

**A BYLAW OF THE SUMMER VILLAGE OF SUNDANCE BEACH,
IN THE PROVINCE OF ALBERTA,
RESPECTING ROAD BANS, VEHICLE WEIGHT RESTRICTIONS AND ROAD PROTECTION.**

BYLAW NO: A-35

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 Summers Village of Sundance Beach, 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 Summer Village of Sundance Beach there are roads under the ownership, control and management of the Summer Village of Sundance Beach, 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*, 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 Summer Village of Sundance Beach considers it desirable and expedient to do so.

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

SECTION 1 - NAME OF BYLAW

- 1.1 This Bylaw shall be known as "The Road Ban, Vehicle Road Restrictions and Road Protection Bylaw".

SECTION 2 – PURPOSE OF THIS BYLAW

- 2.1 The purpose of this Bylaw is to protect the infrastructure of the Village, in particular the roads, streets, roads and lanes, etc., in a cooperative manner with local residents and business.

SECTION 3 - DEFINITIONS

- 3.1 In this Bylaw the following terms (unless the context specifically requires otherwise) shall have the following meanings:
- (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) "*Carrying Axle*" means any axle that is not a steering axle.
 - (c) "*Chief Constable*" means the Chief Constable of the bylaw enforcement service.
 - (d) "*Council*" means the Council of the Summer Village of Sundance Beach.
 - (e) "*Heavy Vehicle*" means a public vehicle that is properly registered to operate on a highway in Alberta having a licensed maximum gross weight in accordance with the *Traffic Safety Act, Revised Statutes of Alberta 2000, Chapter T-6*, of more than five thousand kilograms (5,000 kg).

- (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*.
- (h) *“Peace Officer”* means a member of the Royal Canadian Mounted Police, a Special Constable, or a Bylaw Enforcement Officer.
- (i) *“Permanent Road Ban”* means a road ban in effect within the corporate limits for the entire calendar year.
- (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
 - a. the transportation of:
 - b. passengers,
 - c. goods, or
 - d. the vehicle itself, but does not include a private passenger vehicle.
- (l) *“Regular Road Use Permit”* means a permit to exceed posted axle weight allowance percentage restrictions issued to a person or firm conducting trips in and out of the Summer Village serving a particular private project such as a new development within the Municipality.
- (m) *“Road Ban”* means the axle weight allowance restriction prescribed in respect of a highway, street, road or lane, etc.
- (n) *“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.
- (o) *“Special Road Use Permit”* means a no fee road use permit to exceed posted axle weight allowance percentage restrictions issued to a person or firm conducting regular or daily trips in and out of the Summer Village serving the Municipality such as vacuum trucks, garbage trucks, lawn maintenance equipment, utilities, etc.
- (p) *“Summer Village”* means the Summer Village of Sundance Beach.
- (q) *“Vehicle”* means a device in, on, or by, which a person or thing may be transported or drawn on a highway.

SECTION 4 – AUTHORITY

- 4.1 Any member of Council for the Summer Village or the Administrator of the Summer Village Office or the Chief Constable has the authority to determine appropriate road bans for the Summer Village.

SECTION 5 – POSTING OF ROADS

- 5.1 All entry roads into the Summer Village shall be posted as to the allowable road use limits, i.e. acceptable axle weight allowance percentage. Any member of the Council of the Summer Village or the Administrator of the Summer Village Office or the Chief Constable has the authority to post appropriate road bans.

SECTION 6 – PERMANENT ROAD BAN

- 6.1 A permanent road ban shall be in effect within the corporate limits of the Summer Village for the entire calendar year. The road ban shall impose up to a seventy-five percent (75%) axle weight restriction on all public vehicles using Summer Village highways.

SECTION 7 – SEASONAL ROAD BANS

- 7.1 A seasonal road ban shall be in effect within the corporate limits of the Summer Village during spring break up or any other time the highways are at risk of damage. The road ban shall impose up to a fifty percent (50%) axle weight restriction on all public vehicles using Summer Village highways during a seasonal road ban.

SECTION 8 - ROAD USE (OVERWEIGHT) PERMITS

- 8.1 Permits **will not be** required for the use of the roads by heavy vehicles unless the operator is making a request to exceed the posted axle weight restriction.

