



BYLAW NO. 18.22

*A BYLAW OF YELLOWHEAD COUNTY IN THE PROVINCE OF ALBERTA
TO REGULATE THE OPERATION AND USE OF OFF-HIGHWAY VEHICLES ON HIGHWAYS
UNDER THE JURISDICTION OF YELLOWHEAD COUNTY*

WHEREAS, pursuant to the provisions of Section 120(4)(b) of the Traffic Safety Act, R.S.A., 2000 c. T-6, the council of a municipality may, by bylaw, authorize or issue a permit authorizing persons to drive off-highway vehicles along any portion of a highway that is under the directions, control and management of the municipality; and;

WHEREAS, pursuant to the provisions contained in Sections 120(5) and 128 of the Traffic Safety Act, the Council of a municipality, by bylaw, is given certain powers to regulate and control the operation of off-highway vehicles on highways which are subject to the direction, control and management of the municipality and on property that is not a highway and is located within the municipality; and

WHEREAS the Council of Yellowhead County is of the view that it is in the best interests of the residents of Yellowhead County that a bylaw be passed to regulate and control the operation of off-highway vehicles pursuant to the powers granted to municipalities under the said sections of the Traffic Safety Act;

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

1. TITLE

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

2. DEFINITIONS

- 2.1. **Act** means the *Traffic Safety Act*, RSA 2000 c. T-6, as amended from time to time.
- 2.2. **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;
- 2.3. **Council** means the duly elected Council of Yellowhead County;
- 2.4. **County** means Yellowhead County;
- 2.5. **Hamlet** means an area within the County with defined boundaries and established by bylaw in accordance with the *Municipal Government Act* R.S.A., 2000 c. M-26;
- 2.6. **Highway** means a highway as defined in the Act and which is subject to the direction, control, and management of the County;
- 2.7. **Motor Vehicle** means a motor vehicle as defined by the Act;

- 2.8. **Motorcycle** means a motor vehicle mounted on two or three wheels and includes those motor vehicles known to the trade as motorcycles, scooters, and power bicycles;
- 2.9. **Off-Highway Vehicle** means any motorized mode of transportation built 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:
- 2.9.1. 4-wheel drive vehicles
 - 2.9.2. Low-pressure tire vehicles
 - 2.9.3. motorcycles and related 2-wheel vehicles
 - 2.9.4. amphibious machines
 - 2.9.5. All-Terrain Vehicles
 - 2.9.6. miniature motor vehicles
 - 2.9.7. snow vehicles
 - 2.9.8. minibikes, and
 - 2.9.9. any other means of transportation which is propelled by any power other than muscular power or wind.
- But does not include:
- 2.9.10. motorboats, or
 - 2.9.11. any other vehicle exempted from being an off-highway vehicle by regulations
- 2.10. **Operator** means a person who drives or is in actual physical control of an Off-Highway vehicle;
- 2.11. **Owner** includes a person renting an Off-Highway Vehicle or having exclusive use of that vehicle under a lease or otherwise for a period of more than 30 days;
- 2.12. **Parking Lane** means that portion of a highway between:
- 2.12.1. the edge of the roadway to the right of the direction of traffic, and
 - 2.12.2. the nearest solid white line (not being the center line) marked on the roadway.
- 2.13. **Peace Officer** means any person authorized to enforce this bylaw by the Council and includes:
- 2.13.1. a member of the Royal Canadian Mounted Police, while the member is in the exercise or discharge of the member's powers or duties;
 - 2.13.2. a Peace Officer appointed under the Peace Officer Act, while the Peace Officer is in the exercise or discharge of the Peace Officer's powers or duties;
 - 2.13.3. and a Bylaw Enforcement Officer appointed by the Council under the authority of the *Municipal Government Act*, R.S.A. 2000, c. M-26.

- 2.14. **Public Property** means property owned or controlled by the County or the local school authority and is designated or intended for use by the public as a park, playground, or schoolyard;
- 2.15. **Roadway** means that part of a highway intended for use by vehicular traffic
- 2.16. **Snow Vehicle** means a motor vehicle designed or intended to be driven exclusively or chiefly on snow or ice or both;
- 2.17. **Vehicle** means a device in, on or by which a person or thing may be transported or drawn and includes a combination of vehicles but does not include a mobility aid;
- 2.18. **Violation Ticket** means a ticket or summons issued pursuant to the *Provincial Offences Procedure Act*, R.S.A. 2000, c. P-34 and Regulations thereunder as amended.

