

Village of Donalda

Bylaw #694

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, 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 the Village of Donalda is of the view that it is in the best interests of the residents of the Village of Donalda that a Bylaw be passed to regulate and control the operation of Off-Highway Vehicles pursuant to the powers under said Sections of the Traffic Safety Act; and

NOW THEREFORE the Council of the Village of Donalda duly assembled and under the authority of the Municipal Government Act, RSA 2000, as amended, hereby enacts the following:

PART 1 – INTERPRETATION AND DEFINITIONS

1. This Bylaw may be cited as the “Off-Highway Vehicle Bylaw”
2. In this Bylaw:
 - a) “Act” means the *Traffic Safety Act, RSA 2000c. T-6*
 - b) “Village” means the Village of Donalda
 - c) “Council” means the Council of the Village of Donalda
 - d) “Ditch” means the portion of the Highway that does not include the roadway
 - e) “Off – Highway Vehicle” means any motorized mode of transportation build for cross-country travel on land, water, snow, ice, marsh, swamp land or on other natural terrain and, without limiting the generality of the foregoing, includes;
 - i) 4-wheel drive vehicles
 - ii) Low pressure tire vehicles
 - iii) Dirt Bikes 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 any other vehicle exempted from being an Off-Highway Vehicle by regulation.
 - f) “Operator” means a person who drives or is in actual physical control of an Off-Highway Vehicle;
 - g) “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

- h) "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 vehicle for a period of more than thirty (30) days;
- i) "Park" means those reserve lands, recreational lands and other lands within the Village which are owned by or controlled by the Village
- j) "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)
- k) "Roadway" means that part of the street or highway intended for use by vehicular traffic
- l) "Safety Helmet" means a safety helmet as prescribed in the Regulations made pursuant to the Act.
- m) "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

1. A person may operate an Off-Highway Vehicle within the Village of Donalda under the following conditions:
 - a) An operator of an Off-Highway Vehicle within Village limits shall use the roadway only to leave and return to the Village by the most direct and safest route possible to and from his or her residence
 - b) The maximum speed at which an Off-Highway Vehicle shall be permitted to travel is 15km/hr within Village limits
 - c) No person shall operate an Off-Highway Vehicle unless they are either a holder of a valid subsisting Class 5 or greater Operators License or accompanied by an individual with a valid Operators License.
 - d) No person shall operate an Off-Highway Vehicle unless the Off-Highway Vehicle is registered.
 - e) No person shall operate an Off-Highway Vehicle unless the Off-Highway Vehicle is insured.
 - f) 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.
 - g) 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 and shall travel single file at all times. Off-Highway vehicles, when travelling on any roadway as permitted in this Bylaw, shall travel in the same direction as vehicles travelling on that side of the roadway closest to the Off-Highway vehicle.
 - h) Off-Highway vehicles may operate on roadways and alleyways only, not on sidewalks, boulevards, ditches and/or medians. Off-Highways vehicles are not permitted on Main Street.
 - i) No person shall operate an Off-Highway Vehicle on any recreational grounds or school property.

- j) The hours of operating an Off-Highway vehicle within Village limits shall be restricted to the period of time between 8:00am – 10:00pm (Monday through Friday) and between 9:00am – 10:00pm (Saturday, Sunday and Statutory Holidays).
 - k) All Off-Highway Vehicles must be equipped with at least one headlight and one taillight that must be alit at all times.
 - l) No person shall operate or be a passenger without wearing a safety helmet attached on his or her head.
 - m) 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 vehicle is designed to carry.
 - 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:
 - 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 causes increased noise.
 - iv) No person shall drive an Off-Highway vehicle if the exhaust muffler is cut out or disconnected from the engine or has a baffle plate or other part removed.
 - o) No person shall tow a trailer, sleigh, cutter or other vehicle behind an Off-Highway vehicle unless the hitch to 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
 - iv) Prevents the towed vehicle from colliding with the towing vehicle during travel downhill and when the towing vehicle stops
 - p) For the purpose 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
 - ii) Without reasonable consideration for other persons or property
 - iii) A person shall not operate an Off-Highway vehicle on any property, whether public or privately owned, in a manner that constitutes driving carelessly.
2. The provisions of this Bylaw do not apply to a Peace Officer, or agents or employees of the Village of Donalda while operating an Off-Highway Vehicle in performance of their official duties.
 3. An Operator of an Off-Highway vehicle on any roadway within Village limits does so at their own risk.
 4. 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 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.
 5. The provisions of this Bylaw do not apply to any Off –Highway being used in the event of a parade within the Village of Donalda Limits.

PART 3 – OFFENCES

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.
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. Notwithstanding Section 3(1), where any person contravenes the same provision of this Bylaw three (3) times in one (1) twelve month period, the specified penalty in respect of the third contravention is triple the amount shown in Schedule “A” of this Bylaw in respect of that provision.
4. Any person who contravenes the same provisions of this Bylaw on more than three (3) 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”.

PART 4 – VIOLATION TICKETS

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 – TRANSITION

1. Upon this Bylaw coming into force, Bylaws #336, #346 and #498 are hereby repealed.
2. This Bylaw shall come into force and effect upon final passing and signing thereof:

Bylaw #694 was given first reading and passed in open council duly assembled in the Village of Donalda, in the Province of Alberta, this 17th day of May, 2016.

Bylaw #694 was given second reading and passed in open council duly assemble in the Village of Donalda, in the Province of Alberta this 17th day of May, 2016.

Unanimous consent for third and final reading was given this 17th day of May, 2016.

Bylaw #694 was given third and final reading and passed in open council duly assembled in the Village of Donalda, in the Province of Alberta this 17th day of May, 2016.



Mayor



Chief Administrative Officer

Schedule "A"

Fine Schedule

Bylaw Section	Offence	Fine
2(1)(a)	Fail to leave/return to Village via most direct route	\$100.00
2(1)(b)	Exceed maximum speed prescribed within Village limits	\$100.00
2(1)(c)	Operate vehicle without subsisting operator's license	\$200.00
2(1)(d)	Operate a vehicle without registration	\$100.00
2(1)(e)	Operate uninsured Off-Highway vehicle	\$200.00
2(1)(f)	Operate Off-Highway vehicle with license plate not securely attached/legible/clearly visible	\$100.00
2(1)(h)	Operating an Off-Highway vehicle on Main Street	\$100.00
2(1)(i)	Operating an Off-Highway vehicle on recreation grounds or school property	\$200.00
2(1)(j)	Operating an Off-Highway vehicle outside of prescribed hours	\$100.00
2(1)(l)	Operator/Passenger fails to wear helmet	\$100.00
2(1)(m)	Operator/Passenger exceeds number Off-Highway vehicle is designed to carry	\$200.00
2(1)(n)	Operate Off-Highway vehicle without proper exhaust muffler	\$50.00
2(1)(o)	Tow a trailer that does not comply with section 2(1)(o)	\$50.00
2(1)(p)	Carelessly drive Off-Highway Vehicle	\$500.00