- 8.2 The Council of the Summer Village hereby authorizes the issuance of such road use permits by a peace officer having jurisdiction within the corporate limits of the Summer Village to ensure that:

(a) No person shall operate a heavy vehicle in excess of the posted axle weight allowance percentage restriction on a highway within the Summer Village without a valid road use permit, and

(b) No person shall operate a heavy vehicle on a highway within the Summer Village in contravention of any special conditions or restrictions noted on the road use permit that has been issued to that person or firm, and

(c) Permits for 50% road bans generally do not exceed 75% of the axle weight allowance percentage and permits for 75% road bans generally do not exceed 90% of the axle weight allowance percentage, and

(d) A surcharge is applied for the non-payment of permit fees within thirty days.

8.3 **Special Road Use Permits**

A person or firm may apply for a special road use permit *to exceed posted axle weight allowance percentage restrictions* under the following circumstances:

(a) The person or firm conducts regular or daily trips in and out of the Summer Village serving the Municipality such as vacuum trucks, garbage trucks, lawn maintenance equipment, utilities, etc.

(b) The special road use permit may be issued on an annual or seasonal (six month) basis.

(c) The permit shall be issued in the form prescribed in Schedule "B" and shall set out the term (dates) the permit is effective and the weight restrictions to be imposed.

(d) Schedule "B" may be amended from time to time by a resolution of Council.

(e) No person shall exceed any axle weight restrictions that may be imposed under a special road use permit.

8.4 **Regular Road Use Permits**

A person or firm may apply for a regular weight road use permit *to exceed posted axle weight allowance percentage restrictions* under the following circumstances:

(a) The person or firm conducts trips in and out of the Summer Village serving a particular private project such as a new development within the Municipality.

(b) The regular road use permit shall be issued on a weekly basis.

(c) The permit shall be issued in the form prescribed in Schedule "B" and shall set out the term (dates) the permit is effective and the weight restrictions to be imposed.

(d) Schedule "B" may be amended from time to time by a resolution of Council.

(e) No person shall exceed any axle weight restrictions that may be imposed under a regular road use permit.

8.5 **General Conditions to a Road Use (Overweight) Permit**

General conditions to a road use permit shall be in accordance with the general conditions described in the Alberta Traffic Safety Act.

SECTION 9 - EXEMPTIONS TO ROAD BANS

- 9.1 Public vehicles exempt from road bans shall be those identified within the Alberta Traffic Safety Act.

SECTION 10 – DAMAGING SURFACE OF HIGHWAY

- 10.1 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 Summer Village.
- 10.2 Regardless of exemptions in section 9 or permits issued or paid, the owner of a commercial vehicle may be held liable for damages to public property, including highways, caused by the owner's vehicle(s).

SECTION 11 – ROAD USE PERMIT FEES AND FINES FOR VIOLATION OF THIS BYLAW

- 11.1 Road Use Permit Fees and Penalties for violation of this bylaw are set out in Schedule "A" of this bylaw.
- 11.2 Fees set out in Schedule "A" may be amended from time to time by a resolution of Council.
- 11.3 A Peace Officer authorized to enforce this Bylaw under Section 7 of the *Municipal Government Act*, R.S.A. 2000, Chapter M-26, and who has reasonable and probable grounds to believe that a person has contravened any section of this Bylaw, may under the authority of this Bylaw issue a Municipal tag, and where the tag is not paid by the offender a Part 2 violation tag may be issued under the *Provincial Offenses Procedures Act* R.S.A., Chapter 2000, P-34, to that person.

SECTION 12 – SEVERABILITY

- 12.1 Should any section or part of this Bylaw be found to have been improperly enacted, then such section or part shall be regarded as being severable from the rest of this Bylaw. 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.

SECTION 13 - REPEAL

- 13.1 Upon passing of this bylaw, Sundance Beach Bylaw No. 67 is hereby repealed.

SECTION 14 – EFFECTIVE DATE


- 14.1 This bylaw comes into effect on the date of the third reading

READ a first time this 15th day of December, 2005, A.D.

READ a second time this 15th day of December, 2005, A.D.

Given unanimous consent to proceed to third reading this 15th day of December, 2005, A.D.

READ a third time and finally passed this 15th day of December, 2005, A.D.



Brian Waterhouse, Mayor
Summer Village of Sundance Beach



Anita Blais, Chief Administrative Officer
Summer Village of Sundance Beach



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