



BYLAW-96-11

OF THE MUNICIPAL DISTRICT OF LESSER SLAVE RIVER NO. 124

Being a Bylaw of the Municipal District to define the regulations, responsibilities and penalties for the safe use of highways within the municipality

WHEREAS Section 5 of the Municipal Government Act, being Chapter M-26.1 of the Statutes of Alberta 1994, and amendments thereto, provides that a Municipality has the powers given it by this and other enactments; and

WHEREAS Sections 14, 15, and 16 of the Highway Traffic Act being Chapter H-7 the Revised Statutes of Alberta 1980, and amendments thereto provide that a municipality has the powers to implement measures to regulate and control all activities within or upon any highway within its jurisdiction;

WHEREAS, in certain situations where vehicles are being used for the purpose of hauling goods and materials on Municipal District roads, damage may be caused to Municipal District roads by the weight of the vehicles and their loads, or by the frequency of the use of Municipal District roads by those vehicles or both; and

WHEREAS, the Council of the Municipal District of Lesser Slave River No. 124 wishes to pass a bylaw to provide for the control and regulation of the use of Municipal District roads by vehicles whose weight or frequency of use, or both, will likely cause damage to Municipal District roads beyond that which would be expected by the normal use of Municipal District roads;

NOW THEREFORE, the Council of the Municipal District of Lesser Slave River No. 124; duly assembled, enacts as follows:

1. This bylaw may be cited as the Road Protection and Traffic Control Bylaw.

2. **DEFINITIONS**

- (1) **Alley** means a narrow highway intended chiefly to give access to the rear of buildings and parcels of land.
- (2) **Backslope** means that portion of a highway which extends outward from the bottom of the ditch or the sideslope to the boundary of the road allowance.
- (3) **cm** means centimetre(s).
- (4) **Certificate** means a document issued by the Motor Transport Board granting permission to operate a public service or commercial vehicle.
- (5) **Commercial vehicle** means a truck, trailer or semi-trailer, and includes a motor vehicle from which sales are made of goods, wares, merchandise or commodity, and a motor vehicle by means of which, delivery is made of goods, wares, merchandise or commodity to a purchaser or consignee thereof. Exceptions are:
 - (a) a truck, trailer or semi-trailer that is a public service vehicle, or
 - (b) a truck, trailer or semi-trailer or any class of vehicle that the regulations or by an order of the Motor Transport Board is exempted from being classified as a commercial vehicle
- (6) **Special Constable** and **Municipal Constable** means a duly appointed member of the Municipal District of Lesser Slave River No. 124 Protective Services.
- (7) **Council** and **Municipal Council** means the council of the Municipal District of Lesser Slave River No. 124, Province of Alberta.
- (8) **Culvert** means a channel, bridge, or drain of any type construction designed to conduct water under, along or across a road or highway.
- (9) **Driver** or **operator** means a person who drives or is in actual physical control of a vehicle.
- (10) **Escorted** means using pilot cars and/or other devices as per the Provincial Public Vehicle Dimension Regulation.

- (11) **Highway** means thoroughfare, street, road, trail, avenue, parkway, driveway, viaduct, lane, alley, square, bridge, causeway, trestleway or other place within the jurisdiction of the Municipal District of Lesser Slave River No. 124 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 fences or between a fence and one side of the roadway, all the land between fences, or all the land between the fence and the edge of the roadway, as the case may be.
- (12) **Implement of husbandry** means a vehicle designed and adapted primarily for agricultural, horticultural or livestock raising operations.
- (13) **Judge and court** includes a judge of the Provincial Court of Alberta.
- (14) **km/h** means kilometres per hour
- (15) **m** means metres
- (16) **min** means minimum
- (17) **max** means maximum
- (18) **Maximum allowable weight** means the maximum weight which may be borne by an axle, an axle group or all axles of a vehicle or combination of vehicles.
- (19) **Motor vehicle** means every vehicle propelled by any power other than muscular power, except aircraft, tractors whether equipped with rubber tires or not, implements of husbandry, and such motor vehicles as run only on rails.
- (20) **Motor Transport Board** means the administrative body authorized and created by the Motor Transport Act, Chapter M-20 of the Revised Statutes of Alberta.
- (21) **Municipality** means the Municipal District of Lesser Slave River No. 124 of the Province of Alberta.
- (22) **Owner** includes any person renting a motor vehicle or having the exclusive use thereof under a lease or otherwise for a period of more than thirty (30) days.
- (23) **Off Highway Vehicle** means any motorized vehicle designated for cross-country travel on land, water, snow, ice, marsh or swamp land or on other natural terrain and, without limiting the generality of the foregoing, includes, when designed for such travel,
- (a) 4-wheel drive or low pressure tire vehicles,
 - (b) motor cycles and related 2-wheel vehicles,
 - (c) amphibious machines,
 - (d) all terrain vehicles,
 - (e) miniature motor vehicles,
 - (f) snow vehicles,
 - (g) minibikes, and
 - (h) any other means of transportation which is propelled by any power other than muscular power or wind,
- but does not include
- (i) motor boats, or
 - (j) any other vehicle exempted from all of the provisions of this Act by the regulations.
- (23) **Official** means the Municipal Manager, which is the Chief Administrative Officer or any person authorized by the Municipal Manager to act on behalf of the municipality.
- (24) **Park** when prohibited, means 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
 - (b) when standing in obedience to the Peace Officer.

