

BYLAW C-8323-2022

A Bylaw of Rocky View County, in the Province of Alberta, to administer road use agreements to regulate transport operations within County road rights-of-way.

WHEREAS pursuant to the *Municipal Government Act*, Rocky View County has the direction, control, and management of all roads and public places within the County and is responsible for ensuring that all such roads and public places are kept in a reasonable state of repair;

AND WHEREAS pursuant to section 13 of the *Traffic Safety Act*, the Council of a municipality may pass bylaws not inconsistent with the *Traffic Safety Act* with respect to highways under its direction, control, and management;

AND WHEREAS pursuant to section 152 of the *Traffic Safety Act*, the Council of a municipality may, for the physical preservation of a highway under its direction, control, and management, make bylaws restricting the weight of commercial vehicles and delegate to an employee of the municipality the power to impose road bans;

AND WHEREAS pursuant to section 7 of the *Municipal Government Act*, 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 the enforcement of bylaws;

AND WHEREAS pursuant to sections 203 and 209 of the *Municipal Government Act*, the Council of a municipality may delegate by bylaw any of its powers, duties, or functions to the Chief Administrative Officer, who may then further delegate the matter to Administration;

NOW THEREFORE the Council of Rocky View County enacts as follows:

Title

- 1 This bylaw may be cited as the *Road Use Agreement Bylaw*.

Definitions and Schedules

- 2 Schedule 'A' of this bylaw, being "Minimum and Specified Penalties", is attached to and forms part of this bylaw.
- 3 The definitions contained in Schedule 'B' of this bylaw apply unless the context otherwise requires.

Application

- 4 This bylaw applies to all persons desiring to conduct transport operations using County roads related to the following activities:
 - (1) natural resource exploration, development, extraction or processing;



- (2) commercial agriculture operations including without limitation all confined feeding operations;
 - (3) residential, commercial, industrial, and infrastructure construction; and
 - (4) filming for motion pictures, television programs, advertisements or music videos.
- 5 Transport operations for the above activities must contact the County prior to commencement to determine the need for a road use agreement and/or haul permits if the loaded heavy vehicle movements to or from any location using County roads will exceed any one of the following:
 - (1) 30 movements in a 7-day period; or
 - (2) 5 movements in a one-hour period.
- 6 The Chief Administrative Officer, in their sole discretion, shall determine the risk any transport operation poses to the County roads considering the following:
 - (1) the weight and configuration of the proposed transport vehicles;
 - (2) the total number of loads, frequency and duration of the transport operations;
 - (3) the existing condition and surface type of the proposed transport route roads;
 - (4) the proximity of the proposed transport route to residential dwellings; and
 - (5) the time of year.
- 7 Where it is determined that transport operations may or will likely cause damage to the County's infrastructure pursuant to section 6 of this bylaw, the Chief Administrative Officer is authorized to require the persons responsible to enter into a road use agreement on such terms and conditions as the Chief Administrative Officer deems appropriate. The Chief Administrative Officer may, in their sole discretion, permit the use of hauling permits in lieu of the requirement for a road use agreement subject to the considerations under section 6 of this bylaw.
- 8 A road use agreement may require a person to pay such amounts, or post security in a form and amount, or both, as may be determined by the Chief Administrative Officer in order to secure performance of the person's obligations under the road use agreement.
- 9 A person shall not conduct transport operations for which Rocky View County, pursuant to section 7 of this bylaw, requires a road use agreement until the road use agreement has been executed and the County has received any required security.

