



DRAYTON VALLEY

'Pulling Together'

BYLAW NO. 2015/15/T

Name of Bylaw: Heavy Vehicle Bylaw

WHEREAS the *Traffic Safety Act*, R.S.A. 2000, Chapter T-6 and amendments thereto, provides that a municipality may make bylaws to regulate, manage and control vehicle, animal and pedestrian traffic within the municipality;

AND WHEREAS the *Municipal Government Act*, R.S.A. 2000, and amendments thereto, gives a municipality certain powers with respect to highways within the municipality;

NOW THEREFORE, the Council of the Town of Drayton Valley, duly assembled, hereby enacts as follows:

1. TITLE

This Bylaw may be cited as the "Heavy Vehicle Bylaw" of the Town of Drayton Valley.

2. PURPOSE

The purpose of this Bylaw is to regulate and control the use of highways within the Town by heavy vehicles.

3. DEFINITIONS

In this Bylaw, including this section, unless the context otherwise requires:

- 3.1 *Act* means the *Traffic Safety Act*, R.S.A. 2000, Chapter T-6 and any amendments made to it from time to time;
- 3.2 *alley* means a narrow highway intended chiefly to give access to the rear of buildings and parcels of land;

- 3.3 *boulevard* means, that part of a highway that:
- a. is not roadway, and
 - b. is that part of a sidewalk or walkway that is not specifically adapted to the use of, or ordinarily used by, pedestrians;
- 3.4 *bus* means a motor vehicle
- a. that is designed for carrying eleven (11) or more persons, including the person driving the vehicle, and
 - b. that is used, or intended to be used, for the transportation of persons;
- 3.5 *CAO* means the Town of Drayton Valley Chief Administrative Officer, who may also be referred to as the Town Manager;
- 3.6 *Certificate Weight (CW)* shall mean the gross weight of all axles for which a vehicle is, or could be, registered as the maximum allowable weight for the various configurations as defined in the Act as amended from time to time;
- 3.7 *commercial vehicle* shall bear the definition ascribed to it by the Act and amendments thereto;
- 3.8 *Council* means the Municipal Council for the Town of Drayton Valley;
- 3.9 *gross weight* means:
- a. in respect of a single axle of a vehicle, the total weight that a single axle transmits to the highway;
 - b. in respect of an axle group of a vehicle, the sum of the weights transmitted to the highway by all of the axles within the axle group; and
 - c. in respect of all of the axles of a vehicle, the sum of the weights transmitted to the highway by all of the axles of a public vehicle;

3.10 *heavy vehicle* means a vehicle, with or without a trailer attached, that has a certificate weight or registered weight or maximum weight of more than seven thousand five hundred (7,500 kg) kilograms (sixteen thousand five hundred (16,500 lbs.) pounds) or exceeds ten (10) meters (thirty-two (32') feet) in length, but does not include recreational vehicles used or passenger vehicles for non-commercial use;

3.11 *heavy vehicle route* means a highway so designated in Schedule "A" attached hereto, and forming part of this Bylaw;

3.12 *highway* means any thoroughfare, street, road, trail, avenue, parkway, 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, and includes:

- a. a sidewalk (including a boulevard portion thereof);
- b. where a ditch lies adjacent to and parallel with the roadway, the ditch; and
- c. where a highway right-of-way is contained between a property line and one side of the roadway, all land between the property line and the edge of the roadway, as the case may be, but does not include a place declared by the Lieutenant Governor in Council not to be a highway;

but does not include a place declared by regulation passed pursuant to the Act not to be a highway;

3.13 *intersection* means the area embraced within the prolongation or connection of:

- a. the lateral curb lines, or if none; and
- b. the exterior edges of the roadways,

of two (2) or more highways, which join one another at an angle whether or not one highway crosses the other;

3.14 *loading and unloading* means the packing or unpacking of product, merchandise or people from a vehicle stopped for a period of time as may be indicated by a traffic control device;

