

BYLAW NO. 2022/29

(Off-Highway Vehicle Bylaw)

A BYLAW OF RED DEER COUNTY, IN THE PROVINCE OF ALBERTA, AUTHORIZING THE OPERATION, REGULATION AND CONTROL OF OFF-HIGHWAY VEHICLES ON HIGHWAYS AND MUNICIPAL LANDS IN RED DEER COUNTY.

WHEREAS the Municipal Government Act allows the council of a municipality to 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 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 direction, control and management of the municipality;

AND WHEREAS the *Traffic Safety Act* 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 owned by the municipality that is not a highway;

AND WHEREAS the Council of Red Deer County believes that it is in the best interests of the residents of Red Deer 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 *Traffic Safety Act*;

NOW THEREFORE the Council of Red Deer County, duly assembled, HEREBY ENACTS AS FOLLOWS:

1.0 TITLE

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

2.0 DEFINITIONS

2.1 In this Bylaw:

- a) "*Council*" means the elected Council of Red Deer County.
- b) "*County*" means Red Deer County, in the Province of Alberta.
- c) "*County Manager*" means the Chief Administrative Officer of Red Deer County.
- d) "*Emergency Services personnel*" means firefighters, emergency medical services personnel, search and rescue personnel, or agents or employees of the County who are operating in response to an emergency or threat to the safety and protection of people and property.
- e) "*Highway*" means a highway as defined in the *Traffic Safety Act* which is subject to the direction, control and management of the County and includes the entire right of way inclusive of the driving surface and adjacent ditches.
- f) "*Municipal land*" means those reserve lands, recreational lands and other lands within the County which are owned or controlled by the County and which do not form part of a highway. For the purposes of this bylaw, this includes any lands owned or controlled by the County that the County Manager has designated as an

area where off-highway vehicles are restricted or prohibited and where signage advising of the restriction or prohibition is posted in the area.

- g) “*Off-Highway Vehicle*” means any motorized mode of transportation built for cross-country travel on land, water, snow, ice or marsh or swamp land or on any 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) motorcycles and related 2-wheel vehicles;
 - (iv) amphibious machines;
 - (v) all terrain vehicles;
 - (vi) miniature motor vehicles;
 - (vii) snow vehicles;
 - (viii) minibikes, and
 - (ix) any other means of transportation that is propelled by any power other than muscular power or wind, but does not include motor boats or any other vehicle exempted from being an off-highway vehicle by regulation.
- h) “*Operator*” means a person who drives or is in actual physical control of an off-highway vehicle.
- i) “*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 vehicle 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.
- j) “*Peace Officer*” means a Police Officer as defined by the *Police Act*, a Bylaw Enforcement Officer employed or contracted by the County, a Community Peace Officer defined by the *Peace Officer Act*, a Park Warden appointed under the *Parks Canada Agency Act (Canada)*, a Conservation Officer appointed under the *Government Organization Act (Alberta)*, a Forest Officer appointed under the *Forests Act (Alberta)*, a Wildlife Officer appointed under the *Wildlife Act (Alberta)*, or any other Peace Officer authorized by appointment to enforce the *Traffic Safety Act* and or municipal bylaws.
- k) “*Trail*” means a defined pathway, either maintained or unmaintained, owned or controlled by Red Deer County that is normally used to accommodate non-vehicular traffic between amenities, parks, recreational facilities, reserve areas, and municipal lands, that may or may not be located within the confines of a highway.

3.0 AUTHORITY

- 3.1 The County Manager is hereby authorized to administer and enforce the provisions of this bylaw and may levy charges in accordance with this bylaw or as may be authorized by Council pursuant to the provisions of this bylaw.
- 3.2 When this bylaw authorizes the County to act or gives to the County a discretion, the County Manager is authorized to act on behalf of the County

4.0 APPLICABILITY

- 4.1 An operator of an off-highway vehicle in Red Deer County is required to follow all rules and regulations under the *Traffic Safety Act* and the *Off-Highway Vehicle Regulation*.

