

BYLAW NO. 27-18

LEDUC COUNTY

A BYLAW OF LEDUC COUNTY, IN THE PROVINCE OF ALBERTA, FOR THE PURPOSE OF REGULATING THE USE OF HIGHWAYS UNDER THE DIRECTION, CONTROL AND MANAGEMENT OF THE COUNTY AND THE PARKING OF VEHICLES ON SUCH HIGHWAYS AND ON PRIVATELY OWNED PROPERTY LOCATED WITHIN LEDUC COUNTY.

WHEREAS

pursuant to section 13 of the *Traffic Safety Act* the council of a municipality may, with respect to highways under its direction, control and management, pass bylaws not inconsistent with the *Traffic Safety Act* respecting matters enumerated therein; and

pursuant to section 14 of the *Traffic Safety Act* the council of a municipality may pass bylaws governing the parking of vehicles on privately owned property; and

pursuant to section 108 of the *Traffic Safety Act* the council of a municipality may pass bylaws prescribing speed limits that are different from the speed limits established in that *Act*; and

pursuant to section 48 of the *Highways Development and Protection Act* the council of a municipality may pass bylaws regulating the placing of roadside improvements on privately owned property; and

pursuant to section 7 of the *Municipal Government Act* the council of a municipality may pass bylaws for municipal purposes respecting the safety, health and welfare of people and the protection of people and property and the enforcement of bylaws; and

pursuant to section 19(5.1) of the *Commercial Vehicle Dimension and Weight Regulation* the council of a municipality may by bylaw designate an area of the municipality as an industrial park for which no fee is payable for an overweight permit or an over-dimensional permit issued for a point to point move within the Industrial Park.

NOW THEREFORE,

be it resolved that the Council of Leduc County, duly assembled, enacts as follows:

PART 1 - SHORT TITLE

1.1 This Bylaw may be cited as the "Traffic Bylaw".

PART 2 - INTERPRETATION AND APPLICATION

DEFINITIONS

2.1 In this Bylaw, words shall have the same meanings as in the *Traffic Safety Act* and Regulations thereunder except as otherwise defined below.

2.2 In this Bylaw:

(a) "**County Manager**" means the Chief Administrative Officer for the County, or his or her delegate;

(b) "**Council**" means the municipal council of Leduc County;

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- (c) **"County"** means the municipal corporation of Leduc County, and includes the geographical area within the boundaries of Leduc County where the context so requires;
- (d) **"Director of Public Works and Engineering"** means the County employee responsible for overseeing the County's Department of Public Works and Engineering or his or her delegate;
- (e) **"Gross Registered Vehicle Weight"** means the weight of a Vehicle as specified in the certificate of registration issued in respect of that Vehicle pursuant to the *Traffic Safety Act*;
- (f) **"Gross Weight"** means the total weight of a Vehicle or combination of Vehicles calculated as the sum of the weights transmitted to a highway through each of the axles;
- (g) **"Hamlet"** means an unincorporated community designated by Council from time to time as a hamlet of the County pursuant to section 59 of the *Municipal Government Act* and includes, but is not limited to, the hamlets of Buford, Looma, Kavanagh, Rolly View, Sunnybrook, and New Sarepta;
- (h) **"Heavy Vehicle"** means a Vehicle, or a Vehicle with a Trailer attached that has a Gross Weight or a Gross Registered Vehicle Weight of 16,400 kilograms or more, with or without a load, or exceeds 12.5 metres in overall length, excluding Recreational Vehicles;
- (i) **"Locality"** means an unincorporated community recognized by the County as a locality and includes, but is not limited to Glen Park, Telford, St. Francis and Michigan Centre;
- (j) **"Municipal Property"** means any lands owned by the County, or under the direction, control and management of the County, to which members of the public have access by express or implied invitation, but does not include Highways;
- (k) **"Municipal Tag"** means a tag or similar document issued by the County pursuant to the *Municipal Government Act* for the purpose of notifying a Person that an offence has been committed for which a prosecution may follow;
- (l) **"Nisku Industrial Business Park"** means that portion of the County included within the Nisku Industrial Business Park as indicated in the Nisku Industrial Business Park Map included as Schedule "B" to this Bylaw;
- (m) **"Off-Highway Vehicle" or "OHV"** means any motorized mode of transportation built for cross-country travel on land, water, snow, ice or marsh or swamp land or on other natural terrain and, without limiting the generality of the foregoing, includes, when specifically designed for such travel:
 - (i) 4-wheel drive vehicles,
 - (ii) low pressure tire vehicles,
 - (iii) motor cycles and related 2-wheel vehicles,
 - (iv) amphibious machines,

