

**TOWN OF BEAUMONT
BYLAW #837-14**

**BEING A BYLAW OF THE TOWN OF BEAUMONT IN THE PROVINCE OF ALBERTA,
FOR THE PURPOSE OF REGULATING HEAVY VEHICLES AND DANGEROUS GOODS
ROUTES**

WHEREAS the Traffic Safety Act empowers the Council of the Town of Beaumont, to pass Bylaws consistent with the Traffic Safety Act, respecting roadways under its direction, control and management, for the regulation and control of vehicles within the Town of Beaumont;

AND WHEREAS the Council of the Town of Beaumont deems it to be in the best interests of the residents of the Town, to regulate and control activities in relation to roadways and parking within the Town of Beaumont;

AND WHEREAS Council of the Town of Beaumont considers it desirable and necessary to regulate Heavy Vehicle and Dangerous Goods within the Town of Beaumont;

NOW THEREFORE, the Municipal Council of the Town of Beaumont, Alberta, duly assembled, hereby enacts as follows:

SECTION 1: SHORT TITLE

1.1. This Bylaw may be cited as the "Heavy Vehicle and Dangerous Goods Bylaw".

SECTION 2: DEFINITIONS

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

2.2. "Chief Administrative Officer" means the Person holding the position of Chief Administrative Officer (CAO) for the Town of Beaumont.

2.3. "Compliance Mark" means a symbol, device, sign, label, placard, letter, word, number or abbreviation, or any combination of those things, that is or is to be affixed or displayed on a means of containment used or intended to be used in offering for transport, handling or transporting Dangerous Goods to indicate compliance with a safety standard that applies under the regulations.

2.4. "Dangerous Goods" means any product, substance or organism specified in or included by its nature in any of the classes listed in the Regulations under the Dangerous Good Transportation and Handling Act, R.S.A. 2000, c.D-4, as amended or repealed and replaced from time to time.

2.5. "Heavy Vehicle" means a Vehicle (excluding Recreational Vehicles) exceeding any of the following:

- a) 11 meters in length;
- b) A weight of 5,500 Kilograms;

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- 2.6. **"Highway"** means 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 and includes:
- a) A Sidewalk, including a Boulevard adjacent to the Sidewalk
 - b) If a ditch lies adjacent to and parallel with the roadway, the ditch; and
 - c) If a Roadway right of way is contained between fences or between a fence and one side of the roadway, all the land between the fences, or all the land between the fence and the edge of the roadway, as the case may be.
- 2.7. **"Municipal Government Act"** means Municipal Government Act, R.S.A. 2000, c. M-26, as amended or repealed and replaced from time to time.
- 2.8. **"Park", "Parked", and "Parking"** or any word or expression of similar connotation or import shall mean a Vehicle remaining stationary in one place whether or not the Vehicle is occupied or the engine is running.
- 2.9. **"Peace Officer"** means a member of a police service as per the Police Act, R.S.A. 2000, c. P-17, a Community Peace Officer appointed by the Town of Beaumont pursuant to the provisions of the Peace Officer Act, R.S.A. 2006, c. P-3.5, or a Bylaw Enforcement Officer, appointed by the Town, pursuant to the Municipal Government Act, R.S.A. 2000, c. M-26t.
- 2.10. **"Permit"** means an authorization issued by the CAO pursuant to this or any other Bylaw of the Town.
- 2.11. **"Person"** means any individual, corporation, society, association, partnership or firm.
- 2.12. **"Provincial Offences Procedure Act"** means the Provincial Offences Procedure Act, R.S.A. 2000, c. P-34, as amended or appealed and replaced from time to time.
- 2.13. **"Recreational Vehicle"** means a Vehicle or Trailer that is designed, constructed and equipped, either temporary or permanently, as a temporary accommodation for travel, vacation or recreational use, and includes duly licensed travel Trailers, motorized homes, slide-in campers, chassis-mounted campers and tent trailers.
- 2.14. **"Restricted Route"** means those roadways within the Town designated in Schedule B of this Bylaw, banning the operation of a Heavy Vehicle without a Road Use Agreement.
- 2.15. **"Road Use Agreement"** means an authorization issued by the Town outlining specific conditions of use on a designated Highway.
- 2.16. **"Roadway"** means the section of a Highway designated for Vehicle use.

