

BYLAW 39/2021

BEING A BYLAW OF FOOTHILLS COUNTY, IN THE PROVINCE OF ALBERTA, TO RESTRICT THE USE OF DESIGNATED PORTIONS OF CERTAIN HIGHWAYS UNDER THE DIRECTION, CONTROL AND MANAGEMENT OF FOOTHILLS COUNTY BY TRUCK TRAFFIC.

WHEREAS: Pursuant to the provisions of the Municipal Government Act, Statutes of Alberta, RSA 2000, C. M-26 and amendments thereto, Council may pass a Bylaw for the purpose of regulating or prohibiting any activity;

WHEREAS: The Traffic Safety Act, RSA 2000, c. T-6 provides that Council may make bylaws with respect to a highway under its direction, control and management;

WHEREAS: Council deems it necessary to regulate truck traffic on certain highways under the direction, control and management of Foothills County;

WHEREAS: Council deems it necessary to replace the existing No Truck Route Bylaw Number 10/2019

NOW THEREFORE, THE COUNCIL OF FOOTHILLS COUNTY, IN THE PROVINCE OF ALBERTA, DULY ASSEMBLED, ENACTS AS FOLLOWS:

TITLE

1. This Bylaw may be cited as the "No Truck Route" Bylaw.

DEFINITIONS

2. In this Bylaw, the following words shall have the meanings given herein. When not inconsistent with the context, words used in the present tense include the past and future; words in the plural, include the singular; words in the singular include the plural; words in the masculine gender, include feminine and neuter genders; words in the feminine and neuter genders include the masculine gender. The word "shall" is always mandatory and not merely directory.
 - (a) "Chief Administrative Officer" means the person designated as the Chief Administrative Officer for the municipality;
 - (b) "Council" means the Council of Foothills County;
 - (c) "Emergency Vehicle" includes: any fire apparatus, ambulance, any vehicle operated by a police officer or peace officer, a public utility vehicle including but not limited to gas companies and power companies;
 - (d) "Highway" has the meaning as defined in the *Traffic Safety Act*;
 - (e) "Municipal Government Act" means the *Municipal Government Act*, RSA 2000, C. M-26 as amended or replaced from time to time;
 - (f) "Municipality" means the municipal corporation of Foothills County in the Province of Alberta, or the area within the geographical boundary thereof, as the context so requires;
 - (g) "Obstruction" means any person who interferes with a peace officer in any manner that impairs a lawful investigation being conducted by the peace officer;
 - (h) "Peace Officer" means a person engaged by the municipality as a Community Peace Officer, a Bylaw Enforcement Officer or a member of the Royal Canadian Mounted Police, to carry out the provisions of this Bylaw;

- (i) "Person" means any individual or any business entity including a firm, partnership, association, corporation, company or society;
- (j) "Provincial Offences Procedures Act" means the *Provincial Offences Procedures Act*, RSA 2000, C. P-34 and Regulations thereof, as amended or replaced from time to time;
- (k) "Traffic Control Device" means any temporary or permanent sign, signal, marking or device placed, marked or erected under the authority of this Bylaw for the purpose of regulating, warning or guiding traffic;
- (l) "Traffic Safety Act" means the *Traffic Safety Act*, RSA 2000, C. T-6 and Regulations thereof, as amended or replaced from time to time;
- (m) "Truck" means a motor vehicle designed and intended for the transport of goods and carrying of loads, whether or not combined with a trailer, but does not include a half ton, three quarter (3/4) ton or one (1) ton pickup truck;
- (n) "Violation Ticket" means a ticket issued pursuant to the Provincial Offences Procedures Act;

No Truck Routes

- 3. The highways, or portions of highways described and identified in Schedule 'A' are designed as routes upon which trucks, as described in Section 4, are prohibited to travel on.
- 4. No person shall operate a truck on a No Truck Route.
- 5. Notwithstanding subsection 4, this Bylaw does not apply to trucks and/or trailer combinations that:
 - (a) are travelling to or from a location only accessible via a No Truck Route as described in Schedule 'A', when actively picking up or delivering item(s) or performing work at such location;
 - (b) is owned, operated or under hire by the County for any purpose;
 - (c) are defined as an emergency vehicle under this Bylaw;
 - (d) are service vehicles performing work at a location including but not limited to septic trucks, vacuum trucks, water well drilling trucks and the like;
 - (e) are utilized for agricultural purposes;
 - (f) have been given approval from the municipality to otherwise utilize a No Truck Route.
 - (g) are using these routes as part of the provincial over dimensional load corridor.
- 6. The Chief Administrative Officer (CAO) shall cause Traffic Control Devices to be placed along the highway, as the CAO considers necessary, to notify persons using the highways noted in Schedule 'A' of the No Truck Route restrictions and shall cause to be kept a record of such locations and placements.