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- (v) all-terrain vehicles,
 - (vi) snow vehicles,
 - (vii) any other means of transportation that is propelled by any power other than muscular power or wind,
- but does not include:
- (viii) motor boats,
 - (ix) miniature vehicles, including but not limited to go carts, golf carts and pocket bikes, that cannot be registered pursuant to the Operator Licensing and Vehicle Control Regulation, or
 - (x) any other vehicle exempted from being an off-highway vehicle by regulation;
- (n) **"OHV Special Event"** means any race, derby, rally or other organized social or sporting event involving 10 or more Off-Highway Vehicles being operated on a highway;
 - (o) **"Parade or Procession"** means a group of Vehicles, animals, pedestrians or combination thereof on a highway which is likely to block, obstruct, impede, hinder or otherwise interfere with pedestrian or vehicular traffic, excluding a funeral procession or military parade;
 - (p) **"Peace Officer"** includes a Community Peace Officer whose appointment includes enforcement of the County's Bylaws, or a Bylaw Enforcement Officer appointed by the County;
 - (q) **"Recreational Vehicle"** means a Vehicle designed to provide temporary living accommodation for travel, vacation, or recreational use, and to be driven, towed or transported, some examples of which include a motor home, holiday trailer, camper, tent trailer and any bus or truck converted to provide temporary living accommodation;
 - (r) **"Safety Helmet"** means a safety helmet intended for use by an operator or passenger of an Off-Highway Vehicle that:
 - (i) meets one or more of the standards for motor cycle safety helmets adopted in the Vehicle Equipment Regulation passed pursuant to the *Traffic Safety Act*, and
 - (ii) has the mark or label CSA, DOT, BSI or the Snell Memorial Foundation indicating that the safety helmet met one or more of the specifications required on the date on which it was manufactured;
 - (s) **"Vehicle Axle Weight Committee"** means the committee established by Council for the purpose of setting maximum allowable weights permitted on highways within the County;
 - (t) **"Violation Ticket"** means a ticket issued pursuant to either Part 2 or Part 3 of the *Provincial Offences Procedure Act*.

APPLICATION

2.3 This Bylaw does not apply to an emergency vehicle that is responding to an emergency.

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PART 3 - OPERATIONAL RESTRICTIONS

FUNERAL PROCESSIONS

- 3.1 Any Person operating a Vehicle participating in a funeral procession, other than the lead Vehicle in the funeral procession, may, during daytime hours, drive the Vehicle into an intersection without stopping the Vehicle if:
- (a) the Vehicle's headlamps and warning lamps are on,
 - (b) the Vehicle is travelling immediately behind the Vehicle in front of it in the funeral procession so as to form a continuous line of traffic,
 - (c) the lead Vehicle in the funeral procession is showing a purple flashing light, and
 - (d) the passage through the intersection can be made in safety.

AUTHORIZED PARADES OR PROCESSIONS

- 3.2 No Person shall organize, conduct or take part in any Parade or Procession unless a permit authorizing the Parade or Procession has been issued by the Director of Public Works and Engineering.
- 3.3 No person shall contravene any conditions of a permit issued by the Director of Public Works and Engineering or the provisions of this Bylaw governing Parades or Processions.
- 3.4 Where the organizers or leaders of a Parade or Procession or any Person, animal, Vehicle or equipment participating in the Parade or Procession contravenes any conditions of a permit granted by the Director of Public Works and Engineering or the provisions of this Bylaw governing Parades or Processions, the permit holder, Person responsible for the contravention, or any or all of them are guilty of an offence.
- 3.5 During an authorized Parade or Procession, all spectators shall remain on the sidewalk or edge of the roadway if there is no sidewalk.
- 3.6 An application for a permit for a Parade or Procession may be made in writing to the County and shall include:
- (a) A description of the proposed Parade or Procession and its purpose;
 - (b) The name of the Person or organization responsible for sponsoring and organizing the proposed Parade or Procession;
 - (c) The date and times of the proposed Parade or Procession; and
 - (d) Details of the proposed route including a map with the proposed route indicated.

MAXIMUM SPEEDS

- 3.7 Unless otherwise posted as per the authority of Part 10, the maximum speed upon a County highway shall be 80 kilometers per hour.

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WEIGHT LIMITS

- 3.8 No Person shall operate a Vehicle on a highway other than in accordance with the weight limitation established under this Bylaw unless that Person has obtained an overweight permit.
- 3.9 Unless another weight limitation is established by a person or committee having the authority to do so, the maximum allowable weight on a highway is the same as the maximum allowable weight specified in the *Traffic Safety Act* or the regulations made thereunder.

