

TOWN OF WAINWRIGHT BYLAW 2010-01

A BYLAW TO PERMIT AND REGULATE THE OPERATION OF OFF-HIGHWAY VEHICLES

WHEREAS pursuant to Part 6 of the Traffic Safety Act, R.S.A. 2000, Chapter T-6, a Council may, by bylaw, permit and regulate the operation of Off-Highway Vehicles within the corporate limits of the Town,

ANDWHEREAS Council, in the interest of allowing a privilege to Town citizens, deems it desirable to pass such a bylaw,

NOW THEREFORE the Council of the Town of Wainwright, in the Province of Alberta, duly assembled, enacts as follows:

1. TITLE

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

2. DEFINITIONS

In this bylaw:

"Act" means the Traffic Safety Act, R.S.A. 2000, Chapter T-6, amendments thereto, and regulations thereof;

"Alley" means a narrow highway intended chiefly to give access to the rear of buildings and parcels of land;

"Boulevard" means that portion of a Highway that lies between the property line and the curb or edge of the roadway;

"Council" means the Municipal Council of the Town of Wainwright, in the Province of Alberta;

"Highway" means a highway as defined in the Act and includes the entirety of any public road allowance;

"Off-Highway Vehicle" means any motorized mode of transportation built 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 designed for such travel:

- four-wheel drive vehicles,
- low pressure tire vehicles,
- motorcycles and related two-wheel vehicles,
- amphibious machines,
- all terrain vehicles,
- miniature motor vehicles,
- snow vehicles,
- minibikes, and
- any other means of transportation which is propelled by any power other than muscular power or wind, but does not include motor boats, or
- any other vehicle exempted from being an Off-Highway Vehicle by regulation;

"Parkland" means any recreational area owned or controlled by the Town that lies within the Town whether such parkland is improved in whole or in part or remains in its natural state and includes all green spaces, trails, walkways, and publicly maintained areas administered by the Town;

“Peace Officer” means a member of the Royal Canadian Mounted Police, a Peace Officer as defined in the Peace Officer Act S.A. 2006, Chapter P-3.5, or a Bylaw Enforcement Officer of the Town;

“Snow Vehicle” shall mean a motor vehicle designed or intended to be driven exclusively or chiefly upon snow or ice or both;

“Town” shall mean the municipality of the Town of Wainwright, in the Province of Alberta, and the corporate limits thereof;

“Vehicle” means a device in, on, or by which a person or thing may be transported or drawn and includes a combination of vehicles but does not include a mobility aid;

“Violation Ticket” means a ticket as defined in the Provincial Offences Procedure Act, R.S.A. 2000, Chapter P-34 and amendments thereto.

3. REGULATIONS

In accordance with the provisions and requirements of the Act, a person may operate an Off-Highway Vehicle upon a Highway in Town as follows:

- 3.1 Except as permitted under section 3.10, no person shall operate an Off-Highway Vehicle in Town except for the purpose of proceeding from a residence or a business dealing in Off-Highway Vehicles to a permitted area and back to the same residence or business by the most direct and safe route possible. ^{Bylaw 2012-04}
- 3.2 In proceeding to a permitted area or returning to his or her residence, the operator of an Off-Highway Vehicle shall use Alleys wherever possible. Where it is not possible to use Alleys, the operator shall drive on the right side of the roadway as nearest to the curb as possible. Snow Vehicles only may use Boulevards where they do not abut private property or contain a sidewalk or walking trail.
- 3.3 No person shall operate an Off-Highway Vehicle upon any Parkland or golf course within the Town.
- 3.4 Notwithstanding Sections 3.1, 3.2, and 3.3, Council may grant permission for the operation of Off-Highway Vehicles in any designated area within the Town for a special function or various events.
- 3.5 No person shall operate an Off-Highway Vehicle anywhere within Town at a speed in excess of twenty (20) kilometres per hour.
- 3.6 No person shall operate an Off-Highway Vehicle anywhere within Town between the hours of 10:00 p.m. of one day and 7:00 a.m. of the following day.
- 3.7 No person shall operate or ride upon an Off-Highway Vehicle without wearing a helmet that conforms to Section 108 of the *Vehicle Equipment Regulation – Alberta Regulation 122/2009* under the Act.
- 3.8 Notwithstanding Sections 3.1 to 3.7, Peace Officers and agents or employees of the Town are authorized to operate Off-Highway Vehicles on any Highway, public street, Alley, roadway or other public place for the purpose of enforcing this bylaw or while in performance of their official duties.
- 3.9 Peace Officers are hereby empowered to impound Off-Highway Vehicles involved in a violation of this bylaw or the Act at the owner’s expense from the time of offence until such time as the charge against the operator thereof has been resolved. Such impoundment shall only take place where, in the opinion of the Peace Officer, the offence is serious and the operator of the Off-Highway Vehicle could be a danger to the public if permitted continued use of the Off-Highway Vehicle or if the operator has committed another offence under this bylaw within the previous 12 months.

