

**SUMMER VILLAGE OF BIRCHCLIFF
OFF-HIGHWAY VEHICLE BYLAW
BY-LAW 230-21**

A BYLAW OF THE SUMMER VILLAGE OF BIRCHCLIFF IN THE PROVINCE OF ALBERTA, AUTHORIZING THE OPERATION, REGULATION AND CONTROL OF OFF-HIGHWAY VEHICLES ON HIGHWAYS AND MUNICIPAL LANDS IN THE SUMMER VILLAGE OF BIRCHCLIFF.

WHEREAS the *Municipal Government Act* provides that a Council of a Municipality may pass bylaws for the safety, health and welfare of people and the protection of people and property.

AND WHEREAS the *Traffic Safety Act* provides that a Council of a Municipality may by bylaw authorize or issue a permit authorizing person to drive off-highway vehicles along any portion of a highway that is under the direction, control, and management of the municipality;

AND WHEREAS the *Traffic Safety Act* further provides that a Council of a Municipality may by bylaw 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 the Summer Village of Birchcliff believes that it is in the best interests of the residents of the Summer Village of Birchcliff that a bylaw be passed to regulate and control the operation of off-highway vehicles pursuant to the powers granted to municipalities under the *Traffic Safety Act*;

NOW THEREFORE the Council of the Summer Village of Birchcliff, in the Province of Alberta, duly assembled, enacts as follows:

TITLE

1. This Bylaw may be referred to as the “Off-Highway Vehicle Bylaw”

DEFINITIONS

2. In this Bylaw, words have the meanings set out in the Act, except that:
 - (a) “**Act**” means the Traffic Safety Act;
 - (b) “**Council**” means the Council of the Summer Village of Birchcliff.
 - (c) “**Ditch**” means all that portion of a highway that does not include the roadway.
 - (d) “**Highway**” means a highway as defined in the Alberta Traffic Safety Act, and which is subject to the direction, control, and management of the Summer Village;
 - (e) “**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;

- (f) **“Operator”** means a person who drives or is in actual physical control of an off-highway vehicle.
- (g) **“Owner”** means the person who owns an off-highway vehicle and includes any person renting an off-highway vehicle or having the exclusive use of an off-highway vehicles under a lease that has a term of more than thirty (30) days or otherwise having the exclusive use of an off-highway vehicle for a period of more than thirty (30) days;
- (h) **“Peace Officer”** means:
 - i. A member of the Royal Canadian Mounted Police;
 - ii. A Bylaw Enforcement Officer employed or contracted by the Summer Village;
 - iii. A Community Peace Officer;
 - iv. A Park Warden appointed under the Parks Canada Agency Act (Canada);
 - v. A Conservation Officer appointed under the Government Organization Act (Alberta);
 - vi. A Forest Officer appointed under the Forests Act (Alberta); or
 - vii. A Wildlife Officer appointed under the Wildlife Act (Alberta).
- (i) **“Person”** means any person, individual, owner, public body, society, firm, or partnership.
- (j) **“Reserve”** means any area designated as a public reserve, environmental reserve, community reserve, or park, title to which is vested in the Summer Village of Birchcliff.
- (k) **“Roadway”** means that part of a Highway intended for use by vehicular traffic;
- (l) **“Safety Helmet”** means a safety helmet as prescribed in the regulations made pursuant to the Act;
- (m) **“Summer Village”** means the Summer Village of Birchcliff.
- (n) **“Violation Ticket”** means a ticket issued pursuant to Part II of the Provincial Offenses Procedures Act and regulations thereto.

OPERATION RESTRICTIONS

- 3. A person may operate an off-highway vehicle on a highway within the Summer Village boundary subject to the following conditions:
 - a) No person or operator of an off-highway vehicle shall fail to comply with provincial legislation including, but not limited to, the Traffic Safety Act, the Use of Highways and Rules of the Road Regulations, unless otherwise stated in this bylaw.
 - b) The hours of operating an off-highway vehicle shall be restricted to the period of time between 8:00am and 11:00pm.

- c) The maximum speed at which an off-highway vehicle shall be permitted to travel on a roadway is 30 km/hr.
- d) No person shall operate or ride as a passenger on an off-highway vehicle without wearing a safety helmet securely fastened to their head.
- e) No person shall operate an off-highway vehicle unless they are a holder of a valid Class 5 or greater operator's license.
- f) No person shall operate an off-highway vehicle unless the off-highway vehicle is registered.
- g) No person shall operate an off-highway vehicle unless the off-highway vehicle is insured.
- h) No person shall operate an off-highway vehicle if the license plate is not securely attached, legible and clearly visible to other drivers.
- i) No person shall operate or ride an off-highway vehicle adjacent to or alongside another off-highway vehicle travelling in the same direction.
- j) No person shall operate an off-highway vehicle without due care and attention; or without reasonable consideration for other persons or property, on any portion of a highway or roadway.
- k) An operator of an off-highway vehicle shall immediately, on being signaled or requested to stop by a Peace Officer, bring their vehicle to a stop, and provide any information respecting the driver or the vehicle that the Peace Officer requires and shall not start their vehicle until they are permitted to do so by that Peace Officer.
- l) A Peace Officer, Summer Village employee or agent of the Summer Village may operate an off-highway vehicle on roads or lands owned by the Summer Village where such operation is required in connection with the patrol or maintenance duties of such person or in case of emergency.

SEVERABILITY

- 4. Should any section or part of this Bylaw be found to have been improperly enacted, for any reason, the such section or part shall be regarded as being severable from the rest of the Bylaw and the Bylaw remaining after such severance shall be effective and enforceable as if the section or part found to be improperly enacted had not been enacted as part of this Bylaw.

GENERAL

- 5. This Bylaw shall be in effect on the date of the final reading thereof.

**Summer Village of Birchcliff
Off-Highway Vehicles Bylaw
Bylaw #230-21**

READ a first time this 21st day of January 2021.

Roger Dufresne, Mayor

Tanner Evans, C.A.O.

READ a second time this 18th day of February 2021.

READ a third and final time this 18th day of February 2021.

Roger Dufresne, Mayor

Tanner Evans, C.A.O.

PENALTIES

i)	Operate OHV outside prescribed hours	180.00
ii)	Exceed maximum speed	120.00
iii)	Operator/passenger fail to wear a helmet	200.00
iv)	Operate OHV without operator's license	250.00
v)	Operate unregistered OHV	120.00
vi)	Operate uninsured OHV	250.00
vii)	Operate OHV with license plate not clearly attached/legible/clearly visible	120.00
viii)	Operate OHV adjacent to another OHV in the same lane	120.00
ix)	Fail to stop for a Peace Officer	500.00