



Request for Decision

REGULAR MEETING OF COUNCIL – June 7, 2023

Tarping Bylaw 2023-019

Recommended Action: That Vulcan County Council provide first reading to Tarping Bylaw 2023-019 and provide feedback on recommended changes.

Submitted by: Douglas Headrick, Director of Protective Services
Department: Protective Services / Emergency Services
Approval: Nels Petersen, Chief Administrative Officer

Background & Proposal

Vulcan County Administration has developed a tarping bylaw to address the numerous complaints of vehicles being damaged due to the lack of aggregate and agricultural materials being tarped. The purpose of the draft bylaw will be to be more of a proactive approach to ensuring transportation of such loads in Vulcan County is appropriately secured before travelling the roadways.

Currently, the Commercial Vehicle Safety Regulation only acts as a reactive approach to unsecured loads, whereby the fine for products coming off a trailer would be \$810.

Administration feels we addressed all areas of concern within the presented bylaw. We are looking for Council's feedback on any recommended changes. We also seek input on whether Council wants to seek public feedback through a survey.

Strategic Plan Alignment

Safe Communities

Financial/Policy Consideration

N/A

FOIP Considerations

N/A

Implementation/Communication

N/A

Attachments:

Tarping Bylaw 2023-019



**VULCAN COUNTY
BYLAW 2023-019**

Being a bylaw of Vulcan County in the Province of Alberta to enforce the use of covers on motor vehicles and trailers.

WHEREAS Section 7 of the *Municipal Government Act* provides that 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 WHEREAS Vulcan County Council wishes to ensure that all motor vehicles travelling on roadways in Vulcan County are properly tarped and covered to prevent debris from falling into the roadway and creating hazards for other drivers, pedestrians, and the environment.

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

1. This bylaw may be called the "**Tarping Bylaw**".

2. Definitions

- a) "**Aggregate**" shall mean gravel, sand, marl, clay or shale, individually or in combination with two or more such materials.
- b) "**Exemptions**" shall mean the motor vehicles which are excluded from the requirements of this Bylaw.
- c) "**Fine**" shall mean the financial penalty imposed on individuals or entities who violate the provisions of this Bylaw.
- d) "**Motor Vehicle**" shall mean any vehicle, tractor, trailer, or semi-trailer on any public roadway or property, including but not limited to cars, trucks, buses, motorcycles, RVs, and trailers.
- e) "**Operator**" means a person driving or in actual physical control of the motor vehicle.

- f) **“Owner”** means the person who owns a motor vehicle and includes any person renting a motor vehicle or having the exclusive use of a motor vehicle under a lease that has a term of more than 30 days or otherwise having the exclusive use of a motor vehicle for a period of more than 30 days, or if the context dictates, a duly registered land titleholder;
- g) **“Roadway”** any street, road, sidewalk, or bridge that the public is ordinarily entitled or permitted to use.
- h) **“Secure”** shall mean the tarp is properly applied and fastened securely to the motor vehicle in a way that prevents the load from shifting or falling off.
- i) **“Tarp”** shall mean a covering or material used to protect a motor vehicle's load from the elements or from falling off during transport.
- j) **“Tarping”** shall mean the act of covering a motor vehicle's load with a tarp.
- k) **“Trailer”** means a motor vehicle so designed that it:
 - (i) may be attached to or drawn by a motor vehicle, and
 - (ii) is intended to transport property or persons, and
 - (iii) includes any motor vehicle defined by Alberta Regulation as a trailer, but does not include machinery or equipment solely used in the construction or maintenance of Highways;

3. Purpose

- a) The purpose of this Bylaw is to promote safety of roadways and protect the environment.
- b) The exemption for hay hauler trucks (as indicated in Section 7) is granted with the understanding that the transport of hay is a critical and time-sensitive activity for the agricultural sector, and that the covering or tarping of hay may not always be practical or cost-effective for hay hauler trucks. The exemption aims to strike a balance between ensuring road safety and supporting the viability of the local farming community.

4. Requirement for Tarping

- a) All motor vehicles must be tarped securely when transporting any loose material, such as sand, gravel, rocks, dirt, construction debris, silage or any other item which may become airborne.

- b) The tarps must be securely fastened and free from holes, tears, or other damage that may allow debris to escape.
- c) Tarping is to be conducted in a manner that does not obstruct the driver's view or compromise safety.

