

**SMOKY LAKE COUNTY
IN THE PROVINCE OF ALBERTA
BYLAW NO. 1225-11**

A BYLAW OF SMOKY LAKE COUNTY IN THE PROVINCE OF ALBERTA FOR THE PURPOSE TO AUTHORIZE THE IMPLEMENTATION OF ROADWAY RESTRICTIONS AND BANS ON HIGHWAYS WITHIN THE COUNTY.

WHEREAS the *Municipal Government Act*, R.S.A. 2000, c.M-26, as amended or repealed and replaced from time to time, provides the Council of Smoky Lake County the authority to pass bylaws respecting direction, control and management of roads.

AND WHEREAS the *Traffic Safety Act*, R.S.A. 2000, c. T-6, as amended or repealed and replaced from time to time provides the Council of Smoky Lake County with the authority to enact bylaws for the purpose of restricting the weight of vehicles or of vehicles and the goods being carried by the commercial vehicles;

NOW THEREFORE the Council of Smoky Lake County pursuant to the authority conferred upon it by the laws of the Province of Alberta, enacts as follows:

SECTION 1: NAME OF THIS BYLAW

- 1.1 This Bylaw may be cited as the Smoky Lake County **“Road Ban/Restriction Bylaw”**.

SECTION 2: AUTHORITY

- 2.1 Words used in this Bylaw have the same meaning as words used or defined in the said *Traffic Safety Act*.
- 2.2 There is hereby established a Committee consisting of the following three (3) persons:
- 2.2.1 the Reeve of the County.
 - 2.2.1.1 Deputy Reeve as an alternate.
 - 2.2.2 the Chief Administrative Officer or designate.
 - 2.2.3 the Public Works Manager or designate.
- 2.3 The Committee established herein has the full power and authority to issue Road Ban / Restriction Order as defined in **Schedule “A”:** **Road Ban/Restriction Order**, attached herein.
- 2.4 Any two (2) persons of the Committee named in 2.2 above have authority to sign for the Road Ban / Restriction Order and will inform all members of Council of the execution of same.

SECTION 3: RESTRICTIONS

The Committee, in its sole discretion, may:

- 3.1 Make a determination that the use of a Highway by a vehicle, or class or classes thereof, may or will likely cause damage to a Highway.
- 3.2 Prohibit the use of a Highway by a vehicle, or by a class or classes thereof, for a period or periods that the Committee determines.
- 3.3 Limit or restrict the speed of a vehicle, or of a class or classes thereof, using a Highway for a period or periods that the Committee determines.
- 3.4 Increase, limit, or restrict the maximum gross weight that may be borne by the tire, an axle or an axle group, or any of them, or the maximum gross weight that may be borne by a vehicle or combination of vehicles on a Highway for a period or periods that the Committee determines.
- 3.5 Cause signs to be erected along the Highway as the Committee considers necessary to notify persons using the road of the restriction or ban.

SECTION 4: EXEMPTIONS

- 4.1 This Bylaw does not apply to:
 - 4.1.1 Snow removal and ice control equipment, motor graders or Highway construction equipment operated or hauled by or on behalf of the County.
 - 4.1.2 Commercial vehicles or combinations of Commercial Vehicles required by the County to transport material needed for maintenance and repair of Highways.
 - 4.1.3 The movement of equipment to a natural or man-made disaster such as a fire, flood, train derailment or pipeline spill, PROVIDED THAT the Public Works Manager is immediately notified of the occurrence of such disaster.
 - 4.1.4 Any exemptions or conditional exemptions specifically issued in a Road Ban / Restriction Order issued by the Committee.

SECTION 5: OFFENCES AND PENALTIES

- 5.1 Any Person who contravenes any provision of this Bylaw is guilty of an offence and is liable, on summary conviction, to pay a penalty as set out as **Schedule "B": Penalties**, herein.
- 5.2 Under no circumstances shall any Person contravening any provision of this Bylaw be subject to a penalty of imprisonment.

