

WESTLOCK COUNTY
PROVINCE OF ALBERTA

BYLAW 15-2012

TRAFFIC CONTROL / ROAD PROTECTION BYLAW

BEING a BY-LAW of Westlock County to regulate and control vehicle and pedestrian traffic and the use of highways within Westlock County.

UNDER AND BY VIRTUE of the authority conferred upon it by the Traffic Safety Act Chapter T-6, and the Municipal Government Act, Chapter M-26 of the Revised Statutes of Alberta, and all amendments, regulations and Ministerial Orders thereto, the Council for Westlock County, in the Province of Alberta, duly assembled, enacts as follows:

This By-Law may be cited as the **Traffic Control Road Protection Bylaw**.

In this Bylaw:

DEFINITIONS:

“Alley” means a narrow highway intended chiefly to give access to the rear of buildings and parcels of land;

“Approved or otherwise approved” means approval by Council and/or an official of the County;

“Boulevard” means that part of a Highway in an area that

- (i) Is not Roadway, and
- (ii) Is that part of the Sidewalk that is not especially adapted to the use of or ordinarily used by Pedestrians;

“Bylaw” means a County bylaw and any amendments thereto;

“By-Law Enforcement Officer” means a By-Law Officer or Peace Officer of Westlock County;

“Center Line” means the center of a Roadway measured from the Curbs or, in the absence of Curbs, from the edges of the Roadway;

“Commercial Vehicle” means a Vehicle operated on a Highway by or on behalf of a Person for the purpose of providing transportation but does not include a private passenger vehicle;

“Court” means the Provincial Court of Alberta;

“Council” means the Council for Westlock County, in the Province of Alberta;

“County” means the County of Westlock of the Province of Alberta;

“Crosswalk” means

- (i) That part of a Roadway at an Intersection included within the connection of the lateral line of the Sidewalks on opposite sides of the Highway measured from the Curbs, or in the absence of Curbs, from the edges of the Roadway, or

- (ii) Any part of a Roadway at an Intersection or elsewhere distinctly indicated for Pedestrian crossing by signs or by lines or by other markings on the road surface;

“Curb” means the actual Roadway curb or, if there is no curb in existence, the division of a Highway between the Roadway and the Sidewalk as the case may be;

“Culvert” means a channel or drain of any type of construction designed to conduct water under, along or across a road or highway.

“Disabled Persons Vehicle” means a Vehicle that displays a disabled placard or license plate that is issued or recognized by the Registrar of Motor Vehicle Services (or any person who, on the directions of the Registrar, is acting on behalf of the Registrar of Motor Vehicle Services);

“Driver” means a person who drives or is in actual physical control of a vehicle.

“Early payment” means a payment made within 7 days of the offense date recorded on a Municipal Violation Tag;

“Emergency Access Route” means a route, lane, Highway or Roadway so designated to provide Emergency Vehicles with unencumbered access to adjacent or nearby areas;

“Emergency Vehicle” means

- (i) A Vehicle operated by a Peace Officer or police service as defined in the *Police Act* R.S.A. 2000, Chapter P-17 (as amended),
- (ii) A fire fighting or other type of Vehicle operated by the fire protection service of a municipality,
- (iii) An ambulance operated by a Person or organization providing ambulance services,
- (iv) A Vehicle operated as a gas, power or water disconnection unit of a public utility,
- (v) A Vehicle designated by regulation as an emergency response unit;

“Extraordinary use” means any multiple use of a highway(s) during a concentrated period of time at weights and speeds near and/or in excess of what the subject highway(s) may be able to withstand, which may result in damage to the highway(s), create a traffic hazard, or otherwise cause annoyance to persons living on or near the said highway(s) or other users of the highway(s) by way of dust or whatever other means, and without restricting the generality of the preceding, includes:

- (i) Significant agricultural industry and related users such as fertilizer, silage, manure, hay, alfalfa, grain and/or stock hauls.
- (ii) Resource extraction hauls.
- (iii) Log hauls.
- (iv) Gas and/or oil industry hauls.

“Fire Chief” means the Member appointed by the County Administrator as the head of the Westlock County fire department(s) or designate in his absence;

“Government vehicle” means any Vehicle that is owned or leased by a municipal, provincial or federal level of government,

“Highway” means thoroughfare, street, road, road allowance, trail, avenue, parkway, driveway, viaduct, lane, Alley, square, bridge, or causeway, trestleway or other place or any part of them, 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:

- (i) A Sidewalk, including a Boulevard adjacent to the Sidewalk,
- (ii) if a ditch lies adjacent to and parallel with the roadway, the ditch and,
- (iii) If 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.

But does not include a place declared by Provincial regulation not to be a highway;

“Implement of Husbandry” means

- (i) A tractor designed and used for agricultural purposes, or
- (ii) A vehicle designed and adapted exclusively for agricultural, horticultural, agricultural or livestock operations;

“Inoperable Vehicle” means a Vehicle that, in the opinion of an Bylaw Enforcement Officer or a Peace Officer, is incapable of moving without repair;

“Intersection” means the area embraced within the prolongation or connection of

- (i) The lateral Curb lines, or
- (ii) If there are not any lateral Curb lines, the exterior edges of the Roadways of 2 or more highways which join one another at an angle whether or not one Highway crosses the other;

“Km/hr” means kilometers per hour;

“Landowner” means a person holding Title to, and/or in possession of, and/or in control of, and/or in occupation of a property or parcel of land;

“Local roads” means all roads other than numbered Provincial Highways;

“Lugs” means metallic projections of vehicle wheels or tracks designed to hold or grip any surface or road.

“m” means meter.

“min.” means minimum.

“max.” means maximum.