- 3.15 *maximum allowable weight* means the weight that may be borne by a single axle, an axle group or all of the axles of a vehicle as established by the Commercial Vehicle Weight Regulations of the Act;
- 3.16 *operate or operating* means to drive, or be in actual physical control of, a vehicle;
- 3.17 *operator* means a person who drives a vehicle or operates equipment as the owner;
- 3.18 *owner* means the person named as the registered owner of the vehicle and includes any person renting a vehicle or having the exclusive use of a vehicle under a lease that has a term of more than thirty (30) days or otherwise having the exclusive use of a vehicle for a period of more than thirty (30) days;
- 3.19 *park* means to allow a vehicle (whether occupied or not) to remain standing in one place, except:
- a. when standing temporarily for the purpose of, and while actually engaged in, loading or unloading passengers or goods; or
 - b. when standing in obedience to a Peace Officer or traffic control device;
- 3.20 *Peace Officer* means a person appointed as a Peace Officer pursuant to section 7 of the *Peace Officer Act*, S.A. 2006, Chapter P-35, and also includes but is not limited to a Police Officer, Royal Canadian Mounted Police Officer, Special Constable, Bylaw Enforcement Officer, or a person designated by Council to enforce the provisions of this Bylaw;
- 3.21 *permit* means a permit issued by the CAO pursuant to this Bylaw.
- 3.22 *person* includes a corporation, partnership, or individual, and the heirs, executors, administrators or other legal representative of an individual, joint venture, proprietorship, association, or society;
- 3.23 *public place* means any highway, parkland, public bridge, road, lane, footway, square, court, alley, or passage, whether a thoroughfare or not, and includes any open space to which the public may have or are permitted to have access whether on payment or otherwise, that is owned by the Town;

- 3.24 *road ban* means a restriction on the maximum allowable weight of a commercial vehicle that may use a highway;
- 3.25 *roadway* means that part of a highway intended for use by vehicular traffic, and for the purposes of this Bylaw, means roadways within the Town;
- 3.26 *time* as referred to in this Bylaw, shall mean either Mountain Standard Time or Mountain Daylight Savings Time, whichever is proclaimed to be in effect by the Province of Alberta;
- 3.27 *Town* means the municipal corporation of the Town of Drayton Valley;
- 3.28 *traffic control device* means any sign, signal, marking or device placed, marked or erected under the authority of the Act or this bylaw for the purpose of regulating, warning or guiding traffic;
- 3.29 *trailer* means a vehicle so designed that it:
- a. may be attached to or drawn by a motor vehicle or tractor;
 - b. is intended to transport property or persons; and
 - c. includes any vehicle defined by regulation as a trailer, but
 - d. does not include machinery or equipment used in the construction or maintenance of highways;
- 3.30 *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;
- 3.31 *Violation Tag* means a tag or similar document issued by the Town for the purpose of notifying a person that an offence has been committed for which a prosecution may follow;
- 3.32 *Violation Ticket* means a ticket issued pursuant to Part 2 of the *Provincial Offences Procedure Act*, RSA 2000, chapter P-34.

4. APPLICATION AND OVERARCHING AUTHORITY

- 4.1 This Bylaw applies to municipal property and highways under the direction, control and management of the Town and nothing in this Bylaw authorizes, or in any way affects, the operation of a vehicle on any provincial highway.
- 4.2 Nothing in this Bylaw relieves any person from complying with any provision of any federal or provincial legislation affecting vehicles, including without restriction, the Act and all applicable regulations thereunder.
- 4.3 Notwithstanding anything in this Bylaw, no person shall act in contravention of:
- a. the directions of a Peace Officer acting in the course of his or her employment duties; or
 - b. in the absence of circumstances set out under subsection 4.3(a), a traffic control device placed by or under the direction of the Town.
- 4.4 No Person other than a Peace Officer shall attempt to direct or regulate traffic or place anything resembling a traffic control device other than with the permission or delegation of, and in accordance with any conditions imposed by, the CAO.

