



BY-LAW NO. 804-2018

OF THE TOWN OF FOX CREEK

A by-law of the Town of Fox Creek, in the Province of Alberta, to establish the procedure required for obtaining and maintaining Road Use Agreements within the corporate boundaries of the Town of Fox Creek.

WHEREAS the Municipal Government Act, Statutes of Alberta, 2000, Chapter M-26. and amendments thereto, provides that a municipality has the direction, control and management of all roads within its boundaries, excepting there out:

All Provincial Highways which are located within the boundaries of the Town of Fox Creek and are subject to the direction, control and management of the Minister as determined under Section 16 of the Government Organization Act;

WHEREAS the Council of the Town of Fox Creek, in order to protect the integrity of municipal roads deems it appropriate that Prime Contractors, Sub-Contractors or Independent Contractor carrying on certain activities within the Boundaries of the Town of Fox Creek will be required to enter into Road Use Agreements respecting roads utilized in projects and to purchase permits to access roads utilized.

NOW THEREFORE the Council of the Town of Fox Creek duly assembled, hereby enacts as follows:


1. That this By-law shall be known as the **"ROAD USE AGREEMENT BYLAW"**.
2. Definitions: these words shall have the following meanings within the context of this bylaw:
 - i) **Prime Contractor** means a person or entity with primary responsibility or authority for any of the types of projects described in Schedule B, which will use Town roads;
 - ii) **Independent Contractor** means the independent entity approved by the Town to issue permits or receive notifications on behalf of the Town, as required pursuant to Schedule B;
 - iii) **Subcontractor** means a person or entity which is contracted by, affiliated with, or authorized by a Prime Contractor to perform some or all of a project described in Schedule B, which will use Town roads;
 - iv) **Road Use Agreement** shall mean "an Agreement duly endorsed by the Town of Fox Creek and the Prime Contractor or Sub Contractor which establishes the responsibilities of both parties when accessing/travelling roads situated within the Town boundaries for purposes related to particular projects". From this point forward may be referred to as "RUA";
 - v) **Road Ban** shall mean "restrictions for travel which have been or may be placed on roads within the Town to protect the integrity of the road system during certain conditions and times when these roads are subject to damage";
3. Schedule "A" being the "Town of Fox Creek Road Use Agreement" is attached to and forms part of this Bylaw.
4. Schedule "B" being the conditional requirements for Types of Projects and addressing Road Damage and Restoration is attached to and forms part of this Bylaw.
5. Schedule "C" being the Specified Penalties for offenses and violations relating to this bylaw including Schedule "A" and Schedule "B".
6. Authority to determine when a permanent or temporary road ban is necessary, or when a Road Use Agreement shall be required rather than a road ban, is delegated to the Town Chief Administrative Officer or his delegate.
7. A Prime Contractor, Subcontractor or Independent Contractor shall contact the Town of Fox Creek prior to commencing a project described in Schedule B, obtain the required inspections, purchase permits and determine if a Road Use Agreement is required.

8. If the Chief Administrative Officer or his delegate determines a Road Use Agreement is required, a Prime Contractor shall be required to enter an Agreement in the form contained in Schedule A.
9. That this by-law shall take effect on the date of its final passage by Council.
10. That any violation on this bylaw, in whole or in part, is guilty of an offense.


READ a first time this 23rd day of April, 2018.

READ a second time this 28th day of May, 2018.

READ a third and final time this 28th day of May, 2018.



Mayor



Chief Administrative Officer