“Motor Cycle” means a motor vehicle, other than a moped, that is mounted on 2 or 3 wheels and includes those motor vehicles known in the automotive trade as motor cycles and scooters;

“Motor vehicle” means

- (i) A vehicle propelled by any power other than muscular power, or
- (ii) A moped,

But does not include a bicycle, a power bicycle, an aircraft, an implement of husbandry or a motor vehicle that runs only on rails;

“Municipal Administrator” means the Municipal Administrator for the County of Westlock, and includes the title of Secretary Treasurer.

“Municipal Violation Tag” means a County issued notice that alleges an offense and provides a Person with the opportunity to pay an amount to the County in lieu of prosecution for the offense;

“Obstruction” means an encroachment, excavation, structure or other obstacle, including a tree, shrub, or hedge, that

- (i) Interferes with or prevents the vision, passage, maintenance or use of Public Places by Vehicles or Pedestrians, or
- (ii) Interferes with or prevents the proper operation of a public work;

“Officer” means a By-Law Enforcement Officer of Westlock County, a member of the R.C.M.P. or a Peace Officer as defined in the *Peace Officer Act* P-3.5.

“Official” means the Municipal Administrator, a By-Law Officer, a Utilities Officer, or any person authorized by Council or the Municipal Administrator to act on behalf of Westlock County, as stipulated on a form prescribed by Schedule “I” hereto.

“Open-cut-trenching” means open trenching a passageway through a road surface or other surface, and down to the required depth, as opposed to punched/bored.

“Over weight Vehicle” means any Vehicle that exceeds the maximum weight set out in the *Commercial Vehicle Dimension and Weight Regulation* A.R. 315/2002 (as amended);

“Owner” means the Person who owns a Vehicle and includes any Person renting a Vehicle or having the exclusive use of a Vehicle under a lease that has a term of more than 30 days or otherwise having the exclusive use of a Vehicle for a period of more than 30 days;

“Parade” means a procession or march, that is

- (i) Organized to entertain spectators, for display or inspection purposes, or to promote a cause or purpose, and
- (ii) Likely to block, hinder, obstruct, impede, or otherwise interfere with Vehicle or Pedestrian traffic,

“Park” when prohibited, means allow a Vehicle (whether occupied or not) to remain standing in one place, except;

- (i) When actually engaged in loading or unloading passengers, or
- (ii) When complying with a direction given by a Peace Officer or Traffic Control Device;

“Peace Officer” means

- (i) A member of the Royal Canadian Mounted Police;
- (ii) a Bylaw Enforcement Officer authorized to enforce this Bylaw in accordance with his or her appointment;
- (iii) A Peace Officer appointed under the *Peace Officer Act*, for the purpose of this act / Bylaw;

“Pedestrian” means

- (i) A person on foot; or
- (ii) A Person in or on a mobility aid,

And includes those Persons designated by regulation as Pedestrians and for the purposes of this Bylaw, includes users of in-line skates, roller skates, skateboards and non-motorized scooters;

“Person” includes a corporation and the heirs, executors, administrators and other legal representatives of a person, also any individual of a society, association, partnership or firm;

“Playground zone” means that portion of a Highway identifies as a playground zoned by a Traffic Control Device;

“Pipeline” means a gas line, oil line, fluids line, multiphase line, solids line, distribution line or flow line.

“Pipeline owner” means the owner and/or operator of a pipeline or integral parts thereof;

“Percentage axle weight” means the percentage that is applied to the maximum weights of the carrying axles or axle groups of a vehicle as established in section 9 of the *Commercial Vehicle Dimension and Weights Regulation*, A.R. 315/2202 (as amended) to determine the weight that the carrying axles or axle groups may transmit to a Highway;

“Plough” means a procedure used to establish passageway through a road bed using either an auger or a pneumatic type of equipment, eliminating the necessity of open-cut/trenching;

“Punched/bored” means a procedure used to establish passageway through a road bed using either an auger or a pneumatic type of equipment, eliminating the necessity of open-cut/trenching;

“Repeal” includes revoke rescind;

“Residential subdivision” means and includes a hamlet, or any area of Westlock County designated by the Council exclusively for residential purposes or any grouping of cottages or dwellings near or on a lake shore.

“Roadway” means that part of the highway designated and intended for use of vehicular traffic.

“Road crossing” means any pipe installed across a road to convey gas, oil, water, sewage, etc.

“Road Use Agreement” means a written understanding reached between Westlock county and others in respect to use of highways under the jurisdiction of Westlock County, and includes the form or appropriate variation of Schedules “A” and “B”.

“Rubbish” means waste stuff and includes trash, dead animal matter, litter and debris.

“Secondary Road” means all numbered roads, other than primary Provincial Highways.

“Schedule” means a schedule attached to and forming part of this Bylaw;

“Sideslope” means that portion of a highway which extends outward from the roadway to the bottom of the ditch or for a distance of not less than 2.5 meters outward from the roadway;

“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, or

- (i) Where there is no Curb line, the edge of the Roadway,

And the adjacent property line, whether or not it is paved or improved;

“Slow Moving Vehicle” means

- (i) A Vehicle or other machinery or equipment designed for use at speeds that are less than 40 km/hr, or
- (ii) A Vehicle upon which must be displayed, in accordance with Provincial regulations, an emblem indicating that it is a slow moving Vehicle,

But does not include

- (iii) A bicycle;
- (iv) Any Vehicle owned by or under contract to Westlock County while actually engaged in Highway or Public Works maintenance operations, or
- (v) Any Vehicle used in connection with the servicing of public utilities while that Vehicle is actually engaged in public utility maintenance operations on a Highway;

“Special Roadway Event” means a competition, spectacle or even (including a block party or garage sale or similar gathering) that takes place in whole or in part on a Highway and which may involve walking, running, or the use or display of tables, bicycles, motorcycles, or Vehicles;

“Stop” means:

- (i) When required, a complete cessation from vehicular movement, and
- (ii) When prohibited, any halting even momentarily of a vehicle, whether occupied or not, except when necessary to avoid conflict with other traffic or in compliance with the directions of a Bylaw Enforcement Officer, a Peace Officer, Inspector, or Traffic Control Device.

