

**MUNICIPALITY OF CROWSNEST PASS**

**HEAVY TRUCK ROUTE BYLAW**

**BYLAW NO 824/2011**

**A BY-LAW OF THE MUNICIPALITY OF CROWSNEST PASS, IN THE PROVINCE OF ALBERTA, TO REGULATE HEAVY VEHICLES USE WITHIN THE MUNICIPALITY OF CROWSNEST PASS.**

**WHEREAS** the Municipal Government Act, R.S.A. 2000, c M-26 and amendments thereto allows a municipality to pass bylaws and delegate authority with respect to streets under its direction, control and management and transportation thereon;

**AND WHEREAS** the Traffic Safety Act, R.S.A. 2000, c T-6, authorizes a municipality to make bylaws to regulate and control vehicles;

**AND WHEREAS** the Traffic Safety Act, R.S.A. 2000, c T-6, provides that a municipality may regulate the maximum gross weight that may be borne by a vehicle or a combination of vehicles;

**AND WHEREAS** the Dangerous Goods Transportation and Handling Act, R.S.A. 2000, c. D-4, authorizes a municipality to make bylaws designating routes and the time of travel of vehicles transporting Dangerous Goods and prohibiting the carriage of Dangerous Goods on specified highways within the municipality;

**AND WHEREAS** the Council of the Municipality of Crowsnest Pass deems it desirable for the safety and security of its citizens and their property to regulate Heavy Vehicle traffic through and within the boundaries of the Municipality of Crowsnest Pass.

**NOW THEREFORE**, the Municipal Council of the Municipality of Crowsnest Pass in the Province of Alberta, duly assembled now, hereby enacts as follows:

**PART 1      SHORT TITLE**

This bylaw shall be cited as the "Heavy Truck Route Bylaw".

**PART 2      DEFINITIONS**

The definitions contained in the Traffic Safety Act, and the Dangerous Goods Transportation and Handling Act for the Province of Alberta shall apply to this Bylaw unless specifically set out herein;

**In this Bylaw:**

- 2.1 **"Alley"** means a narrow roadway intended primarily to provide access to the rear of buildings and parcels of land;
- 2.2 **"Carrier"** means any person, firm or corporation conveying Goods including those determined to be dangerous in, into, through or out of the Municipality by any vehicle;
- 2.3 **"Chief Administrative Officer"** means the Chief Administrative Officer of the Municipality of Crowsnest Pass, as appointed by Council and hereinafter referred to as the CAO or appointed designate;
- 2.4 **"Council"** means the Municipal Council for the Municipality of Crowsnest Pass;
- 2.5 **"Curb"** means the actual curb, or in the absence of a curb, shall mean the division point between a roadway and the sidewalk or boulevard;
- 2.6 **"Dangerous Goods Route"** means those highways located within the Municipality identified as a Dangerous Goods Route in Part 6 of this Bylaw.
- 2.7 **"Double Parking"** means the parking of any vehicle on a highway parallel to a vehicle that is parked beside the curb or to the rear of any vehicle that is angle parked at the curb;
- 2.8 **"Emergency Vehicle"** means a motor vehicle used:
- a) for police/peace officer duty
  - b) by a fire department,
  - c) as an ambulance,
  - d) for purposes relating to maintenance of a public utility and/or designated as an emergency vehicle by the R.C.M.P.;
- 2.9 **"Enforcement Services Department"** means the Bylaw Enforcement Department of the Municipality of Crowsnest Pass;
- 2.10 **"Gross Weight"** includes both:
- a) the total maximum weight transmitted to the highway road surface by all the axles of a vehicles used on the public highways aforesaid determined in accordance with the *Traffic Safety Act, R.S.A. 2000 cT-6* and the regulations thereunder.
- 2.11 **"Heavy Vehicle"** means a vehicle with or without load, exceeding any of the following:
- a) 2 axles;