- (25) **Peace Officer** means a member of the Royal Canadian Mounted Police, a Special Constable or a municipal constable.
- (26) **Percentage axle weight** means the maximum percentage of weight that is applied to the maximum allowable weights of carrying axles to determine the weight they may bare on a highway at the points of contact with the highway.
- (27) **Pedestrian** means a person afoot or a person in a wheel chair.
- (28) **Permit** means transportation authorization permit number issued and recorded by an Official.
- (29) **Person** shall mean any individual, firm, company, association, society, corporation or group.
- (30) **Pipeline** means a gas line, oil line, fluids line, multiphase line, solids line, distribution line or flow line and power line.
- (31) **Public service vehicle:**
- (a) means a motor vehicle, trailer, or semi trailer operated on a highway by or on behalf of a person, firm, association or corporation for compensation, whether such operation is regular or only occasional or for a single trip, and
 - (b) includes a motor vehicle kept by a person, firm or corporation for the purpose, subject to the regulations, of being rented without a driver, but
 - (c) does not include a motor vehicle used solely as an ambulance or hearse or for the transportation of the Royal Mail.
- (32) **Repeal** includes revoke or cancel.
- (33) **Residential subdivision** means and includes a hamlet, or any area of the Municipality designated by the Council exclusively for residential purposes, or any grouping of cottages or dwellings.
- (34) **Roadway** means that part of the highway designed and intended for use of vehicular traffic.
- (35) **Road use agreement** means a written understanding reached between the Municipality and others in respect of use of highways under the jurisdiction of the Municipal District of Lesser Slave River No. 124 and includes approvals given by the Traffic Advisory Committee.
- (36) **Rubbish** means waste refuse and includes trash, dead animal matter, litter and debris.
- (37) **Sideslope** means the portion of a highway which extends outward from the roadway for a distance of not less than 2.5 metres or, from the roadway to the bottom of the ditch.
- (38) **Sidewalk** means that part of a highway especially adapted for the use of or ordinarily used by pedestrians; and includes that part of a highway between the curb line thereof (or the edge of the roadway, where there is no curb line), and the adjacent property line, whether or not paved or improved.
- (39) **Sign** means a board, poster, or placard displayed in a public place to advertise or to convey information or a direction.
- (40) **Secretary of the Municipality** means the Manager of the Municipal District of Lesser Slave River No. 124 and whatever subsequent title may be conferred on him/her by the Council or Statutes.
- (41) **Semi-trailer** means a vehicle of the trailer type so designed and used in conjunction with a motor vehicle that some part of its own weight and that of its own load rests or is carried by another vehicle.
- (42) **Stop** means:
- (a) when required, a complete cessation from vehicular movement, and
 - (b) when prohibited, any halting even momentarily of a vehicle, whether occupied or not, except when necessary to avoid conflict with the directions of a Peace Officer, person designated for the safe movement or the control of traffic or traffic control device.

- (43) **Summary conviction** means summary conviction under and by virtue of Part XXVII of the Criminal Code and the Provincial Offences Procedures Act of Alberta.
- (44) **Tire size or size of tire** means the size of the tire as customarily measured and rated by the manufacturers of motor vehicles or tires.
- (45) **Traction engine** means an engine on wheels by itself or used for pulling wagons, equipment implements or any other vehicle.
- (46) **Traffic control device** means any sign, signal, marking or device placed, marked or erected under the authority of this bylaw for the purpose of regulating, warning or guiding traffic.
- (47) **Traffic control signal** means a traffic control device whether manually, electrically or mechanically operated, by which traffic is directed to stop and to proceed.
- (48) **Trailer**
- (a) means a vehicle that is at any time drawn upon a highway by a motor vehicle and that is intended for the conveyance of livestock, liquids, goods, merchandise, gravel, sand or other materials, and
 - (b) shall be deemed to be separate vehicle and not part of the motor vehicle by which it is drawn, and
 - (c) includes a trailer as defined by the Highway Traffic Act.
- (49) **Traffic Advisory Committee** means a committee designated by Council to recommend road control bylaws and road use authorizations.
- (50) **Transportation Supervisor** shall mean the person who holds the position of Director of Field Services or the Transportation Supervisor for the Municipal District at a given point in time and includes any person authorized to act for and in the name of that individual.
- (51) **Vehicle** shall include motor vehicle, trailer, semi-trailer, self-propelled machine, traction engine, or any device in, upon or by which, any person or property is or may be transported or drawn upon the highway excepting devices moved by muscular power or used exclusively upon stationary rails or tracks.
- (52) **Yield** means yield right-of-way to all traffic upon the highway being entered upon.

PART 1 Protection of Highways

3. No person shall cause or allow or do any act which is likely to cause or does cause damage to one or more of the following:
- (1) a highway
 - (2) a culvert
 - (3) a bridge
 - (4) any public property, or
 - (5) any permitted private property situated within a highway or road allowance
4. No person shall cause or allow or do any act which is likely to cause or does cause an obstruction to be on or within one or more of the following:
- (1) a highway
 - (2) a culvert
 - (3) a bridge
 - (4) any public property, or
 - (5) any permitted private property situated within a highway or road allowance
5. (1) No person shall operate a vehicle on a highway if, in the opinion of an Official, the cargo is liable to shift, leak or spray, slip, blow off or fall off while being conveyed.
- (2) Loose material will be loaded and transported so that it remains at least 3 inches, or 8 centimetres below the top rail or edge of the cargo container.