Exemptions

- 10 The following vehicles and activities are exempted from the provisions of this bylaw:



- (1) transport operations along any County road that the County has designated as an exempted road. Exempted roads will be made available to the public on the County's website, as amended from time to time;
 - (2) regular public transit or school transportation routes. For the purposes of this subsection, public transit routes means routes used by public transportation services operated by or on behalf of the municipality;
 - (3) family farm operations;
 - (4) vehicles and equipment required by the County and its contractors to construct, maintain and repair County infrastructure;
 - (5) vehicles and equipment required by the Government of Alberta and its contractors for transport operations for Government of Alberta infrastructure projects utilizing the County's road system;
 - (6) transport operations to address declared disasters; and
 - (7) Emergency service vehicles as defined in the *Traffic Safety Act*.
- 11 Transport operations that are exempted from a road use agreement pursuant to section 7 or 10 of this bylaw must still obtain any permits required under section 13(1) of the *Traffic Safety Act* by contacting the County's haul permit service provider.

Operations

- 12 No person shall conduct transport operations exceeding the heavy vehicle movement threshold established in section 5 of this bylaw without a road use agreement and/or hauling permits issued by the County through its service provider.
- 13 In the event any person contravenes the requirements of section 12 of this bylaw:
- (1) for a first offence involving a contravention of section 12 of this bylaw whereby the person is exceeding the heavy vehicle movement threshold without an active road use agreement and/or hauling permits, the person will be issued a written notice or verbal warning requiring the person to immediately suspend all transport operations until such time as a road use agreement is executed and/or hauling permits are issued;
 - (2) for a second offence involving a contravention of section 12 of this bylaw whereby the person is continuing to exceed the heavy vehicle movement threshold without an active road use agreement and/or hauling permits, the person will be issued a violation ticket as per Schedule 'A' of this Bylaw and the person shall immediately suspend all transport operations until such time as a road use agreement is executed and/or hauling permits are issued;
 - (3) for a third offence involving a contravention of section 12 of this bylaw whereby the person is continuing to exceed the heavy vehicle movement threshold without an



active road use agreement and/or hauling permits, the person will be issued a violation ticket as per Schedule 'A' of this Bylaw and the person will be prohibited from carrying out any transport operations on County roads for six months; and

- (4) for a fourth and subsequent offences involving a contravention of section 12 of this bylaw whereby the person is continuing to exceed the heavy vehicle movement threshold without an active road use agreement and/or hauling permits, the person will be issued a violation ticket as per Schedule 'A' of this Bylaw and the person will be prohibited from carrying out any transport operations on County roads for twelve months.
- 14 Family farm operations that use their own hauling equipment are eligible for an annual agricultural permit by contacting the County. Contractors providing hauling services to a family farm are not eligible for an annual agricultural permit and are subject to all applicable requirements of this bylaw.
 - 15 Any person who has entered into a road use agreement with the County shall comply with all provisions of the *Traffic Safety Act* and this bylaw.
 - 16 Where a person has entered into a road use agreement, failure to comply with this bylaw can result in the suspension or termination of that road use agreement, the application of penalties, and may affect the ability of that person to obtain future road use agreements.
 - 17 A person who has entered into a road use agreement with the County pursuant to this bylaw shall comply with any term or condition of the agreement. No person shall contravene any term or condition of a road use agreement without prior written approval from the County.
 - 18 In the event any person contravenes the requirements of section 17 of this bylaw:
 - (1) for a first offence involving a contravention of section 17 of this bylaw whereby the person is contravening any term or condition of an active road use agreement without prior written approval from the County, the person will be issued a violation ticket as per Schedule 'A' of this bylaw;
 - (2) for a second offence involving a contravention of section 17 of this bylaw whereby the person is contravening any term or condition of an active road use agreement without prior written approval from the County, the person will be issued a violation ticket as per Schedule 'A' of this bylaw and transport operations under the road use agreement will be suspended for 24 hours;
 - (3) for a third offence involving a contravention of section 17 of this bylaw whereby the person is contravening any term or condition of an active road use agreement without prior written approval from the County, the person will be issued a violation ticket as per Schedule 'A' of this bylaw and transport operations under the road use agreement will be suspended for seven days;
 - (4) for a fourth and subsequent offences involving a contravention of section 17 of this bylaw whereby the person is contravening any term or condition of an active road use agreement without prior written approval from the County, the person will be issued a violation ticket as per Schedule 'A' of this bylaw and transport operations



under the road use agreement will cease and the road use agreement will be terminated.

