

BYLAW NO. 1137/11

A BYLAW OF LACOMBE COUNTY IN THE PROVINCE OF ALBERTA, AUTHORIZING THE OPERATION, REGULATION AND CONTROL OF OFF-HIGHWAY VEHICLES ON HIGHWAYS AND MUNICIPAL LANDS IN LACOMBE COUNTY.

WHEREAS the *Municipal Government Act* provides that a council of a municipality may pass bylaws for the safety, health and welfare of people and the protection of people and property.

AND WHEREAS the *Traffic Safety Act* provides that a 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 the *Traffic Safety Act* further provides that a council of a municipality may by bylaw 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 Lacombe County believes that it is in the best interests of the residents of Lacombe 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 *Traffic Safety Act*;

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

1. TITLE

1.1 This Bylaw shall be known as the "Off-highway Vehicle Bylaw".

2. DEFINITIONS

2.1 In this Bylaw:

- (a) "Act" means the Traffic Safety Act;
- (b) "County" means Lacombe County;
- (c) "County Commissioner" means the Chief Administrative Officer of Lacombe County, or designate;
- (d) "Council" means the Council of Lacombe County;
- (e) "Highway" means a "Highway" as defined in the Act and which is subject to the direction, control and management of the County and includes the entire right of way inclusive of the driving surface and adjacent ditches;
- (f) "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 the following classes, when specifically designed for such travel;
 - i) Four wheel drive vehicles;
 - ii) Low pressure tire vehicles;
 - iii) Motorcycles and related two wheel vehicles;
 - iv) Amphibious machines;
 - v) All terrain vehicles;
 - vi) Miniature motor vehicles;
 - vii) Snow vehicles;
 - viii) Golf carts;
 - ix) Mini-bikes; and
 - x) 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.

- (g) "Operator" means a person who drives or is in actual physical control of an Off-highway Vehicle;
- (h) "Owner" means the person who owns an Off-highway Vehicle and includes any person renting an Off-highway Vehicle or having the exclusive use of an Off-highway Vehicle under a lease that has a term of more than thirty (30) days or otherwise having the exclusive use of an Off-highway Vehicle for a period of more than thirty (30) days;
- (i) "Park" means those reserve lands, recreational lands and other lands within the County which are owned or controlled by the County and which do not form part of a Highway;
- (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 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).
- (k) "Trail" means a defined pathway either maintained or unmaintained and owned by Lacombe County that is normally used to accommodate non vehicle traffic between amenities, parks, recreational facilities, reserve areas, communities, multi-parcel subdivisions, and communities.
- (l) "Violation Ticket" means a ticket issued pursuant to Part II of the Provincial Offenses Procedures Act and regulations thereto.

3. OPERATION RESTRICTIONS

- 3.1 An operator of an Off Highway Vehicle in Lacombe County is required to follow all rules and regulations under the *Traffic Safety Act* and the Off-Highway Vehicle Regulation;
- 3.2 A person may operate an Off-highway Vehicle on any Highway within the County unless the Highway or portion of Highway has been designated by the County as an area where Off-Highway vehicles may not operate;
- 3.3 No person shall operate an Off-highway Vehicle in any Park or Trail within the County unless the Park or Trail has been designated by the County as an area where Off-highway Vehicles may operate;
- 3.4 No person shall operate an Off-highway Vehicle in any Park or Trail that is not designated as an area where Off-highway vehicles may operate unless they are in possession of a permit issued by Lacombe County to do so;
- 3.5 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;
- 3.6 An Operator of an Off-Highway vehicle on a Highway, or Trail or in a Park, or in any other place in the County operates the Off-Highway vehicle at their own risk;
- 3.7 An Operator of an Off-highway Vehicle shall immediately, on being signaled or requested to stop by a Peace Officer, bring his Off-highway Vehicle to a stop, and furnish any information respecting the driver or the Off-highway Vehicle that the Peace Officer requires and shall not start his Off-highway Vehicle until permitted to do so by the Peace Officer.

4. OFFENCES

- 4.1 The Operator of an Off-highway Vehicle that is involved in a contravention of this Bylaw is guilty of an offence 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.
- 4.2 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 offence.

