

PARKLAND COUNTY
BYLAW NO. 04-2011



**A BYLAW AUTHORIZING THE OPERATION OF OFF-HIGHWAY VEHICLES
ON HIGHWAYS AND MUNICIPAL LANDS IN PARKLAND COUNTY**

WHEREAS pursuant to the provisions contained in Section 120(4)(b) of the Traffic Safety Act, RSA 2000 c. T-6, 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

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 Bylaw, 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

AND WHEREAS the Council of Parkland County is of the view that it is in the best interests of the residents of Parkland County that a Bylaw 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); and

NOW THEREFORE the Council of Parkland County duly assembled and under the authority of the Municipal Government Act, as amended, hereby enacts the following:

PART 1 - INTERPRETATION AND DEFINITIONS

- 1(1) This Bylaw may be cited as the "Off-Highway Vehicle Bylaw".
- 1(2) In this Bylaw:
- a. "Act" means the *Traffic Safety Act, RSA 2000 c. T-6.*;
 - b. "County" means Parkland County;
 - c. "Council" means the Council of Parkland County;
 - d. "Ditch" means all that portion of a Highway that does not include the Roadway;
 - e. "Highway" means a "Highway" as defined in the Act and which is subject to the direction, control and management of the County;
 - f. "Internal Subdivision Roadway" means a part of a Highway intended for use by vehicular traffic providing access to lots within a multi-parcel subdivision and which is not designated as a township or range road;
 - g. "Multi Parcel Subdivision" means a subdivision of land registered by plan of survey or descriptive plan containing four (4) or more residential lots intended for, or being principally used for, residential purposes;
 - h. "Off-Highway Vehicle" means any motorized mode of transportation built for cross-country travel on land, water, snow, ice or marsh or swamp land or on other natural terrain and, without limiting the generality of the foregoing, includes, when specifically 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 that is propelled by any power other than muscular power or wind; but does not include motor boats; or any other Vehicle exempted from being an Off-Highway Vehicle by regulation.
 - i. "Operator" means a person who drives or is in actual physical control of an Off-Highway Vehicle;
 - j. "Operator's license" means an Operator's License that is issued under the Act and includes a document or information and other data contained in an electronic form that is recognized under the Act as an Operator's license;
 - k. "Owner" means the person who owns an Off-Highway Vehicle and includes any person renting a Vehicle or having the exclusive use of a Vehicle under a lease that has a term of more than

thirty (30) days or otherwise having the exclusive use of a Vehicle for a period of more than thirty (30) days;

- l. "Park" means those reserve 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 Highway;
- m. "Peace Officer" means
 - i. A member of the Royal Canadian Mounted Police;
 - ii. A Bylaw Enforcement Officer employed or contracted by the County;
 - iii. A Community Peace Officer;
 - iv. A Park Warden appointed under the *Parks Canada Agency Act (Canada)*;
 - v. A Conservation Officer appointed under Section 7 or Schedule 5 to the *Government Organization Act (Alberta)*;
 - vi. A Forest Officer appointed under the *Forests Act (Alberta)*; or
 - vii. A Wildlife Officer appointed under the *Wildlife Act (Alberta)*;
- n. "Roadway" means that part of a Highway intended for use by vehicular traffic;
- o. "Safety Helmet" means a Safety Helmet as prescribed in the Regulations made pursuant to the Act;
- p. "Violation Ticket" means a ticket issued pursuant to Part II of the *Provincial Offenses Procedures Act, S.A. 2000, c. P-34*, as amended and Regulations thereunder.

PART 2-- OPERATION RESTRICTIONS

- 2(1) A Person may operate an Off-Highway Vehicle on a Highway or in a Park within the County subject to the following conditions:
- a. No person shall operate an Off-Highway Vehicle on any Highway or in a Park except as specifically provided for within this Bylaw;
 - b. No person shall operate an Off-Highway Vehicle unless they are a holder of a valid subsisting Class 5 or greater Operator's License;
 - c. No person shall operate an Off-Highway Vehicle unless the Off-Highway Vehicle is registered;
 - d. No person shall operate an Off-Highway Vehicle unless the Off-Highway Vehicle is insured;
 - e. No person shall operate an Off-Highway Vehicle if the license plate is not securely attached, legible and clearly visible to other drivers at all times;
 - f. Except as provided otherwise in this Bylaw, an Operator of an Off-Highway Vehicle shall be permitted to operate the Off-Highway Vehicle on the extreme right hand side of the Roadway or in the Ditch and shall travel single file at all times. Off-Highway Vehicles, when traveling on any Highway as permitted in this Bylaw, shall travel in the same direction as Vehicles traveling on that side of the Roadway closest to the Off-Highway Vehicle;
 - g. An Operator of an Off-Highway Vehicle within a Hamlet or Multi Parcel Subdivision within the County shall use the Roadway only within the said Hamlet or Multi Parcel Subdivision only to leave from and return to the Hamlet or Multi Parcel Subdivision by the most direct and safest route possible to and from his or her residence;
 - h. The hours of operating an Off-Highway Vehicle on a Highway or Park shall be restricted to the period of time between 8:00 a.m. and 10:00 p.m. (Monday through Friday) and between 9:00 a.m. and 10:00 p.m. (Saturday, Sunday or on Statutory Holidays), with the exception of agricultural activities;
 - i. The maximum speed at which an Off-Highway Vehicle shall be permitted to travel in a Ditch is thirty (30) km/hr and when traveling on the Roadway, at a maximum speed of fifty (50) km/hr.;
 - j. The maximum speed at which an Off-Highway Vehicle shall be permitted to travel in a Hamlet or Subdivision is thirty (30) km/hr.;
 - k. No person shall operate an Off-Highway Vehicle in any Park, Subdivision or on any Highway within the County, where the County has placed a sign or signs prohibiting such operation;
 - l. No person shall operate an Off-Highway Vehicle with in any Environmental Reserve or on any

