

PONOKA COUNTY

BY-LAW 8-24-WR

A BY-LAW OF PONOKA COUNTY, IN THE PROVINCE OF ALBERTA, FOR THE PURPOSE OF ESTABLISHING WEIGHT RESTRICTIONS FOR VEHICLES ON HIGHWAYS AND BRIDGES WITHIN PONOKA COUNTY.

WHEREAS the Municipal Government Act, RSA 2000, c. M-26 (“the MGA”), as amended, grants municipal Councils the direction, control and management of all roads within the municipality;

WHEREAS the Traffic Safety Act, RSA 2000, c. T-6 (“the Act”), as amended, provides that a municipal Council may enact By-Laws for the purpose of restricting the weight of Commercial Vehicles and the goods being carried by the Commercial Vehicles;

AND WHEREAS damage may be caused to Highways and Bridges by the weight of Commercial Vehicles and the goods being carried by Commercial Vehicles, or by the frequency of the use of the Highways and Bridges;

AND WHEREAS Ponoka County deems it necessary to provide for regulation of the recurrence of movement, and impose weight restrictions for vehicles on Highways and Bridges within its jurisdiction;

AND WHEREAS the Act provides that the Council of a municipality may by By-Law delegate to an employee of the municipality the power to impose road bans;

NOW THEREFORE, the Council of Ponoka County, duly assembled, enacts as follows:

1. SHORT TITLE

1.1 This By-Law may be called the “Weight Restriction and Road Ban By-Law”.

2. DEFINITIONS

2.1 Except as otherwise provided in this By-Law, the terms used in the Act where used or referred to in this By-Law shall have the same meaning as used or defined in the Act.

2.2 “Commercial Vehicle” means a vehicle operated on a Highway by or on behalf of a person, company or corporation for the purpose of providing transportation but does not include a private passenger vehicle. Farm vehicles are commercial vehicles as defined under the Operator Licensing and Vehicle Control Regulation as being Class 2 commercial vehicles and are, therefore, subject to the provisions of the Act.

2.3 “Council” means the Council of Ponoka County.

2.4 “County” means Ponoka County.

2.5 “Chief Administrative Officer” means the Chief Administrative Officer for Ponoka County or designate.

2.6 “Highway” or “Highways and Bridges” has the same meaning as set out in the Act but is limited to Highways and Bridges under the direction, control and management of the County.

2.7 “Operator” means all users, including agricultural, commercial, industrial and oilfield, owning or operating a commercial vehicle on a highway, and anyone contracting an operator to carry out operation of a commercial vehicle on a highway.

- 2.8 “Road Ban” means the restricted axle weight allowance prescribed in respect of a Highway.
- 2.9 “Road Protection Agreement” (RPA) means an agreement between Ponoka County and an Operator for the purposes of allowing movement of Commercial Vehicles on local Highways and Bridges under the jurisdiction of Ponoka County.
- 2.10 “Specified Operating Permit” (SOP) means a condition imposed on an Operator by Ponoka County for the purposes of allowing limited overweight or regulating frequent movement of Commercial Vehicles on local Highways and Bridges under the jurisdiction of Ponoka County. SOP’s can be in effect for a period of up to one year.
- 2.11 “Rules of the Road” shall refer to specific rules laid out by Ponoka County for Operators utilizing local Highways and Bridges under the jurisdiction and control of the municipality, as identified in Schedule “A” attached.
- 2.12 “Peace Officer” means:
- (a) A peace officer appointed under the *Peace Officer Act*
 - (b) A member of a municipal police service
 - (c) A member of the Royal Canadian Mounted Police
 - (d) A by-law enforcement officer
- 2.13 “Frequent” and “Recurrence” means five or more legal loads in a 24-hour period utilizing the same road.

