



VULCAN COUNTY

Vulcan - Alberta

BYLAW 2021-028

Being a bylaw of Vulcan County in the Province of Alberta for the purpose of establishing the protection of the County's infrastructure.

WHEREAS Section 7 of the *Municipal Government Act*, R.S.A. 2000, c. M-26.1, as amended, provides that a Council of a municipality may pass Bylaws regulating the control and management of highways, roads, lanes and road allowances within its boundaries and to impose fines, exclusive of costs for contravention of this bylaw.

AND WHEREAS the *Municipal Government Act*, R.S.A. 2000, Section 18(1) grants the Council of Vulcan County direction, control, and management of all roads within the County;

NOW THEREFORE the Council of Vulcan County, in the Province of Alberta, duly assembled enacts as follows:

1. This bylaw may be called the "Road Protection Bylaw".

2. Definitions

In this Bylaw:

- 2.1. "Bridge" shall mean a structure facilitating passage of streams or other traffic through a roadway.
- 2.2. "Chief Administrative Officer (CAO)" means the individual appointed as Vulcan County's Chief Administrative Officer in accordance with the MGA;
- 2.3. "Council" means the Council of Vulcan County
- 2.4. "County" means the municipal corporation of Vulcan County and the area within its jurisdictional boundaries, as the context requires;
- 2.5. "County Employee" shall mean any employee of the County, or any Contractor hired on behalf of the County to perform specific tasks.
- 2.6. "County Property" shall mean signs, culverts, bridges, cattle guards, property (land or buildings) owned or leased by Vulcan

- County, including, but not limited to, Environmental Reserves, Municipal Reserves, and Public Utility Lots or any other property belonging to the County.
- 2.7. "Culvert" shall mean a channel or drain of any type of construction designed to conduct water under, along, or across a Roadway.
- 2.8. "Damage" shall mean any act of physical harm caused to something in such a way as to impair its value, usefulness, or normal function.
- 2.9. "Director of Operations" shall mean the Director of Operations for Vulcan County, or an individual designated to perform the required duties of the Director.
- 2.10. "Disturbance" shall mean an interference with the normal arrangement or function of something.
- 2.11. "Roadway" shall mean any thoroughfare, street, road, trail, avenue, parkway, driveway, viaduct, lane, alley, square, Bridge, causeway, trestle way, or other place, or any part of any of them, whether publicly or privately owned, that the public is ordinarily entitled or permitted to use for the passage or parking of Vehicles, not including a place declared by regulation not to be a Roadway, but including:
- 2.11.1. a ditch, if the ditch lies adjacent to and parallel with the roadway; and,
- 2.11.2. all other lands contained within the Road Right of Way
- 2.12. "Material" shall mean earth, sand, gravel, grass, leaves, snow, ice, debris or other foreign materials.
- 2.13. "MGA" means the *Municipal Government Act*, R.S.A. 2000 c.M-26, as amended or replaced from time to time;
- 2.14. "Motor Vehicle" shall mean a Vehicle propelled by any power other than muscular power, or a moped, but shall not include a bicycle, a power bicycle, an aircraft, an implement of husbandry, or a Vehicle that runs only on rails.
- 2.15. "Non-Agricultural" shall mean equipment or vehicles which primary purpose is non-agricultural in nature including articulated trucks, cranes, dozers, excavators, sheepsfoot packers and scrapers.
- 2.16. "Obstruction" shall mean an act of deliberate hindrance to the normal or intended function of something.
- 2.17. "Officer" means Vulcan County's Director of Protective Services, a Vulcan County Development Officer, or a Vulcan County Community Peace Officer who is authorized to enforce Bylaws;
- 2.18. "Owner" means a person registered under the Land Titles Act, R.S.A. 2000, c.L-4 as being the Owner of Property; a Person who is recorded as the owner of Property on the County's assessment roll for the Property; a Person who has purchased and has yet to become the registered Owner of Property; a Person controlling Property under construction; and/or a Person who is the lawful Occupant of Property;

