**BYLAW NO. 26-92**

**COUNTY OF PARKLAND NO. 31**

**BEING A BY-LAW OF THE COUNTY OF PARKLAND NO. 31 FOR THE PURPOSE OF PROHIBITING THE PLACEMENT OF TELECOMMUNICATION POLES, LINES OR CABLES CLOSER THAN THIRTY ONE (31) METERS FROM THE CENTRE LINE OF SECONDARY ROADS WITHIN THE COUNTY OF PARKLAND NO. 31**

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**WHEREAS** the County of Parkland No. 31 by virtue of Section 172 of the Municipal Government Act, being Chapter M-26 of the Revised Statutes of Alberta 1980 and Amendments thereto is responsible for the control and management of certain public highways and roads within the County, including the air space above and the ground below; and

**WHEREAS** the Municipal Government Act 1980 c. M-26 S.258 provides that council may pass By-Laws prohibiting the construction, placing or laying, either above or below ground, of telegraph or telephone lines or cables closer than thirty one (31) meters from the centre line of a secondary road established pursuant to the Public Highways Development Act R.S.A. 1980 c.P-28; and

**WHEREAS** the Municipal Government Act (supra) also provides that council may pass By-Laws permitting the construction, laying or placing of telegraph or telephone lines or cables within a specified distance of the centre line of a specified secondary road, or any part thereof, on terms and conditions that may be set out in the by-law;

**NOW THEREFORE** the Council of the County of Parkland No. 31, in Council duly assembled, hereby enacts as follows:

**PART I - DEFINITIONS**

**1.01** "Council" shall mean the Council of the County of Parkland No. 31;

**1.02** "County" shall mean the County of Parkland No. 31;

**1.03** "Director" shall mean the Director of Transportation and Utilities for the County or his designate from time to time;

**Part II - AUTHORITY**

**2.01** No person shall construct, place or lay a telephone, telegraph or telecommunication line, lines, cable or cables, including a fibre optic cable or cables, closer than thirty one (31) meters from the centre line of any secondary road within the County without the approval of the Director.

**2.02** The Director shall be responsible for the administration and enforcement of the provisions of this By-Law.

**2.03** Any person who desires to obtain approval to construct, place or lay a telephone, telegraph or telecommunication line or lines, cable or cables, including a fibre optics cable or cables, closer than thirty one (31) meters from the centre line of a secondary road shall apply in writing to the Director for such approval.

**2.04** The Director, in the sole discretion of the Director, shall be entitled to refuse to grant any approval requested under this By-Law or to grant such approval on such terms and conditions as the Director shall deem to be reasonable.

**PART III - RATES AND CHARGES**

**3.01** Council shall be at liberty from time to time to establish by resolution a schedule of fees to cover administration costs to be incurred by the County in

the approval and inspection of any line or cable installation under this By-Law.

**PART IV - PENALTIES**

**4.01** Any person who shall fail to comply with the provisions contained in this By-Law or who shall fail to comply with any term or condition attached to any approval granted by the Director pursuant to this By-Law is guilty of an offense and is liable on conviction to a fine not exceeding ONE THOUSAND ($1,000.00) DOLLARS, with imprisonment for a term not exceeding thirty (30) days for default in payment of such fine.

**4.02** The County shall be at liberty, but not obligated, to take such steps and proceedings as the County shall deem necessary to cause the removal, at the expense of the owner of any land on which a line, cable or other installation is constructed, placed, or layed in contravention of this By-Law.

**PART V - DAMAGES**

**5.01** Any person who suffers damages as a result of the Director requiring the removal or alteration of any cable or line which is lawfully in place at the date of passage of this By-Law shall be entitled to be compensated by the County for the cost of such removal or alteration.

**PART VI - GENERAL**

**6.01** This By-Law shall come into force and effect upon the date of its final reading.

**READ a first time this 5TH day of November, A.D. 1992.**

**READ a second time this 5th day of November, A.D.1992.**

**READ a third time and finally passed this 5th day of November, A.D. 1992.**

**SEAL**

**REEVE**

**MUNICIPAL SECRETARY**