“Traffic control device” means any sign, signal, marking or device placed, marked or erected under the authority of this By-Law for the purpose of regulating, warning or guiding traffic.

“Traffic control signal” means a traffic control device whether manually, electrically or mechanically operated, by which traffic is directed to stop and to proceed.

“Trailer” means a Vehicle so designed that it

- (i) May be attached to or drawn by a motor vehicle or tractor, and
- (ii) Is intended to transport property or persons,

And includes any vehicle defined by regulations as a trailer but does not include machinery or equipment solely used in the construction of maintenance of Highways;

“Truck” means any Vehicle, other than a registered Disable Persons Vehicle, Recreational Vehicle, School bus that is

- (i) Greater than 11 meters in length, or
- (ii) Registered (in any jurisdiction) to operate at a gross maximum weight of 11,793kg or more.

For the purpose of this definition, a Truck’s load or any attached or non-attached (but proximate) Trailer shall be included as part of the Truck;

“Unimproved road allowance” means road allowance to which no improvements have been made in the way of road construction.

“Urban area” means a city, town or village or and service area within a specialized municipality;

“Utilities Officer” means a person appointed by Council or the Municipal Administrator to act on behalf of Westlock County relative to utility matters.

“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 human power or used exclusively upon stationary rails or tracks. A trailer attached to a Vehicle shall be deemed part of that Vehicle;

“Water course” means:

- (i) The bed and shore of a river, stream, lake, creek or other body of water, or
- (ii) A canal, ditch, reservoir, or other man-made surface structure to contain or convey water, whether it does so continuously or intermittently.

“Yield” means yield right-of-way to all traffic upon the highway being entered upon;

PART I

PROTECTION OF HIGHWAYS & SIGNS.

1. No person shall cause or allow or do any act which is likely to cause damage to one or more of the following:
 - a highway
 - a culvert
 - a bridge
 - any public property
 - any permitted private property situated within a highway or road allowance
2. No person shall:
 - (a) Excavate or otherwise destruct a highway, including the road allowance thereof, or
 - (b) Transport material or loads of material over a highway which would be an extraordinary use likely to imperil the said highway(s) or cause persons living on or near the said highway(s) to be annoyed by dust or whatever else arising therefrom.
3. Notwithstanding Section 3, a person may, with the approval of an official of Westlock County, either in the prescribed form of Schedule “A” or “B”, as the case may be, excavate or disturb a highway or make extraordinary use of a highway subject to such conditions as may be imposed within the said schedule(s) by the official including which may be the requirement for an irrevocable letter of credit, deposit or security in a prescribed amount, which may be drawn upon at Westlock Counties discretion over the period prescribed as reimbursement for costs, damages, etc.
4. 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.
5. An officer may destroy, by burning, or otherwise dispose of rubbish or other matter which has been unlawfully deposited on a highway or in a public place.

6. No person shall operate or move on a highway, any vehicle, equipment or machine not equipped with rubber tires which supports 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 Westlock County.
7. No person shall use any implement or machine to cultivate or harrow or in any way disturb or damage the "sideslope" portion of a highway without permission to do so from Westlock County. This permission shall be in writing and signed by an Official of Westlock County.
8. No person shall remove from a highway, any gravel, asphalt, pavement or other material used to surface a roadway.
9. No person shall cause or do any act which causes grass, hay or stray clippings and/or stalks to be deposited on the portion of a highway normally used for vehicular traffic.
 - (1) No person shall deposit or dispose of rocks or brush or roots or twigs or branches in a ditch or on any portion of a highway without permission to do so from the Westlock County.
 - (2) The landowner adjacent to, and on the same side of the road on which rocks or brush or other debris is located, shall be responsible for removing the rocks, brush or debris.
10. (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 Westlock County.
 - (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.
11. No person shall construct an access onto or within a highway right-of-way or road allowance without approval from the Council or an official of Westlock County.
12. An Officer 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:
 - (1) 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 Officer, rendered inoffensive.
 - (2) Order the vehicle to be removed from a highway.
 - (3) Detour any vehicle or vehicle and cargo or equipment or machine.
 - (4) Order a person to cease any act which commits an offense against this part.
13. No person shall tamper with any Traffic Control Device;

PART II

WEIGHT CONTROL ON HIGHWAYS AND BRIDGES

1. (1) The Council hereby authorizes the Municipal Administrator to set out in Orders from time to time:
 - (i) Highway locations, with the percentage axle weight allowed on those highways, and
 - (ii) 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.
2. An Order, under Section (1), shall be on a form, as prescribed by Schedule "H", Form "A" or "B" of this By-Law.
3. An overload or over-dimensional approval may be granted by the Municipal Administrator or a By-Law Officer, or Peace Officer in conjunction with the respective Provincial Permit, at his discretion, and subject to such conditions as may be deemed necessary. Any such approval shall be in the form prescribed by Schedule "J", attached hereto.
4. Any person who contravenes the provisions of this part is guilty of an offense punishable as per schedule K of this Bylaw, or by summary conviction.

PART III

RATES OF SPEED

1. For the purpose of this Part, the Council hereby delegates authority for the fixing of maximum rates of vehicle speed to the Municipal Administrator who shall, from time to time, set out on a form, as prescribed by Schedule "D", maximum rates of vehicle speed which shall have full force and effect in the zones or areas and highways described in the said Schedule.
2. 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 eighty kilometers per hour (80 km/hr).
3. (1) Except as otherwise provided, no person shall operate a vehicle on a highway at a greater rate of speed than fifty kilometers per hour (50 km/hr) in any residential subdivision of Westlock County.