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- 2.17. **"Roadway Right of Way"** means all of the land between the property line on one side of the roadway and the property line on the other side of roadway for the entire length of that roadway.
- 2.18. **"Town"** means the Town of Beaumont.
- 2.19. **"Traffic Control Device"** means any authorized sign, signal, marking or device placed, marked or erected for the purpose of regulating, warning or guiding traffic or Pedestrian movement, whether of a permanent or temporary nature, and includes a school crossing guard or patrol.
- 2.20. **"Traffic Safety Act"** means Traffic Safety Act, R.S.A. 2000, c.T-6, as amended or repealed and replaced from time to time.
- 2.21. **"Trailer"** means a Vehicle so designed, that it may be attached to or drawn by, a Vehicle and intended to transport property or Persons, and includes any Trailer that is designed, constructed and equipped as a dwelling place, living abode or sleeping place, either permanently or temporarily, but does not include machinery or equipment used in construction or maintenance of Highways.
- 2.22. **"Vehicle"** means a device in, on or by which, a Person or thing may be transported or drawn on a Highway.
- 2.23. **"Violation Notice"** means a tag or similar documents issued by the Municipality pursuant to the Municipal Government Act.
- 2.24. **"Violation Ticket"** means a ticket issued pursuant to Part II or III as applicable, of the Provincial Offences Procedure Act, and the regulations there under.

SECTION 3: OPERATION

- 3.1. No person shall operate a Heavy Vehicle within Town corporate limits, except for the purposes of obtaining goods from or delivering goods to, a location locally, and then only if the person takes the most direct route between the local delivery or collection point and Town corporate limits. This section excludes roads identified as a Restricted Route in Schedule "B".
- 3.2. No person shall operate a Heavy Vehicle on a Restricted Route. Persons who own or lease land located on a Restricted Route are required to enter into a Road Use Agreement with the Town specifying use conditions. Persons may also request a Road Use Agreement if they wish to use a Heavy Vehicle on a Restricted Route.
- 3.3. No Vehicle or Trailer having metal spikes, lugs, cleats or bands projecting from the surface of the wheel or tire, or having caterpillar tracks or skids, may be operated on any Highway except for studded tires on passenger Vehicles.

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- 3.4. A Vehicle will not be deemed to be operating in contravention of Sections 3.1, 3.2 and 3.3 if the Vehicle has been issued a Permit or Road Use Agreement pursuant to this or another bylaw authorizing the Vehicle to operate.
- 3.5. A Person may be required to enter into a Road Use Agreement with the Town to make local deliveries with a Heavy Vehicle if deemed appropriate by the Town.
- 3.6. A Person shall, when requested by a Peace Officer, produce for such officer's inspection, any shipping document, a Permit issued pursuant to this Bylaw, or other documents showing the origin and destination of the trip and a description of the load.
- 3.7. Town Vehicles, Emergency Services Vehicles or Vehicles under hire by the Town for snow removal, road building, road maintenance and maintenance of Town property, are exempt from the sections outlined in Section 3.

SECTION 4: PARKING

- 4.1. No Person shall Park a Heavy Vehicle on a Highway, any part of the Roadway Right-of-Way, or within Town corporate limits, unless such Parking is authorized by a Traffic Control Device.
- 4.2. Town Vehicles, Emergency Services Vehicles or Vehicles under hire by the Town for snow removal, road building, road maintenance and maintenance of Town property, are exempt from the Section 4.1.
- 4.3. The provisions of Sections 4.1 shall not prohibit Heavy Vehicles from Parking on any Highway within the Town, for the purpose of loading or unloading goods to or from premises abutting such roadway, provided that the Heavy Vehicle or Heavy Vehicle with Trailer attached shall have all front and rear hazard lights illuminated at all times.
- 4.4. A Person may request a Road Use Agreement with the Town giving conditions that allow for the exemption of Section 4.1.

SECTION 5: DANGEROUS GOODS

- 5.1. No Person shall transport within the corporate limits of Town, any Dangerous Goods for which Compliance Marks are required by the Dangerous Goods Transportation and Handling Act, and regulations in any Vehicle, unless said Person is:
 - a) Complying with the standards of the Dangerous Good Transportation and Handling Act;
 - b) Obtaining Dangerous Goods from or delivering Dangerous Goods to a location in Town; or
 - c) Proceeding to or from a Vehicle storage location in Town by the most direct route between a Vehicle storage location and the corporate limits.
- 5.2. Notwithstanding Section 5.1, where a Person is required to transport Dangerous Goods in Town, a Permit may be issued by the CAO or delegate.
- 5.3. No Person transporting Dangerous Goods for which Compliance Marks are required, shall Park a Vehicle within the Town except:

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- a) At a permitted storage location;
- b) To actively load or unload goods on said Vehicle;
- c) In compliance with a Peace Officer, or a Traffic Control Device;
- d) To refuel or repair said Vehicle; or
- e) In compliance with a valid Permit.

- 5.4. A Person shall, when requested by a Peace Officer, produce for such officer's inspection, any shipping document, a Permit issued pursuant to this Bylaw, or other documents showing the origin and destination of the trip and a description of the load.
- 5.5. Particulars obtained by a Peace Officer under this section and submitted by them as evidence in Court, shall be prima facie proof of the particulars, thereon submitted in evidence, without proof of the signature of official in evidence, without proof of the signature of official capacity of the person signing the shipping document.

