

YELLOWHEAD COUNTY

BYLAW NO. 24.05

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

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 directions, control and management of the municipality; and

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, the Council of Yellowhead County is of the view that it is in the best interests of the residents of Yellowhead 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 Yellowhead 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) "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;
- (b) "Council" means the Council of Yellowhead County;
- (c) "County" means Yellowhead County;
- (d) "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.;
- (e) "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

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- (f) “Motor Vehicle” means a motor vehicle as defined by the Traffic Safety Act R.S.A., 2000 c. T-6 and amendments thereto;
- (g) “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;
- (h) “Municipal Highway” means a highway under the direction, management and control of the County;
- (i) “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;
- (j) “Operator” means a person who drives or is in actual physical control of an Off-Highway vehicle;
- (k) “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;
- (l) “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;
- (m) “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 Special Constable or Bylaw Enforcement Officer employed by Yellowhead County;
- (n) “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 park, playground or school yard;

- (o) "Roadway" means that part of a highway intended for use by vehicular traffic;
- (p) "Safety Helmet" means a safety helmet as prescribed in the Regulations made pursuant to the Act;
- (q) "Snow Vehicle" means a motor vehicle designed or intended to be driven exclusively or chiefly on snow or ice or both;
- (r) "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.

3. **OPERATING RESTRICTIONS**

Off-highway vehicles may be operated on Municipal Highways. 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.

- (a) No person shall operate an off-highway vehicle on public property as defined in this bylaw.
- (b) 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.
- (c) The hours of operating an off-highway vehicle on a Municipal Highway within a Hamlet shall be restricted to the period of time between 8:00 a.m. and 11:00 p.m. in any one day.
- (d) The maximum speed at which an off-highway vehicle is permitted to travel on a Municipal Highway is 50 kilometers per hour, unless the highway is posted for a slower speed; then the slower speed shall apply.
- (e) The maximum speed at which an off-highway vehicle is permitted to travel in a hamlet is 30 kilometers per hour.
- (f) Operators of off-highway vehicles on Municipal Highways shall travel within the parking lane, or where there is no parking lane, on the extreme right hand side of the highway and shall travel single file at all times.
- (g) 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. Operators of off-highway vehicles within a Hamlet shall use the county highways within the Hamlet to enter and exit the Hamlet and shall use the most direct route possible to and from their residence.

4. SPECIAL PERMITS

Yellowhead 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, such as cross-county ski trails within the County, a rally, and so on.

5. OFFENCES AND PENALTIES

- (a) Any person who contravenes the provisions of this Bylaw is guilty of an offence.
- (b) Whenever a Peace Officer has reason to believe that a person has contravened any of the Sections of this bylaw, such Peace Officer may serve upon such person a municipal ticket indicating Yellowhead 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 Peace 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 one hundred (\$100.00) 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 two hundred (\$200.00) 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 illegal, invalid or ultra vires provision.

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

Bylaw No.1.01 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 28 day of JUNE, A.D., 2005.

READ a second time this 28 day of JUNE, A.D., 2005.

READ a third time this 28 day of JUNE, A.D., 2005.

SIGNED this 28 day of JUNE, A.D., 2005.



Reeve



Chief Administrative Officer

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)	operating an off-highway vehicle on Public Property as defined in this bylaw	\$50.00
3 (c)	operating during restricted hours	\$50.00
3 (d)	Exceed max speed limit on a Municipal Highway	\$75.00
3 (e)	Exceed max speed limit in a Hamlet	\$75.00
3 (f)(g)	operating an off-highway vehicle in a hamlet in a manner contrary to this bylaw	\$ 50.00