

**A BYLAW OF THE SUMMER VILLAGE OF POPLAR BAY,
IN THE PROVINCE OF ALBERTA,
RESPECTING ROAD BANS, VEHICLE WEIGHT RESTRICTIONS AND ROAD PROTECTION.
BYLAW NO: 199**

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 Poplar Bay, 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 Poplar Bay there are roads under the ownership, control and management of the Summer Village of Poplar Bay, 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 Poplar Bay considers it desirable and expedient to do so.

NOW THEREFORE, the Council for the Summer Village of Poplar Bay, 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) “*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.
 - (e) “*Council*” means the Council of the Summer Village of Poplar Bay.

- (f) *“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).
- (g) *“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.
- (h) *“Maximum Allowable Weight”* means the weight that may be borne by a single axle, an axle group or all of the axles of a commercial vehicle as established by the Public Vehicle Weight Regulations of the *Traffic Safety Act, Revised Statutes of Alberta 2000, Chapter T-6*.
- (i) *“Peace Officer”* means a member of the Royal Canadian Mounted Police, a Special Constable, or a Bylaw Enforcement Officer.
- (j) *“Permanent Road Ban”* means a road ban in effect within the corporate limits for the entire calendar year.
- (k) *“Person”* means any individual, corporation, society, association, partnership or firm.
- (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 Poplar Bay.
- (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 commercial 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 commercial 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

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, 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, Poplar Bay Bylaw No. 182 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 10th day of May, 2006, A.D.

READ a second time this 14th day of June, 2006, A.D.

READ a third time and finally passed this 14th day of June, 2006, A.D.

Kevin Davies, Mayor
Summer Village of Poplar Bay

Peter Irwin, Administrator
Summer Village of Poplar Bay

Schedule "A"

ROAD USE PERMIT FEES

Special road use permit to exceed posted road limits annually or for 6-months (50% to 75% maximum, or 75% to 90% maximum) No Charge

Note: Vacuum trucks, garbage trucks, lawn maintenance equipment, utilities, etc. serving the Municipality require permits as above but no fees will be levied for such permits regardless of the time period of the permit.

Regular road use permit to exceed posted road limits for one week (50% to 75% maximum, or 75% to 90% maximum) No Charge

(Note: If a permit has not been used in the planned time period it may be extended for an equivalent period.)

Penalties

Offense	Section	Fine
1. Driving heavy vehicle on Village Highways in excess of the posted limits	8.2 (a)	Minimum \$200.00 \$100.00*
		*\$100.00 for every 500 kilograms in excess of axle weight allowance percentage.
2. Failing to comply with restrictions or conditions of a road use permit.	8.2 (b) 8.3 (e) 8.4 (e)	\$200.00* and/or *\$100.00 for every 500 kilograms in excess axle weight allowance specified on the road permit.
3. Drive Vehicle with metal spikes, cleats, bands or caterpillar treads on highway	10.1	\$150.00

Schedule "B"

PUBLIC VEHICLE ROAD USE PERMIT/INVOICE

Pigeon Lake Constable Service (PLCS)
PHONE: 780-586-3882 FAX: 780-586-2005

Permit Number:

SECTION (1) PERMIT HOLDER INFORMATION

NAME OF COMPANY OR PERSON	ADDRESS	Fax #

SECTION (2) PERMIT HOLDER INFORMATION

VEHICLE #1	VEHICLE #2	VEHICLE #3	VEHICLE #4
License #	License #	License #	License #
Gross Vehicle Weight	Gross Vehicle Weight	Gross Vehicle Weight	Gross Vehicle Weight

