

PARKLAND COUNTY
PROVINCE OF ALBERTA

BYLAW 2024-01

BEING A BYLAW FOR THE PURPOSE OF AUTHORIZING THE OPERATION OF OFF-HIGHWAY
VEHICLES ON HIGHWAYS AND COUNTY LAND WITHIN PARKLAND COUNTY

WHEREAS pursuant to the *Traffic Safety Act*, RSA 2000 c T-6, Council 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*, RSA 2000 c M-26, Council may pass bylaws for municipal purposes respecting the following matters:

- a) the safety, health and welfare of people and the protection of people and property;
- b) people, activities and things in, on or near a public place or place that is open to the public;
- c) the enforcement of bylaws; and

WHEREAS it is the desire of the Council of Parkland County that a bylaw be passed to regulate and control the operation of Off-Highway Vehicles;

NOW THEREFORE the Council of Parkland County, duly assembled and under the authority of the *Municipal Government Act*, RSA 2000 c M-26, as amended, hereby enacts the following:

TITLE

1. This bylaw shall be known as the "Parkland County Off-Highway Vehicle Bylaw".

DEFINITIONS

2. The following definitions will apply to the corresponding words in this bylaw:
 - (1) "Chief Administrative Officer" or "CAO" means the Chief Administrative Officer for the County appointed pursuant to the *Municipal Government Act*, RSA 2000 c M-26, or their delegate;
 - (2) "Council" means the Council of Parkland County;
 - (3) "County" means Parkland County;
 - (4) "Environmental Land" means designated or undesignated land owned and registered in the name of the County at the Provincial Land Titles office; holding environmental significance and or designated as conservation or environmental reserves;
 - (5) "County Land" means those reserve lands, recreational lands, and other lands within Parkland County boundaries which are owned by or controlled by the County;
 - (6) "Ditch" means all that portion of a Highway that does not include the Roadway;
 - (7) "Highway" means a Highway as defined in the *Traffic Safety Act*, RSA 2000 c. T-6, as amended;
 - (8) "Municipal Tag" means a Municipal Violation notice or tag, allowing for the voluntary payment of a specified penalty to be paid out of court to the County in lieu of issuance of a Violation Ticket;
 - (9) "Nuisance" means something that invades or interferes with another's rights or interests by being offensive, annoying, dangerous, obstructive, or unsafe;
 - (10) "Off-Highway Vehicle" has the same meaning as in the *Traffic Safety Act*, RSA 2000 c T-6;
 - (11) "Operator" means a Person who drives or is in actual physical control of an Off-Highway Vehicle;
 - (12) "Operator's Licence" means an operator's licence that is issued under the *Traffic Safety Act*, RSA 2000 c T-6, and includes a licence or permit in another jurisdiction that permits a Person to operate a motor vehicle of the same class;
 - (13) "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 30 days;

- (14) "Peace Officer" has the same meaning as in the *Provincial Offences Procedure Act*, RSA 2000 c P-34, and includes a County appointed Bylaw Officer;
- (15) "Permit" means a permit issued pursuant to this Bylaw for the use of Off-Highway Vehicles in areas restricted in this Bylaw as the context requires;
- (16) "Person" means any individual, firm, partnership, association, corporation or society;
- (17) "Residential Area" means any residential area including a multiparcel residential subdivision;
- (18) "Roadway" has the same meaning as in the *Traffic Safety Act*, RSA 2000 c T-6;
- (19) "Safety Helmet" means a safety helmet intended for use by an Operator or passenger of an Off-Highway Vehicle that meets the standards prescribed in the *Off-Highway Vehicle Regulation*, Alta Reg 319/2002;
- (20) "Violation Ticket" means a violation ticket as defined in the *Provincial Offences Procedure Act*, RSA 2000 c P-34.

INTERPRETATION

3. The headings in this Bylaw are for reference purposes only.

APPLICATION

4. This Bylaw applies to Highways under the direction, control and management of the County and nothing in this bylaw authorizes, or in any way affects, the Operation of an Off-Highway Vehicle on any provincial Highway.
5. Nothing in this Bylaw relieves any Person from complying with any provision of any federal or provincial legislation affecting Off-Highway Vehicles, including without restriction, the *Traffic Safety Act*, RSA 2000 c T-6.