- b) 6 meters in length;
  - c) a gross weight of 5450 kilograms (kg)
- 2.12 **"Heavy Truck Route"** means those highways located within the Municipality and identified as the Heavy Truck Route in Schedule "A" of this Bylaw;
- 2.13 **"Highway"** will have the same meaning as defined in the Alberta Traffic Safety Act, R.S.A 2000, Chapter T-6, and all subsequent amendments and replacements, but shall be restricted to highways within the boundaries of the Municipality of Crowsnest Pass, but not including those under Provincial jurisdiction;
- 2.14 **"Loading Zone"** means a portion of a street set aside adjacent to a curb designated for the exclusive use of vehicles for the loading or unloading of passengers or of material;
- 2.15 **"Maximum Weight"** means:
- a) the maximum weight of a vehicle as recorded on the certificate of registration for such vehicle, or
  - b) If there is no certificate of registration for the vehicle, then the combined weight of the vehicle and the heaviest load that may be carried in accordance with the Commercial Vehicle Dimension and Weight Regulation A/R 315/202 and all subsequent amendments and replacements will be utilized.
- 2.16 **"Municipality"** means the Municipality of Crowsnest Pass;
- 2.17 **"Operator"** includes, but is not limited to, a person who drives or operates a vehicle as the owner thereof or as an agent or employee of the owner;
- 2.18 **"Park"**, means to allow a vehicle (whether occupied or not) when prohibited to remain motionless in one place except;
- a) when vehicle is motionless for the purpose of and while actually engaged in loading or unloading; or
  - b) when vehicle is motionless in obedience to a Peace Officer or traffic control device;
  - c) as mechanical problems dictate;
  - d) towing service vehicles
- 2.19 **"Peace Officer"** means a member of the Royal Canadian Mounted Police or a Community Peace Officer appointed pursuant to the provisions the Police Act of Alberta R.S.A. 2000, Chapter P-17, as amended or repealed and replaced from time to time.
- 2.20 **"Permit"** means the authorization to operate trucks on municipal roadways other than those identified as a Heavy Truck Route as per Schedule "C";

- 2.21 **"Recreation Vehicle"** means a motor vehicle designed, constructed, modified or equipped as a temporary dwelling place, living abode or sleeping place;
- 2.22 **"Semi – trailer"** means a vehicle of the trailer type so designed and utilized in conjunction and coupled with a motor vehicle that some pursuant part of its own weight and that of its load rest upon, or is carried by, another vehicle;
- 2.23 **"Temporary Truck Route"** means a highway or portion thereof designated as a temporary truck route pursuant to Part 5 of this Bylaw;
- 2.24 **"Trailer"** means a vehicle that:
- a) at any time is towed on a public highway by a self propelled vehicle
  - b) is intended for the conveyance of goods and materials of any kind, and
  - c) shall be deemed to be a separate vehicle and not part of the motor vehicle by which it is being towed.
- 2.25 **"Truck "** means:
- a) a truck –type vehicle with a maximum weight in excess of 5,450 kilograms;
  - b) any self propelled vehicle not primarily intended for the conveyance of passengers, and normally referred to as a tractor unit; or
  - c) a tractor, motor grader, road building or road maintenance equipment, construction equipment, other than truck type vehicles, regardless of weight.
- 2.26 **"Unrestricted heavy truck zone"** means an area as described in Part 5 and indicated on Schedule "B" of this Bylaw;
- 2.27 **"Violation ticket"** means a ticket issued pursuant to Part II of the Provincial Offences Procedure Act, RSA 2000, Chapter P-34, as amended and any regulations thereto;

### **PART 3        PROHIBITION**

- 3.1 No person shall operate a semi-trailer or heavy truck on any highway except;
- a) on the heavy truck route identified in Schedule "A"
  - b) in any unrestricted truck zone as identified in Schedule "B"
  - c) on a temporary truck route designated under Part 5.
- 3.2 No person shall operate a semi-trailer or heavy truck of any kind on any highway:
- a) with a maximum weight in excess of 5,450 kgs: or
  - b) having a combined weight including the drawing vehicle of 5,450 kgs
- except:**
- a) on the route identified in Schedule "A"
  - b) in an unrestricted truck zone as identified in Schedule "B" or
  - c) on a temporary truck route designated under Part 5 of this Bylaw.

3.3 The provisions on this Bylaw shall not apply to:

- a) a house trailer, vacation trailer, or other similar mobile accommodation designed or used to provide accommodation or living quarters for one or more persons;
- b) Emergency Service Vehicles;
- c) Vehicles registered to and operated by the Municipality;
- d) Vehicles owned and operated under the authority of Provincial and federal agencies;
- e) Vehicles owned or leased by utility companies and utilized for works relating to the specific utility.
- f) Any other vehicle deemed exempt by the CAO.

