

BYLAW NO. 2172

Infrastructure Protection Bylaw

A bylaw of the M.D. of Provost No. 52 establishing weight/load limits on highways and roads within the jurisdiction of the Council of the M.D. of Provost No. 52.

WHEREAS the Council of the M.D. of Provost No. 52 has, pursuant to the Traffic Safety Act RSA 2000 c.T-6, as amended, the authority to make bylaws for the regulation of the weight of vehicles on local roads within the M.D. of Provost No. 52;

AND WHEREAS the M.D. of Provost No. 52 deems it desirable to provide for weight restrictions for vehicles on highways within the M.D. of Provost No. 52;

NOW THEREFORE the Council of the M.D. of Provost No. 52, in the Province of Alberta, duly assembled, enacts as follows:

1. This bylaw may be cited as the "Infrastructure Protection Bylaw".
2. Definitions
 - a. Words used in this bylaw have the same meaning as words used or defined in the Traffic Safety Act and its Regulations except as varied by this Bylaw;
 - b. "Director of Public Works" means the Director of Public Works of the M.D. who is delegated the power to impose Road Bans pursuant to this Bylaw;
 - c. "Highway" means a highway as defined in the Traffic Safety Act that is under the direction, control and management of the M.D.
 - d. "M.D." means the Municipal District of Provost No. 52
 - e. "Peace Officer" means a member of the Royal Canadian Mounted Police, a Special Constable, Community Peace Officer or anyone appointed as a Bylaw Officer by Council.
 - f. "Permit" means a permit issued to a person by the M.D. specifically allowing a vehicle to be operated on a highway that is the subject of a Road Ban when the weight of that vehicle is in excess of that allowed under the Road Ban.
3. Prohibition

- a. No person shall, except where authorized by permit, operate a Commercial Vehicle on a highway that is subject to a Road Ban when the weight of the vehicle exceeds the maximum weight allowed for that vehicle under a Road Ban.
- b. No person shall operate a Commercial Vehicle on a highway that is subject to a Road Ban when the weight of the vehicle exceeds the maximum weight specified in a permit issued in respect of that vehicle and that Road Ban.

Road Bans and Permits

4.
 - a. The Director of Public Works has the full power and authority to:
 - i. Enact a Road Ban limiting the weight of a commercial vehicle on a highway for a period or periods that the Director of Public Works determines;
 - ii. Increase, limit or restrict the maximum gross weight that may be borne by a tire, an axle or an axle group, or any of them, or the maximum gross weight that may be borne by a vehicle or combination of vehicles on a local road or street for a period or periods that the Director of Public Works determines.
 - iii. Limit or restrict the speed of a traction engine or commercial vehicle, or of a class or classes thereof, using a local road or street, for a period or periods that the Director of Public Works determines; and
 - iv. The M.D. delegates to the Director of Public Works or his designate the authority to issue permits pursuant to this Bylaw.
 - b. All permits issued on behalf of the M.D. will be valid for a period of 24 hours from the time of issue. It is the responsibility of the permit holder to advise of delays or cancellation of vehicle movement pursuant to the permit. Notwithstanding the foregoing, the Director of Public Works or his designate may cancel or suspend the permit if the weather or road conditions, in the opinion of the Director of Public Works or his designate are such that over weight vehicles may damage the highway.

- c. In the event the permit has been granted to move within the M.D. and weather conditions have changed prior to the move taking place, it is the responsibility of the permit holder to confirm that validate if movement is still allowed.
- d. A copy of an approved permit will be provided to the applicant. The applicant must comply with all terms and conditions of the permit and provide this permit upon request by any Peace Officer or the Director of Public Works or their designate.

Conditions of Permit

- 5. A Commercial Vehicle in respect of which a permit is issued shall not be operated on a highway except in compliance with the conditions imposed on that permit, and subject to the conditions set out in Schedule 7 of Alberta Regulation 315/2002. In particular, no person shall operate Commercial Vehicle in respect of which a permit is issued unless:
 - a. The M.D. of Provost No. 52 has given its approval to that commercial vehicle being operated on that highway;
 - b. The owner, operator, driver or mover of the commercial vehicle shall agree to be responsible for all damages which may be caused to the highway by reason of driving, operating or moving of any such vehicle upon the highway; and
 - c. If requested by the M.D., the owner, operator, driver or mover of the vehicle shall provide security or indemnity, or both, sufficient in the opinion of the M.D. to cover the cost of repairing possible damages to the highway. Tridem, Floatation Tire and Tracked Vehicles
- 6.
 - a. Notwithstanding Section 4 above, the M.D. of Provost No. 52 hereby gives approval for the operation of an TAC Tridem Axle Commercial Vehicle in respect of which an overload permit has been issued, for the operation of that vehicle on a highway if the operation of that commercial vehicle otherwise complies with the Traffic Safety Act.
 - b. Notwithstanding Section 4 above, the M.D. of Provost No. 52 hereby gives approval for the operation of any Commercial Vehicle with a Tridem Drive Axle Group in respect of which a permit has been issued, for the operation of that vehicle on a highway if the operation of that commercial vehicle otherwise complies with the Traffic Safety Act.
 - c. Floatation tires will be allowed on roadways controlled by the M.D. of Provost No. 52 providing legal weights as defined by Provincial Policy are not exceeded:
 - i. Single drive axle, 2 tires, Maximum weight of 9,100 kg;
 - ii. Tandem axle, 4 tires, Maximum weight of 13,600 kg; The weight carried on any one tire must not exceed the weight limit

stamped on the sidewall of the tire. A commercial vehicle using floatation tires shall not exceed weights specified in this Bylaw unless prior authorization has been obtained from the MD of Provost or it's designate.

