

**LETHBRIDGE COUNTY
IN THE PROVINCE OF ALBERTA**

BYLAW NO. 19-023

OFF-HIGHWAY VEHICLE CONTROL BYLAW

BEING A BYLAW OF LETHBRIDGE COUNTY, IN THE PROVINCE OF ALBERTA TO REGULATE THE OPERATION OF OFF HIGHWAY VEHICLES

WHEREAS pursuant to the *Traffic Safety Act*, Council may, through bylaw authorize the use of Off-Highway Vehicles on highways under its direction, control and management;

WHEREAS pursuant to the provisions of the Municipal Government Act, 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 public place or place that is open to the public; and
- c. the enforcement of bylaws.

WHEREAS it is the desire of Council of Lethbridge County to regulate the use of Off-Highway Vehicles within Lethbridge County;

NOW THEREFORE the Council of Lethbridge County, in the Province of Alberta, duly assembled enacts as follows:

Part 1 – Short Title

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

Part 2 – Interpretation and Application

Definitions

2.1 In this Bylaw, unless the context otherwise requires:

- a. **“ACT”** means the Traffic Safety Act, RSA 2000, c.T-6 as amended or substituted from time to time.
- b. **“Chief Administrative officer”** means the Chief Administrative Officer of Lethbridge County.
- c. **“Council”** means the Council of Lethbridge County.
- d. **“Hamlet”** any area zoned as Hamlet Residential as per the current Land Use Bylaw.
- e. **“Highway”** means any thoroughfare, street, road, trail, avenue, parkway, driveway, viaduct, lane, alley, square, bridge, causeway, trestleway or other place or 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, and
 - 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 or 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

- f. **“Municipal Property”** means any lands owned by the Municipality, or under the direction, control and management of the Municipality, to which members of the public have access by express or implied invitation, but does not include Highways;
- 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 machines,
 - v. all-terrain vehicles,
 - vi. snow vehicles,
 - vii. any other means of transportation that is propelled by any power other than muscular power or wind, but does not include motor boats
 - viii. miniature vehicles, including but not limited to go carts, golf carts, pocket bikes, riding lawn mowers, scooters, and mopeds that cannot be registered pursuant to the Operator Licensing and Vehicle Control Regulation, or
 - ix. any other vehicle exempted from being an Off-Highway Vehicle by regulation;
- h. **“Operator”** means a person responsible for the operation of a Vehicle.
- i. **“Operate or Operating”** means to drive, or be in actual physical control of an Off-Highway Vehicle;
- j. **“Operator’s License”** means an operator’s license issued pursuant to the Traffic Safety Act and includes a license or permit issued in another jurisdiction that permits a Person to operate a motor vehicle of the same class;
- k. **“Owner”** with respect to an Off-Highway vehicle means:
- a. the person in whose name the Vehicle is registered under the Act;
 - b. any 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 thirty (30) days.
- l. **“Peace Officer”** means:
- a. a Bylaw Enforcement Officer appointed pursuant by the Municipal Government Act; or
 - b. a police officer appointed pursuant to the Police Act; or
 - c. a peace officer appointed pursuant to the Peace Officer Act whose appointment includes enforcement of the Municipality’s bylaws;
- m. **“Person”** means any individual, firm, partnership, association, corporation, trustee, executor, administrator or other legal representative;
- n. **“Roadway”** means that part of a Highway intended for use by vehicular traffic;
- o. **“Safety Helmet”** means a safety helmet intended for use by an operator or passenger of an Off-Highway Vehicle that meets all the conditions of the Off-highway Vehicle Regulation, Section 9.1.
- p. **“Subdivision”** Any area zoned as Grouped County residential as per the current Land Use Bylaw.

- q. **“Municipal TAG”** means a ticket or similar document issued by the County pursuant to the Municipal Government Act, RSA 2000, c. M-26;
- r. **“Violation Ticket”** means a ticket issued pursuant to Part II or Part III of the Provincial Offences Procedure Act, RSA 2000 c. P-34 and the regulations thereunder.

Part 3 – Rules of Interpretation

- 3.1 Any heading, sub-headings, or tables of contents in this Bylaw are included for guidance purposes and convenience only and shall not form part of this Bylaw.
- 3.2 Any reference to a statute is a statute of the Province of Alberta unless otherwise stated and includes reference to any regulations enacted thereunder.
- 3.3 Where this Bylaw refers to another Act, bylaw, regulation or agency, it includes reference to any Act, bylaw, regulation or agency that may be substituted therefore.
- 3.4 This Bylaw is gender-neutral and, accordingly, any reference to one gender includes another

Part 4 – Application

- 4.1 This Bylaw applies to Highways under the direction, control and management of the Municipality and nothing in this Bylaw authorizes, or in any way affects, the Operation of an Off-Highway Vehicle on any Provincial Highway.
- 4.2 Nothing in this Bylaw relieves any person from complying with any provision of any federal or provincial legislation effecting Off-Highway Vehicles, including without restriction, the Traffic Safety Act and all applicable regulations thereunder.

