

COUNTY OF WARNER NO. 5

BY-LAW NO. 696

A BY-LAW of the County of Warner No. 5 in the Province of Alberta regulating the operation and use of Off-Highway Vehicles on highways under the jurisdiction of the County of Warner No. 5.

WHEREAS pursuant to the provisions of Section 18(1) of the Off-Highway Vehicle Act, being Chapter 0-4 of The Revised Statutes of Alberta 1980 and amendments thereto, no person shall operate an off-highway vehicle on any portion of a highway.

AND WHEREAS pursuant to the provisions of Section 18(2) (b) of the aforesaid Statutes, the Council of a municipality may by by-law, 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 and may restrict the hours during which such operation may take place, and to prescribe maximum and minimum rates of speed, and,

WHEREAS the Council of the County of Warner No. 5 considers it desirable and expedient to permit the operation of certain types of off-highway vehicles within its boundaries in accordance with the regulations specified in the Off-Highway Vehicle Act,

THEREFORE under authority of and subject to the Off-Highway Vehicle Act and regulations thereto, being Chapter 0-4 of the Revised Statutes of Alberta 1980, the Council of the County of Warner No. 5 duly assembled, enacts as follows:

IN THIS BY-LAW:

1. (a) "All terrain vehicle" means a wheeled or tracked motor vehicle designed for travel primarily on unprepared surfaces such as open country and marshland, but does not include a snow vehicle, implement of husbandry or construction machinery;
- (b) "County" shall mean the County of Warner No. 5;
- (c) "Judge" means a Justice as defined in the Summary Convictions Act, Revised Statutes of Alberta 1980, Chapter S-26;
- (d) "Highway" means a highway as defined in the Highway Traffic Act, Revised Statutes of Alberta 1980, Chapter H-7;
- (e) "Miniature Motor Vehicle" means a motor vehicle other than a motor cycle, having specifications prescribed by the regulations passed pursuant to the Off-Highway Vehicle Act, Revised Statutes of Alberta 1980, Chapter 0-4;
- (f) "Minibike" means a motor cycle having specifications as prescribed by the regulations passed pursuant to the Off-Highway Vehicle Act, revised Statutes of Alberta 1980, Chapter 0-4;
- (g) "Motor Vehicle" means motor vehicle as defined by the Highway Traffic Act, Revised Statutes of Alberta 1980, Chapter H-7 and amendments thereto.
- (h) "Motor Vehicle Administration Act" means the Motor Vehicle Administration Act, revised Statutes of Alberta 1980, Chapter M-22;
- (i) "Motorcycle" means a motor vehicle mounted on two or three wheels and includes those motor vehicles known to the trade as motor cycle, scooters and power bicycles;
- (j) "Off-Highway Vehicle" means any motorized vehicle designed for cross-country travel, when designed for such travel:

- (i) motorcycles and related 2 wheel vehicles,
 - (ii) snow vehicles,
 - (iii) minibikes
 - (iv) all terrain cycles
 - (v) trike ATC
 - (vi) quad runner - 4 wheel
- (k) "Operator" means a person who drives or is in actual physical control of a vehicle;
- (l) "Owner" includes a person renting an Off-Highway Vehicle or having the exclusive use of that vehicle under a lease or otherwise for a period of more than 30 days;
- (m) "Parking Lane" means that portion of a highway between:
- (i) the edge of the roadway to the right of the direction of traffic, and
 - (ii) the nearest solid white line (not being the center line) marked on the roadway;
- (n) "Peace Officer" means a member of the Royal Canadian Mounted Police, a member of a municipal police force, a member of the Patrol division of the Department of the Solicitor General, a Forest Officer, a Parks Officer, a Wildlife Officer or a Special Constable or By-law Enforcement Officer employed by the County of Warner No. 5.
- (o) "Roadway" means that part of a highway intended for use by vehicular traffic;
- (p) "Snow Vehicle" means a motor vehicle designed or intended to be driven exclusively or chiefly on snow or ice or both.
2. No person is authorized to operate an Off-Highway Vehicle on any highway under the direction, management and control of the County except as specifically provided for within this by-law.
3. No person shall operate an Off-Highway Vehicle on a County highway or unrestricted public property under the control of the County unless the operator is a minimum of:
- (a) 14 years of age in the operation of a snow vehicle, or
 - (b) 16 years of age in the operation of all other Off-Highway Vehicles.
4. The hours of operating an Off-Highway Vehicle on County highways within a Hamlet or Subdivision shall be restricted to the period of time between 8:00 a.m. to 11:00 p.m. in any one day.
5. The maximum speed at which Off-Highway Vehicles are permitted to travel on County highways is 50 km. per hour, unless otherwise posted at reduced speed.
6. Operators of Off-Highway Vehicles on County highways shall travel within the parking lane, or where there is no parking lane, on the extreme right hand side of the highway and shall travel single file at all times.

