

WESTLOCK COUNTY

PROVINCE OF ALBERTA

BYLAW NO. 19-2006

BEING A BYLAW OF WESTLOCK COUNTY IN THE PROVINCE OF ALBERTA, TO REGULATE THE OPERATION AND USE OF OFF-HIGHWAY VEHICLES ON HIGHWAYS UNDER THE JURISDICTION OF THE WESTLOCK COUNTY.

WHEREAS, pursuant to the provisions contained in Sections 120(5) and 128 of the Traffic Safety Act (Supra), the Council of a municipality, by By-Law is given certain powers to 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 provisions of Section 120(4)(b) of the Traffic Safety Act, R.S.A., 2000 c. T-6, the Council of a municipality may, by By-Law, 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, the Council of Westlock County is of the view that it is in the best interest of the residents of Westlock County that a By-Law be passed to regulate and control the operation of Off-Highway Vehicles pursuant to the powers granted to municipalities under the said sections of the Traffic Safety Act (Supra);

NOW THEREFORE, the Council of Westlock County in the Province of Alberta, duly assembled, hereby enacts as follows:

IN THIS BYLAW:

1. **NAME OF BYLAW**

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

2. **DEFINITIONS**

- (a) “Act” shall mean the *Traffic Safety Act, R.S.A. 2000 c. T-6.*;
- (b) “All-Terrain Vehicle” means a wheeled or tracked motor vehicle designed for travel primarily on unprepared surfaces such as open country and marshland, but does not include a snow vehicle, implement of husbandry or construction machinery;
- (c) “Bylaw Enforcement Officer” shall mean a person appointed by Council as prescribed in the Municipal Government Act R.S.A. 2000, c.M-26, for the preservation and maintenance of the public peace that pertains to this bylaw, who may also be appointed as Special Constable with jurisdiction in Westlock County by the Solicitor General of Alberta, and also includes a member of the Royal Canadian Mounted Police;
- (d) “Council” means the Council of Westlock County;
- (e) “County” means Westlock County;
- (f) “Hamlet” means an area within the County with defined boundaries and established by bylaw in accordance with the Municipal Government Act R.S.A., 2000 c. M-26.;
- (g) “Motor Vehicle” means a motor vehicle as defined by the Traffic Safety Act R.S.A., 2000 c. T-6 and amendments thereto;

- (h) “Motorcycle” means a motor vehicle mounted on two or three wheels and includes those motor vehicles known to the trade as motorcycles, scooters and power bicycles;
- (i) “Municipal Highway” means a highway as defined in the Traffic Safety Act R.S.A., 2000 c. T-6 and which is subject to the direction, control and management of the County;
- (j) “Off-Highway Vehicle” means any motorized mode of transportation built for cross-country travel on land, water, snow, ice, marsh or swamp land or on other natural terrain and, without limiting the generality of the foregoing, includes, when 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 which is propelled by any power other than muscular power or wind,but does not include:
 - (x) motor boats, or
 - (xi) any other vehicle exempted from being an Off-Highway Vehicle by regulations;
- (k) “ Operator” means a person who drives or is in actual physical control of an Off-Highway Vehicle;
- (l) “Owner” includes a person renting an Off-Highway Vehicle or having exclusive use of that vehicle under a lease or otherwise for a period for more than 30 days;
- (m) “Park” shall mean those reserved lands, recreational lands and other lands within the County which are owned by or controlled by the County and which do not form part of a Municipal Highway;
- (n) “Parking Lane” means that portion of a highway between:
 - (i) the edge of the roadway to the right of the direction of traffic, and
 - (ii) the nearest solid white line (not being the center line) marked on the roadway;
- (n) “Peace Officer” means a member of the Royal Canadian Mounted Police, a member of a municipal police force, a Transport Officer employed by Alberta Infrastructure, a Forest Officer, a Wildlife Officer, or a Bylaw Enforcement Officer having jurisdiction within the boundaries of the County;
- (o) “Public Property” means property owned or controlled by the County or the local school authority and is designated or intended for use by the public as a playground or school yard;
- (p) “Roadway” means that part of a highway intended for use by vehicular traffic;
- (q) “Safety Helmet” means a safety helmet as prescribed in the Regulations made pursuant to the Act;
- (r) “Snow Vehicle” means a motor vehicle designed or intended to be driven exclusively or chiefly on snow or ice or both;

- (s) “Vehicle” means a device in, on or by which a person or thing may be transported or drawn and includes a combination of vehicles but does not include a mobility aid.
- (t) “Violation Tag” shall mean a tag or similar document used by the County (as attached in Schedule “B”) pursuant to the Municipal Government Act, R.S.A. 2000, c. M-26, as amended.
- (u) “Violation Ticket” shall mean a ticket issued pursuant to the Part II of the Provincial Offences Procedure Act, R.S.A. 2000, c. P-34 amended, and Regulations there under.

3. **OPERATING RESTRICTIONS**

All operations of Off-Highway Vehicles must conform with all provisions of this bylaw, the Act and all other Provincial legislation and regulation that relates to the operation of Off-Highway Vehicles. Any qualified person may operate an Off-highway on a Municipal Highway within the County, and is subject to the following conditions:

- (a) The hours of operating an Off-Highway Vehicle on a Municipal Highway shall be restricted to the period of time between 7:00am and 11:00pm;
- (b) The maximum speed at which an Off-Highway Vehicle is permitted to travel on a Municipal Highway is 40 kilometers per hour, unless the highway is posted for a slower speed; then the slower speed shall apply;
- (c) An operator of an Off-Highway Vehicle on a Municipal Highway shall travel on parking lane of the highway or in the ditch and shall travel single file at all times;
- (d) An operator of an Off-Highway Vehicle, when travelling on any Municipal 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;
- (e) Off-Highway Vehicles shall not be operated on county highways within a Hamlet except for purposes of exiting and entering the Hamlet to and from the operator’s residence using the most direct route possible;
- (f) The maximum speed at which an Off-Highway Vehicle is permitted to travel in a hamlet is 20 kilometers per hour;
- (g) No person shall operate an Off-Highway Vehicle while on public property unless the Operator is wearing a Safety Helmet securely attached to his or her head;
- (h) No person shall permit another person to ride as a passenger on an Off-Highway Vehicle, while on public property unless the passenger is wearing a Safety Helmet securely attached on his or her head;
- (i) No person shall operate an Off-Highway Vehicle in any Park or school property within the County.
- (j) No person shall operate an Off-Highway Vehicle within the County where Council has authorized by resolution, the erection of a sign or signs prohibiting such operation;

- (k) This Section does not apply to Peace Officers, agents or employees of the County or the local school authority when operating an Off-Highway Vehicle in the performance of their duties.

4. **SPECIAL PERMITS**

Westlock County may issue, from time to time, on receipt of a written request therefore, Special Permits to authorize the use and operation of Off-Highway Vehicles in a restricted area, or areas, for special purposes or events.

5. **OFFENCES AND PENALTIES**

- (a) Any person who contravenes the provisions of this Bylaw is guilty of an Offence.
- (b) Whenever a Bylaw Enforcement Officer has reason to believe that a person has contravened any of the Sections of this bylaw, such Officer may serve upon such person a Municipal Violation Tag indicating Westlock County will accept payment for penalty as set out in Schedule "A" in lieu of prosecution for such contravention under Section 5(c).
- (c) A Bylaw Enforcement Officer may, in their sole discretion, issue a summons as opposed to a Municipal Violation Ticket as provided for pursuant to Section 5(b). In the event a person to whom a summons is issued is found guilty of an Offence, they are liable upon summary conviction to the following penalties:
 - i. of the first Offence, to a fine of not more than two hundred (\$200.00) dollars and in default of payment to imprisonment of a term of not more than thirty (30) days; and
 - ii. for a second or subsequent Offence to a fine of not more than four hundred (\$400.00) dollars and in default of payment to imprisonment for a term of not more than sixty (60) days.

6. **METHOD OF SERVICE**

- (a) Service of the ticket referred to in Section 5(b) upon the person therein mentioned may be affected either personally or by leaving such ticket for the person at his/her residence with a person on the premises who appears to be at least eighteen (18) years of age, or by mailing such ticket to such person at his last known address.
- (b) Service of the summons referred to in Section 5(c) upon the person therein mentioned may be affected either personally or by leaving such ticket for the person at his/her residence with a person on the premises who appears to be at least eighteen (18) years of age.

7. **SEVERABILITY**

If at any time, any provision of this Bylaw is declared or held to be illegal, invalid, or ultra vires, in whole or in part, then the provision shall not apply and the remainder of this Bylaw shall continue in full force and effect and be construed as if it had been enacted without the illegal, invalid or ultra vires provision.

8. **REPEAL OF BYLAW NO. 1.01**

Bylaw No.13-1988 is hereby repealed.

9. **EFFECTIVE DATE**

This bylaw shall come into force and effect upon the final passing and proper signature thereof.

READ A FIRST TIME THIS THIRTEENTH (13TH) DAY OF JUNE, A.D., 2006.

READ A SECOND TIME THIS EIGHTH (8TH) DAY OF AUGUST, A.D., 2006.

READ A THIRD AND FINAL TIME THIS EIGHTH (8TH) DAY OF AUGUST A.D., 2006.

Date

Reeve

Date

Administrator

SCHEDULE "A"

The amount that may be accepted by the County in lieu of prosecution under Section 5 (c) for contraventions of this bylaw shall be the amounts set out as follows:

SECTION	DESCRIPTION	PENALTY
3 (a)	Operate an OHV during restricted hours	\$ 50.00
3 (b)	Exceed max speed limit on a Municipal Highway	\$ 75.00
3 (c) (d)	Operate an OHV contrary to travel restrictions	\$ 50.00
3 (e)	Operate an OHV within a Hamlet	\$ 50.00
3 (f)	Exceed max speed limit in a Hamlet	\$ 75.00
3 (g)	Operator of an OHV not wearing a safety helmet	\$ 25.00
3 (h)	Passenger of an OHV not wearing a safety helmet	\$ 25.00
3 (i)	Operate an OHV in Park or School Property	\$ 50.00

SCHEDULE "B"
VIOLATION TAG (COMPRESSED TO FIT PAGE)



PROTECTIVE SERVICES

DATE of ISSUE _____ TIME _____

NAME _____
(Last) (First)

ADDRESS _____
(Address)

(Town) (Province) (Postal Code) (Telephone)

OFFENCE DATE _____ TIME _____

OFFENCE _____

LOCATION _____

DETAILS _____

PENALTY

\$25.00	\$ 50.00	\$ 75.00	\$100.00	
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THIS IS A WARNING NOTICE ONLY

**FURTHER OFFENCE MAY RESULT IN A FINE AND/OR
FURTHER ACTION**

ISSUING OFFICER _____ REG # _____

If you have any questions regarding this notice please contact Westlock County

Protective Services at (780) 349-3346 during regular office hours.

Main Office 10336-106 St, Westlock A.B. T7P 2G1