Part 5 - Prohibitions

- 5.1 A person may only Operate an Off-Highway Vehicle on highways under the direct control of the Municipality in the parking lane of the Roadway; or
 - a. where the Roadway does not include a parking lane or where the parking lane is obstructed, in the rightmost lane of the Roadway; and
 - b. at a maximum speed not to exceed fifty (50) kilometers per hour, or where a lower speed limit has been prescribed, in excess of the prescribed limit.
- 5.2 For greater certainty, and without in any way restricting Section 4.2, a person may Operate an Off-Highway Vehicle on a Highway provided that at all times the person shall:
 - a. travel in the same direction as vehicles travelling upon the Roadway; and
 - b. travel in single file with any other Off-Highway Vehicles, and
 - c. 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
 - i. the operator stops the off-highway vehicle before entering onto the highway or portion of the highway to be crossed,
 - ii. all passengers disembark from the off-highway vehicle and any vehicle or thing attached to it before the driver commences to drive the off-highway vehicle across the highway,
 - iii. the operator yields the right of way to all other vehicles and persons on the highway,

- iv. the operator drives the off-highway vehicle across the highway or portion of the highway to be crossed
 - by the most direct and shortest route of travel available or
 - if the most direct and shortest route of travel available to the driver is not the safest route, with reasonable care and caution by the safest and most direct route available to the driver.
 - the driver waits to proceed across the highway until the condition of the traffic on the highway being entered on and crossed is such that the off-highway vehicle can enter on and cross the highway in safety.
- 5.3 Without restricting the generality of section 4.2, no person shall Operate an Off-Highway Vehicle in the Municipality unless
 - a. the Off-Highway Vehicle is duly:
 - i. registered
 - ii. insured; and
 - iii. displays a valid license plate, pursuant to the Traffic Safety Act, and
 - b. the Off-Highway Vehicle is equipped with headlamps, tail lamps, an exhaust muffler and such other equipment as required by the Off-Highway Vehicle Regulation; and
 - c. the person Operating the Off-Highway Vehicle has a valid Operator's License.
- 5.4 Section 5.3 above does not apply to the Operation of an Off-Highway Vehicle on land:
 - a. owned by the person operating the Off-Highway Vehicle; or
 - b. on land owned by some other person if that person has expressly or impliedly consented to the operation of that Off-Highway Vehicle on that land.
- 5.6 No person shall Operate an Off-Highway Vehicle on Municipal Property.
- 5.7 No person shall operate an Off-Highway Vehicle on a Highway, except in accordance with this Bylaw or as otherwise permitted under the *Traffic Safety Act*.
- 5.8 No person shall operate an Off-Highway vehicle in the Municipality unless the person is at least 14 years of age.
- 5.9 No person shall operate an Off-Highway vehicle on a highway one-half hour before sunrise and one-half hour after sunset.
- 5.10 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 unless the Person is a bona fide member of the Sikh religion and wears a turban
- 5.11 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.
- 5.12 No person shall Operate an Off-Highway Vehicle on any Highway where the Municipality has placed a sign or signs prohibiting such operation.
- 5.13 Off-Highway vehicles are not permitted to travel within Hamlets and Subdivisions unless a waiver has been granted.
- 5.14 Any person who permits another person to operate an off-highway vehicle in contravention of this Bylaw is guilty of an offence.

- 5.15 Every person who contravenes the provisions of this Bylaw is guilty of an offence and liable on summary conviction to a penalty as prescribed in Schedule "A" of this Bylaw

Part 6 – Exemptions

- 6.1 The provisions of this Bylaw shall not apply so as to restrict in any way the operation of an OHV by a Peace Officer or firefighter while in the performance of their official duties.
- a. An operator may drive an Off-Highway Vehicle on Municipal Property where the person, while in the performance of their official duties, is:
 - i. an employee or volunteer of the Municipality
 - ii. an agent or contractor acting on behalf of the Municipality

Part 7 – Authority of Municipal Officials

Authority of the Chief Administrative Officer:

- 7.1 Without restricting any other power, duty or function granted by this Bylaw, the Chief Administrative Officer is authorized to:
- a. Carry out any inspections to determine compliance with the Bylaw
 - b. Take any steps or carry out any actions required to enforce this Bylaw
 - c. Take any steps or carry out any actions required to remedy a contravention of this Bylaw; and
 - d. Delegate any powers, duties or functions under this Bylaw to an employee of the County.

