

BYLAW NO: 24/010

A BYLAW OF THE REGIONAL MUNICIPALITY OF WOOD BUFFALO TO REGULATE THE USE OF OFF-HIGHWAY VEHICLES WITHIN THE ABASAND NEIGHBOURHOOD IN THE FORT MCMURRAY URBAN SERVICE AREA OF THE REGIONAL MUNICIPALITY OF WOOD BUFFALO.

WHEREAS Council of the Regional Municipality of Wood Buffalo deems it is in the public interest to permit and regulate the use of off-highway vehicles on roads within the Designated Area within the Urban Service Area;

AND WHEREAS such use is intended to be permitted on a trial basis from July 1 2024 until May 1, 2026;

AND WHEREAS the Traffic Safety Act provides that Council 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 may, by bylaw, regulate and control the operation of off-highway vehicles on highways which are under the direction, control and management of the municipality;

AND WHEREAS the Municipal Government Act provides that a Council may pass bylaws for municipal purposes respecting the safety, health and wellbeing of people and the protection of people and property;

AND WHEREAS the Municipal Government Act further provides that a Council may pass bylaws for municipal purposes respecting people, activities and things in, on or near a public place or place that is open to the public;

NOW THEREFORE, the Council of the Regional Municipality of Wood Buffalo, duly assembled, enacts as follows:

PART 1. DEFINITIONS AND INTERPRETATION

Short Title

1. This Bylaw may be cited as the “Off-Highway Vehicle Pilot Project Bylaw”.

Definitions

2. In this Bylaw all words shall have the same meaning as the *Traffic Safety Act*, RSA 2000, c T-6, as amended or replaced, or in the regulations thereunder unless otherwise defined;
 - (a) “Abasand Area” shall mean that area within the geographic boundaries of the Municipality and identified as Abasand area in Schedule C of this Bylaw.

- (b) “CAO” means the Chief Administrative Officer of the Municipality.
- (c) “Designated Route” means the geographic location identified as the designated route on Schedule C providing OHV access to the Rural Service Area.
- (d) “Helmet” means a safety helmet as defined in Part 6 of the Traffic Safety Act.
- (e) “Highway” means a highway, as defined in the Traffic Safety Act, which is owned by or otherwise under the direction, control and management of the Municipality.
- (f) “Municipal Government Act” means the *Municipal Government Act*, RSA 2000, c M-25, as amended or replaced, and any regulations thereunder.
- (g) “Municipal Property” means any real property, except for a Highway, that is owned or controlled by the Municipality or a school district and includes but is not limited to property intended for use as a park, playground, school yard, public greenspace, cemetery or trail.
- (h) “Municipal Tag” means a document prepared by the Municipality alleging an offence and issued pursuant to this Bylaw.
- (i) “Municipality” means the Regional Municipality of Wood Buffalo.
- (j) “Off-Highway Vehicle” or “OHV” means an off-highway vehicle as defined in Part 6 of the Traffic Safety Act.
- (k) “OHV Staging Area” means the geographic location within the Abasand Area identified as the ohv staging area in Schedule C of this Bylaw.
- (l) “Operator” means the registered owner of an OHV or if not the registered owner, the person driving or in the position of control over the vehicle.
- (m) “Peace Officer” means a Peace Officer as defined in the Provincial Offences Procedures Act, RSA 2000, c. P-34, as amended or replaced, and includes any person appointed by the Municipality pursuant to section 55 of the Municipal Government Act.
- (n) “Provincial Offences Procedures Act” means the *Provincial Offences Procedures Act*, RSA 2000, c. P-34, as amended or replaced, and any regulations thereunder.
- (o) “Rollover Protection Structure” means a cab or frame that is capable of supporting an OHV in an overturned position, regardless of the direction in which the OHV overturns, and that is installed by the manufacturer of the OHV.

- (p) “Rural Service Area” means that portion of the Municipality defined as the Rural Service Area by the Province of Alberta Order in Council numbered O.C. 817/94, as amended or replaced.
- (q) “Service Station” means a fuel station selling gasoline.
- (r) “Spark Arrestor” means a device that helps dissipate heat and mechanically sieve combustible particles in exhaust gases before they exit the tailpipe.
- (s) “Street Furniture” means every curb, sidewalk, pole, traffic sign, waste receptacle, bus bench, bus enclosure, tree, plant, grass, hydrant, fence, utility, utility service or any other property belonging to the Municipality being capable of being marked, defaced or damaged.
- (t) “Track” means to allow, cause or permit any dirt, soil, mud, gravel, sand, clay, lime, fertilizer, manure, substance or material of any nature or kind whatsoever to become loose or detached or blow, drop, spill or fall from any OHV, appurtenances, or tires onto any Highway or land in the vicinity of any Highway.
- (u) “Traffic Safety Act” means the *Traffic Safety Act*, RSA 2000, c T-6, as amended or replaced and any regulations thereunder.
- (v) “Urban Service Area” means that portion of the Municipality defined as the Urban Service Area by the Province of Alberta Order in Council numbered O.C. 817/94, as amended or replaced.
- (w) “Violation Ticket” means a ticket issued pursuant to the Provincial Offences Procedures Act, RSA 2000, c P-34, as amended or replaced and any regulations thereunder.