ROAD BANS

- 3.10 No Person shall operate a Vehicle on a highway that is subject to a road ban if the weight of the carrying axle or axle group of the Vehicle exceeds the specified percentage axle weight imposed by the road ban.
- 3.11 Section 3.10 is subject to any provincial legislation exempting certain Vehicles from road bans or permitting an increased specified percentage of axle weight.

ENGINE RETARDER BRAKES

- 3.12 No Person shall use engine retarder brakes within a Hamlet or a Locality of the County.

COMPLIANCE WITH TRAFFIC CONTROL DEVICES

- 3.13 No Person shall operate or Park a Vehicle in contravention of a Traffic Control Device.

VEHICLES WITH LOADS

- 3.14 No Person shall operate a Vehicle, other than a Vehicle operated by or on behalf of the County for the purpose of conducting maintenance activities, containing any load on a highway unless the load has been secured to prevent any part of it from falling onto the highway.
- 3.15 Without limiting the generality of section 3.14 a person shall not operate a vehicle containing a load of earth, sand, gravel or other loose material on a highway unless:
- (a) all parts of the load are at least 75 millimetres below the top of the container; and
 - (b) the container and load are completely covered at all times.

TRACKING MATERIAL

- 3.16 No Person shall operate a Vehicle on a highway so as to track any earth, sand, gravel or other material on the highway.
- 3.17 A Person tracking any material contrary to section 3.16 shall, in addition to any penalty that may be imposed under this Bylaw, be liable to clean up or remove the material tracked upon the highway and in default the County may clean up or remove the material at the expense of the Person tracking.

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PART 4 - PARKING

HEAVY VEHICLE PARKING

- 4.1 No Person may Park a Heavy Vehicle in a location adjoining residential property, except:
- (a) commercial vehicles with the hazard warning lamps on and in the process of loading or unloading goods; or
 - (b) construction equipment being used during construction or improvement of property, provided that the equipment is Parked adjacent to the property where the work is being done.

RECREATIONAL VEHICLE PARKING

- 4.2 No Person may Park a Recreational Vehicle on a Highway unless it is Parked in a location completely adjoining the Recreational Vehicle owner's residence as shown in the records of the Motor Vehicle Registry and then only between May 1 and October 15.
- 4.3 A Recreational Vehicle Parked pursuant to section 4.8:
- (a) shall not be Parked for more than 72 consecutive hours; and
 - (b) shall be removed to an off-highway location for at least 48 consecutive hours before it may be Parked again on a highway.
- 4.4 No Person shall occupy a Recreational Vehicle Parked on a highway.

PARKING IN RECREATION AREAS

- 4.5 No Person shall Park any Vehicle on any land owned or controlled by the County and which the County uses or permits to be used as a playground, recreation area, public park, or campground except in a developed parking lot or other area specifically designated for the Parking of Vehicles.

TRAILERS

- 4.6 No Person shall Park any Trailer on a highway unless the Trailer is attached to a Vehicle by which it may be propelled or drawn. When so attached, the Trailer will be deemed to be part of the Vehicle it is attached to for the purposes of this Bylaw.

VEHICLES ON JACKS

- 4.7 No Person shall leave a Vehicle unattended on a highway if the Vehicle has been placed on a jack or similar device and;
- (a) one or more of the wheels have been removed from the Vehicle; or
 - (b) part of the Vehicle is raised off of the ground.

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PART 5 - USE OF STREETS AND SIDEWALKS

LITTERING

- 5.1 No Person shall place, cause to be placed or permit to be placed any litter, refuse, substance or thing of any kind on any highway.

UNAUTHORIZED SIGNS

- 5.2 No Person shall place, cause to be placed or permit to be placed a sign, notice or other object upon a highway or upon abutting public lands, without proper authority or a permit issued by the Director of Public Works and Engineering.
- 5.3 For the purposes of section 5.2, any individual or corporation referred to on a sign, whether directly or indirectly, is presumed to have placed the sign or caused or permitted the sign to be placed.

VEHICLE FLUIDS

- 5.4 No Person shall drain lubricating oils or any fluids associated with the operation of a Vehicle upon a highway.

EXTENSION CORDS

- 5.5 No Person shall place, cause to be placed or permit to be placed, an electrical extension cord across a sidewalk, boulevard or driveway in a manner which, in the opinion of a Peace Officer, may pose a hazard to Persons or property.

MATERIAL ON SIDEWALKS/ROADWAYS

- 5.6 No Person shall place, cause to be placed or permit to be placed any earth, sand, gravel, grass, leaves, snow, ice, debris or other materials upon any sidewalk or roadway.

