

BYLAW 1403/18

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 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 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 WHEREAS, the Council of Sturgeon County is of the view that it is in the best interests of the residents of Sturgeon 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 ~~s~~Sections of the *Traffic Safety Act* (Supra);

NOW THEREFORE, the Council of Sturgeon County, in the Province of Alberta, duly assembled, hereby enacts as follows:

1) Title

This bylaw may be referred to as the "Regulating the Operation of Off-Highway Vehicles Within Sturgeon County Bylaw".

1)2) In this bylaw:

a) "County" means Sturgeon County;

~~a)~~

b) "Council" means the Council of Sturgeon County;

~~b)~~

c) "Designated Land" means any Reserves, highway or any other land or area(s) designated by County Council in Schedule "B";

~~c)~~

~~d)~~ "Highway" means:

d)

i) any thoroughfare, street, road, trail, avenue, parkway, driveway, viaduct, lane, alley, square, bridge, causeway, trestle way or other place or any part of any of them, whether publicly or privately owned, that the public is ordinarily entitled or permitted to use for the passage or parking of vehicles;

ii) a sidewalk, including a boulevard adjacent to the sidewalk;

—if a ditch lies adjacent to and parallel with the roadway, the ditch; and

iii)

iv) if a highway right of way is contained between fences or between a fence and one side of the roadway, all the land between the fences, or all the land between the fence and the edge of the roadway, as the case may be, but does not include a place declared by regulation not to be highway. This includes highways owned and managed by Sturgeon County.

~~e) “Highway” means any thoroughfare, street, road, trail, avenue, parkway, driveway, viaduct, lane, alley, square, bridge, causeway, trestle way, parkade, or other place or any part of any of them, whether publicly or privately owned, that the public is ordinarily entitled or permitted to use for the passage or parking of vehicles and includes the following, but does not include a place declared by regulations not to be a highway:~~

~~—a sidewalk, including a boulevard adjacent to the sidewalk;~~

~~—a ditch, if it lies adjacent to and parallel with the roadway;~~

~~—all the land between the fences, or all the land between the fence and the edge of the roadway, as the case may be, if a highway right of way is contained between fences or between a fence and one side of the roadway;~~

e) “Reserves” means any county owned municipal reserve, environmental reserve or any other county owned land;

f)

k)f) “Off-Highway Vehicle” means any motorized mode of transportation built for cross-country travel on land, water, snow, ice, 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 swampland or on other natural terrain and, without limiting the generality of the foregoing, includes when designated for such travel:

i) 4-wheel drive vehicles;

~~i.~~

ii) low pressure tire vehicles;

~~ii.~~

iii) motorcycles and related 2-wheel vehicles;

~~iii.~~

iv) amphibious machines;

~~iv.~~

~~v)~~ ~~all-terrain~~ all-terrain vehicles;~~;~~

~~iv.~~

~~vi)~~ miniature motor vehicles;~~;~~

~~vi.~~

~~vii)~~ snow vehicles;~~;~~

~~vii.~~

~~viii)~~ mini bikes;~~;~~ and

~~viii.~~

~~ix)~~ any other means of transportation that is propelled by any power other than muscular power or wind, but does not include:

~~ix.~~

a. motor boats, or

~~b.~~ any other vehicle exempted from being an off-highway vehicle by regulation;

~~x.~~

~~g)~~ "Operator" means a person who drives or is in actual physical control of an off-highway vehicle and who is the holder of a valid subsisting operator's license;

~~h)~~

~~h)~~ "Operator's license" or "Driver's license" means an operator's license or a driver's license that is issued under the Traffic Safety Act and includes a document or information and other data contained in an electronic form recognized under the traffic Safety Act as an operator's license or driver's license;

~~i)~~ "Peace Officer" means persons defined under the *Traffic Safety Act* and a Bylaw Officer appointed by the municipality pursuant to the *Municipal Government Act* to enforce the municipality's bylaws;

~~m)~~

~~j)~~ "Safety Helmet" means a safety helmet as prescribed in the Regulations made pursuant to the Act;

~~n)~~

~~o)~~~~k)~~ "Violation Ticket" means a ticket issued pursuant to the *Provincial Offences Procedure Act*, S.A. 2000, c P-34 as amended and regulations thereunder.