#### **PART 4      IDENTIFICATION OF TRUCK ROUTES**

4.1 Heavy Truck route indicated in Schedule "A" may be signed whenever the CAO considers it necessary to indicate to drivers of trucks the highways permitted to be used as truck routes.

4.2.1 Notwithstanding any other provisions of this Bylaw, no sign or other indication need to be placed on a highway which is not a heavy truck route to indicate to or warn parties using the highway that heavy trucks are not permitted unrestricted travel thereon.

#### **PART 5      TEMPORARY HEAVY TRUCK ROUTES**

5.1 When deemed necessary the CAO may cause signs or other traffic control devices to be placed on all or any portion of a highway designating the highway or portion thereof as a temporary heavy truck route.

5.2 Where alterations or repairs to a highway or other circumstances affecting travel thereon require the designation of a temporary heavy truck route the CAO may direct the signs and other traffic control devices be erected designating the route required as a temporary heavy truck route.

5.3 The designated temporary heavy truck route shall cease to be a temporary truck route after two weeks unless an extension is provided by the CAO.

#### **PART 6      DANGEROUS GOODS ROUTE**

6.1 For the purpose of this Bylaw the Dangerous Goods Route shall be considered to be Provincial Highway #3 only.

#### **PART 7      SPECIAL PERMITS**

7.1 The CAO may under circumstances which are considered to warrant a permit, issue a Special Permit, as identified in Schedule "C", authorizing the movement of a heavy truck on highways other than a heavy truck route.

7.2 Seasonal or short term permits may be considered and provided to resource companies requesting use of the recreational road systems to haul forest products.

7.3 A person operating a heavy truck covered by a Special Permit shall produce the permit when required to do so by a Peace Officer.

**PART 8        DIRECT ROUTES**

- 8.1        A person operating a heavy truck may, for the purpose of making a delivery or supplying a service at a location off a heavy truck route, or for the purpose of carrying merchandise or material of whatever kind from a location off of a heavy truck route, operate the truck on the roadways for which form the most direct and accessible connection between a truck route and a delivery point, service point, or the collection point for merchandise or material, as the case may be, and shall also use such roadways when returning to the truck route.
- 8.2        Operators with subsequent delivery or provision of service may proceed to make subsequent delivery or service before proceeding by the most direct accessible connection to the nearest heavy truck route.
- 8.3        If any truck is housed at a location off a truck route, a person may operate the truck to and from the place where it is housed, and in doing so, shall drive it on a roadway forming the most direct accessible connection between the location where the truck is housed and a heavy truck route.

**PART 9        REGISTRATION CERTIFICATE/WEIGH SLIP**

- 9.1        An operator shall, when requested by a Peace Officer, produce for such officer's inspection the registration certificate issued showing the maximum weight of such truck bills of lading showing the origin and destination of the trip and the description of the load.
- 9.2        Particulars obtained by a Peace Officer from a registration certificate produced under Part 9.1 of the Bylaw and submitted as evidence in Court shall be prima facie proof of the particulars thereon without proof of the authenticity of the certificate and the particulars thereon.
- 9.3        In the event that a truck registration certificate cannot be produced, a Peace Officer may order the operator to take offending vehicle to the certified weigh scale to determine the weight and subsequent actions to be taken as it relates to enforcement.

**PART 10       PARKING**

- 10.1       No person being in charge or control of a truck shall park such truck or permit it to be parked on a roadway other than a heavy truck route or an unrestricted heavy truck zone, except during such times as the truck is being utilized in the making of a delivery or the performance of some work or service.
- 10.2       If a truck is found to be parked in violation of the provision of this bylaw, a Peace Officer may cause such truck to be removed to a location designated by the CAO. The owner or person in charge and control of the truck will be responsible for all costs associated with the removal of the truck in addition to any fine or penalty imposed due to the infraction.
- 10.3       Commercial businesses within the Municipality of which conduct businesses utilizing trucks will be allowed to park such trucks on their property. Owners and persons in charge and control of trucks are not allowed to park such trucks at their place of residence.