3.10 Notwithstanding section 3.1, a person may operate an Off-Highway Vehicle in Town for the purpose of clearing snow and ice from a Town sidewalk as long as the Off-Highway Vehicle is operated safely and with regard for the safety of pedestrians. ^{Bylaw 2012-04}

4. ENFORCEMENT

4.1 When a Peace Officer has reasonable grounds to believe that a person has contravened any provisions of this bylaw, he or she may serve upon such person an offence ticket allowing the payment of a specified penalty as described in Schedule A to the Town within fourteen (14) days of the issuance date of the offence ticket. The Town shall accept such payment in lieu of prosecution for the offence.

4.2 An offence ticket may be served to such person:

- 4.2.1 personally,
- 4.2.2 by delivery to their last known address, or
- 4.2.3 by mail to their last known address.

4.3 The offence ticket shall state:

- 4.3.1 the name and address of the offender if ascertainable,
- 4.3.2 the offence,
- 4.3.3 the location, date and time of the offence,
- 4.3.4 the appropriate penalty of the offence as specified in Schedule A of this bylaw, and
- 4.3.5 that the penalty shall be paid within fourteen (14) days of the issuance of the offence ticket to avoid prosecution for the offence.

4.4 If the penalty specified on an offence ticket is not paid within the prescribed time period, a Peace Officer is hereby authorized to issue a Violation Ticket.

4.5 Notwithstanding Section 4.1, a Peace Officer is hereby authorized and empowered to immediately issue a Violation Ticket to any person who the Peace Officer has reasonable grounds to believe has contravened any provision of this bylaw.

4.6 A Violation Ticket issued under Section 4.4 or Section 4.5 shall specify a penalty as described in Schedule A.

5. EFFECTIVE DATE AND REPEAL

5.1 This bylaw shall come into effect on the date of passing of final reading.

5.2 Bylaw 86-02 is hereby repealed.

READ a first time this 16th day of February, A.D., 2010.

Mayor

Director of Finance

READ a second time this 18th day of May, A.D., 2010.

Mayor

Chief Administrative Officer

READ a third time and finally passed 18th day of May, A.D., 2010.

Mayor

Chief Administrative Officer

OFF-HIGHWAY VEHICLE BYLAW 2010-01

SCHEDULE A – PENALTIES

Specified Penalties for Offence Tickets

Section 3.1 Failure to take most direct route	\$250.00
Section 3.2 Failure to use alleys where possible	\$250.00
Section 3.3 Driving on parkland	\$250.00
Section 3.5 Speeding	\$250.00
Section 3.6 Operating during quiet hours	\$250.00
Section 3.7 Riding without helmet	\$115.00

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Section 3.2 Failure to use alleys where possible	\$300.00
Section 3.3 Driving on parkland	\$300.00
Section 3.5 Speeding	\$300.00
Section 3.6 Operating during quiet hours	\$300.00
Section 3.7 Riding without helmet	\$140.00