~~2.3)~~ An operator 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 between 8:00 a.m. and ~~11:00 pm~~ 12:00 midnight in any one day, except for agricultural activities;

~~i.~~

~~b)~~ The maximum speed at which off-highway vehicles are permitted to travel on Sturgeon County highways is thirty (30) kilometers per hour;

~~ii.~~

~~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 or ditch and shall travel single file always;

~~iii.~~

d) All off-highway vehicles travelling on a highway shall be equipped with at least one (1) headlight and one tail light that must be alit always;

~~iv.~~

e) All off-highway vehicles equipped with a seatbelt assembly must be worn during operation of the off-highway vehicle;

~~v.~~

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;

~~vi.~~

g) All off-highway vehicles on Sturgeon County property must be insured in accordance with the Traffic Safety Act;

~~vii.~~

h) All off-highway vehicles on Sturgeon County property must be registered in accordance with the Traffic Safety Act;

~~viii.~~

i) No person shall operate an off-highway vehicle unless they are a holder of a valid subsisting operator's license;

~~ix.~~

j) No person shall operate an off-highway vehicle if the license plate is not securely attached, legible and clearly visible always;

~~x.~~

k) No person shall operate or be a passenger on an off-highway vehicle unless wearing a safety helmet securely attached on his or her head;

~~xi.~~

l) 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;

~~xii.~~

m) No person shall operate an off-highway vehicle within any Environmental Reserve;

~~xiii.~~

n) No person shall operate an off-highway vehicle unless the off-highway vehicle is equipped with an exhaust muffler that complies with the following:

~~xiv.~~

i) — ~~An~~ exhaust muffler must cool and expel the exhaust gases from the engine without excessive noise and without producing flames or sparks;

~~i)~~

ii) — ~~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;

~~ii)~~

iii) No person shall drive an off-highway vehicle if the exhaust outlet of the muffler has been widened; and

~~iii)~~

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;

iv)

a)p) No person shall tow a trailer, sleigh, cutter, or other vehicle behind an off-highway vehicle unless the hitch or attachment uses:

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 meters long; and

iv) prevents the towed vehicle from colliding with the towing vehicle during travel downhill and when the towing vehicle stops;

p) No person shall operate an off-highway vehicle within the County where the County has placed a sign prohibiting such operation;

q) No person shall operate an off-highway vehicle on any designated land within Sturgeon County (attached as Schedule B);

r) During an emergency, fire ban, disaster, or search and rescue operation within the County the provisions of this bylaw may be waived, suspended, or varied, by the Chief Administrator Officer, or his or her designate.

3.4) 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.

4.5) Sturgeon County shall post signs on designated lands where operation of an off-highway vehicle is prohibited.

5.6) Any person who contravenes the provisions of the bylaw is guilty of an offence.

6.7) 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" attached hereto.

7.8) 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, RSA 2000, c. P-34(Alberta)*, as amended.

8.9) A traffic tag or violation ticket shall be deemed to be sufficiently served:

a) If served personally on the accused; or,

a)

- b) If mailed to the address of the registered owner of the property concerned, ~~or~~ or to the person concerned.

~~9.10)~~ 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.~~

~~11.11)~~ The employees, servants and agents of the County, while acting in the course of their employment or duty, are exempt from the provisions of this ~~bylaw~~ bylaw.

~~12.)~~ Upon third reading of this Bylaw, Bylaw 1047/04 and any amendments are repealed.

~~12.~~

~~13.13)~~ That this Bylaw shall come into force and take effect upon the date of third reading.

Read a first time this 27th day of February 2018.

Read a second time this - day of 2018.

Read a third time this day of 2018.

MAYOR

COUNTY COMMISSIONER (CAO)

If any portion of this bylaw is declared invalid by a court of competent jurisdiction, then the invalid portion must be severed and the remainder of the bylaw is deemed valid.

If any portion of this bylaw is declared invalid by a court of competent jurisdiction, then the invalid portion must be severed and the remainder of the bylaw is deemed valid.

SCHEDULE "A"

Section

Fine

Section 23 a (a) Operate off-highway vehicle outside operating hours	\$ 100.00
Section 32 b (b) Exceeding maximum speed limit	\$ 150.00
Section 32 (c) Driving on wrong side of road	\$ 150.00
Section 32 (d) Drive off-highway vehicle w/o headlight or tail light alit	\$ 100.00
Section 32 (e) Driver or passenger fail to wear seatbelt	\$175.00
Section 32 (f) Fail to use shortest route in hamlet	\$100.00
Section 32 (g) Operate off-highway vehicle w/o valid insurance	\$230.00
Section 32 (h) Operate unregistered off-highway vehicle	\$230.00
Section 3 2 (i) Operate off-highway vehicle w/o subsisting operator's license	\$230.00
Section 32 (j) Operate off-highway vehicle license plate not visible	\$75.00
Section 32 (k) Operate off-highway vehicle fail to wear safety helmet	\$150.00
Section 3 2 (l) Exceed number of persons on off-highway vehicle	\$150.00
Section 3 2 (m) Operate off-highway vehicle on Environmental Reserve	\$500.00
Section 3 2 (n) Operate off-highway vehicle with non-compliant exhaust	\$200.00
Section 3 2 (o) Tow trailer/sleigh/cutter or vehicle	\$100.00
Section 3 2 (p) Operate off-highway vehicle where signs prohibit operation	\$200.00
Section 3 2 (q) Operate off-highway vehicle on designated land	\$500.00
Section 3 2 (r) Operate off-highway vehicle during emergency, fire ban	\$500.00

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