(2) No person shall operate a vehicle on a highway at a greater rate of speed than twenty-five kilometers per hour (25 km/hr) in an alley or public reserve of any residential subdivision of Westlock County.
4. No person shall operate a vehicle on a highway at a greater rate of speed than twenty-five kilometers per hour (25 km/hr) in a park or campsite operated, managed or controlled by or for Westlock County.
5. This Part and provisions of Schedule "D" shall be deemed to be in force when traffic control devices have been placed at the direction and discretion of the Municipal Administrator or his delegate, notifying drivers of rates of speed.
6. The Superintendent of the Public Works Department 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 travelling upon that part of the highway.

7. Where speed limits are fixed pursuant to Section 6, the Superintendent of the Public Works Department shall cause to be erected along the highway, signs indicating the speed limit so prescribed.
8. Any person violating the maximum rate of speed at which a person may operate a vehicle upon highways under the direction, management and control of Westlock County, as prescribed by this 'By-Law, shall be guilty of an offense and liable, on conviction, to a fine as prescribed by Schedule K of this By-law, or by summary conviction pursuant to authority granted to the Municipality made under Section 44 of the *Provincial Offences Procedure Act* Chapter P-34, RSA 2000 and the Criminal Code of Canada.

PART IV

STOP AND YIELD

1. For the purpose of this Part, the Council hereby delegates authority for the designation and fixing of "stop" signs to the Municipal Administrator, who shall, from time to time, set out on a form, as prescribed by Schedule "E", locations where operators are required to stop vehicles before proceeding into any highway.
2. (1) 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 intersection roadway and at a point no further than three meters (3 m) from the intersecting roadway.

(2) A person who contravenes Sub-Section (1) is guilty of an offense punishable as per Schedule K of this Bylaw, or by summary conviction.
3. The Council hereby delegates authority for the designation and fixing of "yield" signs to the Municipal Administrator who shall, from time to time, set out on a form, as prescribed by Schedule "F", locations where operators are required to yield right-of-way to other traffic on any highway.

(1) 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.

(2) A person who contravenes Sub-Section (2) is guilty of an offense punishable as per Schedule K of this Bylaw, or by summary conviction.
4. This Part shall be deemed to be in force when the said traffic control devices mentioned in Section 1 and 3 have been erected at the locations designated by the Municipal Administrator or his delegate.

PART V

PARKING

1. For the purposes of this Part, the Council hereby delegates authority for the designation and fixing of "no parking" signs to the Municipal Administrator who shall, from time to time, set out on a form, as prescribed by Schedule "G", locations, areas and times where operators shall not park vehicles.

2. (1) 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:
 - (i) Unless a clear and unobstructed width opposite the vehicle is left for free passage of other vehicles thereon, and
 - (ii) Unless a clear view of the parked vehicle may be obtained for a distance of sixty (60) meters along the highway in both directions.
 - (iii) No person shall park a vehicle left of center facing oncoming lanes of traffic.
- (2) No person shall park a vehicle in any place or area marked by "no parking" signs erected by authority of this Part.
- (3) Any person who contravenes this Section is guilty of an offense punishable as per Schedule K of this Bylaw, or by summary conviction.
3. (1) Unless required or permitted by this By-Law, or by traffic control device, or in compliance with the direction of an Officer, or to avoid conflict with other traffic, no person shall stop or park any vehicle:
 - (i) On a sidewalk or boulevard, in a residential subdivision.
 - (ii) On a crosswalk or on any part of a crosswalk.
 - (iii) Within an intersection.
 - (iv) At an intersection nearer than 4.5 meters to the projection of the corner property line immediately ahead or immediately to the rear within a residential subdivision.
 - (v) Within 1.5 meters of an access to a garage, private road or driveway.
 - (vi) 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.
 - (vii) On any bridge or in any underpass or the approaches thereto.
 - (viii) Within 5m of a fire hydrant (functional or not);
- (2) Any person who contravenes this Section commits an offense, punishable as per Schedule K of this Bylaw, or by summary conviction.
4. (1) Nothing in this Part shall be construed to prohibit fire-fighting vehicles or equipment, police vehicles, ambulances, or any other emergency vehicles as defined by this bylaw engaged in highway repair or 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 a public utility, or for similar purposes.
- (2) Nothing in this Part shall be construed to prohibit the driver of a school bus from parking a school bus on a highway for the purpose of loading or unloading passengers if he cannot park off the highway and still have a suitable space available on the ground for the passengers being loaded or unloaded.
5. (1) An officer may cause to be removed, in a reasonable way, any vehicle found in contravention of this part, or which obstructs traffic.
- (2) A vehicle removed by authority of Sub-Section (1) may be held, stored or kept in any place deemed suitable or expedient by an Officer at the cost of the owner or person in charge of the vehicle.

PART VI

GENERAL TRAFFIC CONTROL

1. The Council hereby delegates authority for the designation and fixing of any “regulatory” traffic control device to the Municipal Administrator.
2. The Council hereby delegates authority for the designation and fixing of any “warning sign” or “information sign” to the Municipal Administrator or his delegate.
3. (1) The Municipal Administrator, an Officer and the Superintendent of the Public Works Department are each of them authorized to sign, close, barricade or otherwise prevent vehicle passage 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 sub-section (1) shall remain erected and in place until an Officer or the Superintendent of the Public Works Department, or his delegate, is satisfied the road or bridge is no longer unsafe.

PART VII

PIPELINE/UTILITY LINE CONSTRUCTION

1. (1) No person shall install a pipeline or utility line on, across, over, under, within, or adjacent to any highway without the approval of Council or an official.

(2) No person shall install a pipeline or utility line on lands under the control and management of Westlock County without obtaining approval from Council or an official.

(3) An application for approval to construct a pipeline shall:
 - (i) Be in writing and accompanied by a plan showing the proposed route of the pipeline.
 - (ii) Be accompanied by a specification sheet showing:
 - Material to be transmitted
 - Pipe specifications
 - Outside diameter of pipe
 - Maximum operating pressure
 - Protective coating
 - Cathodic protection
 - Tracer wire
 - Minimum earth cover
2. Upon receipt of an application for approval to construct a pipeline, the Council or an official may:
 - (1) Issue approval to construct, as proposed.
 - (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.
3. All pipelines shall be installed in accordance with Regulations under the Pipeline Act, the Rural Gas Act, the Energy Resources Conservation Board, the Canadian Standard Association and as herein described.

