



COUNCIL POLICY C-PE10

Prohibition of Off-Highway Vehicles

Prepared By: Enforcement Services
 Effective Date: December 13, 2011
 References: Off-Highway Vehicles Bylaw
 Function: Enforcement Services

Council Approval Date: December 13, 2011
 Council Resolution No.: 388-11
 Previous Revision Date: Sept. 26/06 (PE010)
 LAS Review Date: May 6, 2014

PURPOSE

The purpose of this policy is to provide conditions by which Council may prohibit (or reinstate) the use of off-highway vehicles (OHV) on County-owned property and municipal roads within a subdivision or hamlet.

POLICY STATEMENT

Residents of a subdivision or hamlet may find it desirable to prohibit (or reinstate) the use of OHV on County property and municipal roadways within country residential developments when it is deemed that the majority (two-thirds) of the residents feel the use of OHV is not desirable in their community.

SCOPE

This policy applies to all subdivision and hamlets within Parkland County.

MANAGEMENT RESPONSIBILITIES

The Manager of Community and Protective Services is responsible for the implementing, monitoring, and evaluating of this policy.

STANDARDS

Applications for prohibiting (or reinstating) the use of OHV on County property and municipal roads within a subdivision or hamlet shall be subject to the requirements of this policy.

Prohibiting

1. The Statement of Support (Schedule A) shall be submitted by the applicant to the Manager of Community and Protective Services in writing and must explain the rationale to prohibit the use of OHV in the subdivision or hamlet.
2. The Statement of Support shall include a Petition of Support (Schedule B) from registered landowners within the subdivision or hamlet in which the prohibition of OHV is desired. The Petition of Support must demonstrate support for the proposed prohibition of OHV from at least two-thirds (66%) of the registered landowners in the subdivision or hamlet and representing at least half (50%) of the value of the assessments for the property where the OHV prohibition will be imposed. Parkland County shall withdraw its name and assessment value of its property within the subdivision or hamlet from those to be counted in determining the sufficiency of a petition. Only one registered landowner per lot may sign the Petition of Support.

3. Eligible subdivisions must consist of a multi-parcel subdivision having two (2) or more properties (excluding reserves) with an average property area less than ten (10) acres and an internal roadway.
4. Council must receive a valid and proper Petition of Support requesting OHV prohibition before any OHV prohibition is imposed in eligible subdivisions or hamlets.
5. The Statement and Petition of Support must be completed on the attached forms (Schedules A and B). Statements and Petitions of Support not utilizing the attached forms will not be accepted.
6. A petition for prohibiting OHV use in a hamlet or subdivision will only be received by Council after a period of twenty-four (24) months has elapsed from the time a hamlet or subdivision has reinstated OHV use.
7. Property owners interested in having Off-Highway Vehicles (OHV) prohibited on County-owned property and municipal roads within a subdivision or hamlet may contact Community and Protective Services for information on the Statement and Petition of Support, the format for a properly completed petition, and the determination of the area included in the OHV prohibition.
8. Legislative and Administrative Services will determine the sufficiency of the Statement and Petition of Support against this policy and Municipal Government Act petition requirements. Community and Protective Services will report to Council within thirty (30) days of the property owner submission of the statements, or to the first Council meeting after thirty (30) days of submission.
9. Subsequent to determining the sufficiency of the Statement and Petition of Support, Council may pass a resolution, pursuant to the Off-Highway Vehicles Bylaw prohibiting the operation of OHV on County property and municipal roads in the affected subdivision or hamlet, and directing administration to erect a sign or signs prohibiting such operation.
10. Community and Protective Services shall keep a record of all subdivisions or hamlets where OHV operation has been prohibited by Council, and maintain appropriate signage for the duration of the OHV prohibition.