7.
 - a. A tracked vehicle shall not move within the right-of-way along side a paved or oiled roadway.
 - b. A tracked vehicle shall not move within the right-of-way along a graveled roadway unless:
 - i. The M.D. of Provost No. 52 has issued a permit that the tracked vehicle can be moved within the right-of-way along a graveled roadway.
 - ii. The owner, operator, driver or mover of the tracked vehicle shall agree to be responsible for all damages which may be caused to the highway by reason of driving, operating or moving of any such vehicle upon the highway; and
 - iii. If requested by the M.D. of Provost No. 52, the owner, operator, driver or mover of the vehicle shall post a bond sufficient to cover the cost of repairing possible damages to the highway in an amount satisfactory to the M.D. of Provost No. 52.
 - iv. Rubber tires or such other adequate material is placed across the road surface to protect the road prior to crossing over the top of road surface. Inspection of Roadways
8.
 - a. The M.D. may impose a fee for offsetting the cost to inspect a roadway for damage resulting of the movement of a Commercial Vehicle under a permit issued by the M.D. Notwithstanding any other provisions of this bylaw, the fees for inspections defined in this bylaw shall be listed on Schedule "B" attached hereto and forming part of this bylaw. Roadway Inspection will be required for the following types of projects.
 - b. Inspections will be required for the following types of projects:
 - i. Oil or Gas Well Drilling Any oil or gas well that is drilled within the M.D. of Provost No. 52 will require the Trucking contractor to pay an inspection fee as listed in Schedule "B" in this bylaw. This will be required even if all loads are of legal weight and would not normally require an overweight permit.
 - ii. Oil or Gas Well Servicing If any oil or gas well within the M.D. of Provost No. 52 requires servicing where there will be 4 or more commercial vehicles with a registered weight of 11,794 kg or greater to the same well site within a 24 hour period will require the Trucking contractor to pay an inspection fee as listed in Schedule "B" in this bylaw. This will be required even if all loads are of legal weight and would not normally require an overweight permit.

- c. Operate a commercial vehicle on a highway without required inspection. Signs
9. The Director of Public Works shall cause signs to be erected along local roads, as the Director of Public Works considers necessary, to notify persons using the road of the prohibition, limitation, increase or restriction imposed.
Penalty
- 10.
- a. Any person, or their agent or employee, who contravenes any provision of this bylaw, shall be guilty of an offence and liable upon conviction to a fine:
 - i. Not less than Fifty (\$50.00) Dollars and not more than Ten Thousand (\$10,000.00) Dollars, exclusive of costs;
 - ii. The fines and penalties specified for this Bylaw listed in Schedule "A", which may from time to time be amended by resolution of Council; or
 - iii. The Traffic Safety Act and regulations there under as amended.
11. Any Peace Officer is authorized to enforce this bylaw.
12. A traffic tag or violation ticket shall be served:
- a. If served personally on the accused; or
 - b. If mailed to the address of the registered owner of the vehicle concerned; or
 - c. If attached to or left upon the vehicle in respect of which the offence is alleged to have been committed.
13. This bylaw shall take effect as and from the third and final reading.
14. Bylaw 2113 is hereby rescinded upon the passing and signing of Bylaw 2172.
15. This bylaw shall come into force and effect upon the passing of the third and final reading and signing thereof.

Read a first time this 12th day of January, 2006.

Read a second time this 12th day of January, 2006.

Read a third time and finally passed this 12th day of January, 2006.

SCHEDULE "A"

Specified Penalties

3. (b) Operate a commercial vehicle exceeding maximum weight issued in a permit \$25.00 per 100 kg. to 5,000 kg. \$35.00 per 100 kg. over 5,000 kg.

5. Fail to comply with the conditions of an M.D. Permit \$200.00

5. (a) Operate a commercial vehicle pursuant to an overload permit without M.D. approval \$200.00

6. (c) Operate a commercial vehicle with floater tires exceeding specified weights without prior approval of M.D. \$400.00

7. (a) Move a tracked vehicle alongside a paved or oiled roadway. \$200.00

(b) Move a tracked vehicle on roadway without permit/across roadway without material to protect road surface \$200.00

SCHEDULE "B"

Fees for Inspections

1. Drilling Rig Movement \$400.00
2. Well Servicing Projects \$200.00 (More than 3 loads per day to the same lease)
3. Each Additional Inspection \$100.00 (If Initial Inspection fee has been charged)