5. Responsibility of Operators

- a) The motor vehicle operator bears responsibility for properly securing the tarp on the motor vehicle so that it does not cause any damage to the roadway, other vehicles, or pedestrians. Before departing on the roadway, the operator must inspect the tarp to ensure it is undamaged and correctly applied.
- b) Motor vehicles must not be driven on the roadway with an uncovered or improperly covered load except for the transport of specific materials exempted from Section 7 of this Bylaw.

6. General Provisions

- a) No person shall operate a motor vehicle carrying a load or pull a trailer carrying a load of aggregate or agricultural material unless the load is:
 - (i) Covered entirely by a tarpaulin or other covering device; or
 - (ii) Where more appropriate, secured in such a manner as to prevent it from shifting or falling onto a roadway or adjacent land.
- b) No Person shall permit or cause any part of a motor vehicle, trailer or its respective load to spill or become loose such that the referenced parts, load or fluids fall onto a roadway.
- c) If any part of a motor vehicle or trailer or it's respective load falls or spills onto a roadway, the operator of the motor vehicle or trailer shall remove the dropped materials from the roadway immediately upon discovering or being notified of the same.
- d) If an operator fails to remove the material from the roadway as required under Section 6(c), Vulcan County may cause that removal.
- e) Notwithstanding Section 6(d), if Vulcan County determines that the dropped material creates an unsafe roadway condition, then Vulcan County may immediately remove the material from the roadway as they deem appropriate.

- f) Any cost incurred by Vulcan County while acting in accordance with Section 6(d) or (e) is a debt owing to Vulcan County by the person contravening Section 6(c) or the owner of the motor vehicle or trailer.

7. Exemptions

- a) Under this Bylaw, hay hauler trucks are exempt from the requirement to cover or tarp their load while operating within Vulcan County, provided that the hay being transported does not pose a risk to the safety of road users or damage to public infrastructure. The exemption applies only to full-load hay hauler trucks with no protrusions or loose hay on the top or sides of the load.
- b) The exemption applies to hay hauler trucks that are engaged exclusively in the transportation of hay from farms or fields to storage facilities or for sale to livestock farmers within Vulcan County. However, the exemption does not extend to hay hauler trucks that transport other goods or materials in addition to hay.
- c) Hay hauler trucks must still follow all other safety regulations and standards in the Vulcan County traffic bylaws and provincial traffic legislation. This includes ensuring that the load does not exceed the maximum permissible weight limit for the vehicle and taking necessary precautions to prevent spilled hay from causing hazards on the roadway.
- d) Any vehicle transporting waste, debris, or materials in a closed container is exempt from the tarping requirements of this bylaw.

8. Enforcement

- a) An Officer is hereby authorized and empowered to issue a Violation Ticket to any person whom the Officer has reasonable and probable grounds to believe has contravened this Bylaw.
- b) Each Violation Ticket issued by an Officer shall include penalties levied in accordance with Schedule "A" attached to and forming part of this bylaw.
- c) A Violation Ticket shall be served upon an offending Person, personally or by mailing it to such Person by registered mail.
- d) The Violation Ticket shall be in a form normally used by Officers in the issuance of notices of an offence, and shall conform with the

Provincial Offences Procedure Act, as amended, repealed and replaced from time to time.

- e) Where a contravention of this bylaw is of a continuing nature, further Violation Tickets may be issued by an Officer.
- f) Where a Violation Ticket is issued pursuant to this bylaw, the Person to whom the Violation Ticket is issued may, in lieu of being prosecuted for the offence, plead guilty to the offence by mailing or delivering the relevant sections of the Violation Ticket together with a voluntary payment of the amount indicated on the Violation Ticket to the Provincial Court of Alberta as directed on the Violation Ticket.

9. Severability

- a) Every 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, all other provisions of this bylaw shall remain valid and enforceable.

10. Effective Date

- a) This bylaw shall come into effect upon third and final reading thereof.

READ a first time on this _____ day of _____, 2023.
READ a second time on this _____ day of _____, 2023.
READ a third time and passed on this _____ day of _____, 2023.

Jason Schneider, Reeve

Nels Petersen, CAO

Schedule "A"
Specified Penalties

<u>Description</u>	<u>Penalty</u>
First offence	\$300.00
Second offence if the offence occurs within 6 months of the previous offence	\$600.00
Third and subsequent offences if the offence occurs within 6 months of the previous offences	\$1200.00

DRAFT