BYLAW NO. 2020-24

A BYLAW OF THE COUNTY OF ST. PAUL NO 19 IN THE PROVINCE OF ALBERTA, PURSUANT TO THE PROVISIONS OF THE TRAFFIC SAFETY ACT, R.S.A. 2000 C.T-6, AS AMENDED, TO PROVIDE FOR THE CONTROL AND REGULATION OF OFF-HIGHWAY VEHICLES WITHIN THE CORPORATE BOUNDARIES OF THE COUNTY OF ST. PAUL NO. 19.

Whereas, the *Municipal Government Act,* R.S.A. 2000, c. M-26, as amended, provides that the Council of a municipality may pass Bylaws respecting the safety, health and welfare of people and the protection of people and property, respecting people, activities and things in, or near a public place that is open to the public, and respecting nuisances;

Now Therefore, the Council of the County of St. Paul No. 19, in the Province of Alberta, duly assembled enacts as follows:

1.0 NAME OF BYLAW

1.1 This Bylaw may be cited as the "Off-Highway Vehicles Bylaw."

2.0 DEFINITIONS

2.1 These following terms shall be defined as follows:

(a) "Bylaw Enforcement Officer" means

i. Any member of the Royal Canadian Mounted Police;

ii. Any Community Peace Officer;

iii. Bylaw Enforcement Officer appointed as per the County's Bylaw Enforcement Officer Bylaw, as amended from time to time; or

iv. The Chief Administrative Officer of the County of St. Paul No. 19 or any person designated by the Chief Administrative Officer to enter and inspect property in accordance with the provisions of this Bylaw;

(b) Council shall mean the Council of the County of St. Paul No. 19;

(c) County shall mean the County of St. Paul No. 19;

(d) Highway means a highway as defined in the Traffic Safety Act, R.S.A. 2000 c. T-6, as amended and regulations thereunder;

(e) Off-Highway Vehicle@ shall mean any motorized vehicle designed for cross country travel on land, water, snow, ice, marsh or swamp land or on other natural terrain that is licensed and insured and includes:

i. Four-wheel drive or low pressure tire vehicles;

ii. Motorcycles and related two-wheel vehicles;

iii. Amphibious machines or vehicles;

iv. All terrain vehicles;

v. Snowmobiles;

vi. Quads;

vii. Any other means of transportation which is propelled by power other than muscular power, wind or gravity, but does not include the following:

- Motor boats; or
- Four wheel drive vehicles licensed for Highway travel.

3.0 GENERAL PROHIBITIONS

3.1 No person shall operate an Off-Highway Vehicle on any portion of a Highway within the County except under the following conditions:

(a) When on the shoulder portion of all Highways under the County's care and control, traveling in the same direction as traffic, in single file and at speeds not exceeding 50 km/h; and

(b) When in the lanes in all hamlets and lake subdivisions within the County with the following restrictions:

i. lanes be used only for on route and returning from permitted use areas; and

ii. as per the County's Road Use Bylaw as amended from time to time.

3.2 A person who is authorized to operate an off-highway vehicle within the County pursuant to the Off-Highway Vehicle Act or this Bylaw shall operate the vehicle as per the manufacturer's recommendations as well as the following:

(a) Travel at a maximum speed as conditions warrant not to exceed the speed limits identified in the County's Road Use Bylaw.

(b) Travel only in single file.

(c) Travel in the same direction as the vehicles travelling on that side of the roadway.

(d) Ensure the Off-Highway Vehicle comes to a complete stop before the operator commences to cross the roadway.

(e) Yield the right-of-way to all other vehicles and persons on the roadway.

(f) Cross over the Highway or portion thereof by the most direct route available.

(g) When it is necessary to cross a sidewalk to enter a Highway, the operator of an Off-Highway Vehicle shall come to a complete stop before crossing the sidewalk.

(h) Ensure that the Off-Highway Vehicle is equipped with one white light in front and at least one red light at the rear and that such lights are alight when the Off-Highway Vehicle is being operated at night time hours or when insufficient light or atmospheric conditions make it necessary.

4.0 EXCEPTIONS

4.1 The provisions of this Bylaw do not apply to the Bylaw Enforcement Officer or agents or employees of the County or agents of the federal or provincial Crown, while operating an Off-Highway Vehicle in the performance of their official duties.

4.2 During an emergency, disaster, or search and rescue operation within the County, as determined by Council or its designate, the provisions of this Bylaw may be waived, varied, or suspended by Council or its designate.

5.0 OFFENCES

5.1 The owner of an off-highway vehicle involved in a contravention of this Bylaw is guilty of an offence unless the owner establishes that at the time of the offence the off-highway vehicle was not being driven or left parked by the owner or any other person with the owner's consent, either expressed or implied.

5.2 Any person who contravenes any provision of this Bylaw, is guilty of an offence.

5.3 The schedule of penalties to be charged by the County pursuant to this Bylaw shall be set out in the County's Penalties Bylaw, as amended from time to time.

5.4 Each occurrence of a contravention of this Bylaw, or in the case of continuous contraventions, each day a contravention occurs or continues, constitutes a separate offence, and may be punished separately.

6.0 VIOLATION TAGS AND TICKETS

6.1 A Bylaw Enforcement Officer is authorized and empowered to issue a Violation Tag to any person who the Bylaw Enforcement Officer has reasonable and probable grounds to believe has contravened any provision of this Bylaw.

6.2 A Violation Tag may be issued:

(a) personally, or

(b) by mailing a copy of the Violation Tag to the person at their last known mailing address.

6.3 The Violation Tag shall state:

(a) the name of the person; and

(b) the offence; and

(c) the appropriate penalty for the offence as set out in the Penalties Bylaw;

(d) that the penalty shall be paid within thirty (30) days of the issuance of the Violation Tag; and

(e) any other information as may be required by the Bylaw Enforcement Officer.

6.4 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 to the County, the penalty specified on the Violation Tag.

6.5 Notwithstanding anything in this Bylaw, a Bylaw Enforcement Officer is hereby authorized and empowered to immediately issue a Violation Ticket pursuant to Part 2 or Part 3 of the *Provincial Offences Procedure Act, S.A.* 2000, c. P-34 to any person who the Bylaw Enforcement Officer has reasonable grounds to believe has contravened any provision of this Bylaw.

7.0 SEVERABILITY

7.1 All sections of this Bylaw are separate and severable. Should any section of part of this Bylaw be deemed invalid or inoperative by any court or administrative body for any reason, the remaining sections shall remain valid and in full force and effect.

8.0 RESCISSION

8.1 Bylaw No. 1426 is hereby rescinded.

9.0 EFFECTIVE DATE

9.1 This Bylaw shall come into effect upon third and final reading.

Read a first time in Council this 13th day of October A.D. 2020.

Read a second time in Council this 13th day of October A.D. 2020.

Read a third time in Council this 13th day of October A.D. 2020.

(Original signed by Reeve S. Upham) *(Original signed by CAO S. Kitz)*

Reeve Chief Administrative Officer