- 19 A suspension issued pursuant to section 13 or section 18 of this bylaw is an addition to any other remedies provided for in this bylaw. Any person who fails to comply with a suspension issued pursuant to section 13 or section 18 of this bylaw is guilty of an offence.
- 20 A person shall produce a road use agreement or haul permits when requested by an Enforcement Officer.
- 21 In the event any person contravenes the requirements of section 20 of this bylaw whereby the person fails to produce a road use agreement or haul permits when requested by an Enforcement Officer, the person will be issued a violation ticket as per Schedule 'A' of this bylaw.
- 22 A person shall not make any false or misleading statement or provide any false or misleading information to obtain a road use agreement pursuant to this bylaw.
- 23 In the event any person contravenes the requirements of section 22 of this bylaw whereby the person makes any false or misleading statement or provides any false or misleading information to obtain a road use agreement pursuant to this bylaw, the person will be issued a violation ticket as per Schedule 'A' of this bylaw.
- 24 No new road use agreements will be issued during the County's annual spring road ban season.
- 25 Any active road use agreements will be temporarily suspended during the County's annual spring road ban season. Temporarily suspended road use agreements will be re-instated thereafter. During this temporary suspension of the active road use agreement, transport operations may continue on condition that the transport operations do not exceed the heavy vehicle movement thresholds established in section 5 of this bylaw. The Chief Administrative Officer has the sole discretion to increase the movement thresholds established in section 5 subject to the considerations under section 6 of this bylaw.
 - (1) In order to be valid, an approval from the Chief Administrative Officer pursuant to this section 25 must be given in writing prior to the commencement of the increase in movement thresholds, and must be produced when requested by an Enforcement Officer. All heavy vehicles during this time must haul at legal weight, in accordance with all applicable provincial and municipal legislation, regulations, and bylaws, and must adhere to the County's specified road bans.
- 26 Any transport operations not subject to a road use agreement may continue during the County's annual spring road ban season on condition that the transport operations do not exceed the heavy vehicle movement thresholds established in section 5 of this bylaw. The Chief Administrative Officer has the sole discretion to increase the movement thresholds established in section 5 subject to the considerations under section 6 of this bylaw.
 - (1) In order to be valid, an approval from the Chief Administrative Officer pursuant to this section 26 must be given in writing prior to the commencement of the increase in movement thresholds, and must be produced when requested by an Enforcement

Officer. All heavy vehicles during this time must haul at legal weight, in accordance with all applicable provincial and municipal legislation, regulations, and bylaws, and must adhere to the County's specified road bans.

Offences

- 27 It is an offence under this bylaw to:
- (1) conduct transport operations exceeding the heavy vehicle movement threshold established in section 5 of this bylaw without a road use agreement and/or hauling permits issued by the County through its service provider;
 - (2) provide false or misleading information to the Chief Administrative Officer regarding a road use agreement;
 - (3) fail to comply with the terms and conditions of a road use agreement;
 - (4) fail to produce a road use agreement or haul permits, or any written approval given by the Chief Administrative Officer, when requested by an Enforcement Officer, and;
 - (5) fail to comply with a suspension issued pursuant to section 13 or section 18 of this Bylaw.
- 28 Where a violation of this bylaw is continuing in nature, a violation constitutes a separate offence for each day or part day on which it continues.

General Penalty Provisions

- 29 In accordance with the *Municipal Government Act*, any person that violates any provision of this bylaw is guilty of an offence and is liable, upon conviction, to a maximum fine of \$10,000, or in default of payment of the fine, to imprisonment for a period not exceeding one year, or to both fine and imprisonment in such amounts.

Minimum and Specified Penalties

- 30 The minimum and specified penalties for a violation of section 27 of this bylaw are set out in Schedule 'A' of this bylaw.
- 31 Any written or verbal warnings or monetary penalties for a violation of section 27 of this bylaw shall be applied to the applicant identified in the road use agreement.