5. HEAVY VEHICLE ROUTE

- 5.1 No person shall operate or park a heavy vehicle on a highway other than a highway specified in Schedule "A" attached hereto, without first obtaining a permit to do so from the CAO.
- 5.2 No person shall park a heavy vehicle for more than one hundred and twenty (120) minutes on any highway within the Town, and at no time shall a heavy vehicle be parked within five (5 m) meters (sixteen (16') feet) of a driveway or intersection.

6. EXEMPTIONS

- 6.1 The following shall not be deemed to be in contravention of Section 5 if the heavy vehicle was being operated on the most direct and practicable route between the premises or location concerned and the nearest heavy vehicle route for the purpose of:
- a. delivering or collecting goods or merchandise to or from, or providing services at, the premises of bona fide customers or businesses;
 - b. moving a building for which the necessary moving permit has been issued by the Town;
 - c. towing a disabled vehicle from a prohibited highway to a heavy vehicle route and beyond, by way of the nearest heavy vehicle route; or
 - d. in the case of a vehicle which has broken down and the operator has been unable to have it towed or repaired, despite legitimate efforts to do so, within one hundred and twenty (120) minute timeframe noted in Section 5.
- 6.2 A Person driving a bus shall not be deemed to be in contravention of Section 5 if the bus is in the process of transporting, loading or unloading passengers or a permit has been issued under Section 5.1 to allow highway travel.
- 6.3 Persons that have more than one delivery, collection or service in the same area may make all deliveries, collections or services within that area before proceeding by the most direct and practical route to the nearest heavy vehicle route. In this Section, an "area" is defined as one that is bordered on all sides by one or more of the following:
- a. heavy vehicle routes,
 - b. dangerous goods routes,
 - c. Town boundary.
- 6.4 Nothing in this Section shall be deemed to exempt any person from the provision of Section 4 inclusive of this Bylaw.

7. OVER-WEIGHT AND OVER-DIMENSIONAL PERMITS

No person shall operate, or permit to be operated, within the Town a vehicle in excess of the maximum allowable weight or dimension limits established by the Act, without first obtaining a permit to do so from the CAO.

8. OFF-ROUTE / OVER-WEIGHT PERMITS

8.1 A person applying for a permit to operate a vehicle that has a maximum allowable weight that exceeds seven thousand five hundred (7,500 kg) kilograms but does not exceed the allowable gross weight for the type of vehicle, or a vehicle that exceeds ten (10 m) metres in length, other than on a heavy truck route, shall pay to the Town the amount specified in the Town's annual Fee Schedule.

8.2 An applicant may be issued an open permit for any number of trips or for such a period of time as the CAO deems advisable. The CAO may issue the permit with any restrictions or conditions he/she deems appropriate, or the CAO may refuse the permit for any reason. A person to whom a permit is issued shall comply with the restrictions or conditions imposed on the permit.

8.3 Any person required to obtain a permit pursuant to this section, may obtain such permit by providing the information required for the permit to the CAO by telephone, fax or electronic mail, providing that the applicant has previously signed an agreement to pay all damage caused to the highway, or any works made or done over, upon or under the same, as a result of operations and conveyance or movement of the vehicle or machinery.

8.4 Any permit issued pursuant to this part, a copy of same, or bona fide permit number must be in possession of the operator of the said vehicle and such permit, copy of same, or bona fide number shall be produced to a Peace Officer on demand.

9. WEIGHT DISPUTE

In the case of any dispute arising as to the weight of any vehicle, the certificate weight is deemed to be the actual weight of the vehicle, or, where practical, the vehicle shall be weighed upon a certified scale, and the certificate of the person weighing the vehicle shall be deemed conclusive.

10. TEMPORARY LOAD LIMITS (ROAD BANS)

- 10.1 The CAO is hereby authorized in case of unfavourable road conditions to impose road bans upon Town highways and to lift road bans when appropriate.
- 10.2 When a road ban is imposed the CAO shall post traffic control devices along the highway to provide notice of the road ban.
- 10.3 No person shall operate or park a vehicle on a highway in contravention of prohibitions stated on a traffic control device placed to give notice of the road ban.

