

SUMMER VILLAGE OF WAIPAROUS

BYLAW 126-15

BEING A BYLAW OF SUMMER VILLAGE OF WAIPAROUS, IN THE PROVINCE OF ALBERTA, UNDER THE PROVISIONS OF THE TRAFFIC SAFETY ACT, BEING CHAPTER T-6 OF THE REVISED STATUTES OF ALBERTA, 2000, AS AMENDED

WHEREAS pursuant to the provisions of the Traffic Safety Act, RSA 2000c. T-6 as amended (the “Act”), the Council of a municipality may, by Bylaw, authorize or issue a permit authorizing persons to drive Off-Highway Vehicles, along any portion of a Highway that is under the direction, control and management of the municipality;

AND WHEREAS pursuant to the provisions contained in Sections 120(5) and 128 of the Act, the Council of a municipality may regulate and control the operation of Off-Highway Vehicles on Highways which are subject to the direction, control and management of the municipality and on property that is not a Highway and is located within the municipality;

AND WHEREAS pursuant to the Municipal Government Act, RSA 2000, c-M-26, as amended, the Council of a municipality may pass bylaws for the safety, health and welfare of people and the protection of people and property and other related purposes, and the enforcement thereof;

AND WHEREAS the Council of Summer Village of Waiparous has determined that it is in the best interests of the residents of Summer Village of Waiparous that a Bylaw be passed to regulate and control the operation of Off-Highway Vehicles pursuant to the powers granted to municipalities;

NOW THEREFORE the Council of Summer Village of Waiparous, in the Province of Alberta duly assembled and under the authority of the Act and the Municipal Government Act, as amended, hereby enacts the following:

PART 1 - INTERPRETATION AND DEFINITIONS

1(1) This Bylaw may be cited as the “Off-Highway Vehicle Bylaw”. 1(2)

In this Bylaw:

- a) “Act” means the *Traffic Safety Act, RSA 2000c. T-6* as amended;
- b) “Summer Village” means Summer Village of Waiparous;
- c) “Council” means the Council of Summer Village of Waiparous;
- d) “Designated Trail” means the trail system approved for multi-use;
- e) “Ditch” means all that portion of a Highway that does not include the road surface;
- f) “Highway” means a highway, as defined by the Act, which is under the direction, control and management of the Summer Village of Waiparous.
- g) “Off-Highway Vehicle” means any motorized mode of transportation built for cross-country travel on land, water, snow, ice or marsh or swamp land or on other natural terrain and, without limiting the generality of the foregoing, includes, when specifically designed for such travel:
 - i. 4-wheel drive Vehicles;
 - ii. Low pressure tire Vehicles;
 - iii. Motor cycles and related 2-wheel Vehicles
 - iv. Amphibious machines;

- v. All-terrain Vehicles;
- vi. Miniature motor Vehicles;
- vii. Snow Vehicles
- viii. Minibikes and
- ix. Any other means of transportation that is propelled by any power other than muscular power or wind, but does not include motor boats, or any other Vehicle exempted from being an Off- Highway Vehicle by regulation.
- h) “Operator” means a person who drives or is in actual physical control of an Off- Highway Vehicle;
- i) “Owner” means the person who owns an Off-Highway Vehicle and includes any person renting a Vehicle or having the exclusive use of a vehicle under a lease that has a term of more than thirty (30) days or otherwise having the exclusive use of a Vehicle for a period of more than thirty (30) days;
- j) “Peace Officer” means
 - i. A member of the Royal Canadian Mounted Police; or
 - ii. A Bylaw Enforcement Officer or Community Peace Officer employed or contracted by the Summer Village;
- k) “Public Land” means those reserve lands, recreational lands and other lands within the Summer Village which are owned by or controlled by the Summer Village and which do not form part of a Highway;
- l) “Qualified Person” means an Operator that is licensed under the Act (including a document or information and other data contained in an electronic form that is recognized under the Act as an Operator’s license), who is at least 14 years of age who has a valid Operator’s license (class 7 or higher).
- m) “Safety Helmet” means a Safety Helmet as prescribed in the Regulations made pursuant to the Act.
- n) “Summer Village” means the Summer Village of Waiparous.
- o) “Vehicle” means a vehicle as defined by the Act.
- p) “Violation Ticket” means a ticket issued pursuant to Part II of the *Provincial Offences Procedures Act, S.A. 2000, c. P-34*, as amended and regulations there under.

PART 2 - OPERATION RESTRICTIONS

- 2(1) Off-Highway Vehicles may only be operated in Summer Village of Waiparous subject to the following conditions and limitations:
- a) No person shall operate an Off-Highway Vehicle unless they are a Qualified Person, or they are otherwise permitted to operate an Off-Highway Vehicle pursuant to the Act;
 - b) No person shall operate an Off-Highway Vehicle unless the Off-Highway Vehicle is registered and displaying a valid license plate and is in possession of proper registration documentation;
 - c) No person shall operate an Off-Highway Vehicle unless the Off-Highway Vehicle is insured and that person is in possession of proper insurance documentation;
 - d) No person shall operate an Off-Highway Vehicle if the license plate is not securely attached, legible and clearly visible to other drivers at all times;

