

BYLAW NO. 863/07
CLEARWATER COUNTY
A BYLAW AUTHORIZING THE OPERATION OF
OFF-HIGHWAY VEHICLES ON HIGHWAYS IN CLEARWATER COUNTY

WHEREAS Section 7 of the *Municipal Government Act*, R.S.A. 2000 c. M-26 allows a municipality to make bylaws respecting the safety, health and welfare of people and the protection of people and property, and respecting people, activities and things in, on or near a public place or place that is open to the public; and

WHEREAS pursuant to the provisions contained in Section 120(4)(b) of the *Traffic Safety Act*, R.S.A. 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*, the council of a municipality 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 Clearwater County is of the view that it is in the best interests of the residents of Clearwater 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*;

NOW THEREFORE the Council of Clearwater County, in regular meeting, duly assembled, hereby enacts as follows:

IN THIS BYLAW:

1. a) **“Act”** means the *Traffic Safety Act*, R.S.A. 2000 c. T-6.;
- b) **“County”** means Clearwater County;
- c) **“Council”** means the Council of Clearwater 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;
- g) **“Multi Parcel Subdivision”** means a subdivision of land registered by plan of survey or descriptive plan containing two (2) 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, 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; and
 - viii) any other means of transportation that is propelled by any power other than muscular power or wind; but does not include:
 - ix) motor boats; or
 - x) any other vehicle exempted from being an off-highway vehicle by regulation.
- i) **“Operator”** means a person who drives or is in 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. A valid Operator's License shall include licenses issued to operators who are enrolled in, or who have successfully completed, the Graduated Drivers License program;
 - 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, municipal, school, environmental and other lands within the County which are owned by or controlled by the County and which do not form part of a Highway unless posted;
 - 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 conservation officer appointed under section 7 or Schedule 5 to the Government Organization Act (Alberta);
 - v) a forest officer appointed under the Forests Act (Alberta); or
 - vi) a wildlife officer appointed under the Wildlife Act (Alberta);
 - n) **“Qualified Person”** means a person who is the holder of a valid Operator’s License;
 - o) **“Roadway”** means that part of a Highway intended for use by vehicular traffic, but does not include a Ditch;
 - p) **“Safety Helmet”** means a safety helmet as prescribed in the Regulations made pursuant to the Act;
 - q) **“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.

OPERATION RESTRICTIONS

- 2. Any Qualified Person may operate an Off-Highway Vehicle on a Highway within the County subject to this bylaw and the following conditions:
 - a) Notwithstanding anything herein contained, the provisions of the Act shall apply to the operation of Off-Highway Vehicles on Highways;
 - b) Except as otherwise provided 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 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.

- c) An Operator of an Off-Highway Vehicle within a Hamlet within the County shall use a Roadway within the said Hamlet only to leave from and return to the Hamlet by the most direct route possible to and from his or her residence, at a maximum speed of thirty (30) kilometers per hour;
 - d) The maximum speed at which an Off-Highway Vehicle shall be permitted to travel on the Roadway is 50 kilometers per hour;
 - e) An Operator of an Off-Highway Vehicle within a Multi-lot subdivision shall use a Roadway within the said subdivision only to leave from and return to the Hamlet by the most direct route possible to and from his or her residence, at a maximum speed of thirty (30) kilometers per hour;
 - f) All Off-Highway Vehicles traveling on a Highway shall be equipped with at least one headlight and one tail light, and no Off-Highway Vehicle shall operate on a Highway unless the headlight and tail light are alight;
3. No person shall operate an Off-Highway Vehicle in any Park within the County.
 4. 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.
 5. 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 Disaster Services, or his or her designate.
 6. A Qualified Person, Operator, Owner, and/or passenger operating and/or riding on an Off-Highway Vehicle, does so at their own risk.
 7. 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 or she is permitted to do so by that Peace Officer.

OFFENSES

8. The Owner of an Off-Highway Vehicle that is involved in a contravention of this bylaw is guilty of an offense.
9. 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.
10. Any person who contravenes a provision of this bylaw is guilty of an offense and is liable on summary conviction to a penalty as follows:
 - a) for a first offense -two hundred fifty (\$250.00) dollars;
 - b) for a second offense within one year -five hundred (\$500.00) dollars;
 - c) for a subsequent offense within one year -seven hundred fifty (\$750.00) dollars;
 - d) for contravention of all or any part of Section 7 – one thousand (\$1000.) dollars

VIOLATION TICKETS

- 11. 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.

AUTHORITY OF THE COUNTY CAO AND COUNTY COUNCIL

- 12. Council hereby delegates to the County’s Chief Administrative Officer, the authority to waive section 2(d) of this bylaw and grant permission in writing to any person or persons to operate an Off-Highway Vehicle for instruction and training purposes.
- 13. Council, by resolution, may waive any of the provisions contained in this bylaw, for a specific situation or situations, subject to whatever condition or conditions as seem fit to apply.

This bylaw takes effect as of the date of final passage and upon such final passage, Bylaw No. 348/93 shall be rescinded.

READ A FIRST TIME this 24th day of July, 2007.

READ A SECOND TIME this 24th day of July, 2007.

READ A THIRD TIME and finally passed this 24th day of July, 2007.

Reeve

Municipal Manager