

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

**BYLAW NO: 208**

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 Argentia 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 Argentia Beach there are roads under the ownership, control and management of the Summer Village of Argentia 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*, being chapter T-6 of the Revised Statutes of Alberta 2000, 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 Argentia Beach considers it desirable and expedient to do so.

**NOW THEREFORE**, the Council for the Summer Village of Argentia 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 Weight 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) "CAO" means the duly appointed Chief Administrative Officer of the Summer Village.
  - (c) "Council" means the Councillors and Mayor of the Summer Village of Argentia Beach.
  - (d) "Private passenger vehicle" means a vehicle that is properly registered to operate on a highway in Alberta having a licenced maximum gross weight in accordance with the *Traffic Safety Act, Revised Statutes of Alberta 2000, Chapter T-6*, of not more than fifty five hundred kilograms (5500 kg);
  - (e) "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;

- (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* including the steering axles.
- (h) *"On Advice of Council"* means following approval in informal discussions with and by two Council Members, one of whom may be mayor.
- (i) *"Peace Officer"* means a member of the Royal Canadian Mounted Police, a Special Constable, or a Bylaw Enforcement Officer or a Peace Officer employed by the Pigeon Lake Protective Service.
- (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) *"Public Vehicle"* means a vehicle operated on a highway by or on behalf of a person for the transportation of:
- a. passengers,
  - b. goods, or
  - c. the vehicle itself, but does not include a private passenger vehicle other than busses or motor homes, an emergency vehicle of the fire department, ambulance authority or any utility company or any vehicle operated under contract with the Summer Village, such as garbage trucks.
- (m) *"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.
- (n) *"Road Ban"* means the axle weight allowance restriction prescribed in respect of a highway, street, road or lane, etc.
- (o) *"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.
- (p) *"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 for a single special trip in and out of the Summer Village.
- (q) *"Summer Village"* means the Summer Village of Argentia Beach.
- (r) *"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 The CAO of the Summer Village, on the advice of Council, has the authority to determine appropriate road bans for the Summer Village subject to this bylaw.

#### **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. the permanent road ban or acceptable axle weight allowance when in effect by relaxation of the permanent road ban. Any member of the Council of the Summer Village or the CAO of the Summer Village Office or a Peace Officer has the authority to post appropriate road bans.

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**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 The CAO, on advice of Council, may prohibit commercial vehicles over 5500 kilograms gross vehicle weight during the spring thaw, until the Summer Village road is deemed in satisfactory condition that the road ban may be relaxed to 75%.
- 7.2 The CAO, on advice of Council, may prohibit commercial vehicles over 5500 kilograms gross vehicle weight at any time during the year until the Summer Village road is deemed in satisfactory condition that the road ban may be relaxed to 75%.

**SECTION 8 – ROAD USE 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 or gross vehicle weight restriction.
- 8.2 The Council of the Summer Village hereby authorizes the issuance of such road use permits by the CAO only while the road is frozen, or when other circumstances dictate
  - (a) No person shall operate a commercial 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 commercial 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.
- 8.3 **General Conditions to a Special Road Use (Overweight) Permits**  
General conditions to a road use permit shall be in accordance with the general conditions described in the *Alberta Traffic Safety Act*, and with the approval of the CAO or a member of Council.

**SECTION 9 - EXEMPTIONS TO ROAD BANS**

- 9.1 Commercial vehicles exempt from road bans shall be those vehicles identified as garbage trucks, emergency vehicles (fire, ambulance), utility companies, and any vehicle operated under contract to the Summer Village

**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 – FINES FOR VIOLATION OF THIS BYLAW**

- 11.1 Penalties for violation of this bylaw shall be the same as prescribed pursuant to the *Alberta Traffic Safety Act*, being Chapter T-6 of the Revised Statutes of Alberta, 2000, as amended, or Regulations pursuant to Section 10.1 to a fine of \$200.00, or as prescribed in Appendix 1 of this Bylaw.
- 11.2 A Peace Officer authorized to enforce this Bylaw under Section 7 of the *Municipal Government Act*, being Chapter M-26, Revised Statutes of Alberta 2000, as amended, 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 to the owner and/or operator of an offending vehicle, either of whom may in lieu of being prosecuted for an offence under the *Provincial Offences Procedure Act*, being Chapter P-21.5 of the Revised Statutes of Alberta, 1988, pay to the Summer Village the amount specified on the violation tag, and where the tag is not paid by the offender, a Part 2 violation tag may be issued under the *Provincial Offences Procedures Act*, being Chapter P-34 of the Revised Statutes of Alberta 2000, to that person for the full fine.

**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, Bylaw 194 is hereby repealed.

**SECTION 14 – EFFECTIVE DATE**

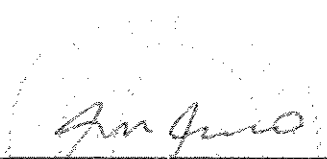
- 14.1 This bylaw comes into effect on the date of the third reading

READ a first time this 22<sup>nd</sup> day of April, 2009.

READ a second time this 22<sup>nd</sup> day of April, 2009.

Given unanimous consent to proceed to third reading this 22<sup>nd</sup> day of April, 2009.

READ a third time and finally passed this 22<sup>nd</sup> day of April, 2009.




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**Ernie Elko, Mayor**  
**Summer Village of Argentia Beach**




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**Sylvia Roy, CAO**  
**Summer Village of Argentia Beach**

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**Argentia Beach Bylaw #194**

**Appendix 1**

OFFENCE	FINE
Commercial Vehicle over 5500 kg on Summer Village road during spring thaw period	\$250. 1 <sup>st</sup> Offence
	\$500. 2 <sup>nd</sup> Offence
	\$1000. every subsequent offence