3. RESTRICTIONS

- 3.1 The Chief Administrative Officer, in his or her sole discretion, may make a determination that the use of a Highway by a Commercial Vehicle or Commercial Vehicles may or will likely cause damage to a Highway due to:
- (a) The weight of the Commercial Vehicle or Commercial Vehicles, or
 - (b) The frequency of use of the Highway by the Commercial Vehicle or Commercial Vehicles.
- 3.2 The Chief Administrative Officer, in exercising discretion under s. 3.1, shall have consideration for the following:
- (a) Highway surface classification,
 - (b) Daily vehicular traffic count, and/or
 - (c) Number of occupied driveways adjacent to a Highway.
- 3.3 Where such a determination is made under s. 3.1, the Chief Administrative Officer is authorized to require any Operator to enter into an RPA and/or SOP prior to operating a Commercial Vehicle on a Highway.
- 3.4 An Operator entering into an RPA or SOP shall at all times ensure that the terms and conditions contained within the RPA or SOP are complied with.
- 3.5 Where an Operator has entered into an RPA or SOP, failure to comply with this By-Law may result in the cancellation of that RPA or SOP and imposition of penalties.
- 3.6 Notwithstanding s. 3.5, an Operator shall comply with all other provisions of the Act and this By-Law, and without limiting the generality of the foregoing, shall obey all prohibitions, limitations, increases or restrictions imposed by an RPA or SOP.

4. ROAD BAN

- 4.1 The Chief Administrative Officer or designate is hereby authorized to impose Road Bans from time to time to define:
- (a) load limits upon Highways and Bridges;

- (b) Highway locations with percentage axle weights for those Highways and Bridges; and
- (c) Bridge locations with the maximum gross Commercial Vehicle weights to be posted on those bridges.

4.2 Where the Chief Administrative Officer imposes a Road Ban in respect of a Highway or bridge, signs shall be erected along the Highway or bridge as necessary to notify Operators using Commercial Vehicles on the Highway or bridge of the Road Ban Order.

5. EXEMPTIONS

- 5.1 This By-Law does not apply to:
- (a) Construction and maintenance equipment operated or hauled by or on behalf of the County.
 - (b) Commercial Vehicles or combinations of Commercial Vehicles required by the County to transport materials needed for maintenance and repair of Highways and Bridges.
 - (c) The movement of equipment to a declared disaster.
 - (d) Emergency Response Vehicles

6. OFFENCES

- 6.1 It is an offence under this By-Law to:
- (a) Operate a Vehicle without an RPA or SOP;
 - (b) Fail to produce an RPA or SOP when requested;
 - (c) Fail to comply with the terms and conditions of an RPA or SOP.
- 6.2 Any Operator who contravenes any provision of this By-Law is guilty of an offence and is liable to penalties as set out in Schedule "B".

7. VIOLATIONS TAGS

- 7.1 A Peace Officer is hereby authorized and empowered to issue a Violation Tag to any Operator who the Peace Officer has reasonable and probable grounds to believe has contravened any provision of this By-Law.
- 7.2 A Violation Tag may be issued to such Operator:
- (a) either personally; or
 - (b) by mailing a copy by registered mail to such Operator at his/her last known post office address.
- 7.3 The Violation Tag shall be in a form approved by the County and shall state:
- (a) the name of the Operator or license plate number;
 - (b) the offence;
 - (c) the appropriate penalty for the offence as specified in this By-Law;
 - (d) that the penalty paid shall be paid within thirty (30) days of the issuance of the violation tag;
 - (e) Any other information as may be required by the County.
- 7.4 Where a contravention of this By-Law is of a continuing nature, further Violation Tags may be issued by the Peace Officer, provided that no more than one Violation Tag shall be issued for each day that the contravention continues. These additional fines are referred to in appendix "C".
- 7.5 Where a Violation Tag is issued pursuant to this By-Law, the Operator to whom the Violation Tag is issued may, in lieu of being prosecuted for the offence, pay the County the penalty specified on the Violation Tag.
- 7.6 Nothing in this By-Law shall prevent a Peace Officer from immediately issuing a Violation Ticket for a mandatory Court appearance of any Operator who contravenes any provision of this By-Law.

