

## VILLAGE OF SPRING LAKE

### BYLAW #316

#### A BY-LAW OF THE VILLAGE OF SPRING LAKE TO PROVIDE FOR THE CONTROL AND REGULATION OF OFF-HIGHWAY VEHICLES WITHIN THE LIMITS OF THE VILLAGE OF SPRING LAKE.

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**WHEREAS**, THE Council of the Village of Spring Lake may pass a By-law pursuant to the Section 7 (a) of the Municipal Government Act, being Chapter M-26 of the Revised Statutes of Alberta and amendments thereto, for promoting the safety, health and welfare of people and the protection of people and property thereof;

**AND WHEREAS**, it is deemed expedient and proper to pass a By-law for the control and regulation of off-highway vehicles within the Village of Spring

**THEREFORE**, the Municipal Council of the Village of Spring Lake, duly assembled, enacts as follows:

1. This By-law may be cited as the Village of Spring Lake Off-Highway Vehicle By-law;
2. In this By-law;
  - (a) "Village" means the Village of Spring Lake in the Province of Alberta.
  - (b) "Council" means the Council of the Village of Spring Lake.
  - (c) "Highway" means a highway as defined in the *Traffic Safety Act*, R.S.A. 2000, c. T-6, as amended;
  - (d) "Roadway" means that part of a highway intended for use by vehicular traffic.
  - (e) "Boulevard" means that portion of a street which lies between the Roadway and the front or side property line of the land abutting said street;
  - (f) "Off-Highway Vehicles" means any motorized vehicle designed for cross-country travel on land, water, snow, ice, marsh or swampland or on other natural terrain and without limiting the generality of the foregoing, includes, when designed for such travel:
    - (i) four-wheeled drive vehicles or low pressure tire vehicles;
    - (ii) motorcycles and related two wheel vehicles;
    - (iii) amphibious machines;
    - (iv) all terrain vehicles;
    - (v) snow vehicles;
    - (vi) mini-bikes;
    - (vii) any other means of transportation which is propelled by any power other than muscular power or wind,but does not include
    - (viii) motorboats;
    - (ix) any other vehicle exempt from this By-Law.
  - (g) "Open Space" means any space within the Village of Spring Lake owned by the Village of Spring Lake which is not used for building and structures and includes the following:
    - (x) parks;
    - (xi) playgrounds;

- (xii) campgrounds;
- (xiii) trail systems;
- (xiv) municipal reserves;
- (xv) berms;
- (xvi) all other space not designed for use of motorized vehicles.

- (h) "Operator" means a person who drives or is in actual physical control of the vehicle;
- (i) "Peace Officer" means a person appointed as a peace officer under Section 7 of the Peace Officer Act.
- (j) "Designated Officer" means a person appointed to a position established under section 210(1) of the Municipal Government Act, Chapter M26 of the Revised Status of Alberta 2000 and amendments thereto.
- (k) "Municipal Violation Tag" means a Village-issued notice that alleges an offence and provides a person with the opportunity to pay an amount to the Village in lieu of prosecution for the offence.
- (l) "Violation Ticket" means a ticket pursuant to Part II of the Provincial Offences Procedure Act, S.A. 1988, c. P-21-5, as amended.

3. Regulations

- (a) No person shall operate an off-highway vehicle on any portion of open space, highway, roadway or boulevard within the Village of Spring Lake.
- (b) This section shall not apply to any Peace Officer and/or Designated Officer in the performance of his/her duties.
- (c) The Village may issue written permission for special activities, functions or celebrations.
- (d) This section shall not apply to any vehicles owned or leased by the Village of Spring Lake and employed on the business of the Village.
- (e) During an emergency, disaster, or search and rescue operation within the Village, as determined by Council or its designate, the provisions of this bylaw may be waived, varied or suspended by council or its designate.

4. Offences

- (a) That failure to comply with any section shall constitute an offence under this bylaw, the penalty for which shall be a fine of \$100.00 for first offence and \$200.00 for second and subsequent offences.
- (b) Every Peace Officer and/or Designated Officer hereby granted authority and charged with the duty of enforcing the provisions of this By-Law.
- (c) Any fine or penalty imposed under this By-Law shall ensure to the benefit of the Village of Spring Lake.
- (d) A Peace Officer and/or Designated Officer is hereby authorized and empowered to issue a Municipal Violation Tag to any person, who the Peace Officer and/or Designated Officer has reasonable and probable grounds to believe has contravened any provision of this bylaw.

- (e) A Municipal Violation Tag may be issued to such person:
    - (i) personally;
    - (ii) by mailing a copy to such person at his last known post office address; or
    - (iii) by leaving it for the defendant at his residence with a person on the premises who appears to be at least 18 years of age.
  
  - (f) The Municipal Violation Tag shall be in a form approved by the Village Administrator and shall state:
    - (i) the name of the defendant;
    - (ii) the offence;
    - (iii) the appropriate penalty for the offence as specified by this By-Law;
    - (iv) that the penalty shall be paid within 30 days of the issuance of the Violation Tag;
    - (v) any other information as may be required by the Village Administrator
  
  - (g) Where a contravention of this By-Law is of a continuing nature, further Municipal Violation Tags may be issued by a Peace Officer and/or Designated Officer, provided however, that no more than one Municipal Violation Tag shall be issued for each day that the contravention continues.
  
  - (h) Where a Municipal Violation Tag is issued pursuant to this By-Law, the person to whom the Violation Tag is issued may, in lieu of being prosecuted for the offence, pay to the Village Treasurer the penalty specified on the Municipal Violation Tag.
  
  - (i) Nothing in the By-Law shall prevent a Peace Officer from immediately issuing a Violation Ticket.
  
  - (j) In those cases where a Municipal Violation Tag has been issued and if the penalty specified on the Municipal Violation Tag has not been paid within the prescribed time, then a Peace Officer is hereby authorized to issue a Violation Ticket pursuant to Part II of the Provincial Offences Procedure Act, to any person who the Peace Officer has reasonable grounds to believe has contravened any provision of this By-Law.
  
  - (k) Any person to whom a Violation Ticket has been issued may make voluntary payment in respect of the Violation Ticket by delivering the Violation Ticket along with an amount equal to that specified for the offence as set out in this By-Law, to the Provincial Court office specified on the Violation Ticket.
5. Powers of Peace Officer
- (a) 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;
  
  - (b) The provisions of Section 170 of the Traffic Safety Act shall apply with regard to the recovery by Village of Spring Lake of the costs for removal and storage of any Off-Highway Vehicle seized and detained, pursuant to Section 5 Part 1 of this bylaw.
6. The Council of the Village of Spring Lake reserves the right to revoke the provisions of this bylaw at any time without notice.

7. Should any section or part of this Bylaw be found to have been improperly enacted, for any reason, then 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 found to be improperly enacted had not been enacted as part of this Bylaw.
8. This By-Law repeals By-Law #316
9. This By-Law shall come into full force and effect upon final passing thereof.

Read a first time this 9<sup>th</sup> day of February, 2010

Read a second time this 9<sup>th</sup> day of February, 2010

Read a third time this 9<sup>th</sup> day of February, 2010

Village of Spring Lake

  
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Mayor

  
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Chief Administrative Officer