An Official may order a load or cargo being carried on a vehicle to be properly contained before the vehicle is allowed to proceed.

7. No person shall dispose of rubbish in a public place or on a highway unless the rubbish is disposed of in a container placed for the purpose of collecting rubbish.
8. An Official may destroy by burning or otherwise dispose of rubbish or other matter which has been unlawfully deposited on a highway or in public place
 - (1) Any burning will be authorized and under the authority of the Director of Field Services of the Municipal District of Lesser Slave River No. 124
 - (2) Nothing may be burned which contravenes the Environmental Protection and Enhancement Act of Alberta
9. No person shall operate or move on a highway any vehicle, equipment or machine not equipped with rubber tires which support the weight of the vehicle or equipment or machine while being operated or moved on a highway unless permission to do so has been obtained from an Official of the Municipality.
10. (1) No person without the permission of an Official authorized to grant such permission shall operate on a highway any vehicle or any vehicle including the load carried thereon which exceeds:
 - (a) 2.6 metres in width, or 8.5 feet
 - (b) 4.15 metres in height from the highway surface to the top of the vehicle load or 13.6 feet
 - (2) In any case, if deemed to be in the public interest, an Official may require a vehicle or vehicles and load to be *escorted* on a highway.
 - (3) Where a vehicle referred to in Subsection (2) is escorted by an Official, the vehicle owner or shipper is required to pay the Municipality, on demand, the prescribed fee, if any, established by Council.
11. Unless otherwise provided by the Highway Traffic Act, the provisions of section 10 do not apply to a person operating an implement of husbandry exclusively and directly engaged in the farming of land.
12. (1) No person shall move or cause or allow to be moved upon a highway or public place, any implement, machine or vehicle if such movement is likely to cause the spread of restricted or noxious weeds or weed seeds.
 - (2) For the purpose of this section *restricted or noxious weeds* means a plant so designated under the Weed Control Act of Alberta.
13. (1) No person shall operate on a highway a vehicle or vehicles and cargo which exceeds the maximum allowable weight for the vehicle as determined in the Motor Transport Act weight regulations, without obtaining a permit from an Official of the Municipality before operating the vehicle on a highway.
 - (2) No person shall operate on a highway, a vehicle or vehicles and cargo which exceeds the maximum percentage axle weight allowance for the carrying axles of the vehicle without obtaining a permit from an Official of the Municipality before operating the vehicle on a highway.
14. (1) No person shall use any implement or machine to cultivate or harrow or in any way, disturb or damage the *sideslope, ditch or backslope* portion of a highway without permission to do so from the Municipality.
 - (2) The permission referred to in the Subsection (1) shall be in writing and signed by an official of the Municipality.
5. No person shall remove from a highway any gravel, asphalt, pavement or other material used to surface a roadway.
16. (1) No person shall cause or do any act which causes grass, hay or straw clippings and/or stalks to be deposited on the portion of a highway normally used for vehicular traffic.

- (2) No person shall cause or do any act which causes seed, grain or other materials used in agricultural or commercial production to be deposited on that portion of a highway normally used for vehicular traffic. Anyone convicted of contravening this provision of the bylaw shall be responsible for the clean up or the cost of clean up of the material deposited upon the highway.
17. (1) No person shall deposit or dispose of rocks, brush, roots, twigs or branches or any other debris in a ditch or on any portion of a highway without permission to do so from an Official of the Municipality.
- (2) The person responsible for the dumping of any rocks, brush or other debris upon a highway shall be responsible for the clean up of the material or any cost incurred in that clean up.
18. (1) No person shall cause or allow oil or any chemical or any liquid to be placed on a road without obtaining permission to do so from the Municipality.
- (2) No person shall cause, or allow to be deposited or disposed of on a highway any substance or object which may be, or is hazardous to a person or vehicle.
19. No person shall construct an access onto or within a highway right-of-way or road allowance without approval from an Official of the Municipality in written form.
20. (1) No person shall place or cause to be placed any hand bill, advertising material or poster on a traffic control device located on or adjacent to a highway.
- (2) No person shall place or cause to be placed any advertising material, poster, placard, sign or any other material on a highway or in a public place unless permission is given in writing signed by an official of the Municipality.
21. An Official is hereby authorized to take any action deemed reasonable and necessary to prevent continuation of any act prohibited by this part and may, but is not restricted to the following:
- (a) impound a vehicle, or a vehicle and cargo, or equipment, or machine, or object, or thing used to commit an offense against this part and hold same until it is, in the opinion of the Official, rendered inoffensive
 - (b) order the vehicle removed from the highway
 - (c) detour any vehicle, or vehicle and cargo, or equipment, or machine
 - (d) order a person to cease any act which is in breach of this part of the bylaw
22. Notwithstanding anything in this part, no person shall cause or allow or do any act which is liable to or does create an unsafe condition or a traffic hazard to exist on a highway.
23. If in the opinion of an Official, a condition exists on a highway which is unsafe or a traffic hazard, the Official may take any action deemed reasonable and necessary to remove or prevent such a condition from being on a highway.
24. Breach of any provision of this part is an offense punishable upon summary conviction.

