

Village of Hill Spring
2011-302
OFF HIGHWAY VEHICLE BYLAW

BEING A BY-LAW OF THE VILLAGE OF HILL SPRING TO ESTABLISH THE USE AND REGULATION OF OFF HIGHWAY VEHICLES WITHIN THE MUNICIPAL BOUNDARY OF THE VILLAGE OF HILL SPRING.

WHEREAS Section 120 (2) (b) of the Traffic Safety Act, being Revised Statutes of Alberta, 2000 with amendments thereto, no person shall operate an off highway vehicle on any portion of a highway.

AND WHEREAS Section 120 (4) (b) and Section 120 (5) of the aforesaid Statutes, the Council of a 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 any may prescribe terms and conditions under which an off highway vehicle may be operated on a highway and pursuant to section 7(a) and 7(b) of the Municipal Government Act may pass bylaws for municipal purposes for safety, health and welfare of the people and protection of people, property and activities in or near a public place.

NOW THEREFORE, the Council of the Village of Hill Spring, in the Province of Alberta duly assembled, thereby enact as follows:

NAME OF BYLAW

1. This bylaw may be cited as the Off Highway Vehicle Bylaw.

DEFINITIONS

2. For the purposes of this Bylaw, the following words mean:
 - a) "Act" means the MUNICIPAL GOVERNMENT ACT, RSA 2000, c, M-26.1, section 541, as amended.
 - b) "Council" means the Municipal Council of the Village.
 - c) "Designated Officer" means the Chief Administrative Officer or the Royal Canadian Mounted Police.
 - d) "Designated Land" means any municipal reserve, highway or any other land or area(s) designated by Village Council in Schedule "B".
 - e) "Highway" means any road or roadway within, and under the direction, control and management of the Village of Hill Spring.
 - f) "Municipal Reserve" means any property including but not limited to: school areas, park areas, cemeteries, waste transfer sites and lagoon areas.
 - g) "Off Highway Vehicle" means any motorized mode of transportation built for cross country travel on land.
 - a. 4-wheel drive vehicles
 - b. Low pressure tire vehicles
 - c. Non-street legal motorcycles and related 2-wheel vehicles
 - d. All-terrain vehicles

- e. And any other vehicle that may be reasonably considered to fall under the nature of an off highway vehicle.
 - h) "Qualified Person" means a person who is the holder of a valid subsisting operator's license of any class.
 - i) "Safety Helmet" means a safety helmet as prescribed in the Traffic Safety Act Regulations.
3. Qualified Person may operate an Off Highway Vehicle on Village of Hill Spring roadways within the Village of Hill Spring subject to the following conditions and limitations:
- a. The hours of operating an Off Highway Vehicle shall be restricted to the period of time between 22:00 and 07:00 of the next succeeding day.
 - b. The maximum speed at which Off Highway Vehicles are permitted is 30 kilometers per hour.
 - c. Operators of Off Highway Vehicles shall travel on the extreme right hand portion of the traveling surface of the road and shall travel single file at all times.
 - d. All Off Highway Vehicles shall be equipped with at least one headlight and one taillight. At any time during the night time hours or at any other time when, due to insufficient light or unfavorable atmospheric conditions objects are not clearly discernible on the Highway at a distance of 150 meters ahead, no Off Highway Vehicle shall be in motion on a Highway unless the headlight and taillight are alight.
 - e. Without restricting the generality of the foregoing, the provisions of the Traffic Safety Act shall apply to the operation of Off Highway Vehicles on Village Highways.
 - f. All Off Highway Vehicles must be insured and registered in accordance with the Traffic Safety Act.
 - g. No person shall operate or ride as a passenger of an Off Highway Vehicle unless wearing a safety helmet securely attached to his or her head(s).
 - h. No person shall operate an Off Highway Vehicle on any land designated Municipal Reserve with the Village of Hill Spring or other private property, without first gaining the written permission of the property owner.
4. The Council of the Village of Hill Spring by resolution may waive any of the provisions contained in the Bylaw, for a specific situation(s) subject to whatever condition(s) Council finds fit to apply.
5. Any person who contravenes the provisions of the Bylaw is guilty of an offence.
6. Persons contravening certain sections of this Bylaw shall be liable for the penalties set out in Schedule "A".
7. A notice or form commonly called a traffic tag or violation ticket may be issued by a RCMP Officer to any person alleged to have breached any provision of this bylaw, and the said traffic tag or violation ticket shall require payment in the amount specified in this bylaw or the regulations pursuant to the *Provincial Offences Procedure Act, (Alberta)*, as amended.
8. An RCMP Officer may enter upon any land for the purpose of obtaining particulars of ownership and the identity of the operator of a Snowmobile to prevent the continuation of an offence or to determine ownership.
- a. An RCMP Officer may seize and impound any Snowmobile being operated by a person in any area of the Village in breach of the bylaw. Any snowmobile that has been impounded shall

- not be released until all the costs associated with impoundment and all fines owing have been paid.
- b. When an impounded snowmobile is not claimed within six (6) months from the date of seizure, the Chief Administrative Officer may direct its disposal by public auction and if is not able to sell the snowmobile for an acceptable price, (cover costs associated to impound and pay for fines) may choose to dispose of it in some other way. The item then becomes property of the Village and the previous owner loses ownership of the snowmobile.
9. A traffic tag or violation ticket shall be deemed sufficiently served:
- a. If served personally on the accused; or,
 - b. If mailed to the address of the registered Owner of the property concerned; or to the person concerned.
10. A person found guilty of an offence against the Bylaw where no penalty has been specifically provided is liable on Summary conviction to a fine not exceeding twenty-five hundred dollars (\$2500.00) exclusive of costs in default of payment to imprisonment for a period not exceeding six (6) months, unless the fine and costs including the costs of committal are sooner paid.
11. Schedule "A" and Schedule "B" may be amended from time to time by resolution of Council and any such amendment shall form part of the bylaw.
12. The employees, servants or agents of the Village, while actin in the course of their employment or duty are exempt from the provisions of the Bylaw.
13. This Bylaw comes into force on the day it is passed.

READ A FIRST TIME THIS THE 18th DAY OF OCTOBER, 2011.

READ A SECOND TIME THIS THE 20th DAY OF DECEMBER, 2011.

READ A THIRD TIME AND PASSED THIS THE 20th DAY OF DECEMBER, 2011.

Monte Christensen
Mayor

Kurtis Pratt
Chief Administrative Officer

SCHEDULE "A"

Offence:	Penalty Prescribed:
Hours of Operation Section 3 (a)	\$50.00
Exceeding Maximum Speed Section 3 (b)	\$75.00
Driving Wrong Side of Road Section 3 (c)	\$50.00
Driving Without Headlight or Taillight Section 3 (d)	\$50.00
Operator or Passenger Fail to Wear Safety Helmet on Off Highway Vehicle Section 3 (g)	\$75.00 per individual
Operate Off Highway Vehicle on Designated Land as Outline in this Bylaw Section 3 (h)	\$150.00

SCHEDULE "B"