- school property;
- m. All Off-Highway Vehicles traveling on a Highway or in a Park shall be equipped with at least one headlight and one tail light that must be alit at all times;
 - n. No person shall operate or be a passenger on an Off-Highway Vehicle without wearing a Safety Helmet securely attached on his or her head;
 - o. 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;
 - p. No person shall operate an Off-Highway Vehicle unless the Off-Highway Vehicle is equipped with an exhaust muffler that complies with the following:
 - i. An exhaust muffler must cool and expel the exhaust gases from the engine without excessive noise and without producing flames or sparks;
 - ii. No person shall drive an Off-Highway Vehicle if the exhaust outlet of the muffler has been widened;
 - iii. No person shall operate an Off-Highway Vehicle if a device is attached to the exhaust system or the muffler that increases the noise made by the expulsion of gases from the engine or allows gases in or leaving the exhaust system to be ignited; and
 - iv. No person shall drive an Off-Highway Vehicle if the exhaust muffler is cut out or disconnected from the engine, or has had a baffle plate or other part removed.
 - q. No person shall tow a trailer, sleigh, cutter or other Vehicle behind an Off-Highway Vehicle unless the hitch or attachment used:
 - i. Is designed so that the Vehicle being towed substantially follows in the tracks of the towing Vehicle;
 - ii. Is strong enough to safely control the Vehicle being towed;
 - iii. Is not more than 1.83 metres long; and
 - iv. Prevents the towed Vehicle from colliding with the towing Vehicle during travel downhill and when the towing Vehicle stops.
 - r. For the purposes of this Section, an operator of an Off-Highway Vehicle is driving carelessly if that driver drives the Off-Highway Vehicle:
 - i. Without due care and attention, or
 - ii. Without reasonable consideration for other persons or property.
 - iii. A person shall not operate an Off-Highway Vehicle on any property, whether publicly or privately owned, that the public is ordinarily entitled or permitted to use, in a manner that constitutes driving carelessly.
- 2(2) The provisions of this Bylaw do not apply to a Peace Officer, or agents or employees of the County while operating an Off-Highway Vehicle in the performance of their official duties.
- 2(3) During an emergency, disaster, or search and rescue operation within the County, the provisions of this Bylaw may be waived, suspended or varied, by the Director of Emergency Management, or his or her designate.
- 2(4) An Operator of an Off-Highway Vehicle in the County on a Highway or in a Park does so at their own risk.
- 2(5) 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 that the Peace Officer requires and shall not start his or her Vehicle until he / she is permitted to do so by that Peace Officer.

PART 3 – OFFENSES

- 3(1) The Operator of an Off-Highway Vehicle that is involved in a contravention of this Bylaw is guilty of an offense and liable upon summary conviction to a fine specified in Schedule "A" of this Bylaw and

in default of payment is liable to imprisonment for a term not exceeding six (6) months.

- 3(2) Notwithstanding Section 3(1), where any person contravenes the same provision of this Bylaw twice within one (1) twelve month period, the specified penalty payable in respect of the second contravention is double the amount shown in Schedule "A" of this Bylaw in respect of that provision.
- 3(3) Notwithstanding Section 3(1), where any person contravenes the same provision of this Bylaw three (3) times within one (1) twelve month period, the specified penalty payable in respect of the third contravention is triple the amount shown in Schedule "A" of this Bylaw in respect of that provision.
- 3(4) Any person who contravenes the same provisions of this Bylaw on three (3) or more occasions may be issued a compulsory court notice, and upon conviction will be subject to a fine of triple the amount shown in Schedule "A".
- 3(5) An Owner who permits another person to operate the Owner's Off-Highway Vehicle or an Off-Highway Vehicle of which the Owner has exclusive use, in contravention of this Bylaw is guilty of an offense.

PART 4 - VIOLATION TICKETS

- 4(1) A Peace Officer is hereby authorized and empowered to issue a Violation Ticket to any person who the Peace Officer has reasonable and probable grounds to believe has contravened any provision of this Bylaw.

