

**BYLAW NO. 3023 OF THE
COUNTY OF GRANDE PRAIRIE NO. 1**

A bylaw of the County of Grande Prairie No. 1, in the Province of Alberta, to regulate the operation of Off-Highway Vehicles in the County of Grande Prairie No. 1.

WHEREAS pursuant to the Traffic Safety Act, RSA 2000, Chapter T-6 and amendments thereto, Council may, by bylaw, authorize the use of Off-Highway Vehicles on Highways and other places under its direction, control, and management;

AND WHEREAS pursuant to the provisions of the Municipal Government Act, RSA 2000, Chapter M-26, Council may pass bylaws for municipal purposes respecting the following matters:

- a) the safety, health and welfare of people and the protection of people and property;
- b) people, activities and things in, on or near a public place or place that is open to the public; and
- c) the enforcement of bylaws.

NOW THEREFORE the Council of the County of Grande Prairie No. 1, in the Province of Alberta, duly assembled enacts as follows:

1.0 TITLE

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

2.0 DEFINITIONS

- 2.1 In this Bylaw:

- a) "Agricultural Operation" means an agricultural activity conducted on agricultural land for gain or reward or in the hope or expectation of gain or reward, and includes:
 - i) the cultivation of land,
 - ii) the raising of livestock, including domestic cervids within the meaning of the *Livestock Industry Diversification Act* and poultry,
 - iii) the raising of fur-bearing animals, pheasants or fish,
 - iv) the production of agricultural field crops,
 - v) the production of fruit, vegetables, sod, trees, shrubs and other specialty horticultural crops,
 - vi) the production of eggs and milk,
 - vii) the production of honey,
 - viii) the operation of agricultural machinery and equipment, including irrigation pumps,
 - ix) the application of fertilizers, insecticides, pesticides, fungicides and herbicides, including application by ground and aerial spraying, for agricultural purposes,
 - x) the collection, transportation, storage, application, use, transfer and disposal of manure, composting materials and compost, and
 - xi) the abandonment and reclamation of confined feeding operations and manure storage facilities

- b) "Council" means the Council of the County of Grande Prairie No. 1;
- c) "County" means the municipal corporation of the County of Grande Prairie No. 1 and includes the geographical area within the boundaries of the County of Grande Prairie No.1 where the context requires so;
- d) "Developed Trail" means an identifiable trail, thoroughfare, path, viaduct, lane, causeway, sidewalk, whether privately or publically owned, that the public is ordinarily entitled or permitted to use for the passage of pedestrians, bicycles, or person using Mobility Aids, that is identifiable by the following characteristics:
 - i) has a surface width equal to or greater than one (1) meter, and;
 - ii) has a developed surface such a concrete, pavement, cold mix or other paving derivatives, gravel or similar granular materials, mulch or maintained grass surface.
- e) "Highway" means any thoroughfare, street, road, trail, avenue, parkway, driveway, viaduct, lane, alley, square, bridge, causeway, trestleway or other place of any part of any of them, whether publicly or privately owned, that the public is ordinarily entitled or permitted to use for the passage or parking of vehicles and includes:
 - i) a sidewalk, including a boulevard adjacent to the sidewalk,
 - ii) if a ditch lies adjacent to and parallel with the roadway, the ditch, and
 - iii) if a highway right of way is contained between fences of between a fence and one side of the roadway, all the land between the fences, or all the land between the fence and the edge of the roadway, as the case may be,

but does not include a place declared by regulation not to be a highway and for the purposes of this Bylaw, does not include a Developed Trail;
- f) "Mobility Aid" means a device used to facilitate the transport, in a normal seated orientation, of a person with a physical disability.
- g) "Off-Highway Vehicle" or "OHV" means any motorized mode of transportation built for cross-country travel on land, water, snow, ice or marsh or swamp land or on other natural terrain and, without limiting the generality of the foregoing, includes, when specifically designed for such travel,
 - i) 4-wheel drive vehicles,
 - ii) low pressure tire vehicles,
 - iii) motor cycles and related 2-wheel vehicles,
 - iv) amphibious vehicles,
 - v) all-terrain vehicles,
 - vi) miniature motor vehicles,
 - vii) snow vehicles,
 - viii) minibikes, and
 - ix) any other means of transportation that is propelled by any power other than muscular power or wind,