AUTHORITY OF THE CHIEF ADMINISTRATIVE OFFICER

6. The Chief Administrative Officer may issue Permits in relation to activities governed by this Bylaw on such terms and conditions as the Chief Administrative Officer deems appropriate.
7. A Person to whom a Permit has been issued pursuant to this Bylaw and any Person carrying out an activity otherwise regulated, restricted or prohibited by this Bylaw pursuant to such Permit, shall comply with any terms or conditions forming part of the Permit and shall produce the Permit to a Peace Officer upon request.
8. A Person shall not make any false or misleading statement or provide any false or misleading information to obtain a Permit pursuant to this Bylaw.
9. If any term or condition of a Permit issued pursuant to this Bylaw is contravened or if a false or misleading statement or false or misleading information was provided to obtain the Permit, in addition to any other remedy available to the County, the Chief Administrative Officer or a Peace Officer may immediately cancel the Permit.
10. The onus of proving a Permit has been issued in relation to any activity otherwise regulated, restricted or prohibited by this Bylaw is on the Person alleging the existence of such a Permit, on a balance of probabilities.

OWNER LIABLE

11. If an Off-Highway Vehicle is involved in an offence under this Bylaw, the Owner is guilty of an offence.

OFFENCES AND PENALTIES

General Penalty Provision

12. A Person who contravenes this Bylaw by:
 - (1) doing any act or thing which the Person is prohibited from doing; or
 - (2) failing to do any act or thing the Person is required to do;is guilty of an offence.

13. Any Person who is convicted of an offence pursuant to this Bylaw is liable on summary conviction to a fine not exceeding ten thousand dollars and in default of payment of any fine imposed to a period of imprisonment not exceeding six months.

Municipal Tags and Violation Tickets

14. A Peace Officer is hereby authorized and empowered to issue a Municipal Tag to any Person who the Peace Officer has reasonable and probable grounds to believe has contravened any provision of this Bylaw.
15. A Municipal Tag may be served:
 - (1) personally, to the accused;
 - (2) by mail to the address of the registered Owner of the Vehicle concerned, or the Person concerned; or
 - (3) by attaching to or leaving upon the Vehicle with respect of which the offence is alleged to have been committed.
16. The Municipal Tag shall be in a form approved by the Chief Administrative Officer and shall state:
 - (1) the name of the Person to whom the Municipal Tag is issued, if known;
 - (2) a description of the offence and the applicable Bylaw section;
 - (3) the appropriate penalty for the offence as specified in the Parkland County Fees and Charges Bylaw;
 - (4) that the penalty shall be paid within 14 days of the issuance of the Municipal Tag in order to avoid prosecution; and
 - (5) any other information as may be required by the Chief Administrative Officer.
17. Where a contravention of this Bylaw is of a continuing nature further Municipal Tags may be issued by a Peace Officer, provided that no more than one Municipal Tag shall be issued, for each day that the contravention continues.
18. A Person to whom a Municipal Tag has been issued may pay the penalty specified on the Municipal Tag and if the amount is paid on or before the required date, the Person will not be prosecuted for the offence.
19. Nothing in this Bylaw shall prevent a Peace Officer from immediately issuing a Violation Ticket.
20. Where a Municipal Tag has been issued and the penalty specified on the Municipal Tag is not paid within the prescribed time, a Peace Officer is hereby authorized and empowered to issue a Violation Ticket.
21. Where a Peace Officer believes that a Person has contravened any provision of this Bylaw, the Peace Officer may commence proceedings against the Person by issuing a Violation Ticket pursuant to the *Provincial Offences Procedures Act*, RSA 2000 c P-34.
22. Where there is a specified penalty listed for an offence in the Parkland County Fees and Charges Bylaw, as updated from time to time, that amount is the specified penalty for the offence.
23. This section does not prevent any Peace Officer from issuing a Violation Ticket requiring a Court appearance of the defendant, pursuant to the provisions of the *Provincial Offences Procedures Act*, or from laying an information in lieu of a Violation Ticket.
24. The County can exercise discretion in the application of this Bylaw and its contents as defined in Section 529 of the *Municipal Government Act*, RSA 2000 c M-26.
25. If the complainant fails to supply evidence to a Parkland County representative on any issue within this Bylaw, the County may elect not to investigate the complaint.
26. A Peace Officer may use discretion, mediation and provide increased awareness and education in lieu of applying violation tickets and penalties.
27. All Violation Tickets issued by the County and heard by the Court are to be supported by witness statements and may require court attendance by the complainant to validate facts. The final decision to proceed with a specified penalty will be at the discretion of the Court, when the matter is heard, and will be based on supporting evidence.