3. OPERATING RESTRICTIONS

- 3.1. Operations of Off-Highway Vehicles must conform with all provisions of this Bylaw, the Act, and all other Provincial legislation and regulation that relates to the operation of Off-Highway Vehicles.
 - 3.1.1. Operators of Off-Highway Vehicles on a Highway must travel in single file at all times and in the direction of travel required for vehicles on that portion of the Highway as specified in the Act;
 - 3.1.2. No person shall operate an Off-Highway Vehicle on Public Property as defined in this bylaw;
 - 3.1.3. Off-Highway Vehicles may be operated within a Hamlet subject to all other provisions of this bylaw as well as any provisions of the Act;
 - 3.1.4. The hours of operating an Off-Highway Vehicle on a Highway within a Hamlet shall be restricted to the period between 8:00 a.m. and 11:00 p.m. in any one day;
 - 3.1.5. The maximum speed at which an Off-Highway Vehicle is permitted to travel on a Highway is 50 kilometres per hour unless the Highway is posted for a slower speed; then, the slower speed shall apply;
 - 3.1.6. The maximum speed at which an Off-Highway Vehicle is permitted to travel in a Hamlet is 30 kilometres per hour unless otherwise posted;
 - 3.1.7. Operators of Off-Highway Vehicles on a Highway within a Hamlet shall travel within the Parking Lane, or where there is no Parking Lane, on the extreme right-hand side of the Roadway;



- 3.1.8. Operators of Off-Highway Vehicles on a Highway outside of a Hamlet shall travel within the Parking Lane, or where there is no Parking Lane, on the extreme right-hand side of the Roadway. Travel within a ditch adjacent to the Roadway is also permitted, provided:
 - a. It is safe to do so;
 - b. The ditch is not in a condition where Off-Highway Vehicle use would cause damage to the ditch or Highway;
 - c. It is not otherwise prohibited by signage;
 - d. The Off-Highway Vehicles travel single file at all times and in the direction of travel required for vehicles using that side of the Highway; and
 - e. The Off-Highway Vehicle is brought to a complete stop at all intersecting Highways or roadways, including, but not limited to, approaches and driveways.
- 3.1.9. Section 3 does not apply to Peace Officers, agents, or employees of the County or the local school authority when operating an Off-Highway Vehicle in the performance of their duties.

4. SPECIAL PERMITS

The County may issue, from time to time, on receipt of a written request, therefore, special permits to authorize the use and operation of Off-Highway Vehicles in an area prohibited by this Bylaw.

5. OFFENCES AND PENALTIES

- 5.1. Any person who contravenes any provision of this Bylaw is guilty of an offence and is liable to a penalty as set out in Schedule "A" of this Bylaw.
- 5.2. A Peace Officer may issue a municipal violation tag to any person whom the Peace Officer has reasonable and probable grounds to believe has contravened any provision of this Bylaw.
- 5.3. Notwithstanding Section 5.2 of this Bylaw, in lieu of issuing a municipal violation tag, a Peace Officer may instead issue a Violation Ticket or issue a Violation Ticket after a municipal violation tag is not paid within the prescribed time period.



6. METHOD OF SERVICE

- 6.1. Service of the tag referred to in Section 5.2, upon the person therein mentioned, may be affected either personally or by leaving such ticket for the person at his/her residence with a person on the premises who appears to be at least eighteen (18) years of age, or by mailing such ticket to such person at his last known address.
- 6.2. Service of the Violation Ticket referred to in Section 5.3 must be done in accordance with the *Provincial Offences Procedure Act*, R.S.A. 2000, c. P-34.

SEVERABILITY

- 6.3. Should any provision of this bylaw be found to be invalid, then such invalid provision shall be severed, and the remaining provisions of the Bylaw shall be maintained.

7. REPEAL

- 7.1. That bylaw 20.12 and any amendments thereto be and are hereby repealed.

8. EFFECTIVE DATE


- 8.1. This bylaw shall come into force and effect on the third and final reading thereof.

READ a first time this 22 Day of November A.D., 2022.

READ a second time this 22 Day of November A.D., 2022.

READ a third time this 22 Day of November A.D., 2022

SIGNED this 22 Day of November A.D., 2022



Mayor, Wade Williams



Chief Administrative Officer, Luc Mercier

**SCHEDULE "A"****PENALTIES**

SECTION	DESCRIPTION	PENALTY
3.1.1	Operating an Off-Highway Vehicle not in single file/not in the proper direction	\$250.00
3.1.2	Operating an Off-Highway Vehicle on Public Property	\$250.00
3.1.3	Operating an Off-Highway Vehicle in a Hamlet in a manner contrary to this bylaw	\$250.00
3.1.4	Operating an Off-Highway Vehicle in a Hamlet during restricted hours	\$250.00
3.1.5	Exceed max speed limit on a Highway	\$250.00
3.1.6	Exceed max speed limit in a Hamlet	\$250.00
3.1.7	Operate on improper portion of Highway in a Hamlet.	\$250.00
3.1.8	Operate on improper portion of Highway	\$250.00