8. VIOLATION TICKET

8.1 If the penalty specified on a Violation Tag is not paid within the prescribed time period, then a Peace Officer is hereby authorized and empowered to issue a Violation Ticket pursuant to Part II of the Provincial Offences Procedure Act, RSA 2000, c. P-34.

8.2 Notwithstanding Section 7.1 of this By-Law, a Peace Officer is hereby authorized and empowered to immediately issue a Violation Ticket pursuant to Part II of the Provincial Offences Procedure Act, RSA 2000, c. P-34, as amended, to any Operator who the Peace Officer has reasonable grounds to believe has contravened any provision of this By-Law.

9. SEVERABILITY PROVISION

9.1 Should any provision of this By-Law be invalid, then such a provision shall be severed and the remaining By-Law shall be maintained.

10. DELEGATION OF AUTHORITY

10.1 The Chief Administrative Officer is hereby authorized to delegate and to authorize further delegation of any authorization, action, determination or exercising discretion pursuant to this By-Law.

11. REPEAL OF BY-LAW

11.1 By-Law 30-11-WR is hereby repealed.

12. EFFECTIVE DATE

12.1 This By-Law shall take effect on the day of final passing thereof.

Given first reading this 9th day of April, 2024 and was carried unanimously.

Given second reading this 28th day of May, 2024 and was carried unanimously.

By-Law 8-24-WR was given third and final reading this 28th day of May, 2024 and was unanimously passed.

Reeve

Chief Administrative Officer

SCHEDULE "A"

General rules for travel on Ponoka County roads

**Overweight on banned roads or
Multiple loads (5 or more loads traveling the same route on the same day)**

- Company/individual covenants and agrees to arrange for and to pay for and discharge any and all damages which may result to roads, bridges or other property as a result of such activity and any expenses or out-of-pocket disbursements which may be incurred by the County in connection therewith whether they be for inspection, escort, supervision, dust control or howsoever; and shall indemnify and save harmless the County therefrom.
- As much as feasibly possible, existing road ban conditions must be met.
- Tire chains are not allowed on County roads at any time.
- Metal track equipment is not allowed to walk down County roads or ditches at any time.
- All mud tracked onto the road surface must be cleaned off. Road may need to be regraded after cleaning.
- No parking, loading or unloading of vehicles, trailers or equipment on County roads, shoulders or in the ditches.
- Must not delay/obstruct any other vehicles.
- The erection of metal posts (even on a temporary basis) is not permitted within County road allowances/ditches. Temporary signage should be located on a tripod or on wooden posts and removed upon completion of the project.
- If road surface or road condition starts to deteriorate, STOP moving. Notify the County immediately.
- Grader must be available to follow equipment if required at the discretion of the Public Works Superintendent or designate.
- Operators transporting multiple loads must obtain approval from the County and are subject to conditions imposed under the Traffic Safety Act and/or Ponoka County. Advance warning signs may be required at the discretion of the Public Works Superintendent or designate.
- Specified permits may be extended at the discretion of the Public Works Superintendent or designate.
- Specified permits must be in the possession of the holder and be presented upon demand to a Peace Officer.
- All drilling rig moves or moves consisting of five or more loads, regardless of commodity, traveling the same route may require a water truck for dust control in front of residences. Watering must continue for duration of move, whether loaded or empty
- During dry conditions, single truck loads or service rigs may move without a water truck, but speed must be restricted to 30 km/hr in order to avoid creating dust

SCHEDULE "B"
Index to Offences and Specified Penalties

<u>Sec. #</u>	<u>Title of Offence</u>	<u>Penalty</u>
6.1	Operate a Vehicle without an RPA or SOP	500.00
	Fail to produce an RPA or SOP when requested	500.00
	Fail to comply with the terms and conditions of an RPA or SOP	500.00
	Surcharge per violation tag/ticket	\$500.00
	Surcharge amount will be waived if specified penalty amount is paid within 30 days of issuance of Violation Tag	

SCHEDULE "C"
Reoccurrence/continuation of offences

Penalty doubles from previous amount for each subsequent offence, exclusive of surcharge, within one calendar year.