

BYLAW ~~12-11-19-25~~

**A BYLAW IN THE TOWN OF OKOTOKS
IN THE PROVINCE OF ALBERTA
TO REGULATE TRUCK ROUTE TRAFFIC
WITHIN THE TOWN OF OKOTOKS**

WHEREAS pursuant to ~~S~~section 13 of the *Traffic Safety Act* (~~Act~~), ~~RSA Revised Statutes of Alberta 2000, Chapter c. T-6~~ and amendments thereto, the Council of the Town of Okotoks (~~Council~~) may pass ~~B~~ylaws for the regulation and control of vehicles and traffic; and

WHEREAS the purpose of this Bylaw is ~~Council deems it necessary~~ to regulate truck route traffic within the Town of Okotoks (~~Town~~);

NOW THEREFORE ~~the Council of the Town of Okotoks~~ enacts as follows:

1. SHORT TITLE

1.1 This Bylaw may be known as the "Truck Route Bylaw".

2. DEFINITIONS

Any terms not defined in this Bylaw shall have the meaning as defined in the ~~Traffic Safety Act, RSA 2000, Chapter T-6 Regulations and amendments thereto~~. In this Bylaw, unless the context otherwise requires, the following means:

- 2.1 "Chief Administrative Officer"** ~~means - the person appointed to the position of Chief Administrative Officer of for the Town of Okotoks appointed by Council, hereinafter referred to as the Municipal Manager, or designate, within the meaning of the Municipal Government Act and the Town's CAO Bylaw.~~
- 2.2 "Council"** ~~means - the Council of the Town of Okotoks Mayor and Councillors of the Town duly elected pursuant to the Local Authorities Election Act.~~
- 2.3 "highway"** - has the same meaning as defined in the ~~Act Traffic Safety Act, R.S.A. 2000, Chapter T-6~~, and all subsequent amendments and replacements, but shall be restricted to highways within the Town ~~of Okotoks~~.
- 2.4 "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 315/02~~) and all subsequent amendments ~~and replacements~~.

2.5 **"Peace Officer"**~~means~~:

- a) a member of the Royal Canadian Mounted Police;
- b) a Community Peace Officer as appointed by the Solicitor General of Alberta; or
- c) a Bylaw ~~Enforcement~~ Officer as appointed by the Town ~~of Okotoks~~ to enforce bylaws of the Town.

2.6 **"semi-trailer"**~~means~~ - a vehicle of the trailer-type so designed and used in conjunction with a motor vehicle that some part of its own weight and that of its load rests upon, or is carried by, another vehicle.

2.7 **"service road"**~~means~~ - a local road that runs adjacent to and parallel with a major highway or arterial roadway in order to provide access to the abutting properties.

2.8 **special permit** - an official authorization issued by the CAO that allows a truck to operate on roads that are not designated truck routes. This permit is granted under specific circumstances that justify an exception to standard route restrictions.

2.9 **"temporary truck route"**~~means~~ - a highway or portion thereof designated as a temporary truck route pursuant to Section 5 of this Bylaw.

2.10 **"Town"**~~means~~ - the ~~Corporation of the~~ Town of Okotoks, ~~a municipal corporation~~ in the Province of Alberta; and, where the context so requires, ~~means~~ the area of land within the corporate boundaries thereof.

2.11 **"trailer"**~~means~~ - a vehicle that:

- a) is at any time drawn on a public highway by a self-propelled vehicle;
- b) is intended for the conveyance of goods or 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 drawn.

2.12 **"truck-type vehicle"**~~means~~ - a motor vehicle intended for the conveyance of goods or materials of any kind.

2.13 **"truck"**~~means~~:

- a) a truck-type vehicle with a maximum weight in excess of 5,450 kilograms (kg);

b) any self-propelled vehicle, not primarily intended for the conveyance of passengers, with a maximum weight in excess of 5,450 ~~kilograms~~ kg; or

c) a tractor, grader, road building or road maintenance equipment, or construction equipment, other than truck-type vehicles, regardless of weight.

2.14 **"truck route"**~~means~~ - a highway so designated in Schedule "A" of this Bylaw.

2.15 **"unrestricted truck zone"**~~means~~ - an area as described in Schedule "B" and indicated on Schedule "~~C D~~" of this Bylaw.

2.16 **"violation tag"**~~means~~ - a notice or tag in a form as approved by the ~~CAO Municipal Manager~~, issued by the Town allowing a voluntary payment option of a fine established under this Bylaw.