FIRES AND EMERGENCY SITE MANAGEMENT

- 5.7 No Person shall pass beyond a point designated by a Peace Officer or a member of the Fire Department.
- 5.8 No Person shall drive a Vehicle over any fire hose unless directed to do so by a Peace Officer or a member of the Fire Department.

STREET AUCTIONS

- 5.9 No Person shall display, sell, or offer for sale any article or thing whatsoever on any highway unless a permit has been issued by the Director of Public Works and Engineering.

SIDEWALK OBSTRUCTIONS

- 5.10 No Person shall place, cause to be placed or permit to be placed any goods, wares, merchandise, or any other articles upon a highway outside of a shop, warehouse, or building so as to obstruct pedestrian or vehicular traffic.

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PEDESTRIANS

- 5.11 No Person shall stand or be in any other position on a highway so as to obstruct the entrance to a building.
- 5.12 No Person shall stand or be in any other position on a highway so as to obstruct pedestrians or Vehicles using the highway.
- 5.13 Where a Peace Officer has reasonable grounds to determine that a Person is in contravention of section 5.11 or section 5.12, the Peace Officer may direct that Person to disperse immediately and any Person receiving such a direction from a Peace Officer that fails to immediately comply with that direction shall be guilty of an offence.
- 5.14 Sections 5.11 and 5.12 do not apply to Persons participating in or assembled to watch a Parade or Procession for which a permit has been issued pursuant to this Bylaw.

DAMAGE TO TRAFFIC CONTROL DEVICES

- 5.15 No Person shall climb upon, interfere with, damage, deface, remove, alter or destroy a Traffic Control Device.

HIGHWAY OBSTRUCTIONS

- 5.16 No Person shall cause or permit any building, structure, fixture, road, tree, shrub, hedge, fence, sign, notice, advertising device, light or other object on property they own or occupy to:
 - (a) cause a drifting or accumulation of snow on a highway;
 - (b) damage a highway;
 - (c) obstruct the vision of pedestrians or drivers of Vehicles on a highway; or
 - (d) create a hazard or obstruction to vehicular or pedestrian traffic on the highway.

PART 6 - OFF-HIGHWAY VEHICLES

APPLICATION

- 6.1 This Part applies to highways under the direction, control and management of the County and nothing in this Bylaw authorizes, or in any way affects, the Operation of an Off-Highway Vehicle on any Provincial Highway.
- 6.2 This Part does not apply to Peace Officers, or agents or employees of the County while in the performance of their official duties.

OPERATING OFF-HIGHWAY VEHICLES

- 6.3 A Person may only operate an Off-Highway Vehicle in the County:
 - (a) In the ditch adjacent to a roadway;
 - (b) Where there is no ditches, adjacent to a roadway, or where the ditch is obstructed, in the parking lane of the roadway; or

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- (c) Where there is no ditch adjacent to a roadway and the roadway does not include a parking lane or where both the ditch and the parking lane are obstructed, in the rightmost lane of the roadway.
- 6.4 Nothing in this Part relieves any Person from complying with any provision of any federal or provincial legislation affecting Off-Highway Vehicles, including without restriction, the *Traffic Safety Act* and all applicable regulations thereunder.
- 6.5 For greater certainty, and without in any way restricting section 6.3, no Person shall operate an Off-Highway Vehicle on a highway unless the Off-Highway Vehicle is:
- (i) duly registered and insured pursuant to the *Traffic Safety Act*;
 - (ii) equipped with headlamps, tail lamps, an exhaust muffler and such other equipment as required by the *Off-Highway Vehicle Regulation*;
 - (iii) traveling in single file with any other Off-Highway Vehicles; and
 - (iv) when traveling on a roadway, traveling in the same direction as other Vehicles.

OPERATING RESTRICTIONS

- 6.6 No Person shall operate an Off-Highway Vehicle on a highway at a speed in excess of 40 kilometers per hour or, where a lower speed limit has been prescribed, in excess of the prescribed limit.
- 6.7 No Person shall operate or ride as a passenger on an Off-Highway Vehicle on a highway unless that Person is wearing a Safety Helmet securely attached on the Person's head.
- 6.8 No Person shall operate or ride as a passenger on an Off-Highway Vehicle where the number of Persons on the Off-Highway Vehicle exceeds the number of Persons that the Off-Highway Vehicle is designed to carry.
- 6.9 No Person shall operate an Off-Highway Vehicle on a highway within a Hamlet except for the purposes of entering or leaving the Hamlet by the most direct route possible to and from the Person's residence.

