

MUNICIPAL DISTRICT OF BRAZEAU NO.77

BYLAW NO. 356-99

A BYLAW AUTHORIZING THE OPERATION OF OFF HIGHWAY VEHICLES ON HIGHWAYS, RIGHT-OF-WAYS AND MUNICIPAL PROPERTY IN THE MUNICIPAL DISTRICT OF BRAZEAU NO. 77.

WHEREAS, pursuant to the provisions of Section 18(1) of the Off-Highway Vehicle Act, being Chapter 0-4 Revised Statutes of Alberta, 1980 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 18(2)(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 class thereof and may restrict the hours during which such operation may take place.

NOW THEREFORE, the Reeve and Councillors of the Municipal District of Brazeau No. 77 in regular meeting duly assembled hereby enact as follows:

IN THIS BYLAW:

1. (a) "All Terrain Vehicle" means any motorized off-highway vehicle travelling on three or more low-pressure tires and having a seat designed to be straddled by an operator, having the specifications prescribed by the Off-Highway Vehicle Act Regulations.
- (b) "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.
- (c) "Municipal District" shall mean the Municipal District of Brazeau No. 77.
- (d) "Highway" means thoroughfare, street, road, trail, avenue, parkway, driveway, viaduct, lane, alley, square, bridge, causeway, trestleway, or other place within the jurisdiction of the Municipal District of Brazeau No. 77 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
 - (1) includes
 - (a) a sidewalk (including a boulevard portion thereof);
 - (b) where a ditch lies adjacent to and parallel with a roadway, the ditch, and

Handwritten initials

- (c) 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;
 - (e) "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.
 - (f) "Off-Highway Vehicle" means 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
 - (i) motorcycles and mini-bikes
 - (ii) snow vehicles
 - (iii) all terrain vehiclesbut, does not include motorboats and amphibious machines.
 - (g) "Safety Helmet" means a safety helmet as prescribed in the Highway Traffic Act Regulations.
 - (h) "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.
 - (i) "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.
2. The Municipal District hereby allows the operation of off-highway vehicles on road right-of-ways and municipal property under the care, control and management of the Municipal District under the following conditions:
- a) Permission will be granted to the registered owner of the off-highway vehicle and his immediate family over the age of 14 for use of Municipal District road right-of-ways and related municipal property.

Car O A

- b) 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 M.D. representative.
 - c) Safety helmets must be worn by the operator and passenger(s).
 - d) Subject to the regulations under the Off-Highway Vehicle Traffic Act, a reasonable rate of speed must be adhered to while on municipal property.
"Reasonable Rate" 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.
3. 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.
 4. Serious risk would include open excavations, washouts, drop-offs, natural or man-made ie: bridge ditches to be guard railed or sloped into river, fence lines crossing road allowance improved or not.
 5. Off-highway vehicles will not be allowed to travel on a highway surface, gravel or pavement at any time, except to cross such highway, or to cross a bridge, railway, another highway by means of an overpass. Such travel must be done with extreme caution and allow normal highway users the right of way. Such travel must be as short in distance as possible and at a speed that allows safe travel on the road surface without causing harm to the operator, passengers or other road users.
 6. Off-highway vehicles operated pursuant to permission granted pursuant to this bylaw shall be limited to the hours of 8:00 am in the forenoon and 11:00 pm in one day.

Exemption: hours of operation in non-residential areas where people/residents do not reside, or on their own property.
 7. Off-highway vehicles shall travel to the extreme right hand side of the road and/or in the right ditch at least 2.5 metres minimum from the road surface and travel single file at all times.

aw
AT

8. In this bylaw, no peace-officer or an employee of the Municipal District shall be deemed to have committed an offence if the act done was relative to construction, transportation, maintenance for or of highways or other places for the enforcement of this bylaw.
9. 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 in respect of which the offence was committed until the final disposition of any proceedings that may be taken under this bylaw or the Off-highways Vehicle Act, and Section 96 of the Motor Vehicle Administration Act applies, with all necessary modifications to that off-highway vehicle.
10. Any person who contravenes this bylaw is guilty of an offence.
11. Persons contravening certain sections of this bylaw shall be liable for the penalties set out below.
 - a) Operators not using reasonable speed are liable to a fine of \$100.00.
 - b) Operators or passengers not wearing safety helmets are liable to a fine of \$50.00.
 - c) Operating an off-highway vehicle where prohibited are liable to a fine of \$100.00.
 - d) Operating an off-highway vehicle in the ditch of the wrong side of a road are liable to a fine of \$50.00.
 - e) Operating an off-highway vehicle outside the approved hours of operation in areas of country residential/farming residences are liable to a fine of \$50.00.
12. (a) A notice of form commonly called an Offence Ticket having printed wording approved by the Municipal District, may be issued by a Peace Officer or a Bylaw Enforcement Officer to any person alleged to have breached any provision 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 Offences Procedure Act, (Alberta)*, as amended;

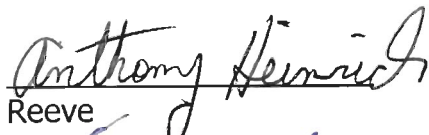
rd
ORH


- (b) When a person is served with an Offence Ticket pursuant to Section 12 of this bylaw and the recipient of the Offence Ticket voluntarily delivers payment to the Treasurer of the Municipal District within fourteen (14) days of the date the Offence Ticket is issued, the specified penalty shall be reduced by ten (10%) percent.
 - (c) An Offence Ticket shall be deemed to be sufficiently served:
 - (i) if served personally on the accused; or
 - (ii) if mailed to the address of the registered owner of the off-highway vehicle concerned; or to the Person concerned;
 - (iii) 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.
13. 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.
14. Except where otherwise expressly provided, everyone who is convicted of an offence against this bylaw is liable to a fine of not less than one hundred dollars (\$100.00) or not more than five hundred dollars (\$500.00) or to imprisonment of not more than six (6) months or to both fine and imprisonment.
15. Any fine or penalty imposed under this bylaw inures to the benefit of the Municipal District of Brazeau No. 77.

READ a first time this 22nd day of September, 1999.

READ a second time this 10th day of February, 2000.

READ a third time and finally passed this 10th day of
February, 2000.


Reeve


Municipal Manager