Part 8 – Authority of Peace Officers

Municipal Tags

- 8.1 A Peace Officer is hereby authorized and empowered to issue a Municipal Tag to any person who the Peace Officer has reasonable and probable grounds to believe has contravened any provision of this Bylaw.
- 8.2 A Municipal Tag may be served:
- a. in the case of an individual:
 - i. personally, to the individual;
 - ii. by registered mail;
 - iii. by leaving it for the individual at his place of residence with a person who appears to be at least eighteen (18) years of age; or
 - b. in the case of a partnership or corporation, personally or by registered mail to either the registered office or business address of the partnership or corporation.
- 8.3 Notwithstanding Section 8.2 where no other means of service appears to be practical, in the opinion of the Peace officer, the Municipal Tag may be posted in a conspicuous place at the person's place of residence or Property at which the residence is located if service cannot otherwise reasonably be affected.
- 8.4 The Municipal Tag shall be in a form approved by the County and shall state:
- a. the name of the person to whom the Municipal Tag is issued, if known;
 - b. a description of the Property upon which the offence has been committed, if applicable;
 - c. a description of the offence and the applicable Bylaw section;
 - d. the appropriate penalty for the offence as specified in Schedule "A" of this Bylaw

- e. that the penalty shall be paid within (30) days of the issuance of the Violation Tag in order to avoid prosecution; and
 - f. any other information as may be required by the County Manager.
- 8.5 Where a contravention of this Bylaw is of a continuing nature, further Municipal Tags may be issued by the Peace Officer, provided that no more than one Municipal Tag shall be issued for each day that the contravention continues.
- 8.6 A person to whom a Municipal Tag has been issued may pay the penalty specified on the Municipal Tag and if the amount is paid on or before the required date, the person will not be prosecuted for the offence.
- 8.7 Notwithstanding Section 8.1 of this Bylaw, a Peace Officer is hereby authorized and empowered to immediately issue a Violation Ticket pursuant to either Part II or Part III of the Provincial Offences Procedures Act, RSA 2000, c. P-34, as amended, to any person who the Peace Officer has reasonable grounds to believe has contravened any provision of this Bylaw.

Part 9 – Violation Ticket

- 9.1 If the penalty specified on a Municipal Tag has been issued and the penalty specified on the Municipal Tag is not paid within the prescribed time, a Peace Officer is hereby authorized and empowered to issue a Violation Ticket pursuant to either Part II or Part III of the Provincial Offences Procedure Act, RSA 2000, c. P-34.

Part 10 – Severability

- 10.1 Should any provision of this Bylaw be invalid, then such provision shall be served, and the remaining Bylaw shall be maintained.

Part 11 Offences and Penalties

- 11.1 A person who contravenes or fails to comply with any provision of this Bylaw is guilty of an offence and is liable to a fine in an amount not less than that established in this Part and not exceeding \$10,000.00.
- 11.2 Without restricting the generality of Section 11.1 the fine amounts established for use on Municipal Tags and Violation Tickets if a voluntary payment option is offered are set out in Schedule “A”.
- 11.3 Schedule ‘A” attached hereto shall form part of this Bylaw.

Part 12 – Effective Date

- 12.1 This Bylaw comes into effect after third reading and upon begin signed.

READ a **first** time this 20th day of June, 2019.



Reeve



Chief Administrative Officer

READ a **second** time this 20th day of June, 2019.


Reeve


Chief Administrative Officer

READ a **third** time this 4th day of July, 2019.


Reeve


Chief Administrative Officer

SCHEDULE "A"

Off-Highway Vehicle Control Bylaw No. 19-023

Section	Offence	Penalty
5.1	Exceeding 50 kph	\$100.00
5.2	Travel contrary to provisions	\$100.00
5.3	Unregistered/ uninsured OHV	\$100.00
5.6	Operate OHV on Municipal Property	\$500.00
5.8	Operate OHV under 14 years of age	\$100.00
5.9	Operate OHV on highway outside restricted hours	\$310.00
5.10	No Helmet	\$78.00
5.11	Exceed the number passengers on OHV	\$100.00
5.12	Operate OHV where prohibited	\$500.00
5.13	Operate OHV within a Hamlet or Subdivision	\$200.00
5.14	Permit another to ride OHV in contravention of this Bylaw	\$100.00