

**BYLAW NO. 8/2011  
BEING A BYLAW OF THE  
MUNICIPAL DISTRICT OF PEACE NO. 135  
IN THE PROVINCE OF ALBERTA**

**A BYLAW FOR THE OPERATION OF OFF-HIGHWAY VEHICLES WITHIN THE  
MUNICIPAL DISTRICT OF PEACE NO. 135.**

**WHEREAS** Pursuant to the *Traffic Safety Act*, R.S.A. 2000, c. T-6, as amended, the Council of a municipality may, by bylaw, authorize the use of Off-Highway Vehicles on Highways under its direction, control and management; and

**WHEREAS** Pursuant to the provisions of the *Municipal Government Act*, R.S.A. 2000, c. M-26, as amended, the Council of a municipality may pass bylaws respecting people, activities and things in, on or near a public place, and matters of public safety;

**NOW THEREFORE** the Council of the Municipal District of Peace No. 135, in the Province of Alberta duly assembled enacts as follows:

**1 Title**

1.1 This Bylaw shall be known as the "Off-Highway Vehicle Bylaw".

**2 Definitions**

2.1 For the purposes of this Bylaw, all the definitions of the *Traffic Safety Act*, R.S.A. 2000, c. T-6, as amended, and regulations thereunder shall be applicable and have the same meaning except as varied by Subsection 2.2 of this Bylaw.

2.2 In this Bylaw:

- a) "Act" means the *Traffic Safety Act*, R.S.A. 2000, c. T-6., as amended from time to time.
- b) "Chief Administrative Officer" means the Chief Administrative Officer (C.A.O.) of the Municipal District of Peace No. 135, or their designate.
- c) "Council" means the Council of the Municipal District of Peace No. 135.
- d) "Municipality" means Municipal District of Peace No. 135.
- e) "Designated Trails" means trails and areas designated by Council as such, and identified in Schedule "B" to this Bylaw.
- f) "Environmental Reserve" means an "Environmental Reserve" as defined in s. 616(b)(e) of the *Municipal Government Act*, R.S.A. 2000, c. M.26., as amended.
- g) "Hamlet" means the Hamlet of Brownvale.
- h) "Highway" means a Highway as defined in the *Traffic Safety Act* which is subject to the direction, control and management of the Municipality.
- i) "Multi-Lot Subdivision" means a subdivision containing five or more lots and not lying within a Hamlet.
- j) "Municipal Public Property" means any lands or property owned by the Municipality, or under the direction, control and management of the Municipality, to which members of the public have access by express or implied invitation.
- k) "Off-Highway Vehicle" means an "Off-Highway Vehicle" as defined in s. 117 of the *Traffic Safety Act*.

- l) "Operate" means to drive, or be in actual physical control of an Off-Highway Vehicle.
- m) "Operator" means the person who is in actual physical control of an Off-Highway Vehicle.
- n) "Owner" means the person named as the registered owner of the Off-Highway Vehicle, or any person renting an Off-Highway Vehicle, or any person having the exclusive use of an Off-Highway Vehicle under a lease, or any person otherwise having the exclusive use of an Off-Highway Vehicle for a period of more than thirty (30) days.
- o) "Peace Officer" means:
  - i. A member of the Royal Canadian Mounted Police; or
  - ii. A Bylaw Enforcement Officer employed or contracted by the Municipality; or
  - iii. A Community Peace Officer; or
  - iv. A Park Warden appointed under the *Parks Canada Agency Act*, S.C. 1998, c. 31.; or
  - v. A Conservation Officer appointed under Section 7 or Schedule 5 to the *Government Organization Act*, R.S.A. 2000, c. G-10.; or
  - vi. A Forest Officer appointed under the *Forests Act*, R.S.A. 2000, c. F-22.; or
  - vii. A Wildlife Officer appointed under the *Wildlife Act*, R.S.A. 2002, c. W-10.; or
  - viii. A Provincial Sherriff.
- p) "Roadway" means that part of a Highway intended for use by vehicular traffic.
- q) "School Property" means lands or property used for purposes of a school, including all fields, playgrounds, parking areas, or other lands surrounding the school.
- r) "Violation Tag" means a tag or similar document issued by the Municipality pursuant to s. 7 of the *Municipal Government Act*.
- s) "Violation Ticket" means a ticket issued pursuant to Part II of the *Provincial Offences Procedures Act*, R.S.A. 2000, c. P-34, as amended and the Regulations there under.