SECTION 6: ENFORCEMENT

- 6.1. Any Peace Officer is hereby authorized to enforce the provisions of this Bylaw.
- 6.2. A Peace Officer is hereby authorized to remove and impound or cause to be removed and impounded, any Vehicle Parked in contravention of any provision of this Bylaw.
- 6.3. A Person shall not obstruct or hinder a Peace Officer in the execution of their powers and duties pursuant to this Bylaw.
- 6.4. The CAO may delegate all or a portion of his or her powers, granted pursuant to this Bylaw, to such other municipal employee as is appropriate in the discretion of the CAO.
- 6.5. A Peace Officer is hereby authorized and empowered to issue a Violation Notice, to any Person whom the Peace Officer has reasonable grounds to believe, has contravened any provision of this Bylaw.
- 6.6. A Violation Notice may be issued to such Person by placing under the windshield wiper of a Vehicle, or by mailing a Violation Ticket to such Person at his or her last-known post office address in accordance with Part III of the Provincial Offences Procedure Act.
- 6.7. Notwithstanding Sections 6.5 and 6.6 of this Bylaw, a Peace Officer is hereby authorized and empowered to immediately issue a Violation Ticket, pursuant to either Part II or Part III of the Provincial Offences Procedure Act, to any Person whom the Peace Officer has reasonable grounds to believe has contravened any provision of this Bylaw.
- 6.8. A Violation Notice, or Violation Ticket issued under this Bylaw may provide that the Person who committed the offence may, within a specified period of time pay a specified penalty as listed in Schedule "A" and listed on the Violation Ticket.

SECTION 7: OFFENCES AND PENALTIES

- 7.1. A person who violates any section of this Bylaw is guilty of an offence and liable, upon summary conviction, to a fine as set out at Schedule "A".

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- 7.2. The Owner of a Vehicle which is involved in any contravention of this Bylaw is guilty of an offence unless he proves to the satisfaction of the judge that, at the time of the offence, the vehicle was not being driven or was not parked or left by him or by any other person with his consent, expressed or implied.


SECTION 8: COMING INTO FORCE

- 8.1. If any Section or parts of this Bylaw are found in any court of law to be illegal or beyond the power of Council to enact, such Section or parts shall be deemed to be severable and all other Sections or parts of this Bylaw shall be deemed to be separate and independent there from and to be enacted as such.
- 8.2. This Bylaw shall come into full force upon the approval of third reading, and signing by the Mayor and Chief Administrative Officer.

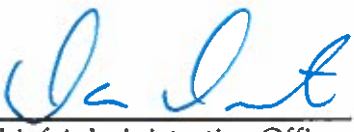
READ a first time this 24th day of June, 2014.

READ a second time this 12th day of August, 2014.

READ the third time this 12th day of August, 2014.



Mayor



Chief Administrative Officer
(Acting)

gd/bam/dr
837-14 Heavy Truck Dangerous Goods Bylaw 2014

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Schedule "A"

Offences and Penalties

Section	Offence	Penalty
3.1	Operate Heavy Vehicle within Town while not making local delivery	\$250.00
3.2	Operate Heavy Vehicle on a Restricted Route without Permit or Road Use Agreement	\$250.00 first offence \$500.00 subsequent offence
3.3	Operation of a Vehicle /Trailer having metal spikes / lugs /cleats /bands / caterpillar tracks /skids on Highway	\$250.00
3.5	When required, Operate Heavy Vehicle in Town without Road Use Agreement in place	\$250.00
3.6	Fail to produce shipping documents / Permit / other documents regarding Heavy Vehicle	\$150.00
4.1	Parking a Heavy Vehicle on a roadway, unless loading or unloading goods or as permitted by Traffic Control Device or Road Use Agreement	\$250.00
5.1	Operate Vehicle transporting Dangerous Goods in Town contrary to conditions	\$500.00
5.3	Park Vehicle transporting Dangerous Goods in Town contrary to conditions	\$500.00
5.4	Fail to produce shipping documents / Permit / other documents regarding Dangerous Goods load	\$250.00
6.3	Obstruct a Peace Officer	\$250.00

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Schedule "B"

Restricted Routes



**NO TRUCKS OVER
5500 kg**

No Heavy Vehicles permitted - Town Vehicles, Emergency Services Vehicles, or Vehicles under hire by the Town for snow removal, road building, road maintenance, or maintenance of Town property, are exempt. Persons with land on a Restricted Route are exempt as well, provided that they use the most direct route to said property and obtain Road Use Agreement prior.

RESTRICTED ROUTES

- **Range Road 243 between Township 505 (50 Avenue) and Township 510**
- **Range Road 241 between Township 505 (50 Avenue) and Township 510**