

**SMOKY LAKE COUNTY
IN THE PROVINCE OF ALBERTA
BYLAW NO. 1149-07**

A BYLAW OF THE MUNICIPALITY OF SMOKY LAKE COUNTY IN THE PROVINCE OF ALBERTA BEING A BYLAW FOR THE PURPOSE OF AUTHORIZING THE OPERATION OF OFF-HIGHWAY VEHICLES.

WHEREAS, pursuant to the provisions of the *Off-Highway Vehicle Act* Regulation AR 319/2002 and/or *Traffic Safety Act*, being C.T-6 Revised Statutes of Alberta, 2000 with amendments thereto, no person shall operate an off-highway vehicle on any portion of a highway.

AND WHEREAS, pursuant to the provisions of Section 120(4)(b) of the aforesaid Statutes, the Council of the Municipality may by bylaw, with respect to highways under its direction, control and management, authorize persons to operate off-highway vehicles on any portion of any such highway or right-of-way class thereof and may restrict the hours during which such operation may take place.

NOW THEREFORE the Council of Smoky Lake County, in the Province of Alberta, in regular meeting duly assembled hereby, enacts:

1. CITATION

- 1.1 This Bylaw may be cited as Smoky Lake County “**Off-Highway Vehicles Bylaw**”.

2. DEFINITIONS

- 2.1 “**Act**” means the *Traffic Safety Act* T.S.A. 2000 C.T-6.
- 2.2 “**All Terrain Vehicle**” means any motorized off-highway vehicle traveling on three or more low-pressure tires and having the specifications prescribed by the *Off-Highway Vehicle Act* Regulation AR 319/2002 and/or *Traffic Safety Act*.
- 2.3 “**Amphibious Vehicle**” means a wheeled or tracked motor vehicle designed for travel primarily on unprepared surfaces such as open country and marshland, but does not include a snow vehicle, implement of husbandry or construction machinery.
- 2.4 “**Council**” means the Council of Smoky Lake County in the Province of Alberta.
- 2.5 “**County**” shall mean municipality of Smoky Lake County.
- 2.6 “**Enforcement Officer**” means police officer, peace officer, bylaw officer or any other persons having the authority to enforce this bylaw.
- 2.7 “**Hamlet**” means any urbanized area designed by Council as a

hamlet and having specific boundaries identified.

2.8 **“Highway”** means thoroughfare, street, road, trail, avenue, parkway, driveway, viaduct, lane, alley, square, bridge, causeway, trestle way, or other place within the jurisdiction of Smoky Lake County whether publicly or privately owned, any part of which the public is ordinarily entitled or permitted to use for the passage or parking of vehicles, and includes

2.8.1 a sidewalk (including a boulevard portion thereof).

2.8.2 where a ditch lies adjacent to and parallel with a roadway, the ditch, and

2.8.3 where a highway right-of-way contained between fences or between a fence and one side of the roadway, all the land between fences, or all the land between the fence and the edge of the roadway, as the case may be.

2.9 **“Motorcycle and Mini-bike”** means a motorized off-highway vehicle mounted on two wheels and having a seat designed to be straddled by an operator, and includes those motor vehicles known to the trade as motorcycles, scooters and power bicycles, having specifications as prescribed by the *Off-Highway Vehicle Act* regulations.

2.10 **“Multi-Lot Country Residential”**: means any Country Residential Sub-division with an internal roadway for lot access.

2.11 **“Off-Highway Vehicle”** as defined in Section 117 of the *Traffic Safety Act*, R.S.A. 2000 C.T.-6., shall mean any motorized vehicle designated 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 designated for such travel:

2.11.1 motorcycles and mini-bikes

2.11.2 snow vehicles

2.11.3 all terrain vehicles

but, does not include motorboats and amphibious machines.

2.12 **“Operators 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.

2.13 **“Permitted Use Area”** means those recreation areas as defined in *“Schedule B”*.

2.14 **“Reasonable Rate of Speed”** means being able to stop in a

reasonable distance when presented with hazards such that losses of life or limb or serious injuries are not incurred.

2.15 **“Safety Helmet”** means a safety helmet designed, constructed and sold for use with off-highway vehicles operation and approved to meet CSA standards.

2.16 **“Snow Vehicle”** means a motorized off-highway vehicle specifically designed for travel mounted and propelled on one or more tracks and having a seat designed to be straddled by an operator, and intended to be driven exclusively or chiefly on snow or ice or both.

3. PROVISIONS

3.1 The County hereby allows the operation of off-highway vehicles on road right-of-ways and permitted use areas under the care, control and management of the County under the following conditions:

3.1.1 Every person who operates an Off Highway Vehicle must be at least 14 (fourteen) years of age.

3.1.2 Every person who operates an Off Highway Vehicle must be in possession of a valid Operator’s License of any class.

3.1.3 Valid insurance and registration must be in place on the said off-highway vehicle at all times and evidence of this shall be available upon demand of a Peace Officer or County representative.

