M-11

BYLAW NO 5/08
A BYLAW TO MANAGE VEHICLE WEIGHT

The Council of the Village of Albertville in the Province of Saskatchewan, enacts as follows:

PART I – PURPOSE AND DEFINITIONS

Purpose

1. The purposes of this bylaw are (i) to establish or adopt a vehicle weight management system to regulate the weight of vehicles, or vehicles with their loads, using municipal highways or any particular municipal highways in the municipality and (ii) to designate routes within the municipality that any vehicle or class of vehicles is required to use when being driven in the municipality.

Definitions

2. (1) Except as hereinafter provided, words used in this bylaw shall have the meanings ascribed to them in *The Vehicle Weight and Dimension Regulations,1999*.

(2) In this bylaw:

a) "Administrator" means the administrator of the municipality, appointed pursuant to section 2 of *The Municipalities Act*; and

b) "Minister" means the member of the Executive Council to whom for the time being the administration of *The Highways and Transportation Act*, 1997, is assigned.

PART II – VEHICLE WEIGHTS

Weight Limits on Certain Roads

3. No person shall, without a permit issued:

a) pursuant to section 6 of this bylaw; or

b) by the Minister pursuant to section 36 of *The Highways and Transportation Act, 1997*;

operate or move or cause to be operated or moved on or over a municipal highway a vehicle, the gross vehicle weight of which exceeds 10,000 kilograms.

Vehicles Without Rubber Tires

4. Notwithstanding section 3 of this bylaw, no person shall, without a permit issued pursuant to section 6 of this bylaw, operate or move or cause to be operated or moved on or over a municipal highway a vehicle without rubber tires.

Exemptions

5. The restrictions set out in sections 3 and 4 of this bylaw shall not apply to those vehicles described in section 3 of *The Vehicle Weight and Dimension Regulations, 1999.*

Permits

6. (1) Notwithstanding sections 3 and 4 of this bylaw, the Administrator may, if satisfied that the vehicle or combination of vehicles can be operated or moved upon a municipal highway without damage to the highway or other property, issue a permit to the registered owner of the vehicle or combination of vehicles to exceed the maximum gross vehicle weights fixed by this bylaw.

(2) In order to obtain a permit under this section the registered owner must provide to the Administrator (i) proof satisfactory to the Administrator that the vehicle and its load will not exceed the **REGISTERED** gross weight specified in the certificate of registration of the vehicle issued pursuant to *The Vehicle Administration Act* and (ii) proof of financial responsibility as provided for and in conformity with the requirements of *The Vehicle Administration Act.*

(3) The Administrator shall, in the permit, designate the municipal highways that may be used and the vehicle shall then be operated on only such municipal highways as are designated.

(4) Permits shall be issued in the form as set out in Schedule #1.

(5) For a single trip permit, the permit number must be provided upon request by a peace officer or the Administrator or his or her designate.

(6) For a multi-trip permit, the permit shall be carried in the vehicle and be produced upon request by a peace officer or the Administrator or his or her designate, at the time of inspection.

PART III – ENFORCEMENT

7. (1) Where the Designated Officer believes that a person has contravened any provision of this Bylaw, he may serve upon such person a Bylaw Violation Notice as provided by this section either personally or by mailing or leaving same at his last known address and such service shall be adequate for the purpose of this Bylaw.

(2) Every person who contravenes any provisions of this bylaw is guilty of an offence and liable on summary conviction :

a) in the case of an individual, to a fine of not more than $10,000, to imprisonment for not more than one year, or to both:
b) in the case of a corporation, to a fine of not more than $25,000, to imprisonment of the directors of the corporation for not more than one year, or to both:
c) in the case of a continuing offence, to a maximum daily fine of not more than $2,500/day

(3) Notice shall be deemed to have been served:

a) on the expiration of twenty- four hours after it is posted, if the notice is mailed;
b) on the day of actual delivery, if the notice is served personally; or
c) on the business day following the transmission, if given by facsimile.

(4) A Bylaw Violation Notice shall be in such form as determined in Schedule #2 and shall state the section of the Bylaw, which was contravened, and the amount, which is provided in Section 7(5), that will be accepted by the Municipality in lieu of prosecution.

(5) Upon production of a Bylaw Violation Notice issued pursuant to this section within twenty (20) days from the issue thereof, together with a voluntary payment of $200.00, to the Administrator of the Municipality, the person to whom the ticket was issued shall not be liable for prosecution for the contravention in respect of which the ticket was issued.

(6) Where any person contravenes the same provision of this Bylaw two or more times within one twelve month period, the specified payment payable in respect of the second or subsequent contravention is double the amount shown in Section 7(4) of this Bylaw in respect of that provision.

(7) Notwithstanding the provisions of this section, a person to whom a Bylaw Violation Notice has been issued pursuant to this section may exercise his right to defend any charge of committing a contravention of any of the provisions of this Bylaw.

_____ [SEAL]
Mayor DEBUTY

_____
Administrator

Section 8,18 & 21 of *The Municipalities Act*

Read a third time and adopted

this 19th day of NOVEMBER, 2008.

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SCHEDULE #2

BYLAW VIOLATION NOTICE

Reference No. ____

VILLAGE OF ALBERTVILLE

BYLAW VIOLATION NOTICE

Name:	
Address:	_____ _____ _____ _____

THIS OFFICIAL NOTICE IS ISSUED FOR ALLEGED BREACH OF THE FOLLOWING BYLAW:

Bylaw No.4/08	
Section #:	
Offence:	
Voluntary Payment:	

DETAILS OF ALLEGED BREACH OF VIOLATION:

Date and time of violation:	
Location of violation:	
Other particulars:	

PENALTY:

Take notice that you may remit a voluntary payment to the Municipality in the amount stipulated above to avoid prosecution for this offence.

Payment may be made in person at the municipal office or by mail;

Village of Albertville
General Delivery
Albertville, SK S0J 0A0

If the voluntary payment indicated above is not received by _____, a summons requiring your appearance in provincial court will be issued.

Issued this _____ day of _____, 2_____

by _____
[name of Designated Officer]

_____
Signature of Designated Official

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SCHEDULE #1

PERMITS

Permission is hereby granted to;

Name of Registered Owner	

to operate or move upon the designated route; (Specify route to be taken)

_____

_____

_____

_____

_____

Type of vehicle;

Make	
Model	
Year	
Registration #	

which will exceed the maximum gross vehicle weight of 10,000 kilograms.

Single Trip Fee- $25
Effective Date

_____, 20____

Multiple Trip Fee- $100
Effective Dates;

from _____, 20____ ;

to _____, 20____

This permit is issued subject to the following conditions:

_____

_____

_____

Permit fee$_____

_____ _____

Date Signature of Designated Official

_____

Owner/Operator