7. The Operator of an Off-Highway Vehicle may cross any highway, including the roadway, the parking lane or sidewalk portion of the highway, as the case may require, if
 - (a) the operator stops the Off-Highway Vehicle before entering onto the highway or portion of the highway to be crossed;
 - (b) all passengers disembark from the Off-Highway Vehicle and any vehicle or thing attached to it before he commences to cross;
 - (c) the operator yields the right-of-way to all other vehicles and persons on the highway;
 - (d) the operator crosses over the highway or portion of the highway to be crossed by the most direct and shortest route of travel available to him.
8. All Off-Highway Vehicles travelling on County highways shall be equipped with at least one headlight and one tail light and no Off-Highway Vehicle shall be operated on a highway unless the headlight and tail light are alight.
9. The operation of any Off-Highway Vehicle on any school yard or any posted recreational grounds within the County is prohibited at all times.
10. The provisions of Section 9 of this By-law shall not apply to Peace Officers, Agents or Employees of any School Board of the County operating an Off-Highway Vehicle while in the performance of their official duties.
11. Operators of Off-Highway Vehicles within Hamlets and Subdivisions within the County shall use the highways of the County within the said Hamlets and Subdivisions only to leave and to return to the Hamlets or Subdivisions by the most direct route possible to and from their residence.
12. A Peace Officer who on reasonable and probable grounds believes that an offence under this By-law has been committed may seize and detain any Off-Highway Vehicle in respect of which the offence was committed until the final disposition of any proceedings that may be taken under this By-law or the Off-Highways Vehicle act, and Section 96 of the Motor Vehicle Administration Act applies, with all necessary modifications, to that Off-Highway Vehicle.
13. The owner of an Off-Highway Vehicle that is involved in a contravention of this By-law is guilty of an offence unless he proves to the satisfaction of the judge that at the time of the offence the Off-Highway Vehicle was not being driven or left parked by him or any other person with his consent, express or implied.
14. Any person who permits another person to operate an Off-Highway Vehicle in contravention of this By-law is guilty of an offence.
15. Every person who contravenes the provisions of this By-law is guilty of an offence and liable on summary conviction to a penalty as prescribed in Schedule "A" of this By-law.
16. This by-law shall come into force and effect as of the third and final reading.

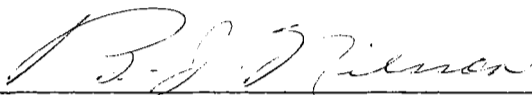
READ A FIRST TIME THIS 14th DAY OF OCTOBER 1986.

READ A SECOND TIME THIS 14th DAY OF OCTOBER 1986.

READ A THIRD TIME and finally passed this 13th day of January, 1987.



REEVE



ADMINISTRATOR

SCHEDULE "A"

WHEREAS under the provisions of Section 44 of the Summary Conviction being Chapter S-26.1 of the Revised Statutes of Alberta 1980 and amendments thereto and under the provisions of Section 110 of the Municipal Government Act, being Chapter M-26 of the Revised Statutes of Alberta 1980 and amendments thereto, the Council of a municipality may, by by-law provide for the payment of traffic tickets or summons out of Court.

A notice or form (commonly called a traffic tag or a violation ticket) may be issued by members of the County police force, a peace officer or by special constables or By-law Enforcement Officers appointed by the Council to any person charged with a breach of any of the provision of this by-law and the hereto mentioned Acts shall apply in regards to the payment.

Sections	3. Operate while under age	\$ 20.00
	4. Operate during restricted hours	\$ 20.00
	5. Speeding	\$ 30.00
	6. Travel right side and single file	\$ 20.00
	7. Cross highway contrary to conditions	\$ 20.00
	8. Lights	\$ 20.00
	9. Operate in posted area or school yard	\$ 20.00
	11. Operate in Hamlet or Subdivision	\$ 20.00
	14. Permit other person to operate in contravention	\$ 20.00

A person found guilty of an offence against this by-law of the County of Warner No. 5 where no penalty has been specifically provided is liable on summary conviction to a fine not exceeding two hundred dollars (\$200.00) exclusive of costs and in default of payment to imprisonment for a period not exceeding six months, unless the fine and cost including the costs of the committal are sooner paid.