3.1.4 Safety helmets should be worn by the operator and passenger(s).

3.1.5 Subject to the regulations under the *Off-Highway Vehicle Act* Regulation AR 319/2002 and *Traffic Safety Act*, a reasonable rate of speed must be adhered to while on municipal property.

3.2 Ditches, culvert ends, culvert markers, pipeline markers, NG markers, survey markers, power poles, power pole anchors, pipeline risers, fence lines (parallel) are to be considered risks associated with operating an off-highway vehicle in ditches and road allowances and property.

3.3 Serious risk would include open excavations, washouts, drop-offs, natural or man-made, i.e., bridge ditches to be guard railed or sloped into river, fence lines crossing road allowance improved or not.

3.4 Every person operating an Off-Highway Vehicle in Hamlets, Subdivisions and campsites may travel in alleys or when necessary, on the road where no access to an alley is available, solely for the purpose of on route to and returning from, permitted use areas.

3.5 It is the owner’s responsibility to ensure that the spark arrestors are

not altered or removed from the mufflers.

- 3.6 Off Highway Vehicles shall travel to the extreme right hand side of the road and / or in the right ditch when practical, or as otherwise posted.
- 3.7 Off Highway Vehicles shall travel in single file at all times.
- 3.8 The maximum allowable speed in any Multi-Lot Country Residential area is 30 km/hr.
- 3.9 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 that the off-highway vehicle is designed to carry.

4. PENALTIES

- 4.1 In this bylaw, no Peace Officer or an employee of the County shall be deemed to have committed an offence if the act done was relative to construction, transportation, maintenance for highways or other places for the purpose of enforcement of this bylaw.
- 4.2 A Peace Officer who on reasonable and probable grounds believes that an offence under this bylaw has been committed may seize and detain any off-highway vehicle for a seven (7) day period in respect of which the offence was committed. All costs for impounding and storage of the vehicle will be borne by the owner.
- 4.3 Any person who contravenes this bylaw is guilty of any offence.
- 4.4 Persons contravening certain sections of this bylaw shall be liable for the penalties set out in **Schedule "A"**.

5. VIOLATION(S)

- 5.1 A notice of form commonly called an Offence Notice / Summons / or Violation Tag having printed wording approved by the County, may be issued by a Peace Officer or a Bylaw Enforcement Officer to any person alleged to have contravened any provisions of this bylaw, and the said notice shall require the payment to such official in the amount specified in this bylaw, as amended, or the regulations pursuant to the *Provincial Offenses Procedures Act*, (Alberta), as amended.
- 5.2 A Violation Tag shall be deemed to be sufficiently served:
 - 5.2.1 if served personally on the accused; or
 - 5.2.2 if mailed to the address of the registered owner of the off-highway vehicle concerned; or to the person concerned;
 - 5.2.3 if attached to or left securely and visibly upon the off-highway vehicle in respect of which the offence is

alleged to have been committed.

- 5.3 The conviction of a person under the provisions of this bylaw does not operate as a bar to further prosecution for the continued neglect or failure on the part of the person to comply with the provisions of this bylaw, or conditions, orders, or permits, issued in accordance with this bylaw.
- 5.4 Except where otherwise expressly provided, everyone who is convicted of an offence against this bylaw is liable to a fine of not less than two hundred dollars (\$200.00) or not more than twenty-five hundred dollars (\$2,500.00) or to imprisonment of not more than six (6) months or to both fine and imprisonment.
- 5.5 Any fine or penalty imposed under this bylaw insures to the benefit of the County.

6. REPEAL

That Bylaw No. 1088-00, known as the "*Operation of Off-Highway Vehicles*" be and is hereby repealed.

This Bylaw comes into effect on the date of final passing.

READ A **FIRST TIME** IN COUNCIL THIS 24 day of May, AD 2007.

READ A **SECOND TIME** IN COUNCIL THIS 24 day of May, AD 2007.

READ A **THIRD AND FINAL TIME, WITH THE UNANIMOUS CONSENT OF ALL COUNCILLORS PRESENT, THIS** 24 day of May, AD 2007.

Cory Ollikka
Reeve

Cary Smigerowsky
Chief Administrative Officer

SCHEDULE “A”
PENALTIES AND FEES

<p>1. Operators not using reasonable speed are liable to a fine of up to:</p>	<p>\$250.00</p>
<p>2. Operating an off-highway vehicle where prohibited are liable on a fine of up to:</p>	<p>\$500.00</p>
<p>3. Operating an off-highway vehicle in the ditch on the wrong side of a road at night are liable to a fine of up to:</p>	<p>\$250.00</p>
<p>4. Operating an off-highway vehicle without valid operator's license are liable to a fine of up to.</p>	<p>\$250.00</p>
<p>5. Willful damage to right-of-way / ditches or road surface such as: spinning, destruction or erosion control measures, removal or signs, posts or barriers, which serve as a warning or control measure, are liable for a fine up to:</p>	<p>\$2,500.00</p>
<p>6. Operating an off-highway vehicle without valid insurance and/or regulations are liable for a fine up to:</p>	<p>As per the <i>Traffic Safety Act</i></p>

SCHEDULE "B"
PERMITTED USE AREAS

- **Iron Horse Trail**