

BYLAW 1047/04**BYLAW REGULATING THE OPERATION OF
OFF HIGHWAY VEHICLES WITHIN STURGEON COUNTY****STURGEON COUNTY, MORINVILLE, ALBERTA**

BEING A BYLAW OF STURGEON COUNTY, MORINVILLE, ALBERTA FOR THE PURPOSE OF REGULATING THE OPERATION AND USE OF OFF HIGHWAY VEHICLES WITHIN STURGEON COUNTY.

WHEREAS, pursuant to the provisions of Section 120 (2) (b) of the Traffic Safety Act, being Revised Statutes of Alberta, 2000 with amendments thereto, no person shall operate an off highway vehicle on any portion of a highway.

AND WHEREAS, pursuant to the provisions of Section 120 (4) (b) and Section 120 (5) of the aforesaid Statutes, the Council of a municipality may by bylaw, with respect to highways under its direction, control and management, authorize persons to operate off highway vehicles on any portion of any such highway or class thereof and may prescribe terms and conditions under which an off highway vehicle may be operated on a highway and pursuant to section 7(a) and 7(b) of the Municipal Government Act may pass by-laws for municipal purposes for safety, health and welfare of the people and the protection of people and property and people, activities and things, in or near a public place or place that is open to the public

NOW THEREFORE, the Mayor and Councilors of the Sturgeon County in regular meeting duly assembled hereby enact as follows:

In this Bylaw:

- a) "Designated Land" means any Reserves, highway or any other land or area(s) designated by County Council in Schedule "B"
- b) "Highway" means any road or roadway within, and under the direction, control and management of Sturgeon County.
- c) "Reserves" means any county owned municipal reserve, environmental reserve or any other county owned land.
- d) "Off Highway Vehicle" means any motorized mode of transportation built for cross country travel on land, water, snow, ice or marsh or swampland or on other natural terrain and without limiting the generality of the foregoing, includes, when specifically designed for such travel designated 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 designated for such travel,
 - i. 4-wheel drive vehicles,
 - ii. low pressure tire vehicles,
 - iii. motorcycles and related 2-wheel vehicles,
 - iv. amphibious machines,

- v. all terrain vehicles,
 - vi. miniature motor vehicles,
 - vii. snow vehicles,
 - viii. mini bikes, and
 - ix. any other means of transportation that 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 regulation.
- e) "Qualified Person" means a person who is the holder of a valid subsisting operator's license of any class.
- f) "Safety Hemet" means a safety helmet as prescribed in the Traffic Safety Act Regulations.
2. Qualified Person may operate an Off Highway vehicle on Sturgeon County Highways within Sturgeon County subject to the following conditions and limitations:
- (a) The hours of operating an Off Highway vehicle on Sturgeon County Highways shall be restricted to the period of time between 8:00 in the forenoon to 12:00 midnight in anyone day.
 - (b) The maximum speed at which Off Highway vehicles are permitted to travel on Sturgeon County Highways is 30 kilometers per hour.
 - (c) Operators of Off Highway vehicles on Sturgeon County Highways shall travel on the extreme right hand portion of the traveling surface of the road and shall travel single file at all times.
 - (d) All Off Highway vehicles traveling on Sturgeon County Highways shall be equipped with at least one headlight and one taillight. At any time during the night time hours or at any other time when, due to insufficient light or unfavorable atmospheric conditions objects are not clearly discernible on the Highway at a distance of 150 meters ahead, no Off Highway vehicle shall be in motion on a Highway unless the headlight and taillight are alight.
 - (e) Without restricting the generality of the foregoing, the provisions of the Traffic Safety Act shall apply to the operation of Off Highway vehicles on Sturgeon County Highways.
 - (f) Operators of Off Highway vehicles within all hamlets of Sturgeon County shall use the Highways of Sturgeon County within said hamlets only to leave the hamlet and to return to the hamlet by the shortest route possible to their residence.
 - (g) All Off Highway vehicles on Sturgeon County Highways must be insured and registered in accordance with the Traffic Safety Act.
 - (h) No person shall operate an Off Highway vehicle unless wearing a safety helmet securely attached on his or her head.
 - (i) No person shall ride as a passenger of an Off Highway vehicle unless wearing a safety helmet securely attached on his or her head.
 - (j) No person shall operate an Off Highway vehicle on any Designated Land within Sturgeon County. (Attached on Schedule B)
3. The Council of Sturgeon County by resolution may waive any of the provisions contained in the Bylaw, for a specific situation(s) subject to whatever conditions(s) council finds fit to apply.

4. Sturgeon County shall post signs on designated Lands where operation of an Off Highway vehicle is prohibited
5. Any person who contravenes the provisions of the Bylaw is guilty of an offence.
6. Persons contravening certain sections of this bylaw shall be liable for the penalties set out in such section or set out opposite such section number in Schedule "A" hereto.
7. A notice or form commonly called a traffic tag or violation ticket may be issued by a Peace Officer or a Bylaw Enforcement Officer to any person alleged to have breached any provision of this bylaw, and the said traffic tag or violation ticket shall require the payment in the amount specified in this bylaw or the regulations pursuant to the *Provincial Offences Procedure Act*, (Alberta), as amended.
8. A traffic tag or violation ticket shall be deemed to be sufficiently served:
 - a) If served personally on the accused; or,
 - b) If mailed to the address of the registered Owner of the property concerned; or to the person concerned.
9. A person found guilty of an offence against the Bylaw where no penalty has been specifically provided is liable on Summary conviction to a fine not exceeding twenty-five hundred dollars (\$2500.00) exclusive of costs and in default of payment to imprisonment for a period not exceeding six (6) months, unless the fine and costs including the costs of committal are sooner paid.
10. Schedule "A" and Schedule "B" may be amended from time to time by a resolution of Council and any such amendment shall form part of the Bylaw
11. The employees, servants and agents of the County, while acting in the course of their employment or duty, are exempt from the provisions of the bylaw.
12. The Bylaw rescinds Bylaw 772/94 and takes effect as of the date of final reading.

Moved by Councillor MacKay, Bylaw 1047/04 be given first reading this 23rd day of November 2004.

CARRIED UNANIMOUSLY

Moved by Councillor Pasay, Bylaw 1047/04 be given second reading this 23rd day of November 2004.

CARRIED UNANIMOUSLY


MAYOR


COUNTY COMMISSIONER

Moved by Councillor MacKay, Bylaw 1047/04 be given third reading this 14th day of December 2004.

CARRIED


MAYOR


COUNTY COMMISSIONER

SCHEDULE "A"

Hours of Operation Section 2 (a)	50.00
Exceeding Maximum Speed Section 2 (b)	75.00
Driving Wrong Side of Road Section 2 (c)	50.00
Driving Without Headlight or Taillight Section 2 (d)	50.00
Fail to Use Shortest Route in Hamlet Section 2 (f)	50.00
Operator Fail to Wear Safety Helmet on Off Highway Vehicle Section 2 (h)	75.00
Passenger Fail to Wear Safety Helmet on Off Highway Vehicle Section 2 (i)	75.00
Operate Off Highway vehicle on a Designated Land where Signs Prohibit Section 2 (j)	150.00

SCHEDULE "B"

Designated land by Sturgeon County Council

1. All County roads and Reserves within the area of Sturgeon Valley from Highway 2 east to Highway 28 and from Highway 37 south between Highway 2 and Highway 28 to the City of Edmonton and the City of St Albert north boundaries
2. Sandy Lake Wilderness Area