SECTION 6: VIOLATION TAGS

- 6.1 A Bylaw Enforcement Officer is hereby authorized and empowered to issue a Violation Tag to any Person, who the Bylaw Enforcement Officer has reasonable grounds to believe has contravened any provision of this Bylaw.
- 6.2 A Violation Tag shall be served upon such a Person personally, or in the case of a corporation, by serving the Violation Tag personally upon the Manager, Secretary or other Executive Officer, or Person apparently in charge of a branch office, by mailing a copy to such Person by registered mail, or the case of an individual, by leaving it with a Person on the premises who has the appearance of being at least eighteen (18) years of age.
- 6.3 The Violation Tag shall be in a form approved by the Chief Administrative Officer and shall state:
- 6.3.1 the name of the Person;
 - 6.3.2 the offence;
 - 6.3.3 the appropriate penalty for the offence as specified in **Schedule "B": Penalties** of this Bylaw;
 - 6.3.4 that the penalty shall be paid within thirty (30) days of the issuance of the Violation Tags; and
 - 6.3.5 any other information as may be required by the Chief Administrative Officer.
- 6.4 Where a contravention of this Bylaw is of a continuing nature, further Violation Tags may be issued by a Bylaw Enforcement Officer, provided however, 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 a Violation Tag is issued may, in lieu of being prosecuted for the offence, pay to the County Treasurer the penalty specified on the Violation Tag.

SECTION 7: VIOLATION TICKET

- 7.1 In those cases where a Violation Tag has been issued and the penalties specified on the Violation Tag has not been paid within the prescribed time, then a Bylaw Enforcement Officer is hereby authorized and empowered to issue a Violation Ticket pursuant to Part 2 of the *Provincial Offences Procedures Act*, R.S.A. 2000, c. P-34, as amended or repealed and replaced from time to time.
- 7.2 Notwithstanding Section 6.1 of this Bylaw, a Bylaw Enforcement Officer is hereby authorized and empowered to immediately issue a Violation Ticket to any person whom the Bylaw Enforcement Officer has reasonable grounds to believe has contravened any provision of this Bylaw.

SECTION 8: SEVERABILITY

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

SECTION 9: REPEAL

9.1 That Bylaw NO. 758-87 known as the "Road Bans Bylaw" be and is hereby repealed.

SECTION 10: EFFECTIVE DATE

This Bylaw shall come into effect after third reading and upon being signed.

READ a first time this 21st day of April, 2011.

READ a second time this 21st day of April, 2011.

READ a third and finally passed this 21st day of April, 2011.



REEVE



CHIEF ADMINISTRATIVE OFFICER

Schedule "A"



Box 310, 4612 McDougall Drive
Smoky Lake, Alberta T0A 3C0

ROAD BAN / RESTRICTION

ORDER BY SMOKY LAKE COUNTY

PURSUANT to the authority granted by the <i>Traffic Safety Act</i> and <i>Bylaw No. 1225-11</i> orders that effective at _____ _____ Time Date <input type="checkbox"/> THIS ORDER SHALL REMAIN IN EFFECT UNTIL FURTHER NOTICE. <input type="checkbox"/> UNTIL: _____ _____ Time Date	ORDER NO.: _____
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Vehicles on the following Highways are hereby subject to the restrictions listed as follows:

ROAD LOCATION:	RESTRICTION
Gravel Roads:	Time Restriction: _____ Weight Restriction: Gross Vehicle Weight: _____ Percentage Axle Weight: _____ Speed: _____
Oiled based Roads:	Time Restriction: _____ Weight Restriction: Gross Vehicle Weight: _____ Percentage Axle Weight: _____ Speed: _____
Specified Road:	Time Restriction: _____ Weight Restriction: Gross Vehicle Weight: _____ Percentage Axle Weight: _____ Speed: _____

OFFICE USE ONLY:
SPECIAL PROVISIONS:

Any and all proposed Truck Activity must be reported by contacting SMOKY LAKE COUNTY - DAILY.

Bob Novosiwsky, Public Works Foreman - Cell: 780-650-5100
 Doug Ponich, Public Works Manager - Cell: 780-650-5101

SIGNATURES: *(Minimum two required)*

Reeve - _____
 Chief Administrative Officer - _____
 Public Works Manager - _____

When required to:

ROADATA
 Permit Moves Department
 Phone Number: 1-888-830-7623
 Fax Number: 1-403-341-7467

Schedule "B"

PENALTIES

Any persons that does not comply with the directions set out by the Roadway Restriction / Ban Bylaw may be subject to a fine of:		
<u>SECTION</u>	<u>VIOLATION</u>	<u>PENALTY</u>
3.1	Prohibited use of a Highway by a vehicle, or by a class or classes thereof, for a period or periods in Order.	First Offence \$ 500.00 Any subsequent Offences \$ 1,000.00
3.2	Limit or restricted speed of a public vehicle, or of a class or classes thereof, using a Highway for a period or periods in Order.	First Offence \$ 500.00 Any subsequent Offences \$ 1,000.00