

POLICY



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Policy Title ROAD RESTRICTION AND LICENSING		

Council Resolution No. C/110/98	Date: March 12, 1998	Cross Reference	Effective March 12, 1998
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POLICY

BY-LAW NO. 871/98 OF LACOMBE COUNTY, IN THE PROVINCE OF ALBERTA, RESPECTING THE USE OF ROADS UNDER THE DIRECTION, CONTROL AND MANAGEMENT OF LACOMBE COUNTY.

WHEREAS the *Municipal Government Act*, S.A. 1994, c.M-26.1, as amended, provides that Lacombe County has the direction, control and management of all roads within Lacombe County.

AND WHEREAS the *Highway Traffic Act*, R.S.A. 1980, c.H-7, as amended, provides that Lacombe County may, by by-law, grant a license or permit for the temporary occupation or use of a road allowance, public highway, or portion of a road allowance or a highway when it is not required for public use;

AND WHEREAS the Council of Lacombe County deems it desirable to prohibit and license certain activities on roads with the jurisdiction of Lacombe County;

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

1. TITLE

1.1 This By-Law may be cited as the "Road Restriction and Licensing By-Law".

2. DEFINITIONS

2.1 In this By-Law:

- (a) Words used in this By-Law have the same meaning as words used or defined in the *Municipal Government Act* and *Highway Traffic Act*.
- (b) "Council" shall mean the Council of Lacombe County.
- (c) "County" shall mean Lacombe County.
- (d) "County Special Constable" shall mean an Enforcement Officer appointed by the County Commissioner to do any act or perform any duties under this by-law and includes members of the Royal Canadian Mounted Police.
- (e) "County Commissioner" means the Commissioner for Lacombe County and whatever subsequent title may be conferred on that officer by Council or Statute.
- (f) "Cultivate" shall mean:
 - (i) to loosen, break up or till soil, or
 - (ii) to farm or harvest crops.

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- (g) “Dispose Of” shall mean to discharge, dump, throw, drop, discard, abandon, spill, leak, pump, pour, emit or empty.
- (h) “Road” shall mean land:
 - (i) shown as a road on a plan of survey that has been filed or registered in a land titles office, or
 - (ii) used as a public road,

and includes a bridge forming part of a public road and any structure incidental to a public road, including but not limited to, a sidewalk or other public walkway; and includes all area within the road allowance that is subject to direction, control and management of the County.

- (i) “Waste” shall mean:
 - (i) any solid or liquid material or product or combination thereof, including, but not limited to:
 - (A) rocks, roots, trees, rubbish, refuse, garbage, paper, packaging, containers, bottles, cans, manure, human or animal excrement, sewage or the whole or a part of an animal carcass, or
 - (B) the whole or part of any article, raw or processed material, vehicle or other machinery that is disposed of
 and
 - (ii) any other thing that is designated as waste in the regulations to the *Environmental Protection and Enhancement Act*, R.S.A. 1992, c.E-13.3 as amended.
- (j) “Violation Tag” means a tag or similar document issued by the County pursuant to the *Municipal Government Act*.
- (k) “Violation Ticket” means a ticket issued pursuant to Part II of the *Provincial Offences Procedure Act*, S.A. 1988, c.P-21.5, as amended.

3. RESTRICTIONS

- 3.1 No person shall Dispose Of Waste, or allow Waste to escape by any means, on a Road.
- 3.2 No person shall Cultivate, or cause to be Cultivated, a Road or any portion thereof.
- 3.3 No person shall remove, trim, cut, destroy or otherwise tamper with trees or shrubs located on a Road.
- 3.4 No person shall remove, or cause to be removed, any quantity of soil, sand or gravel from a Road.
- 3.5 No person shall perform, or cause to be performed, any act which may alter the contour, topography, drainage pattern or surface condition of a Road.