11. MOVE BUILDING

- 11.1 No person shall use any highway of the Town to move a building or part of a building from:

- a. one site to another within the Town,
- b. a site outside of the Town to a site within the Town, or
- c. a site within the Town to one outside the Town,

until the owner of such building or the owner of the moving company has obtained a moving permit granted by the CAO. For the purposes of this section, a building is as defined in the *Alberta Building Code*.

- 11.2 Such moving permit, a copy of same, or a bona fide permit number, must be in the possession of the operator of a vehicle used for moving a building or part of a building and shall be produced to a Peace Officer on demand.
- 11.3 The person wishing to move a building or over-dimensional load shall ensure there are sufficient pilot vehicles to escort the move in safety.
- 11.4 In the event any municipal services, including but not limited to police service, Public Works, Bylaw Enforcement or Fire Department, are required to assist with the move, the person responsible for the move shall pay to the Town the amount specified in the Town's annual Fee Schedule.

12. PERMITTED HEAVY VEHICLE PARKING

Parking of a heavy vehicle is allowed on lands zoned to a commercial or industrial land use district that is located on a heavy vehicle route within the Town, in accordance with the Town's Land Use Bylaw. Any other parking of heavy vehicles on lots constitutes an offence under this Bylaw.

13. VIOLATION OF PERMIT CONDITIONS

Any person who violates the provisions contained in the permit issued under this Bylaw is guilty of an offence.

14. REVOKING PERMITS

14.1 The CAO may, in writing, alter, suspend or revoke a permit issued by his or her office in accordance with this Bylaw if it is determined that:

- a. the permit was issued in error;
- b. the permit was issued based on incorrect information supplied to the Town;
- c. the permit issued is in violation of this or any other Bylaw or resolution; or
- d. circumstances exist whereby the CAO, acting reasonably, determines that the permit should be altered, suspended or revoked.

14.2 In suspending or revoking the permit, the CAO may require that the highway be made passable to the satisfaction of the Town.

14.3 If a permit is suspended or revoked, all activity for which a permit is required and that is being performed without a permit shall be stopped immediately and the person performing the work shall be liable for costs incurred in making the highway passable.

15. REMOVAL OF VEHICLES

15.1 The owner or his authorized agent, of any vehicle removed because of a contravention of this Bylaw, shall pay to the Town all storage and/or removal charges and fines and/or penalties, prior to the vehicle being released.

15.2 In the event that an owner of a motor vehicle does not claim such vehicle, the storage and removal charges may be collected pursuant to the provisions of the *Operator Licensing and Vehicle Control Regulation* AR320/2002, as amended.

16. AUTHORITY TO MARK ROUTES

The CAO is hereby authorized to mark, with traffic control devices, any highway or part of a highway designated by this Bylaw as a "Heavy Vehicle Route".

17. AUTHORITY TO ENFORCE

Any Peace Officer is hereby authorized to enforce this Bylaw.

18. DELEGATION OF AUTHORITY

The CAO may delegate his or her authority under this Bylaw to another employee of the Town.

19. TEMPORARY NOTICES/MARKINGS

A Peace Officer may, in enforcing this Bylaw, place temporary and removable markings or notices on any vehicle or trailer being investigated in relation to a contravention of this Bylaw.

20. REMOVAL AND IMPOUNDMENT OF VEHICLE

20.1 A Peace Officer may cause to be removed and/or impounded any vehicle that is in contravention of a provision of this Bylaw.

20.2 Notwithstanding that the vehicle may be parked in compliance with this Bylaw, a Peace Officer may cause to be removed and/or impounded any vehicle parked on a highway where emergency conditions require the vehicle's removal from the highway.