SECTION (3) PERMIT DATES AND LOCATIONS

PERMIT REQUESTED FOR VILLAGE	MAILING ADDRESS FOR PERMIT FEE(S)	DATE PERMIT REQUIRED	
		FROM	TO
† S.V. Silver Beach	Box 60631 U of A Postal Outlet, Edmonton, Alberta T6G 2S9		
† S.V. Argentia Beach	Box 100, Ma-Me-O Beach, AB T0C 1X0		
† S.V. Golden Days	11318 – 10 th Ave., Edmonton, AB T6J 6S9		
† S.V. Itaska Beach	5515 – 44 Avenue, Wetaskiwin, AB T9A 0C8		
† S.V. Sundance Beach	11318 – 10 th Ave., Edmonton, AB T6J 6S9		
† S.V. Poplar Bay	Box 100, Ma-Me-O Beach, AB T0C 1X0		
† S.V. Grandview	Box 100, Ma-Me-O Beach, AB T0C 1X0		
† S.V. Crystal Springs	256 Grandview, R.R. #1, Westeros, AB T0C 2V0		
† S.V. Norris Beach	Box 100, Ma-Me-O Beach, AB T0C 1X0		

PERMIT RESTRICTIONS – CONSTABLE SERVICE USE ONLY

PERCENTAGE OF ALLOWABLE AXLE WEIGHT IS:	PERCENTAGE (%)	PERMIT VALID DATES		OTHER PERMIT CONDITIONS
		FROM	TO	

SCHEDULE OF PERMIT FEES & PAYMENT INSTRUCTIONS

<p>FEE SCHEDULE: NO PERMITS OR FEES ARE REQUIRED FOR TRAVELLING ON VILLAGE ROADS WITHIN THE POSTED ROAD BAN LIMITS.</p> <p>SPECIAL ROAD USE PERMITS NO FEES ARE CHARGED FOR THE ISSUANCE OF THESE PERMITS FOR USE OF VILLAGE ROADS BY SERVICES TO THE VILLAGE SUCH AS GARBAGE, WASTE WATER AND MAINTENANCE OF VILLAGE INFRASTRUCTURE.</p> <p>REGULAR ROAD USE PERMITS NO FEES ARE CHARGED FOR THE ISSUANCE OF THESE PERMITS ALLOWING USE OF VILLAGE ROADS IN EXCESS OF THE POSTED AXLE WEIGHT ALLOWANCE PERCENTAGE.</p> <p>PAYMENT MAY BE MADE BY CHEQUE OR MONEY ORDER MADE PAYABLE TO THE MUNICIPALITY NOTED ABOVE, AT THE ADDRESS INDICATED.</p>

SECTION (4) PERMIT HOLDER CERTIFICATION

<p>REGARDLESS OF EXEMPTIONS OR PERMITS ISSUED OR PAID, THE OWNER OF A PUBLIC VEHICLE MAY BE HELD LIABLE FOR DAMAGES TO PUBLIC PROPERTY, INCLUDING HIGHWAYS, CAUSED BY THE OWNER'S VEHICLE. IN ADDITION, THE HOLDER OF THIS PERMIT CONSENTS TO, AND MAY BE SUBJECT TO THE WEIGHING OF ANY VEHICLE(S) MENTIONED IN THIS PERMIT BY A PEACE OFFICER, AND IS SUBJECT TO ANY FINES/CHARGES FOR VIOLATIONS OF THE LOAD OR AXLE WEIGHT ALLOWANCE RESTRICTIONS MENTIONED IN THIS PERMIT, OR ANY OTHER CONDITIONS WHICH ARE NOTED HEREIN.</p> <p>SIGNATURE OF PERMIT HOLDER: _____</p> <p>*** WHEN YOU HAVE COMPLETED SECTIONS 1 THROUGH 4, FAX THE PERMIT TO THE PLCS FOR APPROVAL AT 780-586-2005</p>					
COPIES TO					
DATE ISSUED	Issued by Fax <input type="checkbox"/> Issued in Person <input type="checkbox"/>	† <input type="checkbox"/> † <input type="checkbox"/>	Village Office Scale Facility	† <input type="checkbox"/> † <input type="checkbox"/>	ISSUING OFFICER SIGNATURE
Permit June 14 th , 2006 Bylaw Schedule B					