AUTHORIZED SPECIAL EVENTS

- 6.10 No Person shall organize, conduct or take part in an OHV Special Event unless a permit authorizing the OHV Special Event has been issued by the Director of Public Works and Engineering.
- 6.11 No Person shall organize, conduct or take part in an OHV Special Event contrary to the terms and conditions imposed by a permit issued by the Director of Public Works and Engineering.
- 6.12 An application for a permit for an OHV Special Event may be made in writing to the County and shall include:
- (a) A description of the proposed event and its purpose;
 - (b) The name of the Person or organization responsible for sponsoring and organizing the proposed event;

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- (c) The date and times of the proposed event;
- (d) The type of Off-Highway Vehicles to be used and the approximate number of Off-Highway Vehicles that will be participating at the event; and
- (e) Details of the proposed route including a map with the proposed route indicated.

PART 7 - NO HEAVY VEHICLE ROUTES

NO HEAVY VEHICLE ROUTES ESTABLISHED

- 7.1 The prescribed portions of those highways identified by the Public Works Committee are designated as routes upon which Heavy Vehicles are prohibited to travel.
- 7.2 The County Manager shall cause Traffic Control Devices to be placed along the highway, as the County Manager considers necessary, to notify Persons operating Heavy Vehicles on the highway of those designated routes and shall cause to be kept a record of such locations and placements.
- 7.3 No Person shall operate a Heavy Vehicle on a highway designated as a route upon which Heavy Vehicles are prohibited to travel.
- 7.4 This Part does not apply to a Heavy Vehicle:
 - (a) Traveling to or from a point located along a designated route;
 - (b) Operated by or under hire by the County for snow removal, road building or maintenance, or maintenance of County Property; or
 - (c) For which the Director of Public Works and Engineering has authorized a temporary exemption with respect to Part 7.

PART 8 - OVERWEIGHT PERMITS AND ROAD USE AGREEMENTS

OVERWEIGHT PERMITS

- 8.1 The Director of Public Works and Engineering may, upon receipt of an application in a manner approved by the Vehicle Axle Weight Committee, issue to a Person an overweight permit for the purpose of allowing a commercial vehicle to operate on a highway in a manner exceeding the maximum allowable weight.
- 8.2 In issuing a permit under this Part, the Director of Public Works and Engineering may impose such terms and conditions as are determined to be necessary or beneficial in his or her sole discretion, and must include any mandatory terms and conditions of approval established by the Vehicle Axle Weight Committee.
- 8.3 Under no circumstances shall the Director of Public Works and Engineering be authorized to issue a permit allowing a vehicle to exceed the maximum allowable weight restrictions imposed under the *Traffic Safety Act* and the regulations thereunder unless a corresponding provincial permit has been issued.
- 8.4 An overweight permit may require a Person to pay such amounts, or post security in a form and amount, or both, as may be determined by the Director of Public Works and Engineering in order to secure performance of the Person's obligations under the overweight permit.

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- 8.5 The holder of an overweight permit must, at all times, ensure that any conditions attached to the overweight permit are complied with and, in addition to a penalty imposed pursuant to the Bylaw, a failure to comply with a condition attached to an overweight permit shall render the permit invalid.

NISKU INDUSTRIAL BUSINESS PARK

- 8.6 The Nisku Industrial Business Park is designated as an industrial park for the purposes of the *Traffic Safety Act* and the regulations made thereunder, and, pursuant to section 19(5.1) of the *Commercial Vehicle Dimension and Weight Regulation*, a Person may apply for a provincial overweight or over-dimensional permit for a point-to-point move within the Nisku Industrial Business Park without paying a fee for the provincial overweight permit.

ROAD USE AGREEMENTS

- 8.7 The Director of Public Works and Engineering may, in accordance with the County's Road Use Agreement Implementation and Enforcement Policy, require a Person to enter into a road use agreement if, in the Director of Public Works and Engineering's opinion, the use of a Vehicle on a highway may or will likely cause damage to the highway or constitute a nuisance to area residents due to:
- (a) the weight of the Vehicle;
 - (b) the dimensions of the Vehicle;
 - (c) the frequency of use of the highway by the Vehicle;
 - (d) the size, type or tread pattern of the tires on the Vehicle;
 - (e) the physical condition of the proposed haul route, including the type of road surface;
 - (f) the location of the proposed haul route and its proximity to residential dwellings; or
 - (g) any combination of the above factors.
- 8.8 Notwithstanding section 8.7, in no circumstances will the Director of Public Works and Engineering require a road use agreement to be entered into by:
- (a) A farmer or a member of the farmer's family where the use of a Vehicle on a highway is for personal use;
 - (b) A farmer engaged in the delivery of animals, farm products, grains or farm produce:
 - (i) To the farmer's farm if those commodities are to be used by the farmer in the operation of the farm, or
 - (ii) To a market, if the commodities being transported were either grown or raised by the farmer on the farmer's farm;
 - (c) A farmer transporting material or equipment that is owned by the farmer and used by the farmer in the operation or maintenance of the farmer's farm;
 - (d) A farmer transporting logs or sawn lumber that:
 - (i) Is produced from timber grown on the farmer's land, and