- (1) Where a pipeline is to be placed parallel to a highway, it shall not, at any point, be nearer than thirty (30) meters of the boundary of such highway, unless otherwise approved by Council or an official of Westlock County.
- (2) Where a pipeline is to be placed across the highway:
 - (i) It shall be located so as to be at or near right angles (Ninety (90) degrees) to the highway unless otherwise approved by Council or an official of Westlock County.
 - (ii) It shall be placed at the depth of not less than 1.4 meters below the lowest portion of the ditch, or at a depth of not less than 2.3 meters below the centre line of a graded portion of the highway, whichever provides the greatest earth cover and such depth shall be maintained throughout the entire width of the highway right-of-way without any mechanical joints or horizontal or vertical bends therein, unless otherwise approved by Council or an official of Westlock County.
 - (iii) It shall be constructed in such a manner so as not to disturb the road grade (shoulders and travel portion) unless otherwise approved by Council or an official of Westlock County.
4. A Road Disturbance/Crossing Agreement either in the form of Schedule "A" or such other form as may be approved by Westlock County, from time to time, shall be completed before any excavation or ground disturbance takes place.
5. Where a pipeline carrying natural gas for rural distribution is to be placed across an unimproved highway right-of-way, it may be placed at a depth of not less than eighty (80) centimeters, however, the pipeline owner shall assume full liability for the lowering of the pipeline, in accordance with applicable standards, in the event of and whenever sewage and highway improvements require the lowering of such pipeline.
6. Where a pipeline carrying natural gas for rural distribution is to be placed across a secondary highway it shall be constructed of steel or polyethylene series 160, either of which shall be encased in steel or materials of equivalent strength.
7. Where a pipeline carrying natural gas for rural distribution is to be placed across a highway, other than a Secondary Highway, it shall be constructed of steel, polyethylene series 160 or material of equivalent strength, or as otherwise approved prior to the placing of such pipeline.
8. Where a pipeline carrying natural gas for rural distribution is to be placed across an unimproved highway right-of-way, it may be constructed of such materials as used in the placing of this pipeline on private lands, however, the owner of such pipeline shall assume full liability for the up-grading of such pipeline in accordance with the applicable standards, in the event of, and whenever future highway improvements require such up-grading.
9. All disturbed areas, pipeline rights-of-way and highway rights-of-way shall be restored to and henceforth maintained in their original condition, or to the satisfaction of Westlock County.
10. Where a pipeline crosses a highway, road, railway or water course, the pipeline owner shall, within sixty (60) days of the pipeline becoming operational, erect and maintain a pipeline warning sign at each end of the crossing, in accordance with the Pipeline Regulations R19, Section 31.
11. All pipelines in Westlock County, except at highway crossings, will be buried a minimum of 0.8 m. below ground level, except gas lines carrying a pressure of 700 KPA (100 PSI) or over, which shall be buried 1.2 m. below ground level.

12. Upon completion of a crossing, a Utility Officer for Westlock County may require a completion statement in the form of Schedule "C".
13. A person who contravenes the provisions of this Part is guilty of an offense, punishable as per Schedule K of this Bylaw, or by summary conviction.

PART VIII

AGREEMENTS AND PERMITS

1. A person who fails to comply with the conditions of:
 - A Road Use Agreement
 - A Road Disturbance and/or Crossing Agreementissued pursuant to this By-Law is guilty of an offense.
2. Nothing in this By-Law shall obligate the officials or the Council to issue any permit or approval, or sign or enter into any said Agreement(s).

PART IX

PROCEDURE & PROSECUTION

1. For the purposes of procedure and prosecution under this By-Law, the Council adopts the provisions of Part XXIV of the Criminal Code, respecting summary conviction, the Canada Interpretation Act, the Alberta Interpretation Act, and the Municipal Government Act of the Revised Statutes of Alberta, and amendments thereto, also the Provincial Offenses Procedures Act.
2. The conviction of a person under the provisions of this By-Law 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 By-Law, or conditions, orders or permits issued in accordance with this By-Law.
3. In a prosecution for contravening this By-Law, 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.
4. A certificate purporting to be signed by the Municipal Administrator stipulating any particular relative to this By-Law shall be admitted in evidence as prima facie proof of the facts stated in the certificate or document, without proof of the signature or authority of the person signing the certificate.
5. The owner of a vehicle is liable for any contravention of this By-Law, 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.
6. While enforcing the provisions of this By-Law, an Officer may do any reasonable thing relevant to stopping vehicles, determining identify of drivers, offenders or suspects, including driving at rates of speed exceeding limits prescribed by this By-Law in order to overtake drivers and/or vehicles.
7. Unless prohibited by Provincial Statute, an Officer or Peace Officer may use any insignia, device or piece of equipment which is reasonably necessary for carrying out duties imposed by this By-Law.

8. (1) All schedules, Regulations and Acts of the Municipal Administrator or any other official authorized by this By-Law to act shall be deemed to have been made by By-Law and all such Schedules, Regulations and Acts shall be construed as part of this By-Law.
- (2) For the intents and purposes of this By-Law, respecting the duties and powers of the Municipal Administrator, it shall be deemed sufficient for that official to amend or rescind any Schedule, Regulation or Order authorized by him by handwritten notation which shall bear his initials and the date of the amendment or revocation.
9. It shall be sufficient, for the purpose of this By-Law, if signs required by this By-Law and its Schedules are posted in the following forms and terms:
 - (1) The speed limitation imposed by Part III may be expressed as “Maximum” or “Maximum Speed, preceding the numerals of the speeds specified and may be followed by the term “km/hr”.
 - (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 may be 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 may be expressed as “No Parking”, “No Parking This Side”, “No Parking Between Signs” followed in combination or dimensional design.