- 4.2 A person may operate an off-highway vehicle on any highway within the County unless the highway or portion of highway has been designated by the County Manager as an area where off-highway vehicles may not operate.
- 4.3 No person shall operate an off-highway vehicle on any municipal land or trail within the County unless the municipal land or trail has been designated by the County Manager as an area where off-highway vehicles may operate.
- 4.4 No person shall operate an off-highway vehicle without due care and attention or without reasonable consideration for other people or property.
- 4.5 The provisions of this Bylaw do not apply to a Peace Officer, Emergency Services personnel, or agents or employees of the County while operating an off-highway vehicle in the performance of their official duties.
- 4.6 An operator of an off-highway vehicle on a highway, municipal land, trail or in any other place in the County operates the off-highway vehicle at their own risk.
- 4.7 An operator of an off-highway vehicle shall immediately, upon being signaled or requested to stop by a Peace Officer:
- a) bring the off-highway vehicle to a stop,
 - b) furnish any information respecting the operator or the off-highway vehicle that the Peace Officer requires, and
 - c) remain stopped until permitted by the Peace Officer to leave.
- 4.8 At the request of a Peace Officer, a passenger in or on an off-highway vehicle who is acting in a manner that is contrary to this Bylaw or the *Traffic Safety Act* shall forthwith furnish to the Peace Officer the passenger's name and address.

5.0 OFFENCES

- 5.1 A person who contravenes this Bylaw is guilty of an offence.
- 5.2 In the case of an offence that is of a continuing nature, a contravention constitutes a separate offence in respect of each day, or part of a day, on which it continues and a person guilty of such an offence is liable to a fine in an amount not less than that established by this Bylaw for each such day.
- 5.3 A person shall not obstruct or hinder any person in the exercise of performance of the person's powers pursuant to this Bylaw.
- 5.4 The conviction of a person under the provisions of this Bylaw does not operate as a bar to further prosecution for the continued neglect or failure on the part of the person to comply with the provisions of this Bylaw, or conditions, orders, or permits, issued in accordance with this Bylaw.
- 5.5 A person who contravenes or fails to comply with any provision of this Bylaw is guilty of an offence and liable upon summary conviction to a fine of \$250.00 for a first offence, \$500.00 for a second offence and \$1,000.00 for a third or subsequent offence, and in default of payment of any penalty, to imprisonment for up to 6 months.

- 5.6 Where a Peace Officer reasonably believes that a person has contravened any provision of this Bylaw, the Peace Officer may, in addition to any other remedy at law, serve upon the person a violation tag, in the form used by the County, allowing payment of the penalty as set out in this Bylaw for the particular offence, which payment will be accepted by the County in lieu of prosecution for the offence, or a Peace Officer may issue a violation ticket in accordance with the *Provincial Offences Procedure Act, R.S.A. 2000, c. P-34 (as amended)*, allowing a voluntary payment of the penalty as set out in this Bylaw, or, requiring a person to appear in court without the alternative of making a voluntary payment. The recording of the payment of a penalty made to the County or the Provincial Court of Alberta shall constitute an acceptance of a guilty plea and conviction for the offence.
- 5.7 Any person who contravenes the same provision of this Bylaw after the date of the first contravention is liable to the specified penalties for such second, third or subsequent offence in the amount as set out in this Bylaw.
- 5.8 The imposition of a fine either by issuance of a violation tag, violation ticket or summary conviction in court shall not relieve any person so fined of responsibility for any expenses owing to the County pursuant to this Bylaw and nothing in this Bylaw shall limit any rights or remedies of the County pursuant to the *Municipal Government Act*.

6.0 SEVERABILITY

- 6.1 Should any clause or part of this bylaw be found to have been improperly enacted, for any reason, then such clause or part shall be regarded as being severable from the rest of this bylaw and the bylaw remaining after such severance shall be effective and enforceable as if the clause or part found to be improperly enacted had not been enacted as part of this bylaw.
- 6.2 Each provision of this Bylaw is independent of all other provisions. If any such provision is declared invalid by a court of competent jurisdiction, all other provisions of this Bylaw will remain valid and enforceable.

7.0 TRANSITIONAL

- 7.1 This Bylaw comes into force on the date of its final passing.
- 7.2 Bylaw 6/91 is hereby repealed on final passing of this Bylaw.

FIRST READING:	NOVEMBER 15, 2022
SECOND READING:	NOVEMBER 29, 2022
THIRD READING:	NOVEMBER 29, 2022

MAYOR
Date Signed:

COUNTY MANAGER
Date Signed: