

TOWN OF CALMAR

BYLAW 2016-04

OFF ROAD VEHICLES BYLAW

BEING A BYLAW OF THE TOWN OF CALMAR TO REGULATE AND CONTROL THE OPERATION OF OFF ROAD VEHICLES WITHIN THE CORPORATE LIMITES OF THE TOWN

WHEREAS many persons are operating off road 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 road 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 road vehicles within the Town limits; and

WHEREAS Section 7 of the *Municipal Government Act*, RSA, 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*, RSA, 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 road 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 Road Vehicle" means an off road vehicle as defined in *The Traffic Safety Act*, RSA, 2003, and amendments thereto;
2. "Highway" means a highway as defined in *The Traffic Safety Act*, RSA, 2003, and amendments thereto;
3. "Park land" shall mean every recreational area owned or controlled by the Town that lies within the limits of the Town whether such park land is improved in whole or in part or remains in its natural state but shall include other neighborhood beautification areas and publicly maintained areas administered by the Town.



4. "Insured Off Road Vehicles" shall mean an off road vehicle the owner of which is insured by a policy of insurance approved under Part 7 of the *Insurance Act* and containing the coverage and limits fixed by that part for automobiles in relation to the public liability, property, damage an accident benefits in respect of that off road vehicle.
5. "Operator" shall mean a person who drives or operates an off road vehicle as the owner thereof, or as an agent, employee or servant of the owner.
6. "Owner" shall mean the registered owner of the off road vehicle.
7. "Person" shall mean all those defined under "Operator" as set out in section 5 above.
8. "School Grounds" shall mean all that area legally described as Lot 59SR; Block 11; Plan 942 3137 and SW1/4 31-49-26 W4.
9. "Town" shall mean the municipality of the Town of Calmar in the Province of Alberta, and the corporate limits thereof.

II. REGULATIONS

1. The owner shall at all times be held responsible for the actions of the operator with respect to infractions of this Bylaw and the *Off Highway Vehicle Act*.
 - a) No person shall operate an Off Road Vehicle in contravention of the Alberta *Off Highway Vehicles Act*.
 - b) No person shall operate an Off Road Vehicle in the Town without proper registration and insurance.
2. No person shall operate an Off Road Vehicle in the Town except for the purpose of proceeding by the most direct route from his/her place of residence to enter or exit the Town, bearing in mind the provisions contained in this by law, the operator may proceed at their own risk.
3. No person shall operate on Off Road Vehicle upon any park land within the Town, or on the ball diamonds, legally described as Lot P; Plan 334 HW, or land in the Town of Calmar legally described as NE 25-49-27 W4.
4.
 - a) No person under that age of fourteen (14) years shall operate on Off Road Vehicle in a public place.
 - b) Notwithstanding subsection (a), a person under the age of fourteen (14) years shall not be considered in contravention of this section if he is supervised by an adult person seated next to him on the Off Road Vehicle, or otherwise in close proximity, while giving instruction, if that instruction is not given on a highway.
5. No Off Road Vehicle shall be operated within the Town limits between the hours of 11:00 pm of one day and 9:00 am of the following day.
6. No person shall operate an Off Road Vehicle within the Town, whether on Town or private property, so as to unduly disturb residents of the surrounding area.
7. No person shall operate an Off Road Vehicle within the boundaries of the Town at a speed in excess of 20km/hr, obeying all the traffic regulations, stop signs, cross walks or any other traffic regulation, posted or not posted.

8. a) No person shall operate an Off Road vehicle that is not equipped with an exhaust muffler consisting of a series of pipes or chambers that ensures that the exhaust gases from the engine are cooled and expelled without excessive noise and without emission of any flame or sparks.
- b) No person shall drive or operate an Off Road vehicle when the muffler with which the vehicle is required to be equipped;
 - i) Is cut or is disconnected from the engine;
 - ii) Has had a baffle plate or other part removed;
 - iii) Has been altered by having the exhaust outlet opened or widened, or
 - iv) Has been altered by having an attachment or device attached that
 - a. Increases the noise of the expulsion of the gases from the engine, or
 - b. Allows a flame to be ignited from the exhaust system.

III. PENALTIES

1. Every person who contravenes this Bylaw 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.

IV. SEIZURE OF OFF ROAD VEHICLE

A Peace Officer who, on reasonable and probable grounds, believes that this Bylaw has been contravened may seize and detain any Off Road vehicle in respect of which the offence was committed until the final disposition of any proceedings taken under this Bylaw.

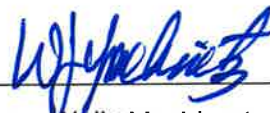
V. BYLAW AUTHORIZATION

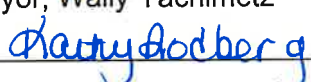
1. That Bylaw 2004-18 is hereby rescinded.
2. This Bylaw shall come into full force and effect immediately upon the final passing hereof.

Read a first time in Council this 18th day of January, 2016.

Read a second time in Council this 18th day of January, 2016.

Read a third time in Council and finally passed this 18th day of January, 2016.



Mayor, Wally Yachimetz


Town Manager, Kathy Rodberg