PART X

PENALTIES

A person who contravenes any portion of this By-Law is guilty of an offense, punishable as per Schedule K of this Bylaw or up to \$2,500.00 on summary conviction.

PART XI

GENERAL PROVISIONS AND EXEMPTIONS

1. **Authority of the Fire Chief:**
 - (i) In addition to acting in accordance with the authority held by his or her office, the Fire Chief may prescribe all Emergency Access Routes.
 - (ii) Unless otherwise restricted by Provincial Legislation, the Fire Chief may delegate his or her authority under this Bylaw to another individual as he or she deems fit.
2. **Powers of Peace Officer:**
 - a) A Peace Officer:
 - i) Is hereby empowered with the authority and charged with the duty of enforcing the provisions of this Bylaw and may at the Peace Officers discretion issue an Municipal Tag or under authority of the Provincial Offenses Procedure Act issue a Violation Ticket.

- b) A Peace Officer may cause any vehicle to be removed and taken to and stored in a suitable place when the vehicle
- (i) is abandoned under the Traffic Safety Act;
 - ii) is left unattended on a highway in a manner
 - that obstructs the normal movement of traffic
 - is likely to be stolen or tampered with
 - is parked in such a way that it is hazardous to life, limb or property, or interferes with the repair and/or maintenance of highways
 - (iii) is parked on a highway in a manner that prevents access by firefighting equipment to a fire hydrant;
 - (iv) is not displaying a subsisting license plate or a permit;
 - (v) is parked on private property without the consent of the owner of the property or on a highway in a manner that obstructs any private driveway;
- c) The registered owner of a moved vehicle shall be required to pay, in addition to any fine, all towing and storage fees before his vehicle is released.

This Bylaw comes into force upon final passing and proper signature thereof.

Bylaw No. 19-1997 is hereby rescinded.

READ A FIRST TIME this Twenty-fourth (24th) day of April, A.D 2012.


READ A SECOND TIME this Twenty-fourth (24th) day of April, A.D 2012.
and by unanimous vote and unanimous consent of Councillors present

READ A THIRD AND FINAL TIME this Twenty-fourth (24th) day of April, A.D 2012.

Apr 24.2012
Date


Reeve

Apr 24.2012
Date


Administrator

SCHEDULE 'A'

WESTLOCK COUNTY

ROAD DISTURBANCE AND/OR CROSSING AGREEMENT

MEMORANDUM OF AGREEMENT

Made this _____ day of _____ A.D.

at _____ in the Province of Alberta between:

WESTLOCK COUNTY

(Of The First Part)

AND

(Of The Second Part)

WHEREAS the party of the second part desires to excavate or otherwise disturb a certain highway, including the road allowance thereof, within the jurisdiction of the party of the first part, namely:

for the purpose of:

hereinafter referred to as the project.

AND WHEREAS the party of the first part has agreed to such excavation/disturbance in consideration of and upon and subject to the terms and conditions hereinafter set forth.

NOW THEREFORE, THIS INDENTURE WITNESSETH:

1. The party of the second part covenants and agrees to pay for or otherwise discharge any and all damages caused to the said highway(s) during and resulting from such excavations and any expenses or out-of-pocket disbursements which may be incurred by the party of the first part in connection therewith whether they be for inspection, supervision or howsoever, and shall indemnify and save harmless the party of the first part therefrom.
2. That the party of the second part agrees to excavate in such a manner so as to cause the least inconvenience to the travelling public, maintain a reasonable degree of safety for the public, and erect suitable and ample warning signs and devices, including detour signs, when necessary.
3. That the party of the second part agrees, when approval has been given for open cut trenching, to replace the backfill in tamped layers of suitable material and spread a minimum of six (6) yards of crushed gravel over the disturbed graded portion of the road. Irrespective of the foregoing, the party of the second part agrees to restore the disturbed area to its original condition and to the satisfaction of the party of the first part.

SCHEDULE A / PAGE 2

4. The party of the second part acknowledges and agrees that the party of the first part shall not be responsible for any loss, damage or theft relative to the project, even if the same occurs in consequence of Public Works or other activities of the party of the first part.

The party of the second part also hereby indemnifies and saves harmless the party of the first part from any and all losses, costs, liabilities, damages and expenses (including any and all liabilities to third parties, whether in contract, tort or otherwise) which may arise for any reason of any action or inaction on the part of the party of the second part by reason of the said road disturbance and/or crossing. Such indemnification to survive this Agreement.

5. The said excavation or disturbance of the highway shall cease and determine on the _____ day of _____ A.D. 20_____ and thereafter no such excavations or disturbances shall be carried out save such as may be authorized under a new and further Agreement between the parties.

6. This Agreement shall be deemed to continue until the terms and conditions herein are completed to the satisfaction of the party of the first part, or its officers or agents.

IN WITNESS WHEREOF the parties hereto have hereunto caused their respective signatures to be affixed through their respective agents in that regard.

For Westlock County

Duly Authorized Representative or Signing Officer
for the Party of the Second Part

SCHEDULE "B"
ROAD USE AGREEMENT

MEMORANDUM OF AGREEMENT

Made this _____ day of _____ A.D. _____
at

_____, Province of Alberta, between:

WESTLOCK COUNTY
(Of The First Part)

AND

(Of The Second Part)

WHEREAS the party of the second part desires to transport loads of:

over certain highway(s) within the jurisdiction of the party of the first part; namely those highways detailed and marked in Exhibit "A", annexed hereto.

AND WHEREAS the party of the first part deems the said transportation to be an extraordinary use, likely to imperil the aforementioned highway(s) or cause persons living on or near the said highway(s) to be annoyed by dust, or whatever, arising from the said transportation.

AND WHEREAS the party of the first part has agreed to such transportation by the party of the second part in consideration of and upon and subject to the terms and conditions hereinafter set forth.