2.17 **"violation ticket"**~~means~~ - a ticket issued pursuant to Part II of the *Provincial Offences Procedure Act*, RSA 2000, ~~Chapter c.~~ P-34 (*POPA*), as amended and any regulations thereto.

3. PROHIBITION

3.1 ~~No person shall drive a truck on any highway except:~~

~~a) on the truck routes identified in Schedule "A";~~

~~b) in an unrestricted truck zone as identified in Schedule "B"; or~~

~~c) on a temporary truck route designated under Section 5.~~

3.2 No person shall drive a semi-trailer or any truck ~~of any kind~~ on any highway if:

a) ~~the with a~~ maximum weight ~~of the truck or semi-trailer in excess of~~ exceeds 5,450 kilograms kg; or

~~b) having a maximum weight which, combined with the maximum weight of the drawing vehicle, exceeds 5,450 kilograms;~~

except where:

c) the vehicle is operating on the routes identified in Schedule "A" and "C";

d) the vehicle is within an unrestricted truck zones as identified in Schedule "B" and "C";
or

e) ~~the vehicle is operating~~ on ~~a~~ temporary truck routes designated under Section 5 of this Bylaw.

3.3 The provisions of this Bylaw ~~shall do~~ not apply to:

a) a house trailer, vacation trailer, or other similar mobile accommodation designed or used ~~to provide accommodation or domicile for one or more persons~~ for residential purposes;

b) ~~Okotoks Fire & Rescue Department~~ vehicles;

c) vehicles owned or operated ~~under the authority of~~ by Canada Post;

d) vehicles registered to the Town; or

e) vehicles owned or leased by utility or cable companies while ~~being used for performing~~ inspection, maintenance, or repair work ~~in respect of the companies' related to their~~ utilities.

4. IDENTIFICATION OF TRUCK ROUTES

4.1 Truck routes listed in Schedule "A" shall be ~~marked with signs at locations determined by the signed wherever the Municipal Manager~~ CAO considers it necessary to indicate to truck drivers ~~of trucks~~ the highways ~~permitted to be used~~ designated as truck routes.

4.2 ~~Schedule "C" is for the convenience of reference only and the omission of a truck route from it, or the indication of a truck route on it, shall not be deemed for the purposes of this Bylaw to contradict or over-ride the designation of truck routes as set out in Schedule "A" of this Bylaw.~~

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

4.4 Where a service road adjoins a ~~road that is a~~ designated truck route and ~~the service road bears the shares the same name as the truck route, unless it is specifically signed or otherwise marked as a truck route,~~ the service road shall not be ~~or deemed considered to be~~ a truck route unless it is specifically signed or marked as such.

5. TEMPORARY TRUCK ROUTES

5.1 Council may, ~~when it seems necessary or expedient to do so,~~ direct the ~~Municipal Manager~~ CAO to ~~cause install~~ signs or other traffic control devices ~~to be placed on all or~~

~~any portion of on any~~ highway or portion thereof, designating ~~the highway or the portion of it directed by Council~~ it as a temporary truck route.

5.2 Where alterations or repairs to a highway or other circumstances affecting travel thereon require the designation of a temporary truck route and before the matter can be presented to Council, the ~~Municipal Manager~~ CAO may ~~direct that install~~ signs or other traffic control devices be erected designating the route required as a temporary truck route.

5.3 When the ~~Municipal Manager~~ CAO has, pursuant to ~~sub~~Section 5.2, designated a temporary truck route, unless Council, pursuant to ~~sub~~Section 5.1, at its next meeting ~~confirms~~ ~~approves~~ the route as a temporary truck route or amends this Bylaw to add the truck route to the appropriate schedule hereof:

- a) the route so designated by the ~~Municipal Manager~~ CAO shall after two (2) weeks cease to be a temporary truck route; and
- b) the ~~Municipal Manager~~ CAO shall direct that the signs designating the temporary truck route be removed.

6. SPECIAL PERMITS

6.1 The ~~Municipal Manager~~ CAO may under circumstances which are considered to warrant a permit, issue a ~~S~~special ~~P~~permit authorizing the movement of a truck on highways other than truck routes.

6.2 A person driving a truck covered by a ~~S~~special ~~P~~permit shall produce the permit when required to do so by a Peace Officer.

7. DIRECT ROUTES

7.1 A person driving a truck may ~~operate a truck on streets outside a designated truck route, if necessary, to, for the purpose of making~~

7.1.1 ~~make~~ a delivery or supply~~ing~~ a service at a location off a truck route, or

7.1.2 ~~pick up for the purpose of carrying~~ merchandise or materials ~~of whatever kind~~ from a location off a truck route.

