

**BYLAW 187-03
OF
ALBERTA BEACH
IN THE PROVINCE OF ALBERTA**

BEING A BYLAW OF ALBERTA BEACH, IN THE PROVINCE OF ALBERTA, TO REGULATE AND CONTROL THE OPERATION OF ALL OFF-HIGHWAY VEHICLES WITHIN THE BOUNDARIES OF ALBERTA BEACH.

WHEREAS pursuant to the provisions of section 118(1)(2) of the Traffic Safety Act, (Alberta) and amendments thereto;

WHEREAS pursuant to the provisions of section 128(a)(b) of the said Statute, the council of a municipality may, by law, with respect to highways under its direction, control and management, authorize such persons to operate Off-Highway Vehicles on any portion of any such highway or class thereof and may restrict the hours during with such operation may take place, and prescribe maximum and minimum rates of speed; and

WHEREAS the council of Alberta Beach, in the Province of Alberta, considers it desirable and expedient to restrict the operation of Off-Highway Vehicles within its boundaries in accordance with the regulations specified in Part 6 of the Traffic Safety Act (Off-Highway Vehicle Regulation) (Alberta), as amended and regulations thereto, the Council of Alberta Beach, in the Province of Alberta, duly assembled, enacts:

SECTION 1 - CITATION

This bylaw may be cited as the Alberta Beach "Off-Highway Vehicles Bylaw"

SECTION 2 - DEFINITIONS

In this bylaw:

1. "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;
2. "Financial responsibility card" means a card issued or authorized pursuant to the Insurance Act;
3. "Highway" means a highway as defined in the Traffic Safety Act;
4. "Insured off-highway vehicle" means an Off-Highway Vehicle 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 public liability, property damage and accident benefits in respect of that Off-Highway Vehicle;
5. "Insurer" means a person licensed under the Insurance Act to carry on the business of automobile insurance of Alberta;
6. "Alley" means a narrow highway intended chiefly to give access to the rear of buildings and parcels of land;
7. "Motor cycle" means a motor vehicle mounted on 2 or 3 wheels and includes those motor vehicles known to the trade as motor cycles, scooters and power bicycles;

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8. "Off-highway vehicle" means any motorised vehicle designated for cross-country travel on land, water, snow, ice, marsh or swamp land or on other natural terrain and, without limiting the generality of the foregoing, includes, when designed for such travel:
- i. 4-wheel drive or low pressure tire vehicles,
 - ii. Motor cycles and related 2-wheel vehicles,
 - iii. Amphibious machines,
 - iv. All terrain vehicles,
 - v. Snow vehicles, Snowmobiles,
 - vi. And other means of transportation which is propelled by any power other than muscular power or wind that is set out under the Off-Highway Vehicle Regulations;

But does not include:

- vii. Motor boats, or,
 - viii. Any other vehicle exempted from all of the provisions of this bylaw by the regulations.
9. "Park land" shall mean every recreational area owned or controlled by the Village of Alberta Beach that lies within the limits of the Village whether such park land is improved in whole or in part or remains in its natural state but shall include other neighbourhood beautification areas and publicly maintained area administered by the Village;
10. "Permitted Area" shall mean any area outside of the Village limits where Off-Highway Vehicles may operate;
11. "Snow Vehicle" shall mean a motor vehicle designed or intended to be driven exclusively or chiefly upon snow or ice or both;
12. "Act" means the Part 6 of the Traffic Safety Act of the Revised Statutes of Alberta 2000 and amendments thereto;
13. "Council" means the Alberta Beach Council;
14. "Current season" means the current calendar year;
15. "Highway" means a highway as defined in the Traffic Safety Act;
16. "Operator" means a person who drives or is in actual physical control of a vehicle;
17. "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;
18. "Roadway" means that part of a highway intended for use by vehicular traffic;
19. "Unrestricted public property" shall mean land leased to the Village or under the Village's management and control within Alberta Beach;
20. "Restricted parking" means parking or permitting to park any vehicle within the limits of Alberta Beach where a traffic control device is present or at any other place where a traffic control device prohibits stopping or parking, during the times stopping or parking is so prohibited, or as described in the Traffic Safety Act and revised statutes and amendments thereto, or as described by Alberta Beach Parking bylaw;
21. "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 park officer or a wildlife officer or a Special Constable appointed by the Municipal Council.

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SECTION 3 - POWERS OF A PEACE OFFICER

1. A peace officer who, on reasonable and probable grounds, believes that an offence under this bylaw 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 bylaw or the Traffic Safety Act, and section 170 applies to that Off-Highway Vehicle as if it were a vehicle to which section 169 applies;
2. The provisions of Section 170 of the Traffic Safety Act shall apply with regard to the recovery by Alberta Beach of the costs for removal and storage of any Off-Highway Vehicle seized and detained, pursuant to Section 3 Part 1 of this bylaw.

SECTION 4 - PENALTIES - VOLUNTARY PAYMENTS

SUMMARY CONVICTIONS

1. Every person who contravenes the provisions of this bylaw is guilty of an offence and liable to summary conviction to a penalty as prescribed in Schedule "B" of this bylaw attached hereto and forming a part of this bylaw.
2. A notice or form commonly called an Offence Ticket, may be issued by a Peace Officer to any person alleged to have breached any provision of this bylaw, and the amount specified in this bylaw or the regulations pursuant to the Provincial Offences Procedure Act, (Alberta) as amended.
3. An Offence Ticket shall be deemed to be sufficiently served:
 - i. If served personally on the accused; or
 - ii. If mailed to the address of the registered owner of the property concerned, or the vehicle concerned, or to the person concerned;
 - iii. Except as otherwise provided in this bylaw, a person who is guilty of an offence under this bylaw for which a penalty is not otherwise provided, is liable to a fine of not more than five hundred dollars (\$500.00) and in default of payment, is liable to imprisonment for a term not exceeding six (6) months or to imprisonment for a term not exceeding six (6) months without the option of a fine.