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- (ii) Is being transported from the farmer's land to market;
 - (e) A farmer transporting the farmer's race horses or show animals for purposes related to racing or showing them;
 - (f) A farmer transporting rodeo animals raised by the farmer to and from rodeos
 - (g) A farmer transporting animals that are owned by some other Person to or from land that is the subject of a grazing lease held by that other Person if the transportation is not for compensation of any kind;
 - (h) A bee keeper transporting bees, honey or supplies for the purposes of the bee keeping operation;
 - (i) A fur farmer transporting fish that the farmer has brought to the fur farm for use as feed;
 - (j) A Person using a Vehicle on a highway for purposes related to the operation of a game farm;
 - (k) A person transporting manure that is intended to be spread on land where the Vehicle being operated is equipped with permanently mounted equipment designed and used exclusively for hauling and spreading manure, if the transportation is not for compensation of any kind; and
 - (l) An Irrigation District established by the *Irrigation Districts Act* operating a Vehicle on a highway for the purpose of constructing, maintaining or operating irrigation works as defined by the *Irrigation Districts Act*.
- 8.9 A road use agreement may require a Person to pay such amounts, or post security in a form and amount, or both, as may be determined by the Director of Public Works and Engineering in order to secure performance of the Person's obligations under the road use agreement.
- 8.10 If the Director of Public Works and Engineering has determined that a Person is required to enter into a road use agreement with the County pursuant to section 8.7, that Person shall not operate a Vehicle for which a road use agreement is required on a highway unless that Person has entered into a road use agreement with the County.
- 8.11 No Person shall contravene any term or condition of a road use agreement.

PART 9 - MISCELLANEOUS

PERMITS

- 9.1 The Director of Public Works and Engineering may issue permits in relation to activities governed by this Bylaw on such terms and conditions as the Director of Public Works and Engineering deems appropriate.
- 9.2 A Person to whom a permit has been issued pursuant to this Bylaw and any Person carrying out an activity otherwise regulated, restricted or prohibited by this Bylaw pursuant to such permit, shall comply with any terms or conditions forming part of the permit and shall produce the permit to a Peace Officer upon request.

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- 9.3 A Person shall not make any false or misleading statement or provide any false or misleading information to obtain a permit pursuant to this Bylaw.
- 9.4 If any term or condition of a permit issued pursuant to this Bylaw is contravened or if a false or misleading statement or false or misleading information was provided to obtain the permit, in addition to any other remedy available to the County, the Director of Public Works and Engineering may immediately cancel the permit.
- 9.5 The onus of proving a permit has been issued in relation to any activity otherwise regulated, restricted or prohibited by this Bylaw is on the Person alleging the existence of such a permit on a balance of probabilities.

PART 10 - AUTHORITY OF MUNICIPAL OFFICIALS AND COMMITTEES

AUTHORITY OF THE COUNTY MANAGER

- 10.1 Without restricting any other power, duty or function granted by this Bylaw, the County Manager is authorized to:
- (a) Carry out any inspections to determine compliance with this Bylaw;
 - (b) Take any steps or carry out any actions required to enforce this Bylaw;
 - (c) Take any steps or carry out any actions required to remedy a contravention of this Bylaw;
 - (d) Establish areas where activities restricted by this Bylaw are permitted;
 - (e) Establish forms for the purpose of this Bylaw;
 - (f) Establish the criteria to be met for a permit pursuant to this Bylaw;
 - (g) Issue permits with such terms and conditions as are deemed appropriate;
 - (h) Temporarily close any highway for the purpose of repairs, maintenance or other valid reason or in the case of an emergency;
 - (i) Cause moveable signs to be placed on or near a highway; and
 - (j) Delegate any powers, duties or functions under this Bylaw to an employee of the County.

AUTHORITY OF THE DIRECTOR OF PUBLIC WORKS AND ENGINEERING

- 10.2 Without restricting any other power, duty or function granted by this Bylaw, the County's Director of Public Works and Engineering is authorized to:
- (a) Establish the criteria to be met for a permit pursuant to this Bylaw;
 - (b) Issue permits with such terms and conditions as are deemed appropriate;
 - (c) Require a Person to enter into a road use agreement;
 - (d) Authorize temporary exemptions from the prohibitions established in Part 7 regarding routes upon which Heavy Vehicles are prohibited from traveling.