False Information

28. No person shall provide false or misleading information to any Peace Officer or County employee.

Obstruction of a Peace Officer

29. No person shall interfere with or obstruct a Peace Officer in the exercise of their powers and duties pursuant to this Bylaw.

OPERATION RESTRICTIONS

30. A Person may only operate an Off-Highway Vehicle in the County:
- (1) in the Ditch adjacent to the Roadway;
 - (2) where there is no Ditch adjacent to a Roadway, or where the Ditch is obstructed, in the parking lane of the Roadway;
 - (3) where there is no Ditch adjacent to a Roadway and the Roadway does not include a parking lane or where both the Ditch and the parking lane are obstructed, in the rightmost lane of the Roadway; or
 - (4) on designated County Lands where Off-Highway Vehicle use is permitted.
31. A Person operating an Off-Highway Vehicle shall:
- (1) travel single file in the same direction as the vehicles travelling on the Roadway;
 - (2) travel at a maximum speed not exceeding 30 kilometers per hour or the posted speed-limit, whichever is lower; and
 - (3) exit and return to their residence using the Roadway by the most direct and safest route of travel when in a Residential Area.
32. No Person shall operate an Off-Highway Vehicle on a Highway or on County Land:
- (1) unless they are at least 16 years of age and the holder of a valid subsisting Class 5 or greater Operator's Licence;
 - (2) unless the Off-Highway Vehicle is insured, registered, and displays a valid licence plate in accordance with the Traffic Safety Act;
 - (3) unless the Off-Highway Vehicle is equipped with headlamps, tail lamps, an exhaust muffler and such other equipment as required by the *Off-Highway Vehicle Regulation*, Alta Reg 319/2002; or
 - (4) before 8:00 A.M. and after 10:00 P.M. (Monday through Friday) or before 9:00 A.M. and after 10:00 P.M. (Saturday, Sunday, or on Statutory Holidays), with the exception of bona-fide agricultural activities.
33. No Person shall operate or be a passenger on an Off-Highway Vehicle without wearing a Safety Helmet securely attached on their head.
34. 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 that the Off-Highway Vehicle is designed to carry.
35. No Person shall operate an Off-Highway Vehicle where the County has placed signage prohibiting such operation or where Off-Highway Vehicle use is prohibited.
36. No Person shall operate an Off-Highway Vehicle within any Environmental Land or any school property.
37. No Person shall operate an Off-Highway Vehicle in a manner that constitutes a Nuisance as reasonably determined by a Peace Officer in their sole discretion.
38. No Person shall tow a trailer, sleigh, cutter, or other vehicle behind an Off-Highway Vehicle in contravention of the *Off-Highway Vehicle Regulation*, Alta Reg 319/2002.
39. 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 and shall not start his or her vehicle until he/she is permitted to do so by that Peace Officer.

EXEMPTIONS

40. The provisions of the Bylaw shall not apply so as to restrict in any way the operation of an Off-Highway Vehicle by a Peace Officer, or agents or employees of the County while operating an Off-Highway Vehicle in the performance of their official duties.

SEVERABILITY

- 41. Should any provision of this bylaw be deemed invalid then such invalid provision will be severed from this Bylaw and such severance will not affect the validity of the remaining portions of this Bylaw, except to the extent necessary to give effect to such severance.

EFFECTIVE DATE

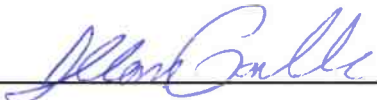
- 42. Bylaws 04-2011 and 2014-13 are hereby repealed.
- 43. This bylaw shall come into force and take effect on the day of third reading and signing thereof.

READ A FIRST TIME this 13th day of February, 2024.

READ A SECOND TIME this 27th day of February, 2024.

READ A THIRD TIME and finally passed this 27th day of February, 2024.

SIGNED AND PASSED this 27th day of February, 2024.



Mayor



Chief Administrative Officer