SECTION 5 - REGULATIONS

Only those Off-Highway Vehicles described as:

1. (a) 4-wheel drive or low pressure tire vehicles;
(b) Snow vehicles.
2. No person shall operate an Off-Highway Vehicle within Alberta Beach between the hours of 11:00 p.m. one day and 8:00 a.m. the following day;
3. No person shall operate an Off-Highway Vehicle equipped with an exhaust muffler that produces excessive noise/flame/sparks;

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4.
 - (i) The Off-Highway Vehicles described in Section 5 Part 1(a) may be operated within the Corporate limits of Alberta Beach year round;
 - (ii) The Off-Highway Vehicles described in Section 5 Part 1(b) may be operated in the Village of Alberta Beach from November 1st to April 30th of any year and must use the most direct route to permitted areas;
 - (iii) The use of any motorized vehicle on the Alberta Beach lakefront between the bordering communities of Val Quentin and Sunset Point is **STRICTLY PROHIBITED** between April 1st and October 31st in any year;
 - (iv) Exceptions;
 - (a) Lakefront owners may use an Off-Highway Vehicle and/or trailer to haul lake vegetation and water borne debris to the closest access road for pickup; and
 - (b) The use of an Off-Highway Vehicle is permitted to bring a boat lift to the waters edge but is **STRICTLY PROHIBITED** from entering the lake; and
 - (c) The use of an Off-Highway Vehicle is permitted to bring a fishing hut onto the lake by the most direct route; and
 - (d) Off-Highway Vehicles may cross 47th Street to access the service station and cross 50th Avenue to access the wash bay.
 - (e) Off-Highway Vehicles are permitted to cross 47th Street to park at the 4200-47th Street parking lot in order to obtain services provided for maintenance and repairs.
5. When a person operates an Off-Highway Vehicle in Alberta Beach they shall:
 - i) Not operate an Off-Highway Vehicle in the Village of Alberta Beach except for the purpose of proceeding from his/her residence to a permitted area and back to his/her residence by the most direct route possible; and
 - ii) Travel at a rate of speed not in excess of 10km/hr and must travel on the right hand side of the road so as to not interfere or impede with the natural flow of traffic; and
 - iii) All Off-Highway Vehicles shall be limited to the driver unless the vehicle is specifically designed to carry a passenger; and
 - iv) Notwithstanding Section 5 Part 4(iv), Off-Highway Vehicles are not permitted for travel within the Village to utilize village services of any description; and
 - v) The owner of an off-highway vehicle is responsible for the actions of that Off-Highway Vehicle; and
 - vi) No Off-Highway Vehicle shall be parked in Alberta Beach other than at a private residence or those locations noted in Section 5 Part 4(iv)(d) or permitted areas.
6. No person shall operate an Off-Highway Vehicle upon any park land, school grounds or restricted area within the Alberta Beach limits;
7. No person shall park or place an Off-Highway Vehicle where a traffic control device prohibits stopping or parking, during the times stopping or parking is so prohibited;
8. In proceeding to a permitted area or returning to his/her residence, the operator of an Off-Highway Vehicle shall use the alleys and lanes of the Village, only except as otherwise provided in this bylaw;

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9. No person shall operate an Off-Highway Vehicle on 47th Street or 50th Avenue in the Village except to cross 47th Street or 50th Avenue if necessary only to gain access to a permitted area;
10. No person shall operate or be a passenger on an Off-Highway Vehicle unless he/she is wearing an approved safety helmet securely attached to his/her head.
11. Without restricting the generality of the foregoing, the provisions of the Off-Highway Vehicle Regulations Act and Traffic Safety Act shall apply to the operation of the Off-Highway Vehicles within the limits of the Village of Alberta Beach.
12. Notwithstanding Section 5 Part 5 of this bylaw, the Council may, by resolution, grant permission for the operation of Off-Highway Vehicles in any designated area within the Village of Alberta Beach for a designated time or event at their discretion.
13. Exceptions for municipal Employee's (use of maintenance equipment).
14. During times of high to extreme fire hazard or weather conditions as defined by Alberta Environmental Protection Land and Forest Services, all use of Off-Highway Vehicles may be banned within the limits of the Village of Alberta Beach.

This bylaw hereby rescinds Policy No. 3.2 and any subsequent amendments to it.

This bylaw shall come into full force and effect on the date of final passing thereof.

Read a first time this 9th day of December, 2003

Read a second time this 9th day of December, 2003

Read a third and final time this 13th day of January, 2004

Mayor, Ken Jolin

SEAL

Interim C.A.O., Kathy Skwarchuk

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SCHEDULE "B"

SPECIFIED PENALTIES

DESCRIPTION	FIRST OFFENSE
Operation during times of High to extreme fire hazard	Court or \$150.00
Not on most direct route	\$57.00
More than designated Occupants on Off-Highway Vehicle	\$57.00
Failure to wear helmet	\$57.00
Operation of Off-Highway Vehicle in off hours Part 3	\$57.00
Operation of Off-Highway Vehicle not in compliance With specified months Part 5	\$115.00
Failure to comply with Speed limit Part 6(ii)	As per Specified Penalties Table 1 of Speeding Offences Traffic Safety Act
Operation of Off-Highway Vehicle in restricted areas Part 8	\$100.00
Parking in restricted areas Part 9	\$57.00
Violations of any provisions Of Part 2 (Regulations)	\$150.00
Operate an Off-Highway Vehicle when prohibited (Times of day and year)	\$115.00
Operation of Off-Highway Equipped with exhaust muffler That produces excessive Noise/Flames/Sparks	\$115.00