PART II Traffic Advisory Committee

25. (1) The Council hereby creates the Traffic Advisory Committee, the membership of which shall consist of the M.D. Manager and the Director of Field Services who shall set out in Orders from time to time:
- (a) highway locations, with the percentage axle weight allowed on those highways, and
 - (b) bridge locations, with the maximum allowable weight allowed on those bridges
- (2) The maximum allowable weights referred to in Sub-section (1) shall be posted and/or advertised in a manner deemed necessary by Council.
- (3) Emergency permits may be issued by one member of the Traffic Advisory Committee. The permit will be in writing and may allow a permit for a vehicle to exceed the ban weights up to but not exceeding 100% allowable weight. These permits will be issued to minimize road damage. If the possibility of road damage is

evident in any way, the committee shall refer the request to the Field Services Director who may enter into a road agreement.

26. An order under Section 25(1) of this bylaw shall be on a form prescribed in Schedule "A" of this bylaw.
27. Any person who contravenes the provisions of this part is guilty of an offense punishable on summary conviction.

PART III Speeding

28. For the purpose of this part, the Council hereby delegates authority for the recommending of maximum rates of vehicle speed to the Traffic Advisory Committee who shall from time to time set out on a form prescribed by Schedule "A", maximum rates of vehicle speed which shall have full force and effect in the zones or areas and highways described in the said form when ratified by Council.
29. Except as provided in this by law and schedules, no person shall operate any vehicle on a highway at a greater rate of speed than one hundred kilometres per hour (100 km/h).
30.
 - (1) Except as otherwise provided, no person shall operate a vehicle on a highway at a greater rate of speed than fifty kilometres per hour (50 km/h) in any hamlet or residential subdivision of the Municipality.
 - (2) No person shall operate a vehicle on a highway at a greater rate of speed than twenty-five kilometres per hour (25 km/h) in any alley or public reserve of any residential subdivision of the Municipality.
31.
 - (1) No person shall operate a vehicle on a highway at a greater rate of speed than twenty-five kilometres per hour (25 km/h) on any laneway or public reserve of any hamlet of the Municipality.
 - (2) No person shall operate any off highway vehicle on any highway, developed road allowance or municipal reserve except in accordance with the Off Highway Vehicles Act.
32. No person shall operate a vehicle on a highway at a greater rate of speed than twenty-five kilometres per hour (25 km/h) in a park or campsite operated, managed or controlled by or for the Municipality.
33. An Official of the Municipality may determine where traffic control devices restricting the speed of vehicles shall be located and those traffic control devices so located are deemed to have been approved by bylaw of the Municipality.
34. An Official shall keep a record of all of the locations at which traffic control devices restricting speed of vehicles have been placed, which record shall be open to public inspection during normal business hours.
 - (1) An Official is hereby authorized to fix a maximum speed limit in respect of any part of a highway under construction or repair or in a state of disrepair which will be applicable to all vehicles while traveling upon that portion of highway.
 - (2) Where speed limits are fixed pursuant to Subsection (1) the Director of Field Services shall cause to be erected along the highway signs indicating the speed limit so prescribed.
35. Any person who contravenes a provision of this part is guilty of an offense punishable on summary conviction.

PART IV Stopping and Yielding

36. Council hereby delegates authority for the designation of locations and fixing of *stop* signs to the Traffic Advisory Committee who shall from time to time, set out on a form prescribed by in Schedule "A" locations where operators are required to stop vehicles before proceeding onto any highway.
37. A driver about to enter upon any highway that is marked by a *stop* sign placed by authority of this part, shall bring his vehicle to a stop before entering upon the intersecting roadway and at a point no further than three metres from the intersecting roadway.
38. (1) The Council hereby delegates authority for the designation of location and fixing of *yield* signs to the Traffic Advisory Committee who shall from time to time set out on a form prescribed by Schedule "A" locations where operators are required to yield right-of-way to other traffic on any highway.
- (2) A driver about to enter upon a highway that is marked by a *yield* sign placed by authority of this section, need not stop his vehicle before entering thereon but shall yield the right-of-way to all traffic upon the highway being entered upon.
39. Stop signs and yield signs located as determined by the Traffic Advisory Committee are deemed to have been made by bylaw of the Municipality.
40. A person who contravenes any provision of this part of the bylaw is guilty of an offense and punishable on summary conviction.