but does not include

- x) motor boats,
 - xi) any other vehicle exempted from being an off-highway vehicle by regulation,
 - xii) a Mobility Aid;
- h) "Operate" or "Operating" means to drive, or be in actual physical control of an Off-Highway Vehicle;
- i) "Owner" means the person who owns a vehicle and includes any person renting a vehicle or having the exclusive use of a vehicle under a lease that has a term of more than thirty (30) days or otherwise having the exclusive use of a vehicle for a period of more than thirty (30) days;
- j) "Park" means allowing an Off-Highway Vehicle to remain stationary.
- k) "Peace Officer" means:
 - i) a member of the Royal Canadian Mounted Police,
 - ii) a Peace Officer appointed pursuant to the Alberta Peace Officer Act,
 - iii) a Bylaw Enforcement Officer;
- l) "Residential Area" means a hamlet, trailer park, or any residential subdivision including but not limited to: Country Residential Districts, Rural Estate Districts, Rural Residential Districts, Residential Condominium Districts, High Density Residential Districts, and Manufactured Home Districts as defined in the County Land Use Bylaw;
- m) "Roadway" means that part of a highway intended for use by vehicular traffic;
- n) "Safety Helmet" means a safety helmet intended for use by an operator or passenger of an Off-Highway Vehicle:
 - i) meets one or more of the standards for motor cycle safety helmets adopted in the *Vehicle Equipment* Regulation passed pursuant to the *Traffic Safety Act*, and
 - ii) has the mark or label CSA, DOT, BSI or the Snell Memorial Foundation indicating that the safety helmet met one or more of the specifications required on the date on which it was manufactured.

3.0 **APPLICATION**

- 3.1 This Bylaw applies to Highways and other places under the direction, control and management of the County and nothing in this Bylaw authorizes, or in any way affects, the Operation of an Off-Highway Vehicle on any Provincial Highway as defined in the Highways Development and Protection Act, RSA 2000, Chapter H-8.5 and does not include the operation of an OHV on privately owned land in the County.
- 3.2 Nothing in this Bylaw relieves any person from complying with any provision of any federal or provincial legislation affecting Off-Highway Vehicles, including without restriction, the *Traffic Safety Act* and all applicable regulations thereunder.

4.0 OPERATING RESTRICTIONS

- 4.1 No person shall Operate an Off-Highway Vehicle in the County, except in accordance with this Bylaw or as otherwise permitted under the *Traffic Safety Act*.
- 4.2 No person shall Operate an Off-Highway Vehicle on a Highway or in any Residential Area between the hours of 11:00 p.m. and 8:00 a.m.
- 4.3 No person shall Operate or ride as a passenger on an Off-Highway Vehicle unless that person is wearing a Safety Helmet securely attached on the person's head.
- 4.4 No person shall Operate or ride as a passenger on an Off-Highway Vehicle where the number of persons on the Off-Highway Vehicle exceeds the number of persons that the Off-Highway Vehicle is designed to carry.
- 4.5 No person shall Operate an Off-Highway Vehicle on a Highway unless that person:
- a) travels in the same direction as vehicles traveling upon the Roadway;
 - b) travels in single file;
 - c) travels in the ditch and, where it is not safe to travel in the ditch, may travel on the shoulder of the Roadway;
 - d) travel at a maximum speed not to exceed forty (40) kilometers per hour or the posted speed limit, whichever is lower.
- 4.6 No person shall Operate or Park an Off-Highway Vehicle where a sign or signs have been placed by the County prohibiting such operation.
- 4.7 No person shall Operate or Park an Off-Highway Vehicle on any Developed Trail.
- 4.8 No person shall Operate an Off-Highway Vehicle in any Residential Area except for the following purposes:
- a) loading or unloading the Off-Highway Vehicle onto another motor vehicle or trailer lawful to be on the highway,
 - b) entering or leaving the Residential Area by means of the shortest and most direct route available,
 - c) at a maximum speed not exceeding 30 km/hr while in any Residential Area.
- 4.9 No person shall Operate or Park an Off-Highway Vehicle in any County Park, Campground or Playground, or at any other place in the County where prohibited by the County by any order, bylaw or sign.