Application of Bylaw

- 3. This Bylaw shall apply to the use and operation of OHVs within the Abasand Area.
- 4. Subject to the conditions and limitations contained in this Bylaw, the following OHVs shall be permitted to operate on a Highway in the Abasand Area:
 - (a) all terrain vehicles;
 - (b) utility terrain vehicles; and
 - (c) dirt bikes.

5. This Bylaw shall not apply to:
 - (a) Peace Officers while engaged in their lawful duties;
 - (b) Federal and Provincial law enforcement officers, while engaged in their lawful duties; or
 - (c) agents of the Municipality while engaged in work on behalf of the Municipality.
6. This Bylaw shall not apply where a Special Permit has been issued pursuant to section 6 of the Municipality's Off-Highway Vehicle Bylaw No. 98/078.

Rules of Operation

7. No person shall operate an OHV in the Abasand Area except on a Highway, in the Staging Area or on the Designated Route in accordance with the provisions of this Bylaw.
8. No person shall operate an OHV on Municipal Property.
9. No person shall operate an OHV in a parking lot, except for a Service Station.
10. No person shall operate an OHV on a sidewalk.
11. No person shall operate an OHV on any property without consent of the property owner.
12. Except where otherwise prohibited by this Bylaw, no person shall operate an OHV on a Highway in the Abasand Area except for:
 - (a) Loading or unloading an OHV from or onto a trailer and into a building or property;
 - (b) Entering and exiting the OHV Staging Area by the shortest route possible travelling to and from the Operator's place of residence or storage location of the OHV; and
 - (c) Travelling to or from a Service Station by the shortest route possible.
13. No person shall operate an OHV on any Highway where the traffic control device at Schedule A is posted.
14. No Person shall operate an OHV on a Highway in excess of 30 kilometres per hour or where the posted speed limit is less than 30 kilometres per hour, the posted speed limit.

15. No person younger than 16 years shall operate an OHV on a Highway.
16. No person shall operate an OHV on a Highway without:
 - (a) a valid Class 5 Alberta Driver's Licence or its equivalent;
 - (b) a valid certificate of registration issued to the OHV;
 - (c) a subsisting certificate of insurance; and
 - (d) displaying a valid license plate that is clearly visible and affixed to the OHV.
17. No person shall park an OHV, or permit an OHV to be parked, on a Highway.
18. No person shall operate an OHV with more passengers than the OHV was designed to carry.
19. An OHV must have at least one working headlight and one working taillight.
20. No person, including a passenger or Operator, shall ride in or on an OHV without a Helmet and where a passenger is under the age of fourteen, it shall be the responsibility of the Operator to ensure they are wearing a Helmet.
21. Where an OHV is equipped with seatbelts, no person, including a passenger or Operator, shall ride in or on an OHV without being properly restrained by a seatbelt and where a passenger is under the age of fourteen, it shall be the responsibility of the Operator to ensure they are restrained by a seatbelt.
22. No person shall operate an OHV on a Highway with a child restraint system installed.
23. No person shall operate an OHV on a Highway with a passenger who is younger than 6 years and weighs 18 kilograms or less.
24. An Operator of an OHV must at all times ensure that they:
 - (a) obey all traffic control devices;
 - (b) yield the right of way to other vehicles and pedestrians using the Highway;
and
 - (c) ensure they ride in single file where more than one OHV is travelling in a group.

Nuisance and Damage

25. No person shall operate an OHV so as to cause loud, unnecessary or unusual noise.
26. No person shall operate an OHV so as to Track on a Highway and any person who Tracks on a Highway shall be liable to clean up or remove the substance or material Tracked.
27. No person shall operate an OHV so as to mark, deface or cause damage to Street Furniture or a Highway and any person who marks, defaces or causes damage to Street Furniture or a Highway shall be responsible for the cost of repair or replacement of the Street Furniture or Highway.

Wildfire Prevention Measures

28. No person shall operate an OHV without a shovel, collapsible pail or fire extinguisher.
29. No person shall operate an OHV where there is grass, muskeg or other debris built up on the OHV in the following locations:
 - (a) the tires or the wheel wells;
 - (b) the exhaust system or muffler;
 - (c) the engine or manifold; or
 - (d) under the seat.
30. No person shall operate an OHV without a functioning spark arrestor that is properly maintained, is installed on the OHV to the manufacturer specifications and has not been altered.
31. A Fire Ban declared pursuant to sections 16 and 17 of the Municipality's Outdoor Fire Bylaw No. 24/005 shall supersede sections 5, 7 and 12 of this Bylaw and no person shall be permitted to operate an OHV in the Abasand Area while a Fire Ban is in effect.