Reinstating

1. The Statement of Support (Schedule A) shall be submitted to the Manager of Community and Protective Services in writing and must explain the rationale for reinstating OHV use in the subdivision or hamlet.
2. The Statement of Support shall include a Petition of Support (Schedule B) from registered landowners within the subdivision or hamlet in which the reinstatement of OHV is desired. The Petition of Support must demonstrate support for the proposed reinstatement of OHV from at least two-thirds (66%) of the registered landowners in the subdivision or hamlet and representing at least half (50%) of the value of the assessments for the property where the OHV reinstatement will be imposed. Parkland County shall withdraw its name and assessment value of its property within the subdivision or hamlet from those to be counted in determining the sufficiency of a petition. Only one registered landowner per lot may sign the Petition of Support.
3. A petition for reinstating OHV use in a hamlet or a subdivision will only be received by Council after a period of twenty-four (24) months has elapsed from the time a subdivision or hamlet has prohibited OHV use.
4. Council must receive a valid and proper Petition of Support requesting OHV reinstatement before any OHV reinstatement is imposed in eligible subdivisions or hamlets.
5. The Statement and Petition of Support must be completed on the attached forms (Schedules A and B). Statements and Petitions of Support not utilizing the attached forms will not be accepted.
6. Property owners interested in having OHV reinstated on County-owned property and municipal roads within a subdivision or hamlet may contact Community and Protective Services for information on Statements of Support and Petition, the format for a properly completed petition, and the determination of the area included in the OHV reinstatement.

7. Legislative and Administrative Services will determine the sufficiency of the Petition of Support as per this policy and Municipal Government Act petition requirements. Community and Protective Services will report to Council within thirty (30) days of property owner submission of the statements, or to the first Council meeting after thirty (30) days of submission.
8. Subsequent to determining the sufficiency of the Statement of Support and Petition, Council may pass a resolution, pursuant to the Off-Highway Vehicles Bylaw, reinstating the operation of OHV on County property and municipal roads in the affected subdivision or hamlet, and directing administration to remove a sign or signs prohibiting such operation.

SCHEDULE A



PROHIBITING OFF-HIGHWAY VEHICLE
USE IN A SUBDIVISION OR HAMLET

STATEMENT OF SUPPORT

Applicant(s) (please print) _____

Mailing Address (please print) _____

Municipal Address _____ Legal Description _____

Phone (H) _____ (Wk) _____ (Cell) _____

OHV Prohibition Rational

I/We, being the above owners of property within the country residential subdivision or hamlet known as _____, do hereby apply to Parkland County for the prohibition of off-highway vehicle usage on County-owned property and municipal roads within said subdivision or hamlet. This Statement of Support is submitted to meet the requirements of County Policy C-PE1 0, acknowledging that submission of the Statement of Support is the first step in the process to prohibit off-highway vehicle use and does not constitute an approval until duly authorized by Council.

Applicant (s) Signature _____

Date _____

Date Statement of Support Received: _____

The information collected on this form will be used for the purposes allowed under the authority of the *Municipal Government Act*. The personal information that you provide may be made public, subject to the provisions of the *Freedom of Information and Protection of Privacy Act*. Questions regarding the collection and use of this information can be directed to the Freedom of Information and Protection of Privacy Coordinator for Parkland County, 53109A, Hwy 779, Parkland County, AB T7Z 1R1 (Phone 780-968-3229)

SCHEDULE B



PROHIBITING OFF_HIGHWAY VEHICLE
USE IN A SUBDIVISION OR HAMLET

PETITION OF SUPPORT

We, the undersigned support the request to prohibit the use of off-highway vehicles on County-owned property and municipal roads in the _____ subdivision/hamlet.
(All entries including names must be legible and complete)

DATE	PRINTED PROPERTY OWNER'S NAME	SIGNATURE	LEGAL DESCRIPTION	WITNESS SIGNATURE
			Lot ___ Blk ___ Plan ___	
			Lot ___ Blk ___ Plan ___	
			Lot ___ Blk ___ Plan ___	
			Lot ___ Blk ___ Plan ___	
			Lot ___ Blk ___ Plan ___	
			Lot ___ Blk ___ Plan ___	
			Lot ___ Blk ___ Plan ___	
			Lot ___ Blk ___ Plan ___	
			Lot ___ Blk ___ Plan ___	
			Lot ___ Blk ___ Plan ___	

Page ___ of ___

Note: In order for the signatures on the petition to be valid, the County must receive it within sixty (60) days of the first signature.

The information collected on this form will be used for the purposes allowed under the authority of the *Municipal Government Act*. The personal information that you provide may be made public, subject to the provisions of the *Freedom of Information and Protection of Privacy Act*. Questions regarding the collection and use of this information can be directed to the Freedom of Information and Protection of Privacy Coordinator for Parkland County, 53109A, Hwy 779, Parkland County, AB T7Z 1R1 (Phone 780-968-3229)