Enforcement

- 32 Where an Enforcement Officer has reasonable grounds to believe that a person has violated any provisions of this bylaw, the Enforcement Officer may commence court proceedings against such person by:
- (1) issuing the person a violation ticket pursuant to the provisions of Part 2 or Part 3 of the *Provincial Offences Procedures Act*; or



(2) swearing out an information or complaint against the person.

33 Where an Enforcement Officer issues a person a violation ticket in accordance with sections 30 and 31 of this bylaw, the Enforcement Officer may either:

(1) allow the person to pay the specified penalty as provided for the offence in Schedule 'A' of this bylaw by including such specified penalty in the violation ticket; or

(2) require a court appearance of the person where the Enforcement Officer believes that such appearance is in the public interest pursuant to the provisions of Part 2 of the *Provincial Offences Procedures Act*.

34 No provision of this bylaw, nor any action taken pursuant to any provision of this bylaw, shall in any way restrict, limit, prevent, or preclude the County from pursuing any other remedy in relation to an offence as may be provided by the *Municipal Government Act* or any other legislation of the Province of Alberta.

Strict Liability Offence

35 It is the intention of Council that all offences created by this bylaw are to be interpreted as strict liability offences.

Severability

36 Each 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, the remaining provisions of this bylaw will remain valid and enforceable.

Effective Date

37 Bylaw C-8065-2020, being the *Road Use Agreement Bylaw*, is repealed upon this bylaw passing and coming into full force and effect.

38 Bylaw C-8323-2022, being the *Road Use Agreement Bylaw*, is passed and comes into full force and effect when it receives third reading and is signed in accordance with the *Municipal Government Act*.



ROCKY VIEW COUNTY

READ A FIRST TIME IN COUNCIL this 29 day of November 2022.

READ A SECOND TIME IN COUNCIL this 29 day of November 2022.

UNANIMOUS PERMISSION FOR THIRD READING 29 day of November 2022.

READ A THIRD TIME IN COUNCIL this 29 day of November 2022.

Mayor

For _____
Chief Administrative Officer

2022/11/29

Date Bylaw Signed

Bylaw C-8323-2022
Schedule 'A' - Minimum and Specified Penalties

SECTION	OFFENCES	FIRST OFFENCE		SECOND OFFENCE		THIRD OFFENCE		FOURTH AND SUBSEQUENT OFFENCES	
		Minimum	Specified	Minimum	Specified	Minimum	Specified	Minimum	Specified
12 and 13	Exceed heavy vehicle movement threshold without an active RUA and/or haul permits	Written or verbal warning and suspension of transport operations until RUA executed and/or haul permits issued		\$2,000	\$3,000	\$5,000	\$7,500	\$10,000	\$15,000
17	Contravene any term or condition of RUA without written approval	\$500	\$750	\$750	\$1000	\$1,000	\$2,000	\$2,000	\$3,000
19	Fail to comply with a suspension	\$500	\$750	\$750	\$1000	\$1,000	\$2,000	\$2,000	\$3,000
20 and 21	Fail to produce a RUA or haul permits when requested by Enforcement Officer	\$500	\$750	\$750	\$1000	\$1,000	\$2,000	\$2,000	\$3,000
22 and 23	Provide false or misleading information regarding a RUA	\$500	\$750	\$750	\$1000	\$1,000	\$2,000	\$2,000	\$3,000