PART 5 - AUTHORITY OF THE CHIEF ADMINISTRATIVE OFFICER (CAO) AND COUNCIL

- 5(1) Council hereby delegates to the Chief Administrative Officer (CAO) the authority to designate from time to time any Park or Parks within which the operation of an Off-Highway Vehicle or any type of Off-Highway Vehicle is prohibited.
- 5(2) The CAO is authorized to further delegate the powers granted by this Section.
- 5(3) Council may by resolution temporarily waive any of the provisions contained in this Bylaw, for a specific situation or situations, subject to whatever condition or conditions are seen fit to apply.
- 5(4) Notwithstanding the delegation of authority to the CAO contained in s. 5(1) of this Bylaw, Council may by resolution designate any Park not so designated by the CAO, a Hamlet or multi-parcel subdivision in any area in Parkland County as a "No Off-Highway Vehicle Zone."

PART 6 – TRANSITION

- 6(1) Upon coming into force of this Bylaw, the Off-Highway Vehicle Bylaw 38-2008 is repealed.
- 6(2) This Bylaw shall expire at 23:59 hours on June 24, 2014.
- 6(3) This Bylaw shall come into force and effect upon final passing and signing, thereof.

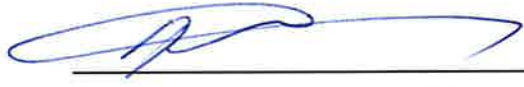
READ a first time this 8th day of March, A.D. 2011.

READ a second time this 10th day of May, A.D. 2011.

READ a third time and finally passed this 10th day of May, A.D. 2011.



Mayor



Manager, Legislative & Administrative Services

SCHEDULE "A"**FINE SCHEDULE**

WHEREAS under the provisions of Section 44 of the Provincial Offences Procedures Act, being revised statutes of Alberta and amendments thereto and under the provisions of Section 7 of the Municipal Government Act, RSA 2000, c M-26, and amendments thereto, the Council of a municipality may by Bylaw provide for the payment of fines for offences, or summons out of Court.

Bylaw Section	Offence	Fine
2(1)(a)	Operate Off-Highway Vehicle without authorization	\$230.00
2(1)(b)	Operate Off-Highway Vehicle without a subsisting Operator's license	\$230.00
2(1)(c)	Operate Off-Highway Vehicle without registration	\$115.00
2(1)(d)	Operate uninsured Off-Highway Vehicle	\$230.00
2(1)(e)	Operate Off-Highway Vehicle with license plate not securely attached/legible/clearly visible	\$115.00
2(1)(f)	Fail to operate Off-Highway Vehicle on the right hand side of the road	\$115.00
2(1)(g)	Fail to leave/return to hamlet/multi-purpose subdivision via direct route	\$115.00
2(1)(h)	Operate Off-Highway Vehicle outside of prescribed hours	\$150.00
2(1)(i)	Exceed maximum speed prescribed for Ditch/road	\$115.00
2(1)(j)	Exceed maximum speed prescribed for Hamlet/Subdivision	\$115.00
2(1)(k)	Operate Off-Highway Vehicle in a Park, Subdivision or Highway where prohibited by signage	\$500.00
2(1)(l)	Operate Off-Highway Vehicle on environmental reserve or school property	\$500.00
2(1)(m)	Operate Off-Highway Vehicle without headlight/taillight alit	\$57.00
2(1)(n)	Operator/Passenger fail to wear a helmet	\$200.00
2(1)(o)	Operator/Passenger exceeds number of Off-Highway Vehicle designed to carry	\$200.00
2(1)(p)	Operate Off-Highway Vehicle without proper exhaust muffler	\$57.00
2(1)(p)(i)	Exhaust muffler excessively noisy/produce flames/sparks	\$57.00
2(1)(p)(ii)	Operate Off-Highway Vehicle if exhaust outlet of muffler has been widened	\$57.00
2(1)(p)(iii)	Operate Off-Highway Vehicle if device attached to exhaust system/muffler increase noise/allow for ignition gases from engine/exhaust system	\$57.00
2(1)(p)(iv)	Operate Off-Highway Vehicle if exhaust muffler cut out/disconnected from engine	\$57.00
2(1)(q)(i)	Tow a trailer/sleigh/cutter/other Vehicle behind an Off-Highway Vehicle hitch/attachment not designed so that the Vehicle being towed substantially follows in the tracks of the towing Vehicle	\$57.00
2(1)(q)(ii)	Tow a trailer/sleigh/cutter/other Vehicle behind an Off-Highway Vehicle hitch/attachment not strong enough to safely control the Vehicle being towed	\$57.00
2(1)(q)(iii)	Tow a trailer/sleigh/cutter/other Vehicle behind an Off-Highway Vehicle hitch/attachment less than 1.83 metres long	\$57.00
2(1)(q)(iv)	Tow a trailer/sleigh/cutter/other Vehicle behind an Off-Highway Vehicle hitch/attachment not prevent the towed Vehicle from colliding with the towing Vehicle during travel downhill and when the towing Vehicle stops	\$57.00
2(1)(s)	Carelessly drive Off-Highway Vehicle on any property public entitled or permitted to use	\$400.00
2(5)	Fail to stop for a Peace Officer	\$500.00
PART 3	Owner contravenes Section	See Section