PART V Parking

41. (1) Council hereby delegates authority for the designation of location and fixing of *parking* signs and parking restriction signs to the Traffic Advisory Committee who shall from time to time, set out on a form as prescribed by Schedule "A" locations, areas and times where operators shall not park vehicles or are otherwise restricted in the parking of vehicles.
- (2) No person shall park a vehicle upon a highway outside a residential subdivision when it is practicable to park the vehicle off the highway and in no event shall a person park a vehicle on a highway:
- (a) unless a clear and unobstructed width opposite the vehicle is left for free passage of other vehicles thereon, and
- (b) unless a clear view of the parked vehicle may be obtained for a distance of sixty (60) metres along the highway in both directions
- (3) No person shall park a vehicle in any place or area marked by *no parking* signs erected by authority of this part.
42. (1) Unless required or permitted by this bylaw or by a traffic control device, or compliance with the direction of an Official, or to avoid conflict with other traffic, no person shall stop or park any vehicle:
- (a) on a sidewalk or boulevard, in a hamlet or a residential subdivision
- (b) a crosswalk or on any part of a crosswalk, or
- (c) within an intersection
- (d) at an intersection nearer than 4.5 metres of the projection of the corner property line immediately to the rear within a residential subdivision, or
- (e) within 1.5 metres of an access to a garage, private road or driveway, or
- (f) alongside or opposite any public works excavation, obstruction, road construction or road repair project when the stopping or parking would obstruct traffic or interfere with the said public works, or
- (g) on any bridge or in any underpass or the approaches thereto
43. (1) Nothing in the part shall be construed to prohibit firefighting vehicles or equipment, police vehicles, ambulances, vehicles engaged in highway repair, maintenance or inspection work or vehicles of a public utility from parking upon a highway when it is advisable to do so to prevent accidents, giving warning of hazards, or to remove

injured persons or to repair or build highways or public utility, or for similar purposes.

- (2) Nothing in this part shall be construed to prohibit the driver of a school bus from parking on a highway for the purpose of loading or unloading passengers if he can not park off the highway and still have a suitable space available on the ground for the passengers being loaded and unloaded.
44. (1) An Official may cause to be removed in any reasonable way, any vehicle found in contravention of this part, or which obstructs traffic.
- (2) A vehicle removed by authority of Subsection 42(1) may be held, stored, or kept in any place deemed suitable or expedient by an Official at the cost of the owner or person in charge of the vehicle according to the provisions of the Motor Vehicle Administration Act of the Revised Statutes of Alberta.
45. Any person who contravenes a provision of this part of the bylaw is guilty of an offense punishable of summary conviction.

PART VI General Traffic Control

46. The Council hereby delegates authority for the designation of location and fixing of any *regulatory* traffic control device to the Traffic Advisory Committee.
47. The Council hereby delegates authority for the designation of location and fixing of any *warning sign* or *information sign* to the Traffic Advisory Committee as prescribed by Schedule "A" hereto.
48. (1) An Official or Peace Officer are authorized to sign, close, barricade or prevent vehicle passages on any highway or bridge which has, in their opinion, become unsafe and may for the purposes of this section, detour traffic for any distance or on any routes deemed expedient by the officials so authorized.
- (2) Devices erected for the purposes of Subsection (1) shall remain erected and in place until an Official or his delegate is satisfied the highway or bridge is no longer unsafe.

PART VII Pipeline Construction

49. (1) No person shall install a pipeline without the approval of an Official of the Municipality:
- (a) on, across, over, under, within or adjacent to any secondary highway, municipal road or road allowance, or
- (b) on, across, over, under, within any municipally owned or administered property
- (2) An application for approval to construct a pipeline shall:
- (a) be in writing and accompanied by a plan showing the proposed route of the pipeline, and
- (b) be accompanied by a specification sheet showing:
- (i) material to be transmitted
 - (ii) pipe specifications
 - (iii) outside diameter of pipe
 - (iv) maximum operating pressure
 - (v) protective coating
 - (vi) cathodic protection
 - (vii) tracer wire
 - (viii) minimum earth cover

50. Upon receipt of an application for approval to construct a pipeline, an Official of the Municipality may:
- (1) issue approval to construct as proposed, or
 - (2) in the event that regulations are not complied with, may refuse to issue approval to construct until such time as proposed specifications meet acceptable standards
51. All pipelines shall be installed in accordance with regulations under the Pipeline Act, the Rural Gas Act, the Energy Resources Conservation Board, the Canadian Standards Association and as herein described:
- (1) Where a pipeline is to be placed parallel to a secondary highway, municipal road or road allowance it shall not at any point, be nearer than 30 metres from the boundary of such secondary highway, municipal road or road allowance, unless otherwise approved by an Official of the Municipality.
 - (2) Where a pipeline is to be placed across the secondary highway, municipal road or road allowance:
 - (a) no bend shall be permitted in that portion of the pipeline within the boundaries of a secondary highway, municipal road or road allowance or within 7.2 metres of the boundaries except (13.18 metres where there is a 20 metre right-of-way) unless otherwise approved by an Official of the Municipality
 - (b) it shall be located so as to be at or near right angles (90 degrees) to the secondary highway, municipal road or road allowance unless otherwise approved by an Official of the Municipality
 - (c) it shall be placed at the depth of not less than 2 meters or as determined by or an Official of the Municipality. The approved depth shall be maintained throughout the entire width of the secondary highway, municipal road or road allowance unless otherwise approved by an Official of the Municipality
 - (d) it shall be constructed in such a manner so as not to disturb the road grade (shoulders and travel portion) unless otherwise approved by an Official of the Municipality
52. In the event the graded portion of secondary highway, municipal road or road allowance must be excavated or disturbed, a road disturbance or indemnity agreement shall be completed with the Municipality before any excavation or surface disturbance takes place.
53. Where a pipeline is to be placed in an unimproved municipal road or road allowance or any municipally owned or administered properties, the pipeline shall be placed at a depth previously approved by an Official of the Municipality.
54. For any pipeline installations the owner of such pipeline(s) shall assume full liability for the line and for the costs related to the lowering or relocation of the pipeline(s), in accordance with applicable standards when reasonably required to do so by the Municipality for whatever reason.
55. Where a pipeline is placed across or on a secondary highway, municipal road or road allowance or municipally owned or administered properties, the owner of the pipeline shall restore all disturbed areas to their original condition or to the satisfaction of the Municipality and shall be responsible for any increased cost of maintenance of that area.
56. Immediately following the completion of the placing of the pipeline on, across, over, under, within or adjacent a secondary highway, municipal road or road allowance or municipally owned or administered properties the owner of the pipeline(s) shall erect and maintain a sign at each point where the pipeline enters or leaves the limits of the secondary highway, municipal road or road allowance or municipally owned or administered properties and such signs shall indicate ownership, material transported in the pipeline, and emergency phone numbers.
57. (1) No person shall install a pipeline or a utility line which runs parallel to and within a road allowance or secondary highway, municipal road or road allowance right-of-way without obtaining approval from an Official of the Municipality.
- (2) No person shall install a pipeline or utility line on lands under the control and management of the Municipality without obtaining approval from an Official.
- (3) An approval granted pursuant to Subsections (1) and (2) shall be in the form of a written agreement approved by Council.

