

COUNTY OF ST. PAUL NO. 19

BY-LAW NO. 1426

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 Council deems it desirable and expedient to pass such a Bylaw

THEREFORE, the Council of the County of St. Paul No. 19 enacts as follows:

PART 1 - TITLE & DEFINITIONS

Section 1

This Bylaw may be cited as “The Off-Highway Vehicles Bylaw” of the County of St. Paul No. 19.

Section 2

In this Bylaw, unless the context otherwise requires, the word, term or expression:

- a) “Bylaw Enforcement Officer” means a Bylaw Enforcement Officer appointed by the County pursuant to the Municipal Government Act, S. A. 2000, section 555, as amended, to enforce the County’s Bylaws, and includes a member of the Royal Canadian Mounted Police and, when authorized, a Special Constable.
- 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.
- 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 2-wheel vehicles,
 - iii. Amphibious machines,
 - iv. All terrain vehicles,
 - v. Snow vehicles,
 - vi. Quads,
 - vii. Any other means of transportation which is propelled by power other than muscular power, wind or gravity,

But does not include:

- viii. Motor boats
- ix. Four wheel drive vehicles licensed for highway travel under the Motor Vehicle Administration Act
- f) “Roadway” shall mean that part of a highway intended for use by vehicular traffic;
- g) “Specified Areas” means areas designated for use by off-highway vehicles as outlined in Schedule “A” attached to this Bylaw;

PART 2 - PROVISIONS

Section 3

1. No person shall operate an off highway vehicle on any portion of a highway within the County excepting only as follows namely:
 - i. 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 to exceed 50 km/h;
 - ii. On unlicensed, undeveloped road allowances at speeds not to exceed 50 km/h. (All licensed undeveloped road allowances are required to have posted signs indicating the name of the licensee pursuant to Bylaw No. 1315) Permission to access these licensed areas must be granted from the licensee.
 - iii. Lanes in all hamlets within the County with the following restrictions:
 - a) lanes be used only for on route and returning from permitted use areas,
 - b) speeds not to exceed 20 km/h.
 - iv. Areas specified in Schedule A hereto attached
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:
 - i. Travel at a maximum speed as conditions warrant not to exceed fifty (50) kilometers per hour;
 - ii. Travel only in single file;
 - iii. Travel in the same direction as the vehicles travelling on that side of the roadway;
 - iv. All passengers on the off-highway vehicle shall come to a complete stop before the operator commences to cross the roadway;
 - v. The operator of the off-highway vehicle shall yield the right-of-way to all other vehicles and persons on the roadway;
 - vi. The operator of the off-highway vehicle shall cross over the roadway or portion thereof by the most direct route available;
 - vii. When it is necessary to cross a sidewalk to enter a roadway, the operator of an off-highway vehicle shall come to a complete stop before crossing the sidewalk;
 - viii. 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.
 - ix. A person operating an off-highway vehicle must 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.
 - x. No person shall operate an off-highway vehicle on County owned property other than the routes specified in Schedule "A" or on any public property within the corporate limits of the County.

Section 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.
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.

PART 3 - PENALTIES

Section 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.
2. Any person who contravenes a provision of this Bylaw is guilty of an offence and is liable to a penalty as follows:
 - i. For a first offence - Fifty dollars (\$50.00)
 - ii. For a second and subsequent offence - One Hundred Dollars (\$100.00)
3. Under no circumstances shall any person contravening any provision of this Bylaw be subject to the penalty of imprisonment.

PART 4 - VIOLATION TAGS AND VIOLATION TICKETS

Section 6

1. A Bylaw Enforcement Officer is hereby 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.
2. A violation tag may be issued to such person:
 - i. Either personally; or
 - ii. By mailing a copy to such person at his or her last known Post Office address.
3. The violation tag shall be in a form approved by the County or the responsible County Officer and shall state:
 - i. The name of the person;
 - ii. The offence;
 - iii. The appropriate penalty for the offence as specified in this Bylaw;
 - iv. That the penalty shall be paid within thirty (30) days of the issuance of the violation tag;
4. Where a contravention of this Bylaw is of a continuing nature, further violation tags may be issued by a Bylaw Enforcement Officer, provided that no more than one violation tag shall be issued for each day that the contravention continues.
5. 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 Treasurer the penalty specified on the violation tag.
6. Nothing in this Bylaw shall prevent a Bylaw Enforcement Officer from immediately issuing a violation ticket.
7. If the penalty specified on a violation tag is not paid within the prescribed time period, then a Bylaw Enforcement Officer is hereby authorized and empowered to issue a violation ticket pursuant to Part II of the Provincial Offences Procedure Act, S.A. 1988, c. P-21.5, as amended.

PART 5 - SEVERABILITY

Section 7

1. Should any provision of this Bylaw be invalid, then such provision shall be severed and the remaining Bylaw shall be maintained.

PART 6 - EFFECTIVE DATE

Section 8

1. Bylaw No. 1358 is hereby repealed.
2. This Amended Bylaw comes into force and effect upon third and final reading.

Read a first time in Council this 27th day of July, A.D. 2004.

Read a second time in Council this 10th day of August, A.D. 2004.

Read a third time in Council this 10th day of August, A.D. 2004.

(Original Signed by Reeve Bouchard)

Reeve

(Original Signed by CAO Kim Heyman)

County Administrator

