



**VULCAN COUNTY
BYLAW 2023-019**

Being a bylaw of Vulcan County in the Province of Alberta to promote road safety by requiring that motor vehicle loads be secured.

WHEREAS Section 7 of the *Municipal Government Act* provides that 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 WHEREAS Vulcan County Council wishes to ensure that all motor vehicles travelling on roadways in Vulcan County are properly secured to prevent debris from falling into the roadway and creating hazards for other drivers, pedestrians, and the environment.

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

1. This bylaw may be called the “**Load Securement Bylaw**”.

2. Definitions

- a) “**Motor Vehicle**” shall mean any vehicle, semi-tractor, trailer, or semi-trailer on any public roadway or property, including but not limited to cars, trucks, buses, motorcycles, RVs, and trailers.
- b) “**Officer**” means a Vulcan County Community Peace Officer or RCMP Officer;
- c) “**Operator**” means a person driving or in actual physical control of the motor vehicle.
- d) “**Owner**” means the person who owns a motor vehicle and includes any person renting a motor vehicle or having the exclusive use of a motor vehicle under a lease that has a term of more than 30 days or otherwise having the exclusive use of a motor vehicle for a period of more than 30 days, or if the context dictates, a duly registered land titleholder;

- e) **“Roadway”** any street, road, sidewalk, or bridge that the public is ordinarily entitled to or permitted to use.
- f) **“Tarp”** shall mean a covering or material used to protect a motor vehicle's load from falling off during transport. The tarps must be securely fastened and free from holes, tears, or other damage that may allow debris to escape.
- g) **“Violation Ticket”** means a ticket issued pursuant to either Part 2 of the *Provincial Offences Procedure Act*.

3. General Provisions

- a) No person shall operate a Motor Vehicle containing any load unless the load is:
 - i. Securely covered by a Tarp; or,
 - ii. Where more appropriate, secured with netting, straps, ropes, or other means, and loaded in such a manner as to prevent it from shifting or falling onto a Roadway or adjacent land.
- b) No person shall permit or cause any part of a Motor Vehicle load to spill or fall onto a Roadway.
- c) If any part of a Motor Vehicle load falls or spills onto a Roadway, the Operator of the Motor Vehicle shall remove the spilled material from the Roadway immediately upon discovering or being notified of the same.
- d) If an Operator fails to remove the spilled material from the Roadway as required under Section 6(c), then Vulcan County may remove the spilled material.
- e) Notwithstanding Section 6(d), if Vulcan County determines that the spilled material creates an unsafe Roadway condition, then Vulcan County may immediately remove the spilled material from the Roadway as deemed appropriate.
- f) Any cost incurred by Vulcan County while acting in accordance with Section 3(d) or (e) is a debt owing to Vulcan County by the person contravening Section 3(c) or the Owner of the Motor Vehicle.

4. Exemptions

- a) Any vehicle transporting a load in a closed container is exempt from the requirements of this bylaw.

- b) Provisions of this Bylaw may be waived where an Owner or Operator obtains a permit from Vulcan County's Chief Administrative Officer or the Director of Protective Services.

5. Enforcement

- a) An Officer is hereby authorized and empowered to issue a Violation Ticket to any person whom the Officer has reasonable and probable grounds to believe has contravened this Bylaw.
- b) Each Violation Ticket issued by an Officer shall include penalties levied in accordance with Schedule "A" attached to and forming part of this Bylaw.
- c) A Violation Ticket shall be served upon an offending person, personally or by mailing it to such Person by registered mail.
- d) The Violation Ticket shall be in a form normally used by Officers in the issuance of notices of an offence, and shall conform with the *Provincial Offences Procedure Act*, as amended, repealed and replaced from time to time.
- e) Where a contravention of this Bylaw is of a continuing nature, further Violation Tickets may be issued by an Officer.
- f) Where a Violation Ticket is issued pursuant to this Bylaw, the Person to whom the Violation Ticket is issued may, in lieu of being prosecuted for the offence, plead guilty to the offence by mailing or delivering the relevant sections of the Violation Ticket together with a voluntary payment of the amount indicated on the Violation Ticket to the Provincial Court of Alberta as directed on the Violation Ticket.

6. Severability

- a) 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.

READ a first time on this 7th day of June, 2023.
READ a second time on this 1st day of May, 2024.
READ a third time and passed on this 1st day of May, 2024.

[original signed]

Jason Schneider, Reeve

[original signed]

Nels Petersen, CAO

Schedule "A"

Specified Penalties

<u>Section 3(a)</u>	<u>Penalty</u>
First offence	\$300.00
Second offence if the offence occurs within 6 months of the previous offence	\$600.00
Third and subsequent offences if the offence occurs within 6 months of the previous offences	\$1200.00