- e) Unless specifically provided otherwise in this Bylaw, an Operator of an Off-Highway Vehicle shall only be permitted to operate the Off-Highway Vehicle on the extreme right hand side of a Roadway or in the Ditch and shall travel single file at all times. Off- Highway Vehicles, when travelling on any Highway as permitted in this Bylaw, shall travel in the same direction as Vehicles travelling on that side of the Roadway closest to the Off-Highway Vehicle;
- f) No person shall operate an Off-Highway Vehicle on a Roadway within the Summer Village except to leave from and return to his or her residence by the most direct and safest route possible to and from his or her residence to the Public Lands;
- g) No person shall operate an Off-Highway Vehicle on a Highway or Public Lands between 10:00 p.m. and 8:00 a.m.
- h) No person shall operate an Off-Highway Vehicle in a Ditch or Public Lands at a speed which exceeds thirty (10) km/hr. No person shall operate an Off-Highway Vehicle on a Roadway at a speed which exceeds twenty (20) km/hr;
- i) No person shall operate an Off-Highway Vehicle on any Public Land, or any Highway within the Summer Village where the Summer Village has placed a sign or signs prohibiting such operation;
- j) No person shall operate an Off-Highway Vehicle within any Environmental Reserve property;
- k) No person shall operate an Off-Highway Vehicle in an area where they are prohibited by restrictive covenant.
- l) No person shall operate an Off-Highway Vehicle on any Privately Owned Land without permission of the Land Owner;
- m) No person shall operate an Off-Highway Vehicle on a Highway or Public Land unless the Off-Highway Vehicle is equipped with at least one headlight and one tail light which is alit at all times;
- n) No person shall operate or be a passenger on an Off-Highway Vehicle without wearing a Safety Helmet securely attached on his or her head; The Helmet must be a motorcycle helmet certified by DOT or Snell and have the certification sticker.
- o) No person shall operate or be a passenger on an Off-Highway Vehicle where the number of persons on the Off-Highway Vehicle exceeds the number of persons the Off-Highway Vehicle is designed to carry;
- p) No person shall operate an Off-Highway Vehicle unless the Off-Highway Vehicle is equipped with an exhaust muffler that has not been altered in any way to increase overall noise of the vehicle;
- q) No person shall operate an Off-Highway Vehicle if a device is attached to the exhaust system or the muffler that increases the noise made by the expulsion of gases from the engine or allows gases in or leaving the exhaust system to be ignited;
- r) No person shall operate an Off-Highway Vehicle if the exhaust muffler is cut out or disconnected from the engine, or has had a baffle plate or other part removed or punctured;
- s) No person shall tow a trailer, sleigh, cutter or other Vehicle behind an Off-Highway Vehicle unless the hitch or attachment used:
 - i. Is designed so that the Vehicle being towed, substantially follows in the tracks of the towing Vehicle;
 - ii. Is strong enough to safely control the Vehicle being towed;
 - iii. Is not more than 1.83 metres long; and

- iv. Prevents the towed Vehicle from colliding with the towing Vehicle during travel downhill and when the towing Vehicle stops.
 - t) No person shall operate an Off-Highway vehicle:
 - i. Without due care and attention, or
 - ii. Without reasonable consideration for other persons or property.
 - u) No person shall operate an Off-Highway Vehicle on any property, whether publicly or privately owned, which the public is ordinarily entitled or permitted to use, in a manner that constitutes driving carelessly.
 - v) Any person operating an Off-Highway Vehicle on a highway must yield to vehicle traffic.
- 2(2) During an emergency, disaster, or search and rescue operation within the Summer Village, the provisions of this Bylaw may be waived, suspended or varied, by the Director of Emergency Management, or his or her designate.
- 2(3) A person operating an Off-Highway Vehicle in the Summer Village on a Highway or Public Lands does so at their own risk and the Summer Village does not warrant such areas as being suitable for the use of off-highway vehicles.
- 2(4) An Operator of an Off-Highway Vehicle shall immediately, on being signaled or requested to stop by a Peace Officer, bring his or her Vehicle to a stop, and furnish any information respecting the driver or the Vehicle that the Peace Officer requires and shall not start his or her Vehicle until he or she is permitted to do so by that Peace Officer.

PART 3 - OFFENCES

- 3(1) The Operator of an Off-Highway Vehicle that is involved in a contravention of this Bylaw is guilty of an offense and liable upon summary conviction to a fine of \$300.00 and in default of payment is liable to imprisonment for a term not exceeding six (6) months.
- 3(2) Notwithstanding Section 3(1) of this Bylaw where any person contravenes the same provision of this Bylaw twice times within one (1) twelve month period, the specified penalty payable in respect of the second contravention is double the amount specified in Section 3(1) of this Bylaw.
- 3(3) Notwithstanding Section 3(1) or Section 3(2) of this Bylaw where any person contravenes the same provision of this Bylaw three (3) times within one (1) twelve month period, the specified penalty payable in respect of the third contravention is triple the amount shown in Schedule "A" of this Bylaw in respect of that provision and a compulsory court notice may be issued, and upon conviction will be subject to a fine of triple the amount specified in Section 3(1) of this Bylaw.
- 3(4) An Owner who permits an unlicensed or underage person to operate the Owner's Off-Highway Vehicle, or an Off-Highway Vehicle of which the Owner had exclusive use, is in contravention of the Bylaw is guilty of an offense.

PART 4 - VIOLATION TICKETS

- 4(1) A Peace Officer and/or Bylaw Enforcement Officer is hereby authorized and empowered to issue a Violation Ticket to any person who the Peace Officer/Bylaw Enforcement Officer has reasonable and probable grounds to believe has contravened any provision of this Bylaw.

PART 5 - AUTHORITY OF COUNCIL

- 5(1) Council may by resolution temporarily waive any of the provisions contained in this Bylaw, for a specific situation or situations, subject to whatever condition or conditions as Council may deem appropriate.

This Bylaw shall come into forth upon final reading thereof.

Read a first, time this 25 day of November, 2015

“Larry Anderson”
Mayor

“Sharon Plett”
Municipal Administrator

Read a second time this 25 day of November, 2015

“Larry Anderson”
Mayor

“Sharon Plett”
Municipal Administrator

Read a third time this 25 day of November, 2015

“Larry Anderson”
Mayor

“Sharon Plett”
Municipal Administrator