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- (e) Impose temporary road bans on any highway and designate the period of time the temporary road bans are in effect, and
- (f) Delegate any powers, duties or functions given to the Director of Public Works and Engineering under this Bylaw to an employee of the County.

AUTHORITY OF THE COUNTY VEHICLE AXLE WEIGHT COMMITTEE

- 10.3 Without restricting any other power, duty or function granted by this Bylaw, and in addition to any other power, duty or function granted by any other County bylaw, the County Axle Weight Committee is authorized to:
- (a) Establish the maximum allowable weight of a vehicle on a highway;
 - (b) Impose road bans on any highway and designate the period of time the road bans are in effect; and
 - (c) Delegate any powers, duties or functions under this Bylaw to an employee of the County.

AUTHORITY OF THE COUNTY PUBLIC WORKS COMMITTEE

- 10.4 Without restricting any other power, duty or function granted by this Bylaw, and in addition to any other power, duty or function granted by any other County bylaw, the County Public Works Committee is authorized to:
- (a) Prescribe the location and placement of any Traffic Control Device in the County and keep or cause to be kept a record of such locations and placements;
 - (b) Prescribe the speed limit, location and placement of any maximum speed limit sign in the County and keep or cause to be kept a record of such locations and placements;
 - (c) Designate crosswalks upon any highway, and may cause them to be marked with signs or lines painted on the surface of the highway;
 - (d) Designate any area as one in which Parking privileges are temporarily suspended in whole or in part to traffic and cause the area to be marked with Traffic Control Devices;
 - (e) Designate school zones and playground zones and cause such zones to be marked by the appropriate Traffic Control Devices;
 - (f) Designate any boulevard upon which Parking is permitted and cause Traffic Control Devices permitting such Parking to be erected; and
 - (g) Delegate any powers, duties or functions under this Bylaw to an employee of the County.

PART 11 - AUTHORITY OF PEACE OFFICERS

CHALKING TIRES

- 11.1 In order to determine the time period over which a Vehicle has been Parked in a location, a Peace Officer may place an erasable chalk mark on the tread face of the tire of a Parked Vehicle, or use any other reasonable method capable of determining the time period over

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which a Vehicle has been Parked, without the Peace Officer incurring any liability relating thereto.

TOWING

- 11.2 A Peace Officer may cause any Vehicle to be removed and impounded when the Vehicle is parked in contravention of this Bylaw or where emergency conditions require that the Vehicle be removed.
- 11.3 Any Vehicle removed pursuant to section 11.2 may be moved to:
- (a) A nearby highway; or
 - (b) a place designated by the County where it will remain impounded until claimed by its owner.
- 11.4 Any Vehicle impounded pursuant to section 11.3(b) may be released to its owner upon payment of any costs imposed for towing and storage.
- 11.5 Where a Vehicle is impounded pursuant to section 11.3(b) and is not claimed within thirty (30) days of its removal, the Vehicle may be disposed of in accordance with the provisions of the *Traffic Safety Act* and the regulations thereunder.

MUNICIPAL TAGS

- 11.6 A Peace Officer is hereby authorized and empowered to issue a Municipal Tag to any Person who the Peace Officer has reasonable and probable grounds to believe has contravened any provision of this Bylaw.
- 11.7 A Municipal Tag may be served:
- (a) personally to the accused;
 - (b) mailed to the address of the registered owner of the Vehicle concerned, or the Person concerned; or
 - (c) Attached to or left upon the Vehicle with respect of which the offence is alleged to have been committed.
- 11.8 The Municipal Tag shall be in a form approved by the County Manager and shall state:
- (a) the name of the Person to whom the Municipal Tag is issued, if known;
 - (b) a description of the offence and the applicable Bylaw section;
 - (c) the appropriate penalty for the offence as specified in Schedule "A" of this Bylaw;
 - (d) that the penalty shall be paid within fourteen (14) days of the issuance of the Municipal Tag in order to avoid prosecution; and
 - (e) any other information as may be required by the County Manager.
- 11.9 Where a contravention of this Bylaw is of a continuing nature, further Municipal Tags may be issued by a Peace Officer, provided that no more than one Municipal Tag shall be issued for each day that the contravention continues.

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- 11.10 A Person to whom a Municipal Tag has been issued may pay the penalty specified on the Municipal Tag and if the amount is paid on or before the required date, the Person will not be prosecuted for the offence.
- 11.11 Nothing in this Bylaw shall prevent a Peace Officer from immediately issuing a Violation Ticket.