- 20.3 A Peace Officer shall notify the owner of a vehicle in the event of the vehicle's removal in accordance with section 20.1 or 20.2.
- 20.4 Any vehicle removed under section 20.1 or 20.2 shall be delivered to an impound facility designated by the CAO, where it will remain impounded until claimed by the owner or his/her authorized agent, or in accordance with applicable provincial laws.
- 20.5 The owner or authorized agent of any vehicle removed and impounded as a result of a contravention of this Bylaw shall pay to the Town all storage and removal charges. Such charges shall be in addition to any fine or penalty imposed in respect of any such contravention.
- 20.6 In the event that an owner of a vehicle does not claim such vehicle, the storage and removal charges may be collected pursuant to the provisions of the Act.

21. OFFENCES AND VIOLATION

- 21.1 Any person who contravenes any provision of this Bylaw is guilty of an offence and is liable to:
- a. payment of the penalty as set out in Schedule "B" hereto; or
 - b. for any offence for which there is no penalty specified, to a penalty of not less than one hundred (\$100.00) dollars and not more than ten thousand (\$10,000.00) dollars;
- and in default of payment of any penalty, to imprisonment for up to six (6) months.
- 21.2
- a. Where a Peace Officer has reasonable grounds to believe that any person has committed a breach or contravention of any provision of this Bylaw the Peace Officer may issue such persons a Violation Tag pursuant to this Bylaw, or Violation Ticket, in accordance with the provisions of the *Provincial Offences Procedure Act*, R.S.A. 2000, Chapter P-34, and the regulations thereunder, or both.
 - b. In the case of an offence that is of a continuing nature, a contravention constitutes a separate offence in respect of each day, or part of a day, on which the offence continues and any person guilty of such an offence is liable to a fine in an amount not less than that established by the Bylaw for each such day.

- c. For the purposes of this Bylaw, an act or omission by an employee or agent of a person is deemed also to be an act or omission of the person if the act or omission occurred in the course of the employee's employment with the person, or in the course of the agent's exercising the powers of performing the duties on behalf of the person under their agency relationship.
- d. When a corporation commits an offense under this Bylaw, every principal, director, manager, employee or agent of the corporation who authorized the act or omission that constitutes the offense or assented to or acquiesced or participated in the act or omission that constitutes the offense is guilty of the offense whether or not the corporation has been prosecuted for the offense.
- e. If a partner in a partnership is guilty of an offense under this Bylaw, each partner in that partnership who authorized the act or omission that constitutes the offense or assented to or acquiesced or participated in the act or omission that constitutes the offense is guilty of the offense.
- f. The Violation Ticket or Violation Tag must specify the date of the offense, the time of the offense, the place where the offense occurred and the Section of the Bylaw which was contravened. If a Violation Tag is issued in respect of an offense, the Violation Tag must also specify the fine amount established by this Bylaw for the offense.

22. SERVICE OF A NOTICE OR VIOLATION TICKET OR BYLAW VIOLATION TAG

- 22.1 A Violation Tag or Violation Ticket shall be deemed to be sufficiently served when it is:
- a. served personally on the accused;
 - b. mailed to the address of the registered owner of the vehicle concerned or to the person concerned; or
 - a. attached to or left upon the vehicle allegedly involved in the offense.

23. PAYMENT

Upon production of a Violation Ticket or Violation Tag within fourteen (14) days from the date of service of such Ticket or Tag, together with the payment of the sum specified in the attached Schedule "B", to a person authorized by the Town to receive such payment, an official receipt for such payment shall be issued, and subject to the provisions of this section, such payment shall be accepted in lieu of prosecution.

24. PENALTIES

24.1 The specified penalty payable in respect of a contravention of a provision of this Bylaw is the amount shown in the attached Schedule "B" in respect of that provision.

24.2 Any person who contravenes any provision of this Bylaw is guilty of an offence and is liable on summary conviction to a fine of not more than ten thousand (\$10,000.00) dollars and in default of payment is liable to imprisonment for a term not exceeding six (6) months.

24.3 The levying and payment of any fine or the imprisonment for any period provided in this Bylaw shall not relieve a person from the necessity of paying any fees, charges or costs from which he is liable under the provisions of this Bylaw.