### **3 Operation Restrictions**

- 3.1 No person shall Operate an Off-Highway Vehicle on any Highway or on Municipal Public Property except as specifically provided for within this Bylaw.
- 3.2 Except as otherwise provided in this Bylaw, an Operator of an Off-Highway vehicle shall Operate the Off-Highway Vehicle on the extreme right-hand side of the Roadway and shall travel single file at all times.
- 3.3 When travelling on a Highway, the Operator of an Off-Highway Vehicle shall drive in the same direction as vehicles travelling on that side of the Roadway closest to the Off-Highway Vehicle.

- 3.4 No person shall Operate an Off-Highway Vehicle in a Hamlet or Multi-Lot Subdivision unless traveling on a Designated Trail.
- 3.5 No Person shall Operate an Off-Highway Vehicle on Municipal Public Property between the hours of 10:00 pm to 7:00 am.
- 3.6 No person shall Operate an Off-Highway Vehicle at a speed in excess of fifty (50) kilometres per hour.
- 3.7 No person shall Operate an Off-Highway Vehicle in a Hamlet or Multi-Lot Subdivision at a speed in excess of thirty (30) kilometres per hour.
- 3.8 Notwithstanding the speed limits for Off-Highway Vehicles prescribed in Subsections 3.6 and 3.7 above, no person shall Operate an Off-Highway Vehicle at a rate of speed that is unreasonable, having regard to all circumstances, including, without restricting the generality of the foregoing, the following:
- (a) the nature, condition, use and extent of development of the Roadway, public place or other location;
  - (b) the atmospheric, weather or other conditions that might affect the visibility of the driver or the control of the Off-Highway Vehicle;
  - (c) the amount of traffic that is or might reasonably be expected to be on the Roadway, public place, or other location;
  - (d) the mechanical condition of the Off-Highway Vehicle or any equipment on the Off-Highway Vehicle.
- 3.9 No person shall Operate an Off-Highway Vehicle on any Municipal Public Property or on any Highway where the Municipality has placed a sign or signs prohibiting such operation.
- 3.10 No person shall Operate an Off-Highway Vehicle on any Environmental Reserve or on School Property.
- 3.11 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 person that Off-Highway Vehicle is designed to carry.
- 3.12 No person shall Operate an Off-Highway Vehicle that has been modified, altered, or kept in a state of repair so to create noise, which in the opinion of a Peace Officer, is excessive, creates a hazard or distraction, or otherwise causes a disturbance to the peace and repose of the public.
- 3.13 No person shall Operate a snowmobile on a Municipality designated trail, as per schedule "B", within a Municipality ditch outside the months of November to March. This time frame can be modified by the Chief Administrative Officer.

#### 4 Exemptions

- 4.1 A Peace Officer shall not be in contravention of this Bylaw if operating an Off-Highway Vehicle while in the performance of their official duties.
- 4.2 During an emergency, disaster, or search and rescue operation within the Municipality, the provisions of this Bylaw may be waived, suspended or varied by Council, the Chief Administrative Officer, or a designate thereof.

**5 Offences**

- 5.1 Any person who contravenes a provision of this Bylaw is guilty of an offence and is liable upon summary conviction to a fine specified in Schedule "A" of this Bylaw.
- 5.2 An Owner who allows another person, whether expressly or through implication, to Operate the Owner's Off-Highway Vehicle, or an Off-Highway Vehicle of which the Owner has exclusive use, in contravention of this Bylaw is guilty of an offence.

**6 Violation Tags and Tickets**

- 6.1 A Peace Officer is hereby authorized and empowered to issue a Violation Tag to any person who the Peace Officer has reasonable and probable grounds to believe has contravened any provision of this Bylaw.
- 6.2 A Violation Tag may be issued to such person:
- a) Either personally; or
  - b) By mailing a copy to such person at his or her last known Post Office Address, as shown on the Tax Assessment Roll or on the Certificate of Title for the property; or
  - c) By leaving it with a person apparently over eighteen (18) years of age at the place of residency of the person to whom the Violation Tag is addressed.
- 6.3 The Violation Tag shall be in a form approved by the Municipality and shall state:
- a) The name of the person to whom the Violation Tag is issued;
  - b) A description of the offence and the applicable Bylaw Section;
  - c) The appropriate penalty for the offence as specified in this Bylaw;
  - d) That the penalty shall be paid within thirty (30) days of the issuance of the Violation Tag in order to avoid prosecution; and
  - e) Any other information as may be required by the Municipality.
- 6.4 Where a Violation Tag has been issued pursuant to this Bylaw, the person to whom a Violation Tag has been issued may, in lieu of being prosecuted for the offence, pay to the Municipality the penalty specified on the Violation Tag.
- 6.5 If the penalty specified on a Violation Tag is not paid within the prescribed time period, then a Peace Officer is hereby authorized and empowered to issue a Violation Ticket pursuant to Part II of the *Provincial Offences Procedure Act*, R.S.A. 2000, c. P-34, as amended.
- 6.6 Notwithstanding the above, a Peace Officer is hereby authorized and empowered to immediately issue a Violation Ticket to any person who the Peace Officer has reasonable and probable grounds to believe has contravened any provision of this Bylaw.
- 6.7 A Violation Ticket issued with respect to a violation of this Bylaw shall be served upon the person responsible for the contravention in accordance with the *Provincial Offences Procedure Act*, R.S.A. 2000, c. P-34, as amended.

