurst.

2.3 “Town” means the Town of Coalhurst.

2.4 “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 Town.

2.5 “Manager” means the Town’s Chief Administrative Officer or Bylaw Enforcement Officer.

2.6 “Operator” means a person responsible for the operation of a Commercial Vehicle and includes an owner of a Commercial Vehicle.

2.7 “Peace Officer” means a person within the meaning of the Act.

2.8 “Road Ban” means the axle weight allowance prescribed in respect of a Highway.

2.9 “Road Use Agreement” (“RUA”) means an agreement entered into with the Town

for the purpose of ensuring that the Highway or Highways affected are protected.

SECTION 3 – ROAD BAN

- 3.1 The Manager 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;
- 3.2 Where the Manager imposes a Road Ban in respect of a Highway, he shall cause signs to be erected along the Highway as he considers necessary to notify Operators using Commercial Vehicles on the Highway of the Road Ban Order.

SECTION 4 – EXEMPTIONS

- 4.1 This Bylaw does not apply to:
- (a) Snow removal and ice control equipment, motor graders or Highway construction equipment operated or hauled by or on behalf of the Town.
 - (b) Commercial Vehicles or combination of Commercial Vehicles required by the Town to transport materials needed for maintenance and repair of Highways.
 - (c) The movement of equipment to a natural or man-made disaster such as a fire, flood, train derailment or pipeline spill, PROVIDED THAT the Manager is immediately notified of the occurrence of such disaster.
 - (d) Commercial Vehicles or combinations of Commercial Vehicles which have an approved Road Use Agreement in effect.

SECTION 5 – OFFENCES

- 5.1 It is an offence under this Bylaw to:
- (a) Operate a Vehicle in excess of established load limits or percentage axle weights without a RUA;
 - (b) Fail to produce a RUA when requested;
 - (c) Fail to comply with the terms and conditions of a RUA.
- 5.2 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”.

SECTION 6 – VIOLATION TAGS

- 6.1 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.
- 6.2 A Violation Tag may be issued to such person:
- (a) either personally; or
 - (b) by mailing a copy to such person at his last known post office address.
- 6.3 The Violation Tag shall be in a form approved by the Town 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 shall be paid within thirty (30) days of the issuance of the Violation Tag;
 - (e) any other information as may be required by the Town.
- 6.4 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.
- 6.5 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 to the Town the penalty specified on the Violation Tag.
- 6.6 Nothing in this Bylaw shall prevent a Peace Officer from immediately issuing a Violation Ticket for the mandatory Court appearance of any person who contravenes any provision of this Bylaw.

SECTION 7 – VIOLATION TICKET

- 7.1 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.
- 7.2 Notwithstanding Section 6.1 of this Bylaw, 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-34, as amended, to any Person who the Peace Officer has reasonable grounds to believe has contravened any provision of this Bylaw.

SECTION 8 – SEVERABILITY PROVISION

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

SECTION 9 – EFFECTIVE DATE

9.1 This Bylaw comes into force upon the date of the passing of the third and final reading thereof.

READ A FIRST TIME THIS 6th DAY OF AUGUST A.D. 2013

READ A SECOND TIME THIS 1st DAY OF OCTOBER, A.D. 2013

READ A THIRD TIME AND FINALLY PASSED THIS 1ST DAY OF OCTOBER, A.D. 2013

MAYOR

CHIEF ADMINISTRATIVE OFFICER

BYLAW NO. 364-13

SCHEDULE “A”

OFFENCE	SECTION	FINE
Operate a Vehicle in excess of established load limits or percentage axle weights without a RUA	S. 5.1 (a)	500.00 (1 st offence) 1000.00 (2 nd offence) 2000.00 (3 rd offence and subsequent offences)
Fail to produce a RUA when requested	S. 5.1 (b)	200.00
Operate a Vehicle in excess of established Road Ban	S. 5.2	500.00 (1 st offence) 1000.00 (2 nd offence) 2000.00 (3 rd offence and subsequent offences); or in accordance with the Act