4. LICENSES

- 4.1 Notwithstanding any prohibition outlined above, the County may grant a license or permit to a person authorizing any act prohibited by Sections 3.2 to 3.5 inclusive.
- 4.2 A person seeking to obtain a permit or license pursuant to Section 4.1 shall submit a written application to the County in a form acceptable to the County.
- 4.3 The decision of whether to grant a license or permit shall be at the sole discretion of the County.

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- 4.4 The County may impose any terms or conditions on any license or permit granted as it sees fit.
- 4.5 Council hereby delegates to the County Commissioner or designate the ability to execute a license or permit agreement on the County’s behalf.

5. PENALTIES

- 5.1 A person who, by himself or by agent or employee, contravenes any provision of this by-law, shall be guilty of an offence and liable to penalty as set out in Schedule “A”.
- 5.2 Notwithstanding Section 5.1 of this by-law, any person who commits a second or subsequent offence under this by-law within one (1) year of committing the first offence may be liable to a fine of not less nor more than the sum as set out in Schedule “A” of this by-law.

6. VIOLATION TAGS

- 6.1 A County Special Constable is hereby authorized and empowered to issue a Violation Tag to any person who the County Special Constable has reasonable and probable grounds to believe has contravened any provision of this by-law.
- 6.2 A Violation Tag may be issued to such person:
 - (i) personally;
 - (ii) by mailing a copy to such person at his last known post office address; or
 - (iii) by leaving it for the defendant at his residence with a person on the premises who appears to be at least 18 years of age.
- 6.3 The Violation Tag shall be in a form approved by the County Commissioner and shall state:
 - (i) the name and address of the offender;
 - (ii) the offence and location;
 - (iii) date of offence;
 - (iv) the appropriate penalty for the offence as specified in Schedule “A” of this by-law;
 - (v) that the penalty shall be paid within 30 days of the issuance of the Violation Tag;
 - (vi) any other information as may be required by the County Commissioner.
- 6.4 Where a contravention of this by-law is of a continuing nature, further Violation Tags may be issued by the County Special Constable; provided however, that no more than one Violation Tag shall be issued for each day that the contravention continues.
- 6.5 Where a Violation Tag is issued pursuant to Section 6.1 or 6.4 of this by-law, the person to whom the Violation Tag is issued may, in lieu of being prosecuted for the offence, pay to Lacombe County the penalty specified on the Violation Tag.
- 6.6 Nothing in this by-law shall prevent a County Special Constable from immediately issuing a Violation Ticket.

7. VIOLATION TICKETS

- 7.1 In those cases where a Violation Tag has been issued and if the penalty specified on the Violation Tag has not been paid within the prescribed time, then a County Special Constable is hereby authorized to issue a Violation Ticket pursuant to Part II of the *Provincial Offences Procedure Act*, to any person who the County Special Constable has reasonable grounds to believe has contravened any provision of this by-law.

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- 7.2 Notwithstanding Section 7.1 of this by-law, a County Special Constable is hereby authorized and empowered to immediately issue a Violation Ticket pursuant to Part II of the *Provincial Offences Procedure Act*, to any person who the County Special Constable has reasonable grounds to believe has contravened any provision of this by-law.
- 7.3 Any person to whom a Violation Ticket has been issued may make voluntary payment in respect of the Violation Ticket by delivering the Violation Ticket along with an amount equal to that specified for the offence as set out in Schedule "A" of this by-law, to the Provincial Court office specified on the Violation Ticket.

SCHEDULE 'A'

PENALTIES

<u>Offence</u>	<u>Penalties</u>	<u>Section</u>
Unauthorized Disposal of Waste on a Road	\$250.00	3.1
Unauthorized Cultivation of a Road	\$500.00	3.2
Unauthorized removal, trimming, destruction or tampering with trees or shrubs on a Road	\$200.00	3.3
Unauthorized removal of soil, sand or gravel from a Road	\$250.00	3.4
Unauthorized alteration of a Road	\$500.00	3.5
Second or subsequent offences within one year	Double	5.2

C/594/78
C/151/81
C/466/96
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