58. A person who contravenes the provisions of this part is guilty of an offense punishable on summary conviction.

PART VIII Road Use Agreements

59. The Transportation Supervisor shall be at liberty to require any Person whose use of a Municipal District Road by a vehicle or vehicles may or will likely cause damage to a Municipal District Road due to the weight of the vehicle or vehicles or the frequency of use of the Municipal District Road by the vehicle or vehicles to enter into a Road Use Agreement for the purpose of ensuring that the Municipal District Road or Roads affected are protected.
60. The Transportation Supervisor is hereby authorized to sign Road Use Agreements on behalf of the Municipal District.
61. The Road Use Agreement shall contain such information with respect to the goods and materials being hauled, the vehicles which will be used to haul the goods and materials and the frequency of the hauls taking place.
62. Assuming that all of the other bylaws and requirements of the Municipal District have been met, the Transportation Supervisor, upon the receipt of a signed Road Use Agreement pursuant to Part VIII Section 60 of this bylaw, shall authorize the person to proceed with the use of the roads.
63. The Transportation Supervisor shall be at liberty to require any Person desiring to haul goods and materials on a Municipal District Road to provide such security to the Municipal District to ensure compliance with the terms of the Road Use Agreement as the Transportation Supervisor shall deem necessary.
64. Any Person shall be at liberty to appeal to Council within fourteen (14) days any term or condition attached by the Transportation Supervisor to a Road Use Agreement under this bylaw. Until Council has reviewed the appeal, the person shall not undertake to use the Municipal District road system.
65. No Person shall haul any goods or materials on a Municipal District Road in a situation to which this bylaw would apply without first having entered into a Road Use Agreement under this bylaw and having satisfied the conditions of that Agreement.
66. Any Person entering into a Road Use Agreement under this bylaw shall, at all times, ensure that the conditions attached to any such Agreement are complied with.

PART IX Agreements and Permits

67. (1) The provisions of Section 3, 4, 9, 10, 13, 15, 16, 17, 18 and 19 shall be satisfied where a person obtains a transit permit or enters into a road use agreement, a road protection and dimensional agreement, road disturbance agreement or obtains an access construction approval in written form prescribed by the Municipality, before the highway or road allowance is used in a manner contrary to one or more of the aforementioned sections.
- (2) A person who fails to comply with the conditions of:
- (a) a transit permit
 - (b) a road use agreement
 - (c) a road protection and dimensional agreement
 - (d) a road disturbance agreement, or
 - (e) an access construction approval issued pursuant to subsection
- is guilty of an offense.
- (3) Failing to comply with the conditions of a permit or agreement issued under Subsection (1), renders the permit or agreement invalid and any procedure or prosecution subsequent to the violation of a condition of a permit or agreement will proceed as though the permit or agreement did not exist.

68. A permit or agreement mentioned in Section 59 shall be in any suitable form established by the Municipality and approved by Council. The permit or agreement shall be produced by the holder on demand, and may be signed on behalf of the Municipality by an Official of the Municipality.
69. Nothing in this part shall obligate the officials mentioned in Section 60 to issue any permit or approval, or sign or enter into the said agreement.

