



**BYLAW #2023-874
VILLAGE OF CARBON
IN THE PROVINCE OF ALBERTA
OFF-HIGHWAY VEHICLE BYLAW**

BEING A BYLAW OF THE VILLAGE OF CARBON, IN THE PROVINCE OF ALBERTA TO PROVIDE REGULATION, CONTROL AND MANGEMENT OF OFF HIGHWAY VECHICLES WITHIN THE VILLAGE OF CARBON.

WHEREAS, pursuant to the *Municipal Government Act, R.S.A. 2000, Chapter M-26, as amended*, a Municipal Council has the authority to pass Bylaws respecting the safety, health and welfare of people and protection of people and property;

AND WHEREAS, the *Traffic Safety Act* authorizes a Municipal Council to pass bylaws pertaining to general traffic regulation in that municipality, which bylaws shall not be inconsistent with that Act;

AND WHEREAS, the Municipal Council of the Village of Carbon, deems it desirable to regulate traffic within the Village of Carbon with respect to places, times and speeds of vehicles;

AND WHEREAS, the Municipal Council of the Village of Carbon deems it necessary to establish a pilot project for Off-Highway Vehicles (OHV) use on municipal roads within the Village of Carbon;

NOW THEREFORE, the Municipal Council of the Village of Carbon, in the Province of Alberta, duly assembled, hereby enacts as follows:

1. TITLE

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

2. GENERAL

- 2.1 The following temporary regulations are established as a Pilot Project and shall come into force on the date it is adopted by Village Council and shall remain in effect until December 31, 2024.
- 2.2 Council may rescind this Bylaw at any time.

3. DEFINITIONS

In this Bylaw, the following terms shall have the meanings shown:

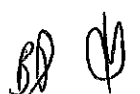
- 3.1 "**Act**" means the *Traffic Safety Act, R.S.A. 2000, c. T-6* as amended;
- 3.2 "**Bylaw**" means Bylaw of the Village of Carbon, including any amendments thereto;
- 3.3 "**Enforcement Officer**" means:
- i. a Bylaw Enforcement Officer as appointed by the Village of Carbon;
 - ii. a member of the Royal Canadian Mounted Police;
 - iv. a Community Peace Officer.