NOW THEREFORE this Indenture Witnesseth:

1. That the party of the second part may transport loads of the said materials, at axle weights not inconsistent with the weights specified in the carrying vehicle's certificate of registration, and the provisions of the Motor Transport Act Regulations and Schedules thereto.
2. In consideration of the permission hereby granted to it by the party of the first part, the party of the second part covenants and agrees to pay for and discharge any and all damages which may result to highway(s) or other property on road allowances during such transportation, and any expenses or out-of-pocket disbursements which may be incurred by the party of the first part in connection therewith whether they be for inspection, supervision or howsoever, and shall indemnify and save harmless the party of the first part therefrom.

The party of the second part also hereby indemnifies and saves harmless the party of the first part from any and all losses, costs, liabilities, damages and expenses

(including any and all liabilities to third parties, whether in contract, tort or otherwise) which may arise for any reason of any action or inaction on the said road disturbance and/or crossing. Such indemnification to survive this Agreement.

SCHEDULE 'B' (Page 2)

3. The party of the second part covenants and agrees to:

- (1) Maintain the said highway(s) in good repair at all times during the term of this Agreement.
- (2) Pay for the resurfacing or re-gravelling, as the case may be, of the said highway(s) when and if such is required and deemed necessary by the party of the first part or its officers or agents.
- (3) Cause dust suppression treatment to be consistently and adequately applied to the said highway(s) so as to prevent annoyance to persons living near the said highway(s).
- (4) Operate and transport on the route(s) marked out and specified in Exhibit "A", annexed hereto, and no other.
- (5) Erect suitable signs and devices conducive to the safe use of the said highway(s) at such places and in such numbers as the party of the first part, its officers or agents may, from time to time, require or direct.

4. **Bridges:**

Respecting Provincial Bridge No.

With respect to the public bridge(s) in the _____ Quarter of Section _____

Township _____ Range _____, West of the _____ Meridian, the

party of the second part herewith acknowledges that:

- (1) No loads in excess of _____ total gross tonnes shall be transported over the said bridge at any time.
- (2) No transportation operated by or for the party of the second part shall be driven on or over the said bridge at a greater rate of speed than _____ kilometers per hour.
- (3) During the term of this Agreement and respecting transportation operated by or for the party of the second part, no more than one vehicle for or on behalf of the party of the second part shall occupy the said bridge at one time.

5. The party of the second part further acknowledges herewith that:

- (1) Any deviation from the terms and conditions of this Agreement on its part shall be good and sufficient cause for the party of the first part to dissolve the said Agreement.
- (2) This Agreement and its term is varied and inoperative if and when Westlock County Council or the Highway Protection Committee imposes a general vehicular weight restriction, known as a Road Ban, under the provisions of the Motor Transport Act.

6. This Agreement shall cease and determine on the _____ day of _____ A.D. 20_____.

And thereafter no such loads shall be transported, save such as may be authorized under a new and further Agreement between the parties.

SCHEDULE B / PAGE 3

IN WITNESS WHEREOF the parties hereto have hereunto caused their respective signatures to be affixed, through their respective agents in that regard.

Westlock County

Duly Authorized Representative or Signing Officer
for the Party of the Second Part

SCHEDULE "C"

WESTLOCK COUNTY

COMPLETION STATEMENT

Road _____
Primary Highway _____
Railway _____
Secondary Highway _____
Tap _____

Date _____

N.W. N.E. Subdivision or Summer Village

S.W. S.E. Land Location: From: _____
To: _____

NOTE: Mark Crossing Location on Section Shown

OPEN CUT BORE OPEN CUT
ROAD ALLOWANCE

Total Feet Open Cut _____ Total Feet Bored _____ R/W Width _____

Material List:

Carrier Pipe: Size, Type, W.T. _____ Footage Inst. _____

Casing Pipe: Size, Type, W.T. _____ Footage Inst. _____

Anode Installed (yes, no) _____ Which Side of Road _____

Cable Crossed (yes, no) _____ Which Side of Road _____

Fittings Used (Specify Type & Quantity)

Remarks (State any abnormal conditions - use back, if required)

Contractor or Representative

Pipeline Owner

SCHEDULE "D"

RATES OF SPEED

PURSUANT to the authority conferred by Part III, Section 1. of this By-Law, and deeming it expedient, in the interest of public safety, I hereby designate the following maximum speed limits for vehicles operated on the following indicated areas and highways of Westlock County, all "registered plans" being those of record in the office of the North Alberta Land Registration District or of any future subdivision of any of the plans following:

LOCATION AND LEGAL DESCRIPTION

GIVEN UNDER MY HAND this _____ day of _____

A.D. 20_____, at Westlock, Alberta

Administrator

SCHEDULE "E"

STOP SIGNS

PURSUANT to the authority conferred by Part IV, Section 2 of this By-Law, and deeming it expedient, in the interest of public safety, I hereby designate the following as places where operators are required to stop vehicles before proceeding into any other Westlock County highway.

PLACE

LEGAL DESCRIPTION

GIVEN UNDER MY HAND this _____ day of _____

A.D. 20 _____ at Westlock, Alberta

Administrator

SCHEDULE "F"

YIELD SIGNS

PURSUANT to the authority conferred by Part IV, Section 3 of this By-Law, and deeming it expedient in the interest of public safety, I hereby designate the following places where operators are required to yield right of way to other traffic on highways of Westlock County.

PLACE

LEGAL DESCRIPTION

GIVEN UNDER MY HAND this _____ day of _____

A..D. 20 _____ at Westlock, Alberta.

Administrator

SCHEDULE "G"

PARKING RESTRICTIONS

PURSUANT to the authority conferred by Part V, Section 1. of this By-Law and deeming it expedient in the interest of safe and efficient traffic control, I hereby designate the following places as areas where operators shall not park vehicles on highways in Westlock County.