25. INTERPRETATION

25.1 Words used in the singular include the plural and vice-versa.

25.2 When a word is used in the masculine or feminine it will refer to either gender.

25.3 Words used in the present tense include the other tenses and derivative forms.

26. SEVERABILITY

If any provision of this Bylaw is held be invalid by a court of competent jurisdiction, that decision will not affect the validity of the remaining provisions of the Bylaw.

THAT this Bylaw shall rescind Part 3 and Schedules I, II and II(A) of Bylaw No. 2000-09 of the Town of Drayton Valley, and shall have force and come into effect from and after the date of third reading thereof.

READ A FIRST TIME THIS 20TH DAY OF APRIL, 2016, A. D.

READ A SECOND TIME THIS 1st DAY OF June, 2016, A. D.

READ A THIRD AND FINAL TIME THIS 1st DAY OF June, 2016, A. D.

MAYOR

Acting
CAO

[Handwritten signature]

SCHEDULE "A"
HEAVY TRUCK ROUTE
NORTH - SOUTH TRUCK ROUTES

HIGHWAY	FROM	TO
50 STREET	HIGHWAY 22 SOUTH	HIGHWAY 22 NORTH
54 STREET	50 AVENUE	INDUSTRIAL ROAD
55 STREET	49 AVENUE	50 AVENUE
55 STREET	INDUSTRIAL ROAD	NORTH CUL-DE-SAC
55 A STREET	53 AVENUE	INDUSTRIAL ROAD
55 A STREET	53 AVENUE	SOUTH CUL-DE-SAC
56 STREET	49 AVENUE	50 AVENUE
57 STREET	49 AVENUE	50 AVENUE
58 STREET	49 AVENUE	50 AVENUE
60 STREET	34 AVENUE	NORTH DEAD END
61 STREET	50 AVENUE	52 AVENUE
62 STREET	50 AVENUE	NORTH BOUNDARY
62 STREET	50 AVENUE	SOUTH BOUNDARY
POWER CENTRE BOULEVARD	HIGHWAY 22	62 STREET

EAST – WEST TRUCK ROUTES

50 AVENUE	RING ROAD	62 STREET
34 AVENUE	50 STREET	WEST DEAD END
BROUGHAM DRIVE	50 STREET	34 AVENUE
49 AVENUE	55 STREET	58 STREET
52 AVENUE	61 STREET	62 STREET
53 AVENUE	54 STREET	50 AVENUE
INDUSTRIAL ROAD	50 STREET	50 AVENUE
JUBILEE AVENUE	INDUSTRIAL ROAD	HIGHWAY 22
56 AVENUE	50 STREET	55 STREET

SCHEDULE "B"
FINES AND PENALTIES

Section	Violation	Penalty		
		First Offence	Second Offence	Third Offence
5.1	Operating a heavy vehicle off heavy truck route without a Permit	\$150.00	\$300.00	\$600.00
5.2	Parking a heavy vehicle for more than 120 minutes or within 5 metres of a driveway or intersection	\$150.00	\$300.00	\$600.00
7.	Operating a vehicle in excess of the maximum allowable weight or dimension limits	\$250.00	\$500.00	\$1,000.00
8.1	Failure to apply for a permit or provide payment for a Permit	\$250.00	\$500.00	\$1,000.00
8.2	Exceeding the number of trips or time period approved in a Permit	\$100.00	\$200.00	\$300.00
8.2	Failure to comply with restrictions or conditions of a Permit	\$150.00	\$300.00	\$600.00
8.4	Failure to provide or display a Permit	\$50.00	\$100.00	\$200.00
10.	Operating or parking on a highway in contravention of traffic control device or restricted load limits	\$150.00	\$300.00	\$600.00
11.1	Failure to obtain a moving Permit	\$150.00	\$300.00	\$600.00
11.2	Failure to produce a moving Permit	\$150.00	\$300.00	\$600.00
11.3	Failure to provide pilot vehicles	\$100.00	\$200.00	\$400.00
11.4	Failure to pay for municipal services	\$100.00	\$200.00	\$400.00

1574994; June 1, 2016