

Final Original

COUNTY OF THORHILD NO. 7
PROVINCE OF ALBERTA
BY-LAW NO. 1094-2007

A BYLAW TO AUTHORIZE THE COUNTY OF THORHILD IN THE PROVINCE OF ALBERTA, FOR THE PURPOSE OF REGULATING THE OPERATION AND USE OF OFF-HIGHWAY VEHICLES ON HIGHWAYS UNDER ITS JURISDICTION.

WHEREAS

Pursuant to the provisions contained in the *Traffic Safety Act*, R.S.A. 2000, c. T-6, and Off-Highway Vehicle Regulation, as amended or repealed and replaced from time to time, the council of a municipality, by bylaw is given certain powers to regulate and control the operation of off-highway vehicles on highways that are subject to the direction, control and management of the municipality;

WHEREAS

Pursuant to the provisions of the *Municipal Government Act*, R.S.A. 2000, c. M-26, as amended or repealed and replaced from time to time, the council of a municipality may pass bylaws respecting people, activities and things in, on or near a public place or place that is open to the public;

WHEREAS

Pursuant to the provisions of the *Traffic Safety Act*, R.S.A., 2000, c. T-6, as amended or repealed and replaced from time to time, the council of a municipality may, by bylaw, authorize or issue a permit authorizing persons to drive off-highway vehicles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

The Council of the County of Thorhild No. 7 is of the view that it is in the best interest of the residents of the County of Thorhild No. 7 that a Bylaw be passed to regulate and control the operation of off-highway vehicles in the Hamlet of Long Lake and the Long Lake Ski Hill.

NOW
THEREFORE

The Council of County of Thorhild No. 7, in the Province of Alberta, duly assembled, hereby enacts as follows:

1. **SECTION 1 - SHORT TITLE**

1.1 This Bylaw may be cited as the "Long Lake Off-Highway Vehicle Bylaw".

2. **SECTION 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2.1 For the purposes of this Bylaw all the definitions of the *Traffic Safety Act*, R.S.A. 2000, c. T-6, as amended and repealed and replaced from time to time, and regulations thereunder shall be applicable and have the same meaning except as varied in subsection 2.2 of this Bylaw.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- (a) "Act" means the *Traffic Safety Act*, R.S.A. 2000, c. T-6, as amended or repealed and replaced from time to time.
- (b) "Bylaw Enforcement Officer" shall mean a Bylaw Enforcement Officer appointed by the County pursuant to the *Municipal Government Act*, R.S.A. 2000, c. M-26, as amended and repealed and replaced from time to time, to enforce the County Bylaws.
- (c) "Chief Administrative Officer" means the Chief Administrative Officer for the County, regardless of the specific title that may be conferred on that Officer by the Council from time to time.
- (d) "Council" means the Council of the County of Thorhild No. 7.
- (e) "County" means the County of Thorhild No. 7.
- (f) "County Highway" means a highway as defined in the Act and which are subject to the direction, control and management of the County.
- (g) "Hamlet" means an area within the County known as Long Lake, with defined boundaries and as provided in Bylaw #986-97 - Municipal Development Plan, in accordance with the *Municipal Government Act*, R.S.A. 2000, c. M-26, as amended or repealed and replaced from time to time.
- (h) "Long Lake Ski Hill" means the ski hill owned and operated by the County located at N.W. 23-63-19-W4.

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(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 other natural terrain and, when designed for such travel and without limiting the generality of the foregoing includes:

- i) 4-wheel 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
 - i) motor boats; or
 - ii) any other vehicle exempted from being an Off-Highway vehicle by regulation.
- (j) "Operator" means a person who drives or is in actual physical control of an Off-Highway Vehicle and is a holder of a valid subsisting operator's license of any class.
- (k) "Owner" with respect to a Off-Highway Vehicle means:
 - i) the person named as the registered owner of an Off-Highway Vehicle under the Act, or
 - ii) any person renting an Off-Highway Vehicle or having exclusive use of that Off-Highway Vehicle under a lease or otherwise for a period of more than 30 days.

(l) "Peace Officer" means a member of the Royal Canadian Mounted Police, a Transportation Officer employed by Alberta Infrastructure, a Forest Officer, a Wildlife Officer, a Community Peace Officer, Alberta Peace Officer, Level 1 (Sheriff), or a Bylaw Enforcement Officer having jurisdiction within the boundaries of the County.