~~In such cases, the driver~~ must drive the truck on the street or streets forming the most accessible connection between a truck route and the delivery point, service point, or the collection point for merchandise or material, as the case may be, and shall also use such street or streets when returning to the truck route.

7.2 ~~If a A-driver has multiple with a subsequent deliveries to make or subsequent services to supply in complete within the same area, they~~ may proceed to ~~make such subsequent~~

~~delivery or service~~ the next location before ~~proceeding by~~ returning to the truck route via the most direct and accessible ~~connection to the nearest truck~~ route.

- 7.3 If ~~any~~ truck is housed at a location off a truck route, a person may drive the truck to and from the place where it is housed, and, in doing so, shall drive it on the street or streets forming the most direct accessible connection between the location where the truck is housed and a truck route.

8. REGISTRATION CERTIFICATE / WEIGH SLIP

- 8.1 A driver or ~~other~~ person in charge or control of a truck ~~shall, when requested by must provide~~ a Peace Officer, ~~produce for the officer's inspection with the vehicle's registration certificate, which indicates its issued showing the maximum weight, upon request. of such truck.~~
- 8.2 ~~Particulars Information~~ obtained by a Peace Officer from a registration certificate ~~produced provided~~ under ~~subSection 8.1 of this Bylaw and submitted presented~~ as evidence in court shall ~~serve as be~~ prima facie proof of the ~~authenticity of the certificate certificate's authenticity and its recorded details. the particulars thereon.~~
- 8.3 If a driver or person in charge or control of a truck ~~When a registration certificate cannot produce the vehicle's registration certificate, be produced for a truck,~~ a Peace Officer may direct them ~~order the driver or other person in charge or control of the truck or combination of attached vehicles suspected of being on a route other than a truck route, to take the such vehicle or any attached combination of attached vehicles suspected of being off a designated truck route to the nearest certified weigh scale to verify its determine the weight. of such vehicle or combination of attached vehicles and any load carried thereon.~~
- 8.4 A The weigh slip obtained under ~~subSection 8.3 for such vehicle or combination of attached vehicles shall~~ must be ~~given provided~~ to the Peace Officer and may be retained as evidence. ~~by the Peace Officer, and If the total weight of the loaded vehicle or combination of attached loaded vehicles is in excess of exceeds 5,450 kilograms kg, the Peace Officer may, in addition to pursuing any violations under prosecution for contravention of this Bylaw, may require that the any weight in excess of 5,450 kilograms shall excess weight be removed before the vehicle or combination of attached vehicles is driven, used is operated, parked, or left on a route other than a truck route.~~
- 8.5 A weigh slip ~~given provided~~ to a Peace Officer under ~~subSection 8.4 and submitted as evidence in court shall be serve as~~ prima facie proof of ~~the its authenticity, of the weigh slip and the particulars thereon the recorded weight details, and of the accuracy of the weigh scale used.~~

9. PARKING

- 9.1 No person ~~being~~ in charge or control of ~~any~~ truck shall park ~~such the~~ truck or permit it to be parked on a street other than a truck route or an unrestricted truck zone, except during such time as ~~such the~~ truck is being used in the making of a delivery or the performance of some work or service.
- 9.2 If any truck is parked in violation of the provisions of this Bylaw, a Peace Officer may cause ~~such the~~ truck to be removed to a place which the ~~Municipal Manager~~ CAO may designate. The owner, or other person in charge or control of ~~such the~~ truck moved by the Peace Officer is responsible for the cost of removing such truck and any storage or other charges incurred. Such costs or charges shall be in addition to any fine or penalty imposed in respect of any such violation.
- 9.3 The provisions of this Bylaw shall not relieve a person in charge or control of a truck from compliance with other parking and traffic regulations.