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- v. or person authorized by Council to enforce the provisions of this Bylaw.
- 3.4 **“Chief Administrative Officer (CAO)”** refers to the person appointed to the position and title by the Municipal Council of the Village of Carbon and includes any person appointed by the CAO to act as his/her appointee.
- 3.5 **“Council”** means the Elected Officials forming the Municipal Council of the Village of Carbon.
- 3.6 **“Court”** means the Provincial Court of Alberta.
- 3.7 **“Highway”** means any thoroughfare, street, road, trail, avenue, parkway, driveway, lane, alley, bridge, causeway, 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;
 - 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;
- 3.8 **“Municipal Tag/Violation Ticket”** means a written notice, on a form approved by the CAO, issued by an Enforcement Officer to advise a person that a violation of this Bylaw has occurred and that, by payment of a specified amount for the offence within a set time period, that person will avoid prosecution for the offence;
- 3.9 **“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 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:
 - x. motorboats, or
 - xi. any other vehicle exempted from being an off-highway vehicle by regulation;
- 3.10 **“Operator”** means a person who drives or is in actual physical control of the off-highway vehicle and who is the holder of a valid subsisting operator’s license;
- 3.11 **“Operator’s License”** or **“Driver’s License”** means an operator’s license or a driver’s license that is issued under the *Act* and includes a document or information and other data contained in an electronic form that is recognized under the *Act* as an operator’s license or a driver’s license.
- 3.12 **“Owner”** means the person who owns an off-highway vehicle including the registered owner and including any person renting a 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, or if the context dictates, a duly registered title-holder of land where the off-highway vehicle is stored or operated;
- 3.13 **"Parkland"** means any developed or undeveloped property that is owned, controlled or maintained by the Village, is intended to be used by members of the public for recreation purposes, and is either:
- i. preserved as a natural area;
 - ii. designated or districted as park or public recreation,
 - iii. dedicated as municipal reserve, environmental reserve or a public utility lot property pursuant to the *Municipal Government Act R.S.A. 2000, Chapter M-26, as amended, or*
 - iv. a boulevard contiguous with, partially within or fully within the property referenced under subsections (i), (ii) or (iii);
- 3.14 **"Pedestrian"** includes any individual, corporation, society, association, partnership or firm;
- 3.15 **"Roadway"** means that part of a highway intended for use by vehicular traffic, and for the purposes of this Bylaw, means roadways within the Village;
- 3.16 **"Safety Helmet"** means a safety helmet as prescribed in the Regulations made pursuant to the *Act*;
- 3.17 **"Sidewalk"** means that part of a highway especially adapted to the use of or ordinarily used by pedestrians, and includes that part of a highway between:
- i. the curb line, or
 - ii. where there is no curb line, the edge of the roadway, and the adjacent property line, whether or not it is paved or improved;
- 3.18 **"Special Permit"** shall mean a permit authorized by the CAO to allow a person or persons to operate an off-highway vehicle or motor vehicle for a special purpose within areas which are otherwise restricted.
- 3.19 **"Stop"** means
- i. when required, a complete cessation from vehicular movement, and
 - ii. when prohibited, any halting even momentarily of a vehicle, whether occupied or not, except when necessary to avoid conflict with other traffic or in compliance with a direction given by an Enforcement Officer or traffic control device;
- 3.20 **"Street Furniture"** includes every curb, sidewalk, utility pole, traffic control device, waste receptacle, tree, plant, grass, utility service equipment or any other property authorized for placement on a public place by the Village;
- 3.21 **"Traffic Control Device"** means any sign, signal, marking or device placed, marked or erected under the authority of the *Act* for the purpose of regulating, warning or guiding traffic;
- 3.22 **"Undeveloped Land"** means land that has not been subdivided and/or has had improvements made to the land. Improvements include but are not inclusive of paved roads, above and/or underground services, landscaping, pedestrian trail/walkway or land designated for a specific purpose such as an environmental reserve.
- 3.22 **"Village"** means the Municipal Corporation of the Village of Carbon;
- 3.22 **"Violation Ticket"** means a ticket issued pursuant to *Provincial Offences Procedure Act, RSA 2000, Chapter P-34, as amended or repealed and replaced from time to time.*

4. RULES FOR THE OPERATION OF VEHICLES



- 4.1 Subject to any other restriction and provisions that may be contained in this Bylaw, no person shall operate an off-highway vehicle anywhere within the municipal boundaries of the Village between the hours of ten (10) o'clock in the evening (p.m.) and seven (7) o'clock of the next morning (a.m.)
- 4.2 All off-highway vehicles travelling on a highway shall be equipped with at least one (1) headlight and one (1) taillight that must be alit always.
- 4.3 All off-highway vehicles equipped with a seatbelt assembly must be worn during operation of the off-highway vehicle.
- 4.4 No person shall operate or be a passenger on an off-highway vehicle unless wearing a safety helmet securely attached on their head when the Off-Highway Vehicle is in motion.
- 4.5 No person shall operate or be a passenger on an off-highway 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.
- 4.6 No person shall operate an off-highway vehicle within the Village where the Village has placed a sign prohibiting such operation.
- 4.7 During times of high to extreme fire hazard, the Provincial Government or Local Authority may implement a fire advisory, fire restriction or fire ban whereas all use of off-highway vehicles shall be banned within the limits of the Village of Carbon.
- 4.8 No person shall operate an off-highway vehicle unless the off-highway vehicle is equipped with an exhaust muffler that complies with the following:
 - a) An exhaust muffler must cool and expel the exhaust gases from the engine without excessive noise and without producing flames or sparks.
- 4.9 No person shall operate an off-highway vehicle in which a device is attached to the exhaust system or the muffler that increases the noise made by the expulsion of gases from the engine or allows gases in or leaving the exhaust system to be ignited.
- 4.10 No person shall drive an off-highway vehicle if the exhaust outlet of the muffler has been widened.
- 4.11 No person shall drive an off-highway vehicle if the exhaust muffler is cut out or disconnected from the engine or has had a baffle plate or other part removed.
- 4.12 Operators of off-highway vehicles on Village of Carbon highways shall travel on the extreme right-hand portion of the traveling surface of the road or ditch and shall travel single file always.

