

OFF HIGHWAY VEHICLES

BYLAW NO. 2004-18

BEING A BY-LAW OF THE TOWN OF CALMAR TO REGULATE AND CONTROL THE OPERATION OF OFF-HIGHWAY VEHICLES WITHIN THE CORPORATE LIMITS OF THE TOWN.

WHEREAS many persons are operating off-highway vehicles within the Town limits in public recreational areas including open park land, rivers, ravines, lakes or other body of water, natural beauty spots and the like; and

WHEREAS off-highway vehicles operate at speeds which may make them a source of danger to pedestrians or which may result in damage to public areas; and

WHEREAS it is deemed necessary in the interest of public safety and the effective control of recreational areas for the majority of users to control and regulate the use of off-highway vehicles within the Town limits; and

Whereas Section 7 of the Municipal Government Act, Revised Statutes of Alberta 2000 and amendments thereto provide that a municipal council may pass bylaws respecting the safety, health and welfare of people and the protection of people and property, and

Whereas Section 120(5) of the Traffic Safety Act, Revised Statutes of Alberta 2003 and amendments thereto provide that a municipal council may, by bylaw, with respect to highways under its direction or control, authorize persons to operate off-highway vehicles on any portion of any such highway or class of highway,

NOW THEREFORE the Council of the Town of Calmar, duly assembled, and in accordance with the authority provided to the Municipality ENACTS AS FOLLOWS:

I. DEFINITIONS

1. "**Off-Highway vehicle**" means an off-highway vehicle as defined in The Traffic Safety Act for the Province of Alberta, 2003 and amendments thereto;
2. "**Highway**" means a highway as defined in The Traffic Safety Act for the Province of Alberta, 2003 and amendments thereto;
3. "**Parkland**" shall mean every recreational area owned or controlled by the Town that lies within the limits of the Town whether such parkland is improved in whole or in part or remains in its natural state but shall include other neighbourhood beautification areas and publicly maintained areas administered by the Town.

II. PERMITTED AREAS

1. There shall be no permitted area whatsoever within the limits of the Town of Calmar for the operation of an off-highway vehicle not withstanding legally licensed vehicles operating on public roadways.

III. REGULATIONS

1. That no person who is the owner or operator of an off-highway vehicle shall operate or permit any other person to operate an off-highway vehicle within the corporate limits of the Town of Calmar, inclusive of all parkland areas, except as provided for in the Traffic Safety Act and this bylaw.
2. Unless the Town grants special permission, no rally or race involving off-highway vehicles shall be permitted.
3. The foregoing restrictions shall not apply so as to;
 - a) Prohibit any peace officer from duly enforcing the provisions of this bylaw. Or
 - b) Prohibit employees or agents of the Town from operating an Off-Highway Vehicle in the performance of their Town duties, subject to said employees or agents adhering to the following conditions;
 - i. The operator of the vehicle is wearing a traffic vest & CSA approved helmet.
 - ii. The vehicle is clearly marked as a Town of Calmar vehicle or clearly marked as an agent of the Town.
 - iii. The vehicle is not used at speeds greater than 30 km per hour.
 - iv. If used on a highway the vehicle must utilize a rotating amber light signifying a municipal works vehicle.

IV. PENALTIES

1. Every person who contravenes this By-law is guilty of an offence and liable on summary conviction
 - (a) for a first offence to a fine of not more than \$200.00 and in default of payment to imprisonment for a term of not more than 30 days, and
 - (b) for a second or subsequent offence to a fine of not more than \$500.00 and in default of payment to imprisonment for a term of not more than 60 days.

V. SEIZURE OF OFF-HIGHWAY VEHICLE

1. A peace officer who on reasonable and probable grounds believes that this Bylaw has been contravened may seize and detain any off-highway vehicle in respect of which the offence was committed until the final disposition of any proceedings taken under this Bylaw.

VI. BYLAW AUTHORIZATION

1. That Bylaw 94-21 is hereby rescinded.

This By-law shall come into full force and effect immediately upon the final passing hereof.

Read a first time in Council this ____ day of _____, 2004

Read a second time in Council this ____ day of _____, 2004

Read a third time in Council and finally passed this ____ day of _____, 2004

Mayor Don Faulkner

Town Manager Jeanette Donovan