10. PENALTY PROVISION

- 10.1 Any person who contravenes any section of this Bylaw is guilty of an offence and liable to a specified penalty ~~listed in Schedule "D"~~ of not less than ~~Two Hundred (\$200.00) Dollars~~ \$300.00 and not more than ~~Ten Thousand (\$10,000.00) Dollars~~; and in default of payment ~~of any penalty is liable~~ to imprisonment for ~~up to a term not exceeding~~ six (6) months, ~~or both~~.
- 10.2 ~~Any Where a~~ Peace Officer ~~believes that a who has reasonable and probable grounds to believe that any~~ person has contravened any provision of this Bylaw, ~~they may issue and serve upon such person~~:
- a) a violation tag allowing a payment of the specified penalty to the Town; ~~or~~
 - b) a violation ticket allowing payment according to the provisions of the ~~Provincial Offences Procedures Act POPA~~; or
- 10.3 Service of a violation tag ~~will shall~~ be sufficient if it is:
- a) personally served; or
 - b) served by regular mail to the person's last known mailing address.
 - c) placed on or attached to the vehicle involved in the contravention of this Bylaw.

- 10.4 A person who commits an offence and is issued a violation tag may make a voluntary payment equal to the specified fine by delivering the violation tag and the specified fine to the Municipal building of the Town within a 22-day period from the date of issuance. If payment is not made within this period, the violation tag may be forwarded to Court, where payment must comply with the requirements outlined in Section 10.6.
- 10.5 If a violation ticket is issued in respect to an offence, the violation ticket may:
- a) specify the fine amount established by this Bylaw for the offence; or
 - b) require a person to appear in Court without the alternative of making a voluntary payment.
- 10.6 A person who commits an offence and is issued a violation ticket may make a voluntary payment equal to the specified fine by delivering the violation ticket and the specified fine to Court specified on the violation ticket if:
- a) ~~if~~ a violation ticket is issued in respect of the offence; and
 - b) ~~if~~ the violation ticket specifies the fine amount ~~established by this Bylaw~~ for the offence. ~~, make a voluntary payment equal to the specified fine by delivering the violation ticket and the specified fine to the Provincial Courthouse specified on the violation ticket.~~
- 10.7 ~~It is the intention of Council that all offences created pursuant to this Bylaw be construed and considered as being strict liability offences.~~
- 10.8 ~~Schedule "A" may, from time to time, be amended by Council.~~
- 11. SEVERABILITY**
- 11.1 It is the intention of Council that each separate provision of this Bylaw shall be deemed independent of all other provisions herein, and it is the further intention of Council that if any provision of this Bylaw is declared invalid, all other provisions hereof shall remain valid and enforceable.
- 11.2 Nothing in this Bylaw relieves a person from complying with any provision of any federal or provincial law or regulation, other bylaw, or any requirement of any lawful permit, order, or licence.

Bylaw 17-88 of the Town and any amendment thereto are hereby repealed upon this Bylaw coming into effect.

This Bylaw shall come into full force and effect upon third and final reading.

READ A FIRST TIME this 11th day of April, 2011.

READ A SECOND TIME this 24th day of May, 2011.

READ A THIRD TIME AND PASSED this 24th day of May, 2011.

SCHEDULE "A"

TRUCK ROUTES WITHIN THE TOWN OF OKOTOKS

	THOROUGHFARE	FROM	TO
1.	Northridge Drive	North Town Limits	Sheep River Bridge
2.	Southridge Drive	Sheep River Bridge	Intersection of Highway 7
3.	Highway 7	Southridge Drive West Town Limits	West East Town Limits
4.	Elizabeth Street (Highway 549)	Northridge Drive	West Town Limits
5.	32 nd Street	North Town Limits 338 th Avenue	South Town Limits Highway 7
6.	North Railway Street	Crystalridge Drive	East Town Limits
7.	Highway 783	South Town Limits	Highway 7
8.	338 th Avenue	Northridge Drive (Highway 2A)	Intersection of 32 nd Street

~~TRUCK ROUTES IN THE M.D. OF FOOTHILLS TO ACCESS THE TOWN OF OKOTOKS~~

	THOROUGHFARE	FROM	TO
1.	338th Avenue	Highway 2A	Intersection of 32 nd Street
2.	32nd Street	338 th Avenue	North Town Limits

SCHEDULE “B”