6.8 The person to whom the Violation Ticket has been issued may plead guilty by making a voluntary payment in respect of the summons by delivering to the Provincial Court, on or before the initial appearance date, the Violation Ticket together with an amount equal to the specified penalty for the offence as provided by Schedule "A" of this Bylaw.

6.9 When a clerk records in the Court records the receipt of a voluntary payment pursuant to Section 6.8 and the *Provincial Offences Procedure Act*, the act of recording constitutes acceptance of the guilty plea and also constitutes the conviction and the imposition of a fine in the amount of the specified penalty.

## **7 Authority of the Chief Administrative Officer and Council**

7.1 Council hereby delegates to the Chief Administrative Officer the authority to designate from time to time on any Municipal Public Property within which the operation of an Off-Highway Vehicle or any type of Off-Highway Vehicle is prohibited.

7.2 The Chief Administrative Officer is authorized to further delegate the powers granted by this section.

7.3 Council may, by resolution, waive any of the provisions contained in this Bylaw, for a specific situation or situations, subject to whatever condition or conditions as seen fit to apply.

7.4 Council may, by resolution, amend Schedule "B" to this Bylaw to add or remove locations identified as Designated Trails.

## **8 Severance**

8.1 Should any provision of this Bylaw be invalid, then such provision shall be severed and the remaining Bylaw shall be maintained.

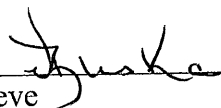
## **9 Transitional**

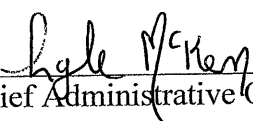
9.1 This Bylaw shall come into force and effect upon receiving third and final reading.

Read a first time this 14th day of September, 2011.

Read a second time this 14th day of September, 2011.

Read a third and final time this 14th day of September, 2011.

  
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Reeve

  
\_\_\_\_\_  
Chief Administrative Officer

**Schedule "A"**  
**BYLAW NO. 8/2011**

List of Specified Penalties

Section No.	Description	Penalty-First Offence	Penalty-Second Offence	Penalty-Third and subsequent offences
3.1	Operate OHV on Municipal or Public Property	\$250	\$500	\$1000
3.2	Failure to Operate OHV on Right-Hand Side of Highway or Single-File	\$250	\$500	\$1000
3.3	Operate OHV on Highway Facing Oncoming Traffic	\$250	\$500	\$1000
3.4	Operate OHV in Hamlet/Subdivision off Designated Trail	\$250	\$500	\$1000
3.5	Operate OHV on Municipal Public Property after 10:00pm/before 7:00am.	\$250	\$500	\$1000
3.6	Operate OHV in excess of 50 km/hr	\$250	\$500	\$1000
3.7	Operate OHV in Hamlet/Subdivision in excess of 30 km/hr	\$250	\$500	\$1000
3.8	Operate OHV at an Unreasonable Speed for Conditions	\$250	\$500	\$1000
3.9	Operate OHV Contrary to Posted Sign	\$250	\$500	\$1000
3.10	Operate OHV on Environmental Reserve or School Property	\$250	\$500	\$1000
3.11	Passenger(s) in Excess of Designed Capacity for OHV	\$250	\$500	\$1000
3.12	OHV Creating Excessive Noise	\$250	\$500	\$1000
3.13	Operate snowmobile on a designated trail outside the months of November to March	\$250	\$500	\$1000
5.2	Registered Owner of OHV involved in Contravention of Bylaw	<i>Specified penalty shall be equal to underlying bylaw provision contravened</i>		

**Schedule "B"**  
**BYLAW NO. 8/2011**  
List of Designated Trails