Obstruction

- 7. No person shall interfere with or obstruct a Peace Officer conducting an investigation or taking any action under the authority of this Bylaw.

General Penalty Provisions

8. Every person who contravenes any of the provisions of this Bylaw is guilty of an offence.
9. Any person who is convicted of an offence pursuant to this Bylaw is liable on summary conviction to a fine not exceeding ten thousand dollars (\$10,000.00) and in default of payment of any fine imposed, to imprisonment for not more than one (1) year.

Violation Tickets and Penalties

10. Where a Peace Officer believes that a person has contravened any provision of this Bylaw, he may commence proceedings by issuing a violation ticket in accordance with the Provincial Offences Procedures Act.
11. The specified penalty payable in respect of a contravention of any provision of this Bylaw is the amount shown in Schedule 'B' of this Bylaw in respect of that provision.
12. The minimum penalty payable in respect of a contravention of any provision of this Bylaw is the amount shown in Schedule 'B' of this Bylaw in respect of that provision.
13. Notwithstanding subsection 11:
 - (a) where any person has been in contravention of the same provision of this Bylaw twice within one (1) twelve (12) month period, the specified penalty payable in respect of the second offence is double the amount shown in Schedule 'B' of this Bylaw in respect of that provision.
 - (b) where any person has been in contravention of the same provision of this Bylaw three (3) or more times within one (1) twelve (12) month period, the specified penalty payable in respect of the third or subsequent offence is triple the amount shown in Schedule 'B' of this Bylaw in respect of that provision.
14. Notwithstanding subsection 12:
 - (a) where any person has been in contravention of the same provision of this Bylaw twice within one (1) twelve (12) month period, the minimum penalty payable in respect of the second offence is double the amount shown in Schedule 'B' of this Bylaw in respect of that provision.
 - (b) where any person has been in contravention of the same provision of this Bylaw three (3) or more times within one (1) twelve (12) month period, the minimum penalty payable in respect of the third or subsequent offence is triple the amount shown in Schedule 'B' of this Bylaw in respect of that provision.

Mandatory Court or Information

15. No provisions of this Bylaw shall prevent any Peace Officer from issuing a violation ticket requiring the court appearance of the defendant, pursuant to the provisions of the Provincial Offences Procedures Act, or from laying an information instead of issuing a violation ticket.


Certified Copy of Records

16. A copy of a record of the municipality, certified by the person duly appointed as the Designated Officer for the same as a true copy of the original, shall be admissible evidence as prima facie proof of the facts stated in the record without proof of the appointment or signature of the person signing it.


General

17. Schedules 'A' and 'B' as attached, form a part of this Bylaw.
18. It is the intention of the Council of the municipality that each section of this Bylaw should be considered as being separate and severable from all other sections. Should any section or part be found invalid by a court of competent jurisdiction, it is intended that the invalid section or part shall be severable, and the remainder of the Bylaw will remain in effect.
19. It is the intention of the Council of the municipality that all offences created pursuant to this Bylaw be considered as being Strict Liability Offences.
20. This Bylaw shall come into full force and effect upon the date of the third and final reading and Bylaw #10/2019 is hereby repealed upon this Bylaw coming into effect.

FIRST READING: May 12, 2021

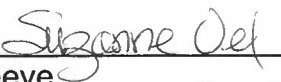


Reeve




CAO

SECOND READING: May 19, 2021




Reeve




CAO

THIRD READING: May 19, 2021



Reeve



CAO

PASSED IN OPEN COUNCIL assembled at the Town of High River in the Province of
Alberta this 19th day of May, 2021.

SCHEDULE 'A'

No Truck Route Locations:

1. 306 Avenue, between Highway 2A and Highway 2
2. 32 Street between Okotoks boundary and 306 Avenue

SCHEDULE 'B'

Specified Penalties

Section	Offence	Specified Penalty	Minimum Penalty
S. 4	Operate truck on no truck route	\$500.00	\$400.00
S. 7	Obstruct Peace Officer	\$1000.00	\$800.00



**NO TRUCK ROUTE
LOCAL DELIVERIES
EXEMPTED**