- 2.19. "Peace Officer" shall mean:
- 2.19.1. A Vulcan County Community Peace Officer who is authorize to enforce Bylaws;
 - 2.19.2. A member of the Royal Canadian Mounted Police;
 - 2.19.3. A conservation officer appointed under Section 1, Appendix 3.1 of the Government Organization Act, R.S.A. 2000, C. G-10.
 - 2.19.4. A wildlife office appointed under the Wildlife Act, R.S.A. 2000, C. W-10.
 - 2.19.5. A forest officer appointed under the Forest Act, R.S.A. 2000, C. G-10.
- 2.20. "Permit" shall mean the written authority of the Director of Operations to allow traffic movement at any time on the roads under the control of the County.
- 2.21. "Person" means any individual, firm, partnership, association, corporation, company, society or other legally constituted organization;
- 2.22. "Public Property" shall mean a place that is open to the public.
- 2.23. "Road Use Agreement (RUA)" shall mean an agreement between Vulcan County and one (1) or more individuals and/or organizations to allow for movement and traffic along Roadways within the County that would not normally be permitted under the provisions of this Bylaw.
- 2.24. "Subdivision" shall mean the division of a parcel of land by an instrument.
- 2.25. "Violation Ticket" means a ticket issued under Part 2 of the *Provincial Offences Procedures Act*;

3. General Prohibitions

- 3.1. No person shall cause to be removed, or permit another person to cause to be removed, from the surface of any Roadway, the gravel, paved, or oiled surface of that Roadway.
- 3.2. No person shall cause, or permit water used or intended to be used for Irrigation purposes to escape or be sprayed into or onto a Roadway.
- 3.3. No person shall stop or impede the flow of water through any ditch, drain, sewer or culvert on or through a Roadway resulting in damage to the Roadway.
- 3.4. No person shall construct or maintain a ditch or drain, the runoff from which causes damage, fouling or nuisance to any portion of a Roadway.
- 3.5. No person shall commit an act likely to cause damage to, or Obstruction of, a Roadway, Bridge, or Culvert.
- 3.6. No person shall cause, or permit another person to cause, Damage to, Disturbance of, or Obstruction of a County road allowance.

- 3.7. No person shall utilize a County road allowance for storage purposes, or erect a fence or gate on any part of a County road allowance, without first obtaining a Permit for such from the Director of Operations.
- 3.8. No person, other than a County Employee in execution of their duties, shall push or deposit snow, ice, waste or other foreign material into a ditch or onto a Roadway.
- 3.9. No person shall deposit, or cause to be deposited, any earth, sand, gravel, debris or other foreign material or waste upon any Roadway.
- 3.10. No person shall operate equipment or vehicle on a Roadway so as to track a substance onto that Roadway.
- 3.11. No person shall in any way damage or otherwise vandalize any County property on any Roadway or County Property.
- 3.12. No person has dispose, discard or deposit, or cause or permit to be disposed, discarded or deposited any litter, refuse, substance or thing of any kind into or onto a Roadway.
- 3.13. No person shall operate non-agricultural equipment or vehicles on any County Roadway
- 3.14. No person shall move, remove, alter, damage or interfere with a snow fence erected by the County.
- 3.15. Any person who does any act likely to cause Damage to, or Obstruction of, a Roadway, Bridge, Culvert, or Signage commits an offence and is liable on summary conviction to the penalty prescribed.
- 3.16. The provisions of this Bylaw may be waived where a person or organization obtains a Permit and enters into a Road Use Agreement (RUA) with the County before entering the Roadway.
- 3.17. No person shall operate a vehicle or combination of vehicle/equipment that has a gross vehicle weight over 11,794 kg that causes damage to County Roadways, that cannot be repaired through routine maintenance by the divisional grader.
 - 3.17.1. Repairs that require County maintenance crews to complete dig outs, haul in additional material over and above routine amount will be charged at a cost recovery to the person in violation
- 3.18. The County is authorized to charge a fee for the issuance of required permits, as per the Fees for Services Bylaw

4. Exclusions and Exemptions

- 4.1. The provisions of section 3 of this Bylaw shall not apply to the following situations or activities:
 - (a) County activities;

- (b) Any operation or activity operating under the approval of the County.
- (c) Emergency vehicles

5. Enforcement

5.1. An Officer for the purpose of this Bylaw may:

- (a) Investigate and/or enforce this Bylaw upon being notified or upon seeing an alleged infraction.
- (b) Enforce any part of this Bylaw, by written order, within the boundaries of the County by requiring the Owner or Person to remedy the infraction in such a manner as the County may direct, including any condition on their land or with their system, or damage to the County road caused by the contravention of this Bylaw; and
- (c) In the event, the County has to repair damages to the County's infrastructure or property due to a Person/Owner who violates any provision of this Bylaw, the repair costs for the damage will be charged to the Person/Owner, which costs if they remain unpaid 30 days from the issuance of a notice of costs, shall be added to and form part of the taxes on the lands, in accordance with Section 549 (1) (c) and 553 (1) (c) of the *Municipal Government Act*.