**PART 11      PENALTIES**

- 11.1    Any person who contravenes any of the provisions or requirements of this Bylaw is guilty of an offence and is liable for and subject to the penalties as set out in Schedule "D" attached to and forming this Bylaw.
  
- 11.2    Where a Peace Officer has reasonable grounds to believe a person has contravened any of the sections contained within this Bylaw the Peace Officer may issue and serve upon such person an offence ticket.

**PART 12      EFFECTIVE DATE**

Read a **first time** this 29<sup>th</sup> day of November, 2011


CARRIED UNANIMOUSLY

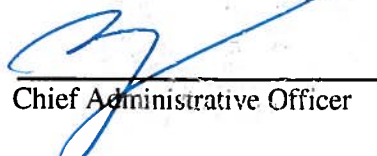
Read a **second time** this 6<sup>th</sup> day of December, 2011

CARRIED UNANIMOUSLY

Read a **third time and finally** passed this 6<sup>th</sup> day of December, 2011

CARRIED UNANIMOUSLY

  
\_\_\_\_\_  
Mayor B. Decoux

  
\_\_\_\_\_  
Chief Administrative Officer



**Municipality of Crowsnest Pass - Bylaw 824/2011**

**SCHEDULE "A"**

**HEAVY TRUCK ROUTE WITHIN THE MUNICIPALITY OF CROWSNEST PASS**

<b>THOROUGHFARE</b>	<b>FROM</b>	<b>TO</b>
<b>Provincial Highway #3</b>	<b>East Municipal Boundary</b>	<b>West Municipal Boundary</b>

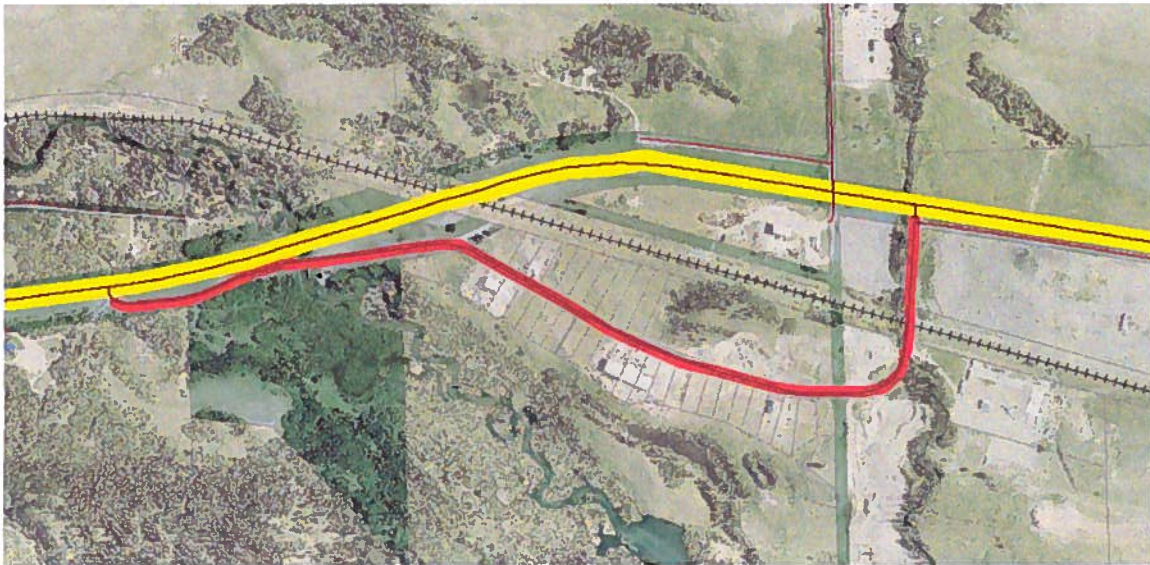
**Municipality of Crowsnest Pass - Bylaw 824/2011**