VIOLATION TICKETS

- 11.12 Where a Municipal Tag has been issued and the penalty specified on the Municipal Tag is not paid within the prescribed time, a Peace Officer is hereby authorized and empowered to issue a Violation Ticket.
- 11.13 Notwithstanding section 11.12, a Peace Officer may immediately issue a Violation Ticket to any Person whom the Peace Officer has reasonable and probable grounds to believe has contravened any provision of this Bylaw.
- 11.14 A Violation Ticket issued with respect to a contravention of this Bylaw shall be served upon the Person responsible for the contravention in accordance with the *Provincial Offences Procedure Act*.
- 11.15 If a Violation Ticket is issued in respect of an offence, the Violation Ticket may:
- (a) specify the fine amount established by this Bylaw for the offence in Schedule "A"; or
 - (b) require a Person to appear in court without the alternative of making a voluntary payment.
- 11.16 A Person who commits an offence may:
- (a) if a Violation Ticket is issued in respect of the offence; and
 - (b) if a Violation Ticket specifies the fine amount established by this Bylaw for the offence; make a voluntary payment equal to the specified fine.
- 11.17 When a clerk records in the Court records the receipt of a voluntary payment pursuant to this Bylaw and the *Provincial Offences Procedure Act*, the act of recording receipt of that payment constitutes acceptance of the guilty plea and also constitutes a conviction and the imposition of a fine in the amount of the specified penalty.

PART 12 - PENALTIES

OFFENCE

- 12.1 A Person who contravenes or fails to comply with any provision of this Bylaw is guilty of an offence and is liable to a fine in an amount not less than that established in this Part and not exceeding \$10,000.00.

SPECIFIED PENALTIES

- 12.2 Without restricting the generality of section 12.1, the fine amounts established for use on Municipal Tags and Violation Tickets if a voluntary payment option is offered are as set out in Schedule "A".

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OWNER LIABLE

- 12.3 In this Part “owner” includes any Person registered as an owner at the Motor Vehicle Registry.
- 12.4 If a Vehicle is involved in an offence under this Bylaw, the owner of that Vehicle is guilty of an offence.
- 12.5 Section 12.4 does not apply if the owner of the Vehicle satisfies the court that, at the time that the Vehicle was involved in an offence:
- (a) In the case of a Vehicle that was in motion,
 - (i) the owner of the Vehicle was not driving the Vehicle, and
 - (ii) no other Person was driving the Vehicle with the owner’s expressed or implied consent,
 - and
 - (b) In the case of a Vehicle or that was Parked,
 - (i) the owner did not Park the Vehicle, and
 - (ii) no other Person Parked the Vehicle with the owner’s expressed or implied consent.
- 12.6 An owner who is guilty of an offence under section 12.4 is not liable to imprisonment in respect of that offence or in respect of a default of a fine imposed in respect of that offence.

PART 13 - GENERAL

SEVERABILITY

- 13.1 Should any provision of this Bylaw be invalid, then such provision shall be severed and the remaining Bylaw shall be maintained.

BYLAW SCHEDULES

- 13.2 Schedule “A” and “B” attached hereto shall form part of this Bylaw.

REPEAL

- 13.3 The following Bylaws, as amended, are hereby repealed:

Bylaw No. 1226-76; - Traffic Control Device

Bylaw No. 24-89; - Speed Limits

Bylaw No. 8-09; - Off-Highway Vehicle

Bylaw No. 4-10; - Nisku Protocol

Bylaw No. 13-14; - Weight Restriction

Bylaw No. 20-16. - No Truck Route

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EFFECTIVE DATE

13.4 This Bylaw shall come into force and effect upon receiving third and final reading and being duly signed.

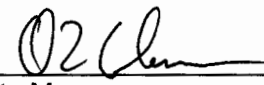
Read a first time this 25th day of September, 2018.

Read a second time this 25th day of September, 2018.

Read a third and final time this 25th day of September, 2018.



Mayor



County Manager

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SCHEDULE "A"

Penalties

Section	Penalty
Part 3 – Operational Restrictions	\$500
Part 4 – Parking	\$100
Part 5 – Use of Streets and Sidewalks	\$250
Part 6 – Off-Highway Vehicles	\$100
Part 7 – No Heavy Vehicle Routes	\$500
Part 8 – Road Use Agreement	\$500
All other infractions not listed above	\$100

A Person found guilty of an offence against this Bylaw of Leduc County for which no penalty has been specifically provided is liable on Summary Conviction to a minimum fine of \$10,000.00.

SCHEDULE "B"

Nisku Industrial Business Park Map