PART X Procedure and Prosecution

70. For the purpose of procedure and prosecution under this bylaw, the Council adopts the provisions of Part XXVII of the Criminal Code of Canada, respecting summary conviction, the Canada Interpretation Act, the Alberta Transportation Act, the Highway Traffic Act, the Municipal Government Act, the Provincial Offenses Procedures Act of the Revised Statutes of Alberta, and amendments thereto.
71. The conviction of a person under the provisions of this bylaw does not operate as a bar to further prosecution for the continued neglect or failure on the part of the person to comply with the provisions of this bylaw, or conditions, orders or permits issued in accordance with this bylaw.
72. In a prosecution for contravening this bylaw, the existence of a traffic control device is prima facie proof that the device was properly designated and erected by the proper authority without other or further proof.
73. A certificate purporting to be signed by the Traffic Advisory Committee stipulating any particular relative to this bylaw, shall be admitted in evidence as prima facie proof of the facts stated in the certificate or document, without proof of the signatures or authority of the persons signing the certificate.
74. (1) The owner of a vehicle is liable for any contravention of this bylaw, regulations or schedules in connection with the vehicle unless the owner proves to the satisfaction of the Judge trying the case that at the time of the offense, the vehicle was not being operated by him or left by him or by any other person with his consent, express or implied.
- (2) Where a person violates or contravenes any provisions of Part I of this bylaw, respecting the transportation of a cargo, freight, load, piece of equipment or machine, the shipper and the carrier shall, for the purposes of prosecution under the said part, be deemed to be jointly and severally responsible for the violation or contravention unless the shipper or the carrier, as the case may be, produces evidence to show that he did not violate or contravene the provision.
75. While enforcing the provisions of this bylaw, a Peace Officer may do any reasonable thing relevant to stopping vehicles, determining identity of drivers, offenders or suspects, and including driving at rates of speed exceeding this order to overtake drivers and/or vehicles.
76. Unless prohibited by Provincial Statute, an Official, or Special Constable may use any insignia, device or piece of equipment which is reasonably necessary for carrying out duties imposed by this bylaw.
77. (1) All schedules, regulations and acts of an Official or the Traffic Advisory Committee authorized by this bylaw to act, shall be deemed to have been made by bylaw and all such schedules, regulations and acts shall be construed as part of this bylaw.
- (2) For the intent and purpose of this bylaw, respecting the duties and powers of the Traffic Advisory Committee, it shall be deemed sufficient for those officials to amend or rescind any schedule, regulation or order authorized by hand written notation which shall bare signatures and the date of the amendment or revocation.
78. It shall be sufficient for the purpose of this bylaw, if signs required by this bylaw and schedules are posted in the following forms and terms:
- (1) The speed limitation imposed by Part III may be expressed as *max* or *maximum* or *maximum speed*, preceding the numerals of the speeds specified and may be followed by the term *km/h*.

- (2) The stop requirement of Part IV may be expressed as *stop* in white lettering on red octagonal or round background.
- (3) The yield requirement of Part IV maybe expressed as *yield* on a yellow triangular background or a red triangle on a white background without the word *yield* or with both the word and the triangular symbol together.
- (4) The restricted parking requirements of Part V maybe expressed as *no parking, no parking this side, no parking between signs, or no parking* followed in combination or dimensional design.

PART XI Penalties

- 79. A person who contravenes any portion of this bylaw is guilty of an offence punishable on summary conviction.
- 80. Persons contravening certain sections of this bylaw shall be liable for the penalties set out in such section or set out opposite such section number in Schedule "B" hereto.
- 81. A notice or form commonly called a traffic tag having wording approved by the Official may be issued by a Peace Officer or Special Constable to any person alleged to have breached any provision of this bylaw, and the said notice or form shall require the payment to the Municipality in the amount specified in this bylaw, as amended.
- 82. Except as otherwise provided in this bylaw, a person who is guilty of an offense under this bylaw, for which a penalty is not otherwise provided, is liable to a fine of not less than TWENTY-FIVE (\$25.00) DOLLARS and not more than TWO THOUSAND FIVE HUNDRED (\$2,500.00) DOLLARS and in default of payment is liable to imprisonment for a term not exceeding six (6) months, or to imprisonment not exceeding six (6) months without the option of a fine, or to both a fine and imprisonment.
- 83. The Council hereby prescribes the specified penalty payable in respect of a contravention of this bylaw in Schedule "B" Specified Penalties Road Protection and Traffic Control Bylaw and all others as per the specified penalties of the Province of Alberta.
- 84. Any fine or penalty imposed under this bylaw shall be enure to the benefit of the Municipal District of Lesser Slave River No. 124.
- 85. This bylaw comes into effect when it has received third and final reading and Bylaw 95-41 is hereby rescinded.

Read a first time this 14 day of August, 1996.

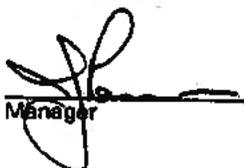
Read a second time this 14 day of August, 1996.

Approved unanimously this 14 day of August, 1996.

Read a third time and finally passed, this 14 day of August, 1996.



Reeve



Manager

MUNICIPAL DISTRICT OF LESSER SLAVE RIVER NO. 124
SCHEDULE "A"

Appendix "A"

Section "A"

MUNICIPAL DISTRICT OF LESSER SLAVE RIVER NO. 124

REQUEST FOR INSTALLATION OF TRAFFIC CONTROL SIGNS OR SPECIAL SERVICE

TAC MEETING DATE:

POLICE OCC#

NAME OF PERSON REQUESTING:

DATE:

LEGAL DESCRIPTION:

DIVISION:

TYPE OF SIGN:

REASON FOR REQUEST:

DIAGRAM OF AREA

TRAFFIC ADVISORY COMMITTEE APPROVALS

Section "B"

The Committee hereby approves
the request as outlined in Section "A"
of this form:

COUNCILLOR

DIRECTOR OF FIELD SERVICES

MANAGER

DATE

SCHEDULE "B"
Specified Penalties

ITEM	SECTION	OFFENSE	PENALTY
1.	3(1)	cause/allow damage to a highway	\$100.00
2.	3(2)	cause/allow damage to a culvert	100.00
3.	3(3)	cause/allow damage to a bridge	100.00
4.	3(4)	cause/allow damage to public property	100.00
5.	3(5)	cause/allow damage to private property on a highway	100.00
6.	4(1)	cause/allow an obstruction on a highway	50.00
7.	4(2)	cause/allow an obstruction in a culvert	50.00
8.	4(3)	cause/allow an obstruction on a bridge	50.00
9.	4(4)	cause/allow an obstruction on public property	50.00
10.	4(5)	cause/allow an obstruction on private property on a highway	50.00
11.	5(1)	load or cargo likely to shift/slip/blow off/fall off	25.00
	5(2)	cargo not 8 cm below side rails	25.00
12.	7	dispose of rubbish on highway	250.00
13.	9	operate vehicle/machine not equipped with rubber tires on highway	50.00
14.	10(1)(a)	operate over width vehicle on a highway	50.00
15.	10(1)(b)	operate over height vehicle on a highway	50.00
16.	10(1)(c)	operate over length vehicle on a highway	50.00
17.	12	allow the spread of restricted or noxious weeds	50.00
18.	13(1)	fail to obtain overweight vehicle permit	100.00
19.	13(2)	fail to obtain oversize axle group permit	100.00
20.	14	damage sideslope portion of a highway	100.00
21.	15	remove surface material from a highway	100.00
22.	16(1)	deposit grass, hay or straw clippings on a highway	50.00
	16(2)	deposit seed grain or other material on a highway	50.00
23.	17(1)	deposit rocks/brush in a ditch	50.00 or cost
24.	18(1)	deposit oil/chemicals/liquid on a highway	100.00 or cost
25.	18(2)	deposit hazardous material on a highway	100.00 or cost
26	19	unlawfully construct an access on a highway individual	100.00 or cost
27.	20(1)	placing of hand bills/posters on traffic control devices	25.00
	20(2)	advertising material, poster, placard, sign, or any other material on a highway or public place without permission	25.00
	29	speeding penalties:	
		up to 10km/hr over posted limit	50.00
		up to 20 km/hr over posted limit	70.00
		up to 30 km/hr over posted limit	100.00
		up to 40 km/hr over posted limit	150.00
		up to 50 km/hr over posted limit	200.00
	30(2)	off highway vehicle on any road, road allowance or municipal reserves	50.00
	31	speeding over 25 km/h park or campsite of the municipality	50.00
28.	36	failed to stop for stop sign	25.00
29.	39(2)	park vehicle on a highway	25.00
30.	39(3)	park vehicle in prohibited parking zone	25.00
31.	40(1)(a)	park vehicle on sidewalk/boulevard	25.00
32.	40(1)(b)	park vehicle on crosswalk	25.00
33.	40(1)(c)	park vehicle in intersection	25.00
34.	40(1)(d)	park within 4.5 metres of corner of property	25.00
35.	40(1)(e)	park within 1.5 metres of private access/driveway	25.00
36.	40(1)(f)	park obstructing construction project	25.00
37.	40(1)(g)	park on a bridge/in underpass	25.00
38.	46(1)	unlawfully install pipeline or utility within a highway	500.00
39.	54(1)	unlawfully install pipeline or utility parallel to and within a highway	500.00
40.	54(2)	unlawfully install pipeline on public land	500.00
41.	56(2)	fail to comply with conditions of:	
		a) a transit permit	200.00
		b) a road use agreement	200.00
		c) a road protection and dimensional agreement	200.00
		d) a road disturbance agreement	200.00
		e) an access construction approval	200.00

REVISIONS TO BYLAW 95-41

(Bylaw 96-11)

Bylaw 95-41 has been revised. Changes are as follows:

1. **Whereas clauses added to Preface:**

WHEREAS, in certain situations where vehicles are being used for the purpose of hauling goods and materials on Municipal District roads, damage may be caused to Municipal District roads by the weight of the vehicles and their loads or by the frequency of the use of Municipal District roads by those vehicles or both; and

WHEREAS, the Council of the Municipal District of Lesser Slave River No. 124 wishes to pass a bylaw to provide for the control and regulation of the use of Municipal District roads by vehicles whose weight or frequency of use, or both, will likely cause damage to Municipal District roads beyond that which would be expected by the normal use of Municipal District roads;

2. **Additions made to Definitions:**

(29) Person shall mean any individual, firm, company, association, society, corporation or group

(50) Transportation Supervisor shall mean the person who holds the position of Director of Field Services or the Transportation Supervisor for the Municipal District at any given point in time and includes any person authorized to act for and in the name of that individual.

(28) [formerly Traffic permit (47)]; Permit means transportation authorization permit number issued and recorded by an Official.

3. **PART II
Traffic Advisory Committee**

25(1) The membership is changed to the Manager and the Director of Field Services for reasons of efficiency

25(3) Permit issuing is changed to streamline the process

4. **New Part VIII, Road Use Agreements (includes Sections 59 to 66) was inserted after Part VII, Pipeline Construction. The old Part VIII, Agreements and Permits became Part IX, Agreements and Permits (Sections renumbered to be Sections 67 to 69); Part IX, became Part X, Procedure and Prosecution (Sections 70 to 78), and Part X became Part XI, Penalties (Sections 79 to 84).**

5. **Section 85 has *Bylaw 95-41 is hereby rescinded* added to it.**