**SCHEDULE "B"**

**UNRESTRICTED HEAVY TRUCK ZONE**

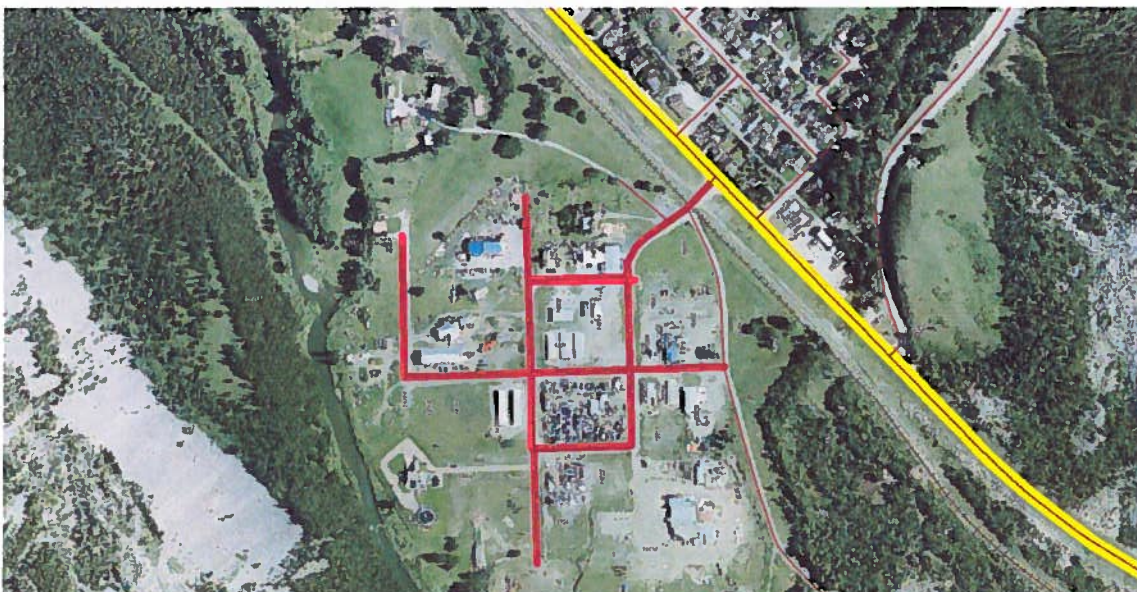
**Zone 1- Sentinel Industrial Park Area**

**Includes all areas within the Sentinel Industrial Park Area as indicated on map (below).**



**Zone 2 – Frank Industrial Park Area**

**Includes all areas within the Frank Industrial Park Area as indicated on map (below).**



**Municipality of Crowsnest Pass – Bylaw 824/2011**

**SCHEDULE “C” - HEAVY TRUCK ROUTE – SPECIAL PERMIT**

**Off Route/Seasonal Permit # - \_\_\_\_\_**

**Permission is hereby granted to:**

Name of Trucking Firm: \_\_\_\_\_

Name of Operator in charge or control of truck: \_\_\_\_\_

Vehicle Description (make/model): \_\_\_\_\_

Vehicle License Plate # \_\_\_\_\_

Address: \_\_\_\_\_

Telephone: \_\_\_\_\_

Type of Goods hauled: \_\_\_\_\_

**Route**

From: \_\_\_\_\_

To: \_\_\_\_\_

Roadway description (Street, Avenue, road name) \_\_\_\_\_

**Permit Valid**

From (date/time): \_\_\_\_\_

To (date/time): \_\_\_\_\_

- Conditions:
1. This permit number or copy of this permit number (if issued by telephone) must be carried in the vehicle or vehicles affected.
  2. The applicant shall notify the Municipality of Crowsnest Pass of any damage or loss that may arise from the operation of heavy truck on Municipal roadways.
  3. The operator must take the most direct and accessible route to the prescribed destination.

Comments: \_\_\_\_\_

Date & Time Issued: \_\_\_\_\_

Signature of Applicant: \_\_\_\_\_

Signature of Peace Officer \_\_\_\_\_

**Municipality of Crowsnest Pass – Bylaw 824/2011**

**SCHEDULE “D”**

**PENALTIES**

<b>Part</b>	<b>Particulars</b>	<b>Penalty</b>
3	Heavy Truck Travelling off Heavy Truck Route	500.00
3	Operating over the weight restriction	500.00
6, 8	Failure to produce a permit or registration documents	200.00
9	Parking contravention	300.00