Enforcement and Impoundment

32. An Operator of an OHV shall immediately, on being signaled or requested to stop by a Peace Officer, stop the OHV and furnish any information that the Peace Officer requires respecting the Operator, a passenger or the OHV.
33. Upon being stopped by a Peace Officer, an Operator shall not resume operation of an OHV until permitted by the Peace Officer.

34. No person shall interfere with, hinder, or impede a Peace Officer in the performance of any duty authorized by this Bylaw.
35. No person shall provide false or misleading information to a Peace Officer.
36. Any Peace Officer is authorized to remove, or cause to be removed, any OHV parked or operated in contravention of this Bylaw.
37. Any OHV removed pursuant to section 36, may be removed to an impound lot where it shall remain impounded until claimed by the owner.
38. No impounded OHV shall be released to its owner until all removal and impound fees and charges have been paid to the Municipality or the towing or impound company acting at the direction of a Peace Officer.
39. Any fees or charges for the removal or impound of an OHV shall be in addition to any fine or penalty imposed for an offence under this Bylaw.

Offences and Penalties

40. Any person who contravenes a provision of this Bylaw is guilty of an offence.
41. If an OHV is involved in an activity in contravention of this Bylaw, the owner is guilty of an offence unless the owner establishes that at the time of the offence, the OHV was:
 - (a) not in the care and control of the owner; and
 - (b) not in the care and control of a third party by consent of the owner, either expressed or implied.
42. A person who is convicted of an offence pursuant to this Bylaw is liable on summary conviction to:
 - (a) a penalty specified in Schedule B of this Bylaw; and
 - (b) where there is no penalty specified in Schedule B of this Bylaw, to a penalty of \$200.
43. Despite section 42, where a violation ticket is issued under Part 2 of the Provincial Offences Procedures Act and the Peace Officer has elected not to specify a penalty on the violation ticket, a person who is convicted of an offence under this Bylaw is liable on summary conviction to:
 - (a) a penalty not exceeding \$10,000; and
 - (b) the Court is not bound by the specified penalty amount in Schedule B, provided that the penalty amount ordered by the Court shall not be less than the specified penalty in Schedule B.

Municipal Tag

44. A Municipal Tag may be issued to any person where a Peace Officer believes the person has contravened any provision of this Bylaw.
45. If a Municipal Tag is issued in respect of an offence, the Municipal Tag must specify:
 - (a) the name of the person;
 - (b) the offence;
 - (c) the penalty amount in Schedule B; and
 - (d) that the penalty shall be paid within 21 days from the issuance of the Municipal Tag.
46. If a Municipal Tag is issued in respect of a non-compliance, and if the Municipal Tag specifies the penalty amount established by this Bylaw for the non-compliance, the person to whom the Municipal Tag is issued may make a voluntary payment equal to the penalty amount, in lieu of prosecution.
47. Where the voluntary payment referred to in section 46 is received within 14 days of the of the issuance of the Municipal Tag, the specified penalty shall be reduced by 40% and such reduced payment shall be accepted in lieu of prosecution.

Violation Ticket

48. If a Municipal Tag has been issued and if the specified penalty has not been paid within the prescribed time, a Violation Ticket may be issued.
49. Despite sections 44 and 48, where a Peace Officer believes that a person has contravened any provision of this Bylaw, proceedings may be commenced under the Provincial Offences Procedures Act and a Peace Officer is authorized and empowered to issue a Violation Ticket or long form information under Part 2 of the Provincial Offences Procedures Act.

Coming Into Force and Repeal

50. This Bylaw comes into effect on July 1, 2024.

51. This Bylaw is repealed on May 1, 2026.

Read a first time this 28th day of May, 2024.

Read a second time this 11th day of June, 2024.

Read a third and final time this 11th day of June, 2024.

Signed and Passed this _____ day of _____ 2024.

Mayor

Chief Legislative Officer

Schedule A



Schedule B**Specified Penalties**

Section	Offense Description	Penalty Amount
4	Operation of non-Permitted OHV	\$400
8	Operating an OHV on Municipal Property	\$400
10	Operating an OHV on a sidewalk	\$600
11	Operating an OHV on property without consent of property owner	\$300
12	Operating an OHV on a Highway for a non-permitted purpose	\$300
13	Operating an OHV on a restricted Highway	\$300
18	Operating an OHV with excess passengers	\$300
20	Operating an OHV without a Helmet	\$300
31	Operating an OHV in contravention of Fire Ban	\$600
32	Failure to Stop	\$500
33	Resume operation without Peace Officer Authorization	\$500
34	Impede or interfere with a Peace Officer	\$500
35	Provide false or misleading information	\$500

Schedule C