5. LICENSING, REGISTRATION, AND INSURANCE

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- 5.1 No person shall drive an off-highway vehicle on any portion of a highway within the municipal boundaries of the Village unless:
- a) They are a holder of a valid operator's license or learner's permit and are abiding by the rules of that license or permit as per the provisions of the *Act*.
- 5.2 No person shall permit another person who is not a holder of a valid operator's license or permit as noted in Subsection 5.1 to drive an off-highway vehicle on any portion of a highway within the municipal boundaries of the Village, as per the provisions of the *Act*.
- 5.3 No person under the age of fourteen (14) years shall operate an off-highway vehicle in a public place.
- a) Notwithstanding Subsection 5.3, a person under the age of fourteen (14) years shall not be considered in contravention of this section if they are supervised by an adult person seated next to them on the off-highway vehicle, or otherwise in close proximity, while giving instruction, if that instruction is not given on a highway.
- 5.4 No person who is the owner of an off-highway vehicle may operate or permit any other person to operate an off-highway vehicle on any public property when there is:
- a) no subsisting certificate of insurance issued to that vehicle;
 - b) no subsisting certificate of registration issued to that vehicle; and
 - c) no license plate affixed to the vehicle.

6. DESIGNATED AREAS & SPEED

- 6.1 The operator of an off-highway vehicle is authorized to operate an off-highway vehicle on any alley or roadway, by the most direct and shortest route of travel through the Village or for service or maintenance.
- a) Notwithstanding anything in this Bylaw, the operator of an off-highway vehicle is authorized to operate an off-highway vehicle within the boundaries of the Village of Carbon for the purposes of enforcement purposes and emergency services.
 - b) The CAO, upon application from an organization, association or registered society that is registered under the *Societies Act*, may approve and provide written consent for the use of off-highway vehicles within the boundaries of the Village for a specific period of time. Documentation relevant to the permit issued must be carried for the duration of the event for presentation to enforcement if requested.
- 6.2 No person shall operate an off-highway vehicle on any portion marked on Schedule "A" which includes but not limited to:
- a) Parkland area,
 - b) Environmental sensitive areas (coulee),

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- c) School ground,
- d) Developed or landscaped area,
- e) Recreation area,
- f) Private property without permission of the owner or occupant of such property,
- g) Trail system.

6.3 When crossing any highway the operator of an off-highway vehicle must:

- a) Stop the off-highway vehicle before entering onto the highway or portion thereof to be crossed;
- b) Ensure all passengers disembark from the off-highway vehicle and any vehicle or thing attached thereto before they commence to cross; and
- c) Cross over the highway or portion thereof to be crossed from the most direct and shortest route of travel available.

6.4 Notwithstanding Subsection 6.1(b) and Subsection 9.3, no person may operate an off-highway vehicle at a speed in excess of twenty (20) kilometers per hour on any portion of the Village of Carbon highway where such vehicles are permitted to operate.

6.5 The operator of an off-highway vehicle shall yield to all other traffic on any highway in the Village and to all pedestrian at all times and places.

6.6 No person shall operate an off-highway vehicle without due care and attention, or without reasonable consideration for other persons or property.

7. TOWING

7.1 No person shall tow behind an off-highway vehicle any trailer, sleigh, cutter, or other vehicle unless the hitch or attachment employed:

- a) is so designed as to control the vehicle being towed so that it will substantially follow in the tracks of the towing vehicle;
- b) is of sufficient strength to safely control the vehicle being towed;
- c) does not exceed 1.83 metres (6 feet) in length; and
- d) adequately prevents the towed vehicle from colliding with the towing vehicle in the case of a downhill travel or a stop.

7.2 No person or animal shall be allowed in a trailer towed by an off-highway vehicle.

7.3 A person, community group or not for profit organization may make a written request to the Village for an exemption to Subsection 7.2. A written request for an exemption will only apply for special events, parades, and community celebrations. Exemption will be reviewed and approved by the CAO or delegate.

8. DAMAGE

8.1 No person shall in any way damage any street furniture on any highway or public place within the Village.

- 8.2 Operation of off-highway vehicles in the Village of Carbon is at the operator's own risk and the Village of Carbon does not warrant any area as being suitable for the use of off-highway vehicle.