Bylaw C-8323-2022**Schedule 'B' – Definitions**

- 1 **“Administration”** means the operations and staff of the County under the direction of the Chief Administrative Officer.
- 2 **“Annual agricultural permit”** means a permit provided by the County to family farm operations to haul feed, seed, grain, livestock, fertilizer and hay/straw on any County roads at one increment above the posted road ban, as more particularly set out in said permit.
- 3 **“Annual spring road ban season”** means a time period, typically from early March to early June, during which time the County’s road system is subject to road bans.
- 4 **“Chief Administrative Officer”** means the Chief Administrative Officer of the County pursuant to the *Municipal Government Act* or their authorized delegate.
- 5 **“Commercial agriculture operation”** means agricultural operations that do not meet the definition for a Family Farm. Typical operations include Confined Feeding Operations, large-scale crop and livestock production, and agricultural processing, distribution, and service providers.
- 6 **“Confined feeding operation”** means fenced or enclosed land or buildings where livestock are confined for the purpose of growing, sustaining, finishing, or breeding by means other than grazing, but does not include residences, livestock seasonal feed and bedding sites, equestrian stables, auction markets, racetracks, or exhibition grounds.
- 7 **“Council”** means the duly elected Council for the County.
- 8 **“County”** means Rocky View County.
- 9 **“Court”** means a court of competent jurisdiction in the Province of Alberta.
- 10 **“Designate”** means any Executive Director, Manager, Enforcement Officer, or County employee authorized by the Chief Administrative Officer to act on behalf of the County.
- 11 **“Enforcement Officer”** means a member of the Royal Canadian Mounted Police (R.C.M.P.), a Peace Officer appointed by the Solicitor General of Alberta in accordance with the *Peace Officers Act* S.A. 2006, c P-3.5, or Bylaw Enforcement Officer employed by the County in accordance with the *Municipal Government Act*.
- 12 **“Exempted roads”** means roads along the County’s road system for which a road use agreement will not be required, as listed on the County’s website, on the basis that the roads have been designed and constructed to accommodate heavy hauling. These roads include commercial, industrial or resource roads, high load corridors, or ban free FWD tested roads.
- 13 **“Family farm”** means a farm that is wholly owned and operated by members of the same family and for greater certainty expressly excludes any agricultural operation that is owned



and operated by a commune, a co-operative, or a corporation whose board of directors are not all members of the same family.

For the purposes of this bylaw, “family” means, in respect of an individual, that individual’s spouse, adult interdependent partner, child, parent, sibling, grandparent, grandchild, son-in-law, daughter-in-law, father-in-law, mother-in-law, sister-in-law, brother-in-law, niece, or nephew. For further clarity, a confined feeding operation shall not be considered a family farm regardless of its ownership or operation status.

- 14 **“FWD tested roads”** means roads whose load carrying capacity have been determined through Falling Weight Deflectometer testing.
- 15 **“Heavy vehicle”** means a vehicle exceeding any one of the following: two axles, 11 metres in length, or a maximum allowable weight of 4,500 kilograms.
- 16 **“Municipal Government Act”** means the *Municipal Government Act*, RSA 2000, c. M-26, as amended from time to time.
- 17 **“Natural resources”** means raw materials that include oil and gas, peat, sand and gravel, silt, clay, marl, limestone, gypsum, other precious and semi-precious minerals, timber, and coal.
- 18 **“Person”** means any individual or business entity including a firm, joint venture, proprietorship, association, corporation, organization, partnership, company or society, and any other legal entity.
- 19 **“Road ban”** means weight restrictions that reduce the maximum axle weight allowed on any carrying axle of a truck or trailer by a percentage specified by the County from time to time to protect County road infrastructure from damage.
- 20 **“Road use agreement (RUA)”** means a written agreement between the County and the persons wishing to conduct transport operations on County roads.
- 21 **“Rocky View County”** means Rocky View County as a municipal corporation and the geographical area within its jurisdictional boundaries, as the context requires.
- 22 **“Traffic Safety Act”** means the *Traffic Safety Act*, RSA 2000, Chapter T-6, as amended from time to time.
- 23 **“Transport operations”** means the transportation of people, goods, materials and/or equipment.
- 24 **“Violation ticket”** means a ticket issued pursuant to Part II or Part III of the *Provincial Offences Procedure Act*, RSA 2000, c. P-34, as amended from time to time.