UNRESTRICTED TRUCK ZONES

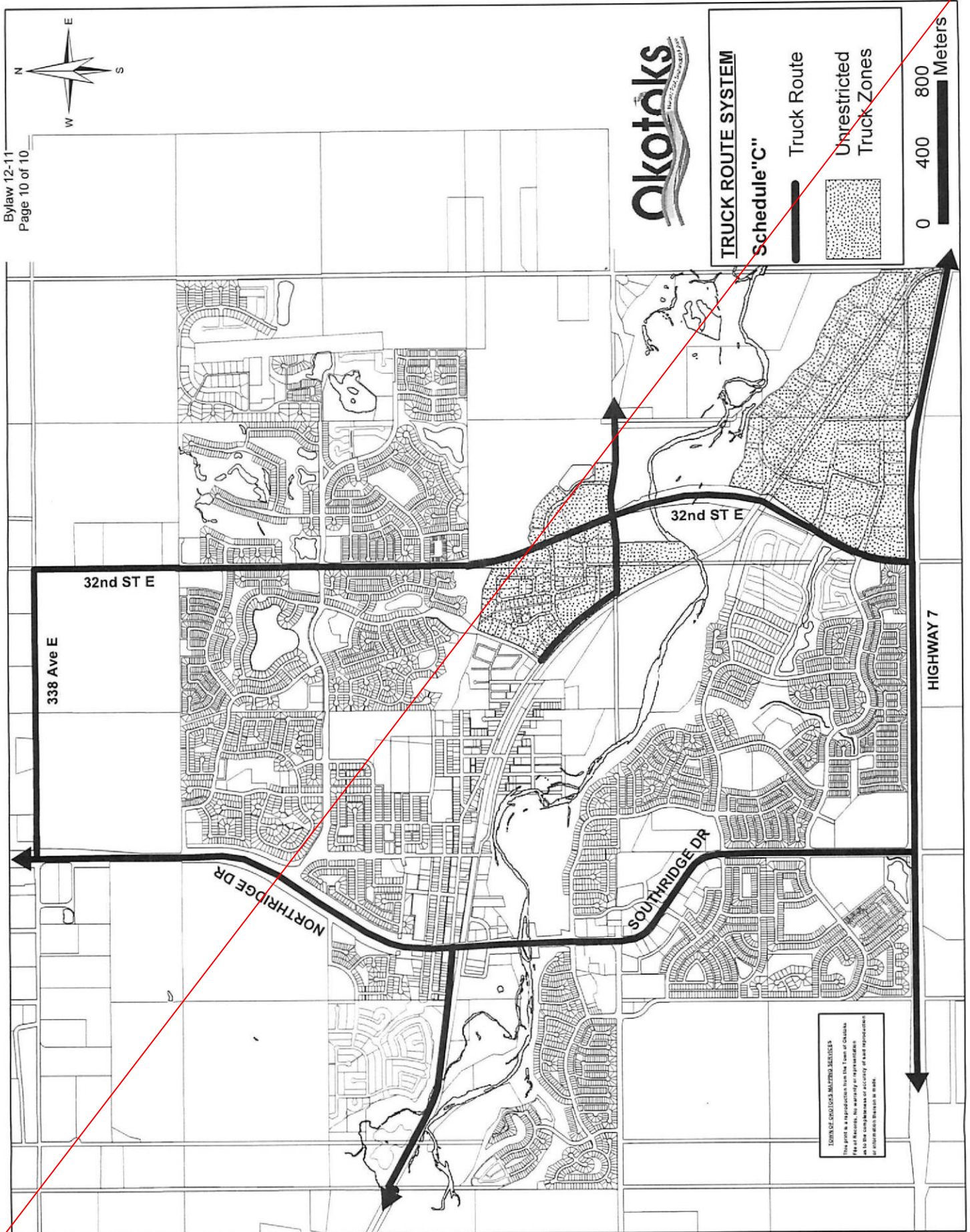
Zone 1 – Okotoks Business Park

Includes all highways within the Okotoks Business Park as follows:

Stockton Avenue, Stockton Point, Fisher Street, Fisher Crescent, Fisher Place, ~~and~~ Fisher Gate, ~~and~~ Don Seaman Way.

Zone 2 – Southbank Business Park

Includes all highways within the Southbank Business Park from the east side of 32 Street to the East Town Limits and the north side of Highway 7 to the south bank of the Sheep River excluding any portion of an ~~Environmental Protection District~~ Recreation & Open Space District or Natural Areas District as defined in the Town of Okotoks Land Use Bylaw.



SCHEDULE "D"

PENALTIES

SECTION	OFFENCE	PENALTY
3.1	Driving a truck on a highway outside designated truck routes or unrestricted truck zones	\$300.00
3.1	Driving a truck or semi-trailer exceeding 5,450 kg outside designated routes	\$300.00
8.1	Failure to produce a registration certificate upon request	\$300.00
8.3	Failure to comply with an order to weigh the vehicle at a certified scale	\$300.00
9.1	Parking a truck outside a truck route or unrestricted truck zone	\$300.00
9.2	Failure to pay removal and/or storage costs	\$300.00