5.0 EXEMPTIONS

- 5.1 Enforcement, Emergencies, Maintenance, and Agricultural Operations conducted by, or approved by the County, are considered to be exempted operations under this bylaw provided that they meet the requirements of the *Traffic Safety Act*.
- a) Enforcement: Public safety, prevention, education and enforcement patrols by Peace Officers are exempted from the provisions of this bylaw.

- b) **Emergencies:** The provisions of this bylaw shall not apply so as to restrict in any way the operation of an OHV by a Peace Officer; member of any Fire Service, member of any Emergency Medical Service; member of any Search and Rescue Service; or any person acting under the authority of any Emergency Management Agreement in an emergent situation while in the performance of their official duties.
- c) **Maintenance:** The provisions of this bylaw shall not apply so as to restrict in any way the operation of maintenance or other required usage of an Off-Highway Vehicle including but not limited to: mowing, surveying, trail maintenance or repair, garbage pick-up, weed spraying, snow removal, or any other activity approved or authorized by the County.
- d) **Agricultural Operations:** Person operating OHV while engaged in Agricultural Operation.

6.0 OFFENCE AND PENALTIES

- 6.1 A person who contravenes any provision of this Bylaw is guilty of an offence and is liable upon summary conviction to a fine in an amount not less than \$100.00 and not more than \$10,000.00.

7.0 OWNER LIABLE

- 7.1 If an Off-Highway Vehicle is involved in an offence under this Bylaw, the Owner is guilty of an offence and the provisions of Section 160(1) of the Traffic Safety Act apply.

8.0 VIOLATION TICKETS

- 8.1 The offences under this bylaw in respect of which a voluntary penalty may be made are set out in the attached Appendix A. The specific amount of the penalty payable is set out in the column headed "Specified Penalty".
- 8.2 A violation ticket as distributed by the Province of Alberta and set out in the Provincial Offences Procedures Act and Regulation may be issued by a Peace Officer for any contravention of this bylaw.
- 8.3 A violation ticket is deemed sufficiently served:
 - a) if personally served upon the accused; or
 - b) if mailed to the address of the owner pursuant to the provisions of Section 160(1) of the Traffic Safety Act.
 - c) as a substitute, when the accused cannot be conveniently found, served upon any person appearing to be 18 years of age or older, at the residence of the accused.

9.0 SEVERABILITY

- 9.1 Should any provision of this Bylaw be declared invalid, void, illegal or otherwise not enforceable, it shall be considered separate and severable from the Bylaw and the remainder shall remain in force and be binding as though such provision had not been invalid.


10.0 RESCIND PREVIOUS BYLAWS

- 10.1 The County No. 1 Bylaw No. 2600, the Off-Highway Vehicle Bylaw, is hereby rescinded.

11.0 ENACTMENT

- 11.1 This Bylaw shall come into force and effect upon receiving third and final reading and being duly signed.

READ A FIRST, SECOND, AND BY UNANIMOUS CONSENT OF ALL COUNCILLORS PRESENT, A THIRD AND FINAL TIME AND FINALLY PASSED THIS 24th DAY OF August , A.D. 2015.



REEVE



CHIEF ADMINISTRATIVE OFFICER

SCHEDULE "A"
Specified Penalties

Section	Description	Specified Penalty
4.1	Fail to operate OHV in accordance with Bylaw	\$100.00
4.2	Operate OHV between 11:00 pm and 8:00 am	\$100.00
4.3	Driver/Passenger fail to wear safety helmet	\$200.00
4.4	Operate OHV in excess of designed passenger capacity	\$100.00
4.5 (a)	Fail to operate OHV in same direction as traffic on roadway	\$100.00
4.5(b)	Fail to operate OHV in single file	\$100.00
4.5(c)	Fail to travel in ditch/on shoulder	\$200.00
4.5(d)	Exceed 40 km/hr speed limit for OHV on highway	\$200.00
4.6	Operate or park OHV where prohibited by sign	\$300.00
4.7	Operate or park OHV on developed trail	\$300.00
4.8b)	Fail to enter/leave residential area by shortest route	\$100.00
4.8(c)	Exceed 30 km/hr in a residential area	\$200.00
4.9	Operate or park OHV in park/campground/playground or other place where prohibited by order, bylaw or sign	\$300.00