

**BYLAW NO. 2638
OF THE
COUNTY OF GRANDE PRAIRIE NO. 1**

A by-law of the County of Grande Prairie No. 1 in the Province of Alberta, authorizing the regulation of the use of roads, highways, and undeveloped road allowances within the County, cited as *the Seismic Survey Bylaw*.

WHEREAS the Municipal Government Act, Revised Statutes of Alberta 2000 gives municipalities the authority to direct, manage and control roads within the municipality and pursuant to the provisions in the Highway Traffic Act municipalities have the authority to pass bylaws controlling and regulating the use of all highways within its jurisdiction;

AND WHEREAS the Council of the County of Grande Prairie No. 1 desires to control and regulate the use of the highways within the County of Grande Prairie as relates to seismic survey operations;

AND WHEREAS seismic survey operators may desire to use constructed roads (as defined in the Mines and Minerals Act R.S.A. 2000 Chapter M.17, and amendments and its regulations) and undeveloped road allowances under the direction, control and management of the County for the purpose of conducting Seismic Surveys;

AND WHEREAS seismic survey operators require the written consent of the County in order to perform seismic testing on roads under the direction, control and management of the County;

AND WHEREAS the County desires to impose a fee upon seismic survey operators in exchange for the County's written consent to permit seismic crews to conduct Seismic Surveys upon the roads under its direction, control and management.

NOW THEREFORE, the Council of the County of Grande Prairie No. 1, in the Province of Alberta, duly assembled enacts as follows:

1. This Bylaw may be cited as "The Seismic Survey Bylaw".
2. Definitions: For the purpose of this by-law:
 - a) *Seismic Survey* - means an activity carried out for the purpose of determining the nature and characteristics of land, which activity includes but is not limited to the use of dynamite and vibrators.
 - b) *County* - means the County of Grande Prairie No. 1
 - c) *Roads* - means constructed roads or statutory road allowances that are undeveloped being under the direction, control and management of the County and as defined in the Municipal Government Act, Chapter M26, RSA 2000 and as defined in the Highway Traffic Act, Chapter H8, RSA 2000.
3. Any person, individual, corporation, partnership or sole proprietorship is prohibited from carrying out a Seismic Survey on any constructed road or undeveloped road that is under the direction, control and management of the County, unless the person, individual, corporation, partnership or sole proprietorship pays the fee as required by section 4 of this Bylaw.

4. The County may charge a fee in accordance with the Schedule of Fees, as amended from time to time, to any person, individual, corporation, partnership, or sole proprietorship for the County's written consent to the use of roads under its direction, control and management when such roads are used to conduct Seismic Surveys.
5. If
 - a) the County charges a fee in accordance with paragraph 4 of this Bylaw, and
 - b) a person, individual, corporation, partnership or sole proprietorship fails to pay the fee before commencing a Seismic Survey on roads under the direction, control and management of the County, the County, its agents and employees may take all reasonable steps to exclude that person, individual, corporation, partnership or sole proprietorship from the roads that are under the direction, control and management of the County.
6. The right to use roads for seismic surveys shall be obtained in accordance with the provisions of this Bylaw, and is terminable by the County upon thirty (30) days' written notice to the person, individual, corporation, partnership or sole proprietorship who paid the fee in accordance with paragraph 4 of this Bylaw.
7. Nothing in this Bylaw shall be construed to curtail or abridge the right of the County to bring an action for damages against the person, individual, corporation, partnership or sole proprietorship conducting a Seismic Survey, when such damages were directly or indirectly caused by a Seismic Survey or those conducting it.
8. Should any section or part of this Bylaw be found to be improperly enacted or ultra vires, for any reason, then such section or part shall be regarded as being severable from the Bylaw and the Bylaw remaining after such severance shall be effective and enforceable.
9. This Bylaw shall come into force and take effect upon the date of the final reading thereof.

READ FIRST, SECOND AND BY UNANIMOUS CONSENT OF ALL COUNCILLORS PRESENT, A THIRD AND FINAL TIME AND FINALLY PASSED THIS 6th DAY OF August A.D. 2002.



REEVE



COUNTY ADMINISTRATOR