

## **BYLAW NO. 97/049**

A BYLAW OF THE REGIONAL MUNICIPALITY OF WOOD BUFFALO AUTHORIZING THE OPERATION OF OFF-HIGHWAY VEHICLES ON ROADWAYS LOCATED IN THE HAMLET OF SAPRAE CREEK WITHIN THE REGIONAL MUNICIPALITY OF WOOD BUFFALO.

WHEREAS pursuant to the provisions of Section 18(1) of the Off-Highway Vehicle Act, being Chapter 0-4, Revised Statutes of Alberta, 1980 and amendments thereto, no person shall operate an Off-Highway Vehicle on any portion of a Highway except as provided by the said Act;

AND WHEREAS pursuant to the provisions of Section 18(2)(b) of the Off-Highway Vehicle Act, the Council of a Municipality is authorized (with respect to Highways under its direction, control and management) to authorize persons to operate Off-Highway Vehicles on any portion of any such Highway or class of Highway and to restrict the hours during which that operation may take place;

NOW THEREFORE the Council of the Regional Municipality of Wood Buffalo in regular meeting, duly assembled hereby enacts 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 design 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) "Hamlet" means the Hamlet of Saprae Creek, located within the Regional Municipality of Wood Buffalo as shown, highlighted in the attached Schedule "A."
- (d) "Highway" means only those roadways located within the Hamlet together with that portion of Spruce Valley Drive, lying between the Hamlet of Saprae Creek and the abandoned CNR Right-of-Way.
- (e) "Motorcycle and minibike" 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 Minibikes
  - (ii) Snow Vehicles
  - (iii) All Terrain Vehicles

But does not include Motorboats and Amphibious Vehicles.

- (g) "Qualified Person" means a person who is the holder of a valid subsisting operator's license as prescribed by the Motor Vehicle Administration Act, R.S.A. 1980, Chapter M-22.
- (h) "Safety Helmet" means a safety helmet as prescribed in the Highway Traffic Act Regulations.
- (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. Any qualified person may operate an Off-Highway Vehicle on a Highway as defined in this Bylaw subject to the following conditions:

- (a) The hours of operating an Off-Highway Vehicle on a Highway shall be restricted to the period of time between 8:00 a.m. and 10:00 p.m. on any day.
- (b) The maximum speed at which Off-Highway Vehicles are permitted to travel on a Highway is 30 kilometres per hour.
- (c) Operators of Off-Highway Vehicles on a Highway shall travel on the extreme right-hand side of the road and shall travel single file at all times.
- (d) All Off-Highway Vehicles travelling on a Highway shall be equipped with at least one headlight and one tail light, and the headlight and tail light shall be alight at all times during which the Off-Highway Vehicle is travelling on a Highway.
- (e) Operators of Off-Highway Vehicles shall use the Highways only to proceed to and from the Operator's own property to or from a specific destination by

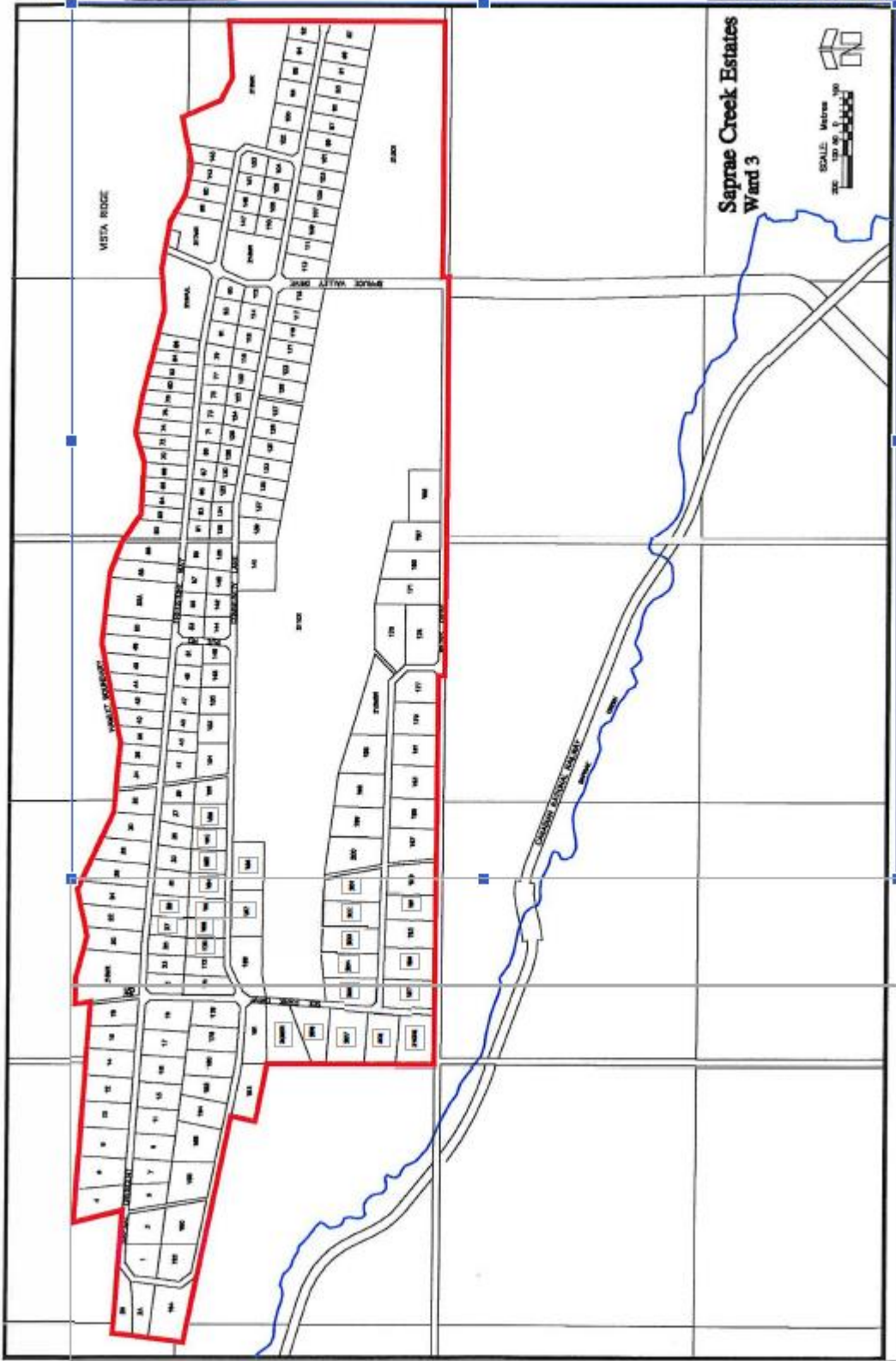
the most direct route, and shall not use the Highway as a recreational area or generally for recreational use.

- (f) The operation of any Off-Highway Vehicle on any posted recreation ground within the Hamlet of Sapræe Creek is prohibited.
  - (g) Notwithstanding anything herein contained, no person shall operate an Off-Highway Vehicle on any Highway where signs posted by the Regional Municipality of Wood Buffalo prohibit the operation of Off-Highway Vehicles on such Highway.
  - (h) Notwithstanding anything herein contained, the provisions of the Off-Highway Vehicle Act and the Highway Traffic Act shall apply to the operation of Off-Highway Vehicles on Highways.
3. Notwithstanding anything herein contained, the provisions of the Off-Highway Vehicle Act and the Highway Traffic Act shall apply to the operation of Off-Highway Vehicles on Highways.
4. No person shall operate an Off-Highway Vehicle on a Highway as defined in this Bylaw with the exception of the following:
- (a) A qualified person
  - (b) A person fourteen (14) years of age or older who holds a valid Learner's License issued in accordance with the provisions of the Motor Vehicle Administration Act, 1980 R.S.A., Chapter M-22 when such person while operating an Off-Highway Vehicle is accompanied by a qualified person at least eighteen ( 18) years of age who holds a valid subsisting operator's licence and who is seated immediately beside the person on the Off-Highway Vehicle and is engaged in teaching the person to drive the Off-Highway Vehicle.
5. The Council of the Regional Municipality of Wood Buffalo by resolution may waive any of the provisions contained in this Bylaw, either generally or to deal with a specific situation and subject to whatever conditions as Council sees fit shall apply.
6. Every person who contravenes the provisions of this Bylaw is guilty of an offense on Summary Conviction to a penalty as prescribed in Schedule "B" of this Bylaw.
7. This Bylaw shall be passed and become effective when it receives third reading and is signed by the Mayor and Regional Clerk.
- 8.