5. VIOLATION TAG

- 5.1 A Peace Officer is hereby authorized and empowered to issue a Violation Tag to any person who the Peace Officer has reasonable and probable grounds to believe has contravened any provision of this Bylaw.
- 5.2 A Violation Tag may be issued to such person:
- (a) either personally; or
 - (b) by mailing a copy to such person at his last known post office address.
- 5.3 The Violation Tag shall be in a form approved by the County and shall state:
- (a) the name of the person;
 - (b) the offence;
 - (c) the appropriate penalty for the offence as specified in this Bylaw;
 - (d) that the penalty paid shall be paid within thirty (30) days of the issuance of the violation tag;
 - (e) Any other information as may be required by the County.
- 5.4 Where a Violation Tag is issued pursuant to this Bylaw, the person to whom the Violation Tag is issued may, in lieu of being prosecuted for the offence, pay the County the penalty specified on the Violation Tag.

6. VIOLATION TICKET

- 6.1 If the penalty specified on a Violation Tag is not paid within the prescribed time period then a Peace Officer is hereby authorized and empowered to issue a Violation Ticket pursuant to Part II of the Provincial Offences Procedure Act (Alberta).
- 6.2 Notwithstanding Section 6.1 of this Bylaw, a Peace Officer is hereby authorized and empowered to immediately issue a Violation Ticket pursuant to Part II of the Provincial Offences Procedure Act, to any Person who the Peace Officer has reasonable grounds to believe has contravened any provision of this Bylaw.

7. AUTHORITY OF COUNCIL AND THE COUNTY COMMISSIONER

- 7.1 Council hereby delegates to the County Commissioner the authority to designate a County Highway or a portion of a County Highway as a Highway where Off-highway Vehicles or a class of Off-highway Vehicle may not operate.
- 7.2 Council hereby delegates to the County Commissioner the authority to designate from time to time any Park or Trail within or upon which the operation of an Off-highway Vehicle or class or type of Off-highway Vehicle is permitted to operate.
- 7.3 Council hereby delegates to the County Commissioner the authority to issue permits to allow for the operation of Off-highway Vehicles or a class of Off-highway Vehicle in a Park or on a Trail that has not otherwise been designated

as an area where an Off-highway Vehicle may operate pursuant to clause 7.2.

- 7.4 The County Commissioner is authorized to further delegate the powers granted in Section 7.3 of this Bylaw.
- 7.5 Council may by resolution waive any of the provisions contained in this Bylaw, for a specific situation or situations, subject to whatever condition or conditions as seen fit to apply.
- 7.6 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 County Commissioner.
- 7.7 Council may by resolution designate any area in Lacombe County as a "No Off-highway Vehicle Zone".

8. SEVERABILITY

- 8.1 Should any section or part of this Bylaw be found to have been improperly enacted, for any reason, the such section or part shall be regarded as being severable from the rest of the Bylaw and the Bylaw remaining after such severance shall be effective and enforceable as if the section or part found to be improperly enacted had not been enacted as part of this Bylaw.

9. GENERAL

- 9.1 This Bylaw shall be in effect on the date of the final passing thereof.
- 9.2 This Bylaw rescinds Bylaw No. 300/72.

Received first reading on the 28th day of April, 2011.

Received second reading on the 28th day of June, 2012.

Received third reading and finally passed this 28th day of June, 2012.


Reeve


County Commissioner

Schedule "A"
Specified Penalties

Bylaw Section	Offence	Fine
3.4	Operate an Off-Highway Vehicle without a required permit	\$ 250.00
3.3	Operate Off-highway Vehicle in a Park or Trail where no signage permits	\$250.00
3.7	Fail to stop for a Peace Officer	\$500.00
3.2	Operate on Off-Highway Vehicle on a Highway where prohibited by signage	\$250.00
First offence within a 12-month period	Fine as per Schedule "A"	
Second offence within a 12-month period	Two times the Fine as per Schedule "A"	
Third offence within a 12-month period	Three times the Fine as per Schedule "A"	