5.2. Where an Officer believes a Person has contravened any provision of this Bylaw, they may:

- (a) Issue a Violation Ticket.

6. Violation Tickets

6.1. A Person who contravenes any provision of this Bylaw is guilty of an offence and is liable, upon summary conviction, to a fine in an amount not less than established in this Bylaw. Without restricting the generality of this section, the following fine amounts are established for use on Violation Tickets if a voluntary payment option is offered:

- (a) The specified penalty for the offense as set out in Schedule "A";

6.2. An Officer is hereby authorized and empowered to issue a Violation Ticket to any Person whom the Officer has reasonable grounds to believe has contravened any provision of this Bylaw. A Violation Ticket issued with respect to a violation of this Bylaw shall be served upon the Person responsible for the contravention in accordance with the *Provincial Offences Procedure Act*. If a Violation Ticket is issued in respect to an offence, the Violation Ticket may specify the fine amount established by this Bylaw for

the offence, or require a Person to appear in court without the alternative of making a voluntary payment.

- 6.3. A Person who commits an offence may: if a Violation Ticket is issued in respect of the offense; and if the Violation Ticket specifies the fine amount establish by this Bylaw for the offence;
 - (a) Make a voluntary payment to a Clerk of the Provincial Court, on or before the initial appearance date indicated in the Violation Ticket, the specified penalty set out in the Violation Ticket.
- 6.4. Where a Clerk of the Provincial Court 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 constitutes acceptance of the guilty plea and also constitutes a conviction and the imposition of a fine in the amount of the specified penalty.
- 6.5. Nothing in this Bylaw shall be construed to limit or hinder the ability of the County to enforce this Bylaw by way of an order issued pursuant to Section 545 or 546 of the *Municipal Government Act*.

7. Severability

- 7.1. Every provision of this Bylaw is independent of all other provisions. If any provision of this Bylaw is declared invalid for any reason by a Court of competent jurisdiction, all other provisions of this Bylaw shall remain valid and enforceable.

8. Effective Date

- 8.1. This Bylaw comes into force when it has received third and final reading.

Received first reading this 14th day of July, 2021
[original signed]

Jason Schneider, Reeve
[original signed]

Nels Petersen, CAO

Received second reading this 14th day of July, 2021
[original signed]

Jason Schneider, Reeve
[original signed]

Nels Petersen, CAO

Presented for unanimous consent of Council to proceed to third reading

this 14th day of July, 2021
[original signed]

Jason Schneider, Reeve
[original signed]

Nels Petersen, CAO

Received third reading and finally passed this 14th day of July, 2021
[original signed]

Jason Schneider, Reeve
[original signed]

Nels Petersen, CAO

Schedule "A"
Specified Penalties

Section	Offense	First Offence	Second Offence	Third Offence
3.1	Cause to remove of the gravel, paved or oiled surface of a Roadway	\$250	\$500	\$750
3.2	Cause or permit water to escape from private land into a culvert, ditch or onto a Roadway	Warning	\$250	\$500
3.3	Impede flow of water through ditch, drain, sewer or culvert on or through a Roadway resulting in damage to the Roadway	\$250	\$500	\$750
3.4	Construct or maintain ditch or drain which the runoff causes damage, fouling, nuisance or damage to any portion of a Roadway	\$250	\$500	\$750
3.5	Does any act likely to cause damage to or obstruct a Roadway, bridge or culvert	Warning	\$250	\$500
3.6	Obstruct or cause damage to a County Road Allowance	\$250	\$500	\$750
3.8	Push or deposit material into the ditch of a Roadway	\$500	\$750	\$1000
3.9	Cause or permit to deposit foreign material on a Roadway	\$500	\$750	\$1000
3.11	Damage or otherwise vandalize any County Property on any Roadway or County Property	\$250 + Cost Recovery	\$500 + Cost Recovery	\$750 + Cost Recovery
3.12	Dispose, discard or deposit any litter, refuse, substance or thing of any kind into or onto a Roadway	\$500 + Cost Recovery	\$750 + Cost Recovery	\$1000 + Cost Recovery
3.13	Operate non-agricultural equipment on a Roadway	\$500	\$750	\$1000
3.14	Moving, damage or interfere with a snow fence erected by the County	\$250	\$500	\$750
5.1(c)	County repair of damaged infrastructure or County property	Cost Recovery		

Penalties for Subsequent Offences:

The penalty for subsequent offences shall be double the amount of the penalty for a third offence.