9. OFFENCE

- 9.1 A person who contravenes any provision of this Bylaw is guilty of an offence and liable to a fine or fines and/or seizure and detainment of the off-highway vehicle as set out in the Master Rates Bylaw.
- 9.2 When an off-highway vehicle is operated in contravention of any provision of this Bylaw, the owner or operator shall be deemed to have committed the corresponding offence.
- 9.3 The employees, servants and agents of the Village, while acting in the course of their employment or duty, are exempt from the provisions of this Bylaw.

10. FINES AND PENALTIES

- 10.1 A person who is guilty of an offence under this Bylaw is liable:
- a) to a fine as prescribed in the Master Rates Bylaw;
 - b) a fine for second or subsequent offence(s) within one (1) year of the first offence shall be double the amount of the fine for the first offence(s); or
 - c) on summary conviction, to a fine not exceeding Ten Thousand Dollars (\$10,000.00) but not less than specified in the Master Rates Bylaw.

11. MUNICIPAL VIOLATION TAG AND VIOLATION TICKETS

- 11.1 Any person who contravenes any section of this Bylaw is guilty of an offence and is liable upon conviction to a fine as set out in the Master Rates Bylaw which is attached hereto and forms part of this Bylaw.
- 11.2 Under no circumstances shall any person contravening any provisions of this Bylaw be subject to the penalty of imprisonment.
- 11.3 Nothing in this Bylaw shall be construed as curtailing or abridging the right of the Municipality to obtain compensation or to maintain an action for loss of or damage to property from or against the person or persons responsible.
- 11.4 An Enforcement Officer is hereby authorized and empowered to issue a Violation Tag to any person whom, the Enforcement Officer has reasonable and probable grounds to believe, has contravened any provision of this Bylaw.
- 11.5 A Violation Tag may be issued to such person:
- a) either personally; or
 - b) by mailing a copy to such person at his or her last known post office address.
- 11.6 The Violation Tag shall be in a form approved by the Municipality and shall state:



- a) the name of the person;
- b) the offence;
- c) the appropriate penalty for the offence as specified; in the Master Rates Bylaw;
- d) that the penalty shall be paid within thirty (30) days of the issuance of the Violation Tag; and
- e) any other information as may be required by the Municipality.

11.7 Where a contravention of this Bylaw is of a continuing nature, further Violation Tags may be issued by an Enforcement Officer, provided that no more than one Violation Tag shall be issued for each day that the contravention continues.

11.8 Where a Violation Tag is issued pursuant to this Bylaw, the person to whom the Violation Tag is issued may, in lieu of being prosecuted for the offence, pay to the Municipality, the penalty specified in the Violation Tag.

11.9 Nothing in this Bylaw shall prevent an Enforcement Officer from immediately issuing a Violation Ticket to any person who contravenes any provision of this Bylaw.

11.10 If the penalty specified in a Violation Tag is not paid within the prescribed time period, then an Enforcement Officer is hereby authorized and empowered to issue a Violation Ticket pursuant to the Provincial Offences Procedure Act.

12. BYLAW COMING INTO EFFECT

12.1 This Bylaw repeals Bylaw 2023-862.

12.2 This Bylaw comes into force and effect on the date of final passing and shall remain in effect until December 31, 2024, unless otherwise repealed by Council.

READ A FIRST TIME THIS 19TH DAY OF JUNE , 2023.

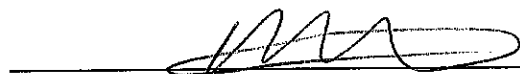
READ A SECOND TIME THIS 19TH DAY JUNE, 2023.

UNANIMOUS CONSENT FOR A THIRD READING THIS 19TH DAY JUNE, 2023.

READ A THIRD TIME AND FINALLY PASSED THIS 19TH DAY OF JUNE, 2023.



MAYOR



CHIEF ADMINISTRATIVE OFFICER

Permitted Access Routes: [REDACTED]

Non-Permitted Areas:

- a. Parkland area,
- b. Environmental sensitive area (coulee),
- c. School ground,
- d. Developed or landscaped area,
- e. Recreation area,
- f. Private property without permission of the owner or occupant of such property,
- g. Trail system



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