(m) "Public Property" means property owned or controlled by the County or the local school authority and includes the Long Lake Ski Hill, land that is designated or intended for use by the public as a playground or a school yard, reserved lands, recreational lands and other lands.

(n) "Safety Helmet" means a safety helmet as prescribed in the Traffic Safety Act Regulations.

(o) "Snow Vehicle" means a motor vehicle designed or intended to be driven exclusively or chiefly on snow or ice or both.

(p) "Violation Tag" means a tag or similar document issued by the County pursuant to Section 7 of the *Municipal Government Act*, R.S.A. 2000, c. M-26, as amended or repealed and replaced from time to time.

(q) "Violation Ticket" means a ticket issued pursuant to Part 2 of the *Provincial Offences Procedure Act*, R.S.A. 2000, c. P-34, as amended and repealed and replaced from time to time and the Regulations thereunder.

3.

SECTION 3 - APPLICATION

3.1 This Bylaw applies to County Highways under the direction, control and management of the County and public property located within the Hamlet and the Long Lake Ski Hill.

4.

SECTION 4 – OPERATIONAL RESTRICTIONS

4.1 No person shall operate an Off-Highway Vehicle except as authorized pursuant to the Act or pursuant to permission granted under this Bylaw.

4.2 A person who is authorized to operate an Off-Highway Vehicle pursuant to this Act or this Bylaw shall:

(a) Restrict operation of an Off-Highway Vehicle on a County Highway within the Hamlet to the hours between 7:30 a.m. and 11:00 p.m.;

(b) Travel at a maximum speed of 30 km/h;

- (c) With the exception of snow vehicles, travel in a single file on the extreme right hand portion of the travelling surface of the County Highway.
 - (d) Travel in the same direction as vehicles traveling on that side of the County Highway.
 - (e) Operate an Off-Highway Vehicle on a County Highway within the Hamlet for the purposes of exiting and entering the Hamlet and from the Operator's residence, and for traveling to and from the beach and for the purpose of snow vehicle(s) accessing the lake, using the block roadway and walkway, using the most direct route.
 - (f) Operate an Off-Highway Vehicle in the Hamlet equipped with a factory or equivalent noise suppression and spark arrester exhaust system.
 - (g) Not perform or engage in any stunt or other activity that is likely to distract, startle or interfere with users of the County Highway and/or other persons within the Hamlet.
 - (h) Not create or cause the emission of any noise that in the opinion of the Peace Officer is objectionable and/or unnecessary from the Off-Highway Vehicle or any part of it, or from any thing or substance that the Off-Highway Vehicle comes into contact with.
- 4.3 All Off-Highway vehicles on County Highways within the Hamlet must be insured and registered in accordance with the Traffic Safety Act.
- 4.4 No person shall operate or be a passenger of an Off-Highway Vehicle where the persons on the Off-Highway Vehicle exceeds the number of persons that the Off-Highway Vehicle is designed to carry.
- 4.5 No person shall operate or be a passenger of an Off-Highway Vehicle unless the operator or passenger is wearing a safety-helmet securely attached to his or her head.
- 4.6 No person shall operate an Off-Highway Vehicle on any Public Property within the Hamlet with the exception of residents within the individual blocks using the walkway for beach access and access to the lake by means of snow vehicle.
- 4.7 No person shall operate an Off-Highway Vehicle on the Long Lake Ski Hill.
- 4.8 The provision of this Bylaw shall not apply to Bylaw Enforcement Officers, Peace Officers, agents or employees of the County or the local school authority when operating an Off-Highway Vehicle in the performance of their official duties.
- 4.9 During an emergency, disaster or search and rescue operation within the County as determined by the Chief Administrative Officer, the provisions of this Bylaw may be waived, varied or suspended by the Chief Administrative Officer.

5. **SECTION 5 – OFFENCES AND PENALTIES**

- 5.1 The Owner of an Off-Highway Vehicle who contravenes any provision of this Bylaw is guilty of an offense.
- 5.2 An Owner who permits another person to operate the Owner's Off-Highway Vehicle, or an Off-Highway Vehicle which the Owner has exclusive use, in contravention of this Bylaw is guilty of an offense.
- 5.3 Any person who contravenes the provision of this Bylaw is guilty of an offense and is liable to the penalty as set out in Schedule "A".
- 5.4 Under no circumstances shall any person contravening any provision of this Bylaw be subject to the penalty of imprisonment.

6. **SECTION 6 – VIOLATION TAGS**

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 postal address.

6.3 The Violation Tag shall be in a form approved by the Chief Administrative Officer and shall state:

- (a) The name of the person;
- (b) The offense;
- (c) The appropriate penalty for the offense as specified in Schedule "A" of this Bylaw;
- (d) That the penalties shall be paid within 21 days of the issuance of the Violation Tag; and
- (e) Any other information as may be required by the County.

6.4 Where a Violation Tag is issued pursuant to this Bylaw, the person to whom the Violation Tag is issued may in lieu of prosecution of the offenses, pay to the County the penalties specified in the Violation Tag.

6.5 Nothing in this Bylaw shall prevent a Peace Officer from immediately issuing a Violation Ticket.

7. **SECTION 7 – VIOLATION TICKET**

7.1 Subject to Section 6.5, if the penalty specified on a Violation Tag is not paid within the prescribed time, then a Peace Officer is hereby authorized and empowered to issue a Violation Ticket pursuant to Part 2 of the *Provincial Offenses Procedure Act*, R.S.A. 2000, P-34, as amended or repealed and replaced from time to time.

7.2 When a Violation Ticket has been issued to a person pursuant to this Bylaw, that person may plead guilty to the offence by submitting to a Clerk of the Provincial Court, the specified penalty set out on the Violation Ticket at any time prior to the appearance date indicated on the Violation Ticket.

8. **SECTION 8 – SEVERABILITY**

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

9. **SECTION 9 – EFFECTIVE DATE**

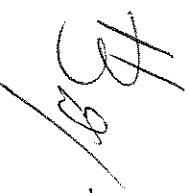
9.1 This Bylaw shall come into effect upon third and final reading.

10. **SECTION 10 – MANDATORY REVIEW**

10.1 This Bylaw shall be reviewed, revised as required and adopted by Council resolution on or before the five (5) years from adoption of this Bylaw.

11. **SECTION 11 – REPEALS/AMENDMENTS**

11.1 This Bylaw hereby repeals Bylaw #579.



12. SECTION 12 – RELATIONSHIPS WITH OTHER BYLAWS

12.1 If a provision of this Bylaw is inconsistent or in conflict with a provision of Bylaw #578, the provision of this Bylaw shall prevail.

READ A FIRST TIME IN COUNCIL THIS 25th DAY OF SEPTEMBER, 2007.

REEVE

COUNTY MANAGER

READ A SECOND TIME IN COUNCIL THIS DAY OF , 2008.

REEVE

COUNTY MANAGER

READ A THIRD TIME IN COUNCIL AND FINALLY PASSED THIS DAY OF , 2008.

COUNTY OF THORHILD NO. 7
COUNTY COUNCIL

REEVE

COUNTY MANAGER

SCHEDULE "A"

PENALTIES

The amount that may be accepted by the County in lieu of prosecution for contravention of this Bylaw shall be the amounts set out as follows:

SECTION	DESCRIPTION	PENALTY
4.2(a)	Operation of an Off Highway Vehicle other than between the hours of 7:30 a.m. and 11:00 p.m.	\$100.00
4.2(b)	Travel over the maximum speed limit, based on the amount the posted speed limit is being exceeded.	In accordance with Traffic Safety Act.
4.2(c)	Failing to travel in single-file.	\$50.00
4.2(d)	Failing to travel in same direction as vehicles.	\$50.00
4.2(e)	Operation of an Off Highway Vehicle on a County Highway within the Hamlet for the purpose of exiting and entering the Hamlet and from the operator's residence, and for traveling to and from the beach and for the purpose of snow vehicles accessing the lake, using the block roadway and walkway, using the most direct route.	\$75.00
4.2 (f)	Operation of Off Highway Vehicle in the Hamlet without a proper noise suppression and spark arresting exhaust system.	\$75.00
4.2(g)	Perform or engage in any stunt or other activity.	\$75.00
4.2 (h)	Create or cause the emission of loud and unnecessary noise.	\$75.00
4.3	Proper insurance and registration.	In accordance with Traffic Safety Act.
4.4	Exceeding number of persons permitted on Off Highway Vehicle.	\$75.00
4.5	Failure to wear safety helmet.	\$75.00
4.6, 4.7	Operating an Off Highway Vehicle on public property contrary to provisions of this Bylaw.	\$150.00

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