PLACE

LEGAL DESCRIPTION

GIVEN UNDER MY HAND this _____ day of _____

A.D. 20_____ at Westlock, Alberta.

Administrator

SCHEDULE "H"

FORM "A"

BRIDGES

**ORDER NO. _____ DEFINING MAXIMUM ALLOWABLE
WEIGHTS PERMITTED ON CERTAIN WESTLOCK COUNTY
HIGHWAYS**

PURSUANT to the authority granted under the provisions of By-Law No. 03-1995,
the Municipal Administrator orders that effective

maximum allowable weights for bridges are:

BRIDGE WEIGHT FILE NO.	LAND LOCATION	MAXIMUM TRUCK VEHICLE COMBINATION	GROSS VEHICLE
---------------------------------------	--------------------------	--	--------------------------

THIS ORDER rescinds Order No. _____ and shall remain in effect
until further notice.

DATED at the Town of Westlock in the Province of Alberta this _____ day
of _____ A.D. 20_____.

Administrator

SCHEDULE "H"

FORM "B"

HIGHWAYS

ORDER BY THE MUNICIPAL ADMINISTRATOR

WESTLOCK COUNTY

PROVINCE OF ALBERTA

**ORDER NO. _____ DEFINING MAXIMUM ALLOWABLE
WEIGHTS PERMITTED ON CERTAIN WESTLOCK COUNTY
HIGHWAYS**

PURSUANT to the authority granted under the provisions of By-Law No. 19-1997,
the _____ Municipal Administrator orders that
effective _____
percentage axle weight allowances for vehicles operated on roads and highways
being under the jurisdiction of Westlock County, Province of Alberta, but excluding
the highways mentioned in Order No. _____
are as follows:

THIS ORDER rescinds Order No. _____ and shall remain in effect
until further notice.

DATED at the Town of Westlock, in the Province of Alberta this _____ day
of _____ A.D. 20_____.

Administrator

SCHEDULE "I"

DECLARATION OF AUTHORITY

By and with the authority of the Road Protection and Traffic Control By-Law:

I, _____, Municipal Administrator, hereby authorize

_____, an employee of the Westlock County,
to act on behalf of Westlock County pursuant to Section(s)

_____ of this By-Law, subject to the direction,
supervision and authority of the Municipal Administrator, a By-law Officer, or a
Utilities Officer.

This authorization shall remain in effect until revoked by the Municipal
Administrator

or upon termination of employment of the aforementioned employee.

SIGNED AND DATED this _____ day of

A.D. 20 _____ at the Town of Westlock in the Province of Alberta.

Administrator

SCHEDULE "J"
OVERLOAD/OVER-DIMENSION APPROVAL

Date _____ 20 _____ Time _____ A.M.
P.M.

Issued _____ To: _____

Address: _____

Telephone: _____

Caller's Name: _____

Cargo: _____ Loads Of: _____

Total Weight: _____

Dimensions: _____

From: _____

To: _____

Routes/Special Instructions:

Provincial Number: _____

Westlock County Number: _____

Approving Officer

SCHEDULE K
PENALTIES

Offense	Section	Specified Penalty	Early Payment Reduction
PART I / PROTECTION OF HIGHWAYS AND SIGNS			
Cause damage to Hwy, culvert or ditch	1	\$287.00	N/A/
Excavate or destruct Hwy / road allowance	2(a)	\$287.00	N/A
Create excessive dust by transport	2(b)	\$115.00	\$95.00
Deposit rubbish on highway or public place	4	\$115.00	\$95.00
No permit to move vehicle without rubber tires on Hwy	6	\$172.00	N/A/
Damage a sideslope without permit	7	\$172.00	N/A
Remove gravel or other road surface materials	8	\$500.00	N/A/
Deposit materials onto hwy / roadway	9	\$115.00	\$95.00
Allow / deposit oil or chemical onto roadway	10(1)	\$500.00	N/A
Allow / deposit hazardous object onto hwy / roadway	10(2)	\$500.00	N/A
Construct access without approval	11	\$287.00	N/A
Tamper with Traffic Control Device	14	\$172.00	N/A
PART II / OVERDIMENSION and OVERWEIGHT VEHICLES			
No Overload Permit	3	\$345.00	N/A
No Over dimension permit	3	\$345.00	N/A
Exceed axle weight tolerance allowed	4	\$25.00 / 100kg < 5,000kg. \$35.00 / 100kg > 5,000 kg	N/A
PART III / RATES OF SPEED			
Penalties as per Section Queens Printers Specified Penalty Listing.			
PART IV / STOP AND YIELD			
Fail to stop at stop sign	2(1)	\$287.00	N/A
Fail to yield right of way	3(1)	\$172.00	N/A
PART V / PARKING			

Park obstructing Highway / roadway	2(1)	\$60.00	\$40.00
Park vehicle without clear visibility	2(2)	\$60.00	\$40.00
Park left of Center	2(3)	\$60.00	\$40.00
Stop / park on sidewalk / boulevard	3(1)(i)	\$60.00	\$40.00
Stop / park on crosswalk	3(1)(ii)	\$60.00	\$40.00
Stop / park in an intersection	3(1)(iii)	\$60.00	\$40.00
Stop / park within 4.5m of property line	3(1)(iv)	\$60.00	\$40.00
Stop / park within 1.5m of roadway, garage, driveway	3(1)(v)	\$60.00	\$40.00
Stop / park obstructing public works	3(1)(vi)	\$60.00	\$40.00
Stop / park on overpass	3(1)(vii)	\$60.00	\$40.00
Stop / park within 5m of fire hydrant	3(1)(viii)	\$175.00	N/A
PART VII / PIPELINES AND UTILITIES			
Install utility / pipeline without permit	1(1)	\$230.00	N/A
PART VIII / AGREEMENT AND PERMITS			
Fail to comply with conditions of road use agreement	1	\$345.00	N/A