READ A FIRST TIME THIS 8TH DAY OF JULY, 1997.

READ A SECOND TIME THIS 26TH DAY OF AUGUST, 1997.

READ A THIRD THIS THIS 26TH DAY OF AUGUST, 1997.



## **SCHEDULE "B"**

WHEREAS under the provision of Section 42 of the Provincial Offences Procedure Act, being Chapter P-21.5 of the Revised Statutes of Alberta, 1988 and amendments thereto and under the provisions of Section 110 of the Municipal Government Act, being Chapter M-26 of the Revised Statutes of Alberta and amendments thereto, the Council of a Municipality may by bylaw provide for the payment of violation tickets or summons out of Court.

A notice of form ( commonly called a traffic tag or a violation ticket) may be issued by a peace officer or by a special constable or a bylaw enforcement officer to any person charged with a breach of any of the provisions of this Bylaw and the above mentioned Acts shall apply in regards to the payment. The following offenses shall carry with them a fine as described below:

Hours of Operation  
Section 2(a)

For a first offense to a fine of \$50.00 and in default of payment to imprisonment for a term of not more than thirty (30) days, and for a second or subsequent offense to a fine of \$100.00 and in default of payment to imprisonment for a term of not more than sixty (60) days.

Exceeding Maximum Speed  
Section 2(b)

For a first offense to a fine of \$50.00 and in default of payment to imprisonment for a term of not more than thirty (30) days, and for a second or subsequent offense to a fine of \$100.00 and in default of payment to imprisonment for a term of not more than sixty (60) days.

Driving Wrong Side of Road  
Section 2(c)

For a first offense to a fine of \$50.00 and in default of payment to imprisonment for a term of not more than thirty (30) days, and for a second or subsequent offense to a fine of \$100.00 and in default of payment to imprisonment for a term of not more than sixty (60) days.

Driving Without Headlight or  
Tail Light – Section 2(d)

For a first offense to a fine of \$50.00 and in default of payment to imprisonment for a term of not more than thirty (30) days, and for a second or subsequent offense to a fine of \$100.00 and in default of payment to imprisonment for a term of not more than sixty (60) days.

Failing to Use Shortest Route in Hamlet Section 2(e)	For a first offense to a fine of \$50.00 and in default of payment to imprisonment for a term of not more than thirty (30) days, and for a second or subsequent offense to a fine of \$100.00 and in default of payment to imprisonment for a term of not more than sixty (60) days.
Operating in Posted Area or School Yard – Section 2(f)	For a first offense to a fine of \$50.00 and in default of payment to imprisonment for a term of not more than thirty (30) days, and for a second or subsequent offense to a fine of \$100.00 and in default of payment to imprisonment for a term of not more than sixty (60) days.
Operating Where Signs Prohibit Section 2(g)	For a first offense to a fine of \$50.00 and in default of payment to imprisonment for a term of not more than thirty (30) days, and for a second or subsequent offense to a fine of \$100.00 and in default of payment to imprisonment for a term of not more than sixty (60) days.

A person found guilty of an offense against this Bylaw where no penalty has been specifically provided is liable on Summary Conviction for a first offense to a fine of \$50.00 and in default of payment, to imprisonment for a term of not more than thirty (30) days, and for a second or subsequent offense to a fine of \$100.00, and in default of payment, to imprisonment for a term of sixty (60) days.