



## BY-LAW No. A803

### A BY-LAW OF THE VILLAGE OF CONSORT IN THE PROVINCE OF ALBERTA TO REGULATE AND CONTROL THE OPERATION OF OFF-HIGHWAY VEHICLES

**WHEREAS**, the *Municipal Government Act*, being Chapter M-26, as amended, provides that a Council of a Municipality may regulate and control the operation of off-highway vehicles within the Village of Consort; and

**WHEREAS** Council deems it expedient and proper to provide controls for the operation of off-highway vehicles within the Village of Consort, with respect to places, times and speeds of the vehicles.

**NOW THEREFORE**, under the authority and subject to the provisions of the *Municipal Government Act*, being Chapter M-26, as amended thereto, and the *Traffic Safety Act*, Off-Highway Vehicle Regulation, and amendments thereto, the Municipal Council of the Village of Consort, in the Province of Alberta, duly assembled, enacts as follows:

#### **Part 1 - Title**

##### **1.1 Title**

This Bylaw may be cited as the **"Off-Highway Vehciles Bylaw"**.

#### **Part 2 - Definitions**

##### **2.1 Definitions:**

- a) The definitions as contained in Section 1 of the Off-Highway Vehicle Act shall apply;
- b) **"highway"** means any thoroughfare, street road, trail, avenue, parkway, driveway, viaduct, land, alley, square, bridge, causeway, trestle way, or other place, whether publicly or privately owned, and part of which the public is ordinarily or permitted to use the passage of vehicles; and
  - i. includes:
    1. where a ditch lies adjacent to and parallel with a roadway, the ditch;
    2. where highway right of way is contained between fences or between the fences, or all the land between the fence and the edge of the roadway, as the case may be; and
  - ii. Does not include a place declared by the Lieutenant Governor in Council not to be a highway.
- c) **"Off-highway vehicle"** means any motorized vehicle designated 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:
  - i. 4-wheel drive or low pressure tire vehicles;
  - ii. motor cycles and related 2-wheel vehicles;
  - iii. all-terrain vehicles;
  - iv. miniature motor vehicles;
  - v. snow vehicles;
  - vi. mini bikes; and

- vii. Any other means of transportation which is propelled by any power other than muscular power or wind.
- But does not include:
- i. motor boats; or
  - ii. Any other vehicle exempted from all of the provisions of this Act by the regulations.
- d) **“Insured off-highway vehicle”** means an off-highway vehicle the owner of which is insured by a policy of insurance approved under Part 7 of the insurance Act and containing the coverage and limits fixed by that Part for automobiles in relation to public liability, property damage and accident benefits in respect of that off-highway vehicle.

### **Part 3 - Regulations**

- 3.1** Subject to any other restrictions and provisions that may be contained in this bylaw, no person shall operate an off-highway vehicle in the Village of Consort, between the hours of 10:00 p.m. and 7:00 a.m. of the day next succeeding.
- 3.2** Underage operators:
- a) No person under the age of 14 years shall operate an off-highway vehicle in a public place.
  - b) Notwithstanding section 3 a., a person under the age of 14 years shall not be considered in contravention of this section if he is supervised by an adult person seated next to him on the off-highway vehicle, or otherwise in close proximity, while giving instruction, if that instruction is not given on a highway.
- 3.3** Operating Speeds:
- a) No person may operate an off-highway vehicle at a speed in excess of 10 kilometers per hour, except as otherwise provided by this bylaw, in any portion of the Village of Consort, where such vehicles are permitted to operate.
  - b) Notwithstanding Section 4 a., Off-Highway Vehicle Clubs may hold races or rallies at locations and times approved by the Village of Consort, at which occasion the maximum speed limits as per section 4 a. shall not apply.
- 3.4** No person who is the owner or operator of an off-highway vehicle may operate or suffer or permit any other person to operate the off-highway vehicle on any public property when there is not, for the time being, a subsisting certificate of registration issued pursuant to the Off-Highway Vehicle Act in respect to that off-highway vehicle.
- 3.5** No person who is the registered owner of an off-highway vehicle shall operate or suffer or permit any other person to operate an off-highway vehicle when there is not, for the time being, a subsisting certificate of insurance so as to ensure the off-highway vehicle is an insured off-highway vehicle pursuant to the Off-Highway Vehicle Act.
- 3.6** No person shall operate an off-highway vehicle within the limits of the Village of Consort, without the use of a CSA approved safety helmet.
- 3.7** Except as otherwise provided in this bylaw, no person shall operate an off-highway vehicle on any park or playfield or any other areas shown as prohibited on Schedule 1.
- 3.8** No person shall operate an off-highway vehicle within 100 meters from the building of the Consort Health Centre or the Consort Senior Citizen’s Lodge.
- 3.9** No person shall operate an off-highway vehicle on any highway in the Village of Consort except:
- a) An off-highway vehicle may cross any highway including the roadway, parking lane or sidewalk portion thereof if:

- i. The operator stops the off-highway vehicle before entering onto the highway or portion thereof to be crossed;
      - ii. The operator yields the right of way to all other vehicles and persons on the highway; and
      - iii. The operator crosses over the highway or portion thereof to be crossed from the most direct and shortest route of travel available to him.
    - b) An off-highway vehicle may travel on any highway, alley, or designated route (identified in Schedule 1) if:
      - iv. The operator of the off-highway vehicle travels at a rate of speed not in excess of 10 kilometers per hour;
      - v. The operator of the off-highway vehicle is using only those alleys, lanes and designated routes which will take him by the most direct route to and from the place where he normally stores his off-highway vehicle and nearest area on which off-highway vehicles are permitted to operate.
- 3.10** Access to Prohibited Areas:
- a) Access by off-highway vehicles on prohibited areas; and contravention of all other sections of this bylaw shall be allowed for Peace Officers if required to do so for the purpose of carrying out duties.
  - b) Access by off-highway vehicles on prohibited areas for the purpose of assisting with bylaw enforcement, maintenance or other approved functions, shall be permitted at locations and times approved by the Village of Consort.
- 3.11** Highway 41 and Highway 12 right of ways are prohibited areas.
- 3.12** The operator of an off-highway vehicle shall yield the right of way to all other traffic on any highway in the Village of Consort and to all pedestrians at all times and places.
- 3.13** No person shall operate an off-highway vehicle without due care and attention; or without reasonable consideration for other persons or property.
- 3.14** 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 meter in length, and
  - d) Adequately prevents the towed vehicle from colliding with the towing vehicle in the case of downhill travel or a stop.
- 3.15** During times of high to extreme fire hazard, as defined by Alberta Environmental Protection, Land and Forest Service, all use of off-highway vehicles shall be banned within the limits of the Village of Consort.
- 3.16** Every person, owner, or operator who contravenes this bylaw or any part thereof is guilty of an offense and liable to a fine or fines and/or seizure and detainment of the off-highway vehicle as set out in Schedule 2.
- 3.17** A peace officer who on reasonable and probable grounds believes that an offense under sections 3.3, 3.5, 3.6, 3.8, 3.9, 3.10, 3.12 or 3.16 has been committed may seize and detain any off-highway vehicle in respect of which the offense was committed until the final disposition of any proceedings that may be taken under the Off-Highway Vehicle Act and section 96 of the Motor Vehicle Administration Act as it applies, with all necessary modifications, to that off-highway vehicle.
- 3.18** When seizure and detainment occurs, the owner of the off-highway vehicle shall be responsible for all storage fees, towing, and all other associated fees.

**3.19** Operators of off-highway vehicles use permitted areas and highways in the Village of Consort at their own risk and the Village of Consort does not warrant such areas as being suitable for the use of off-highway vehicles.

**Part 4 - Severability**

**4.1** Despite that any section or sections of this bylaw, or any part or parts thereof, may be found by any court of law to be invalid or illegal that section or sections or part or parts thereof, shall be deemed to be severable, and all other sections of this bylaw, or parts thereof, are separate and independent there from and enacted as such.

**Part 5 – Coming Into Force and Repeal**

**5.1** This Bylaw will come into force on the date of third and final reading.

**5.2** That Bylaw A743 now is repealed.

Read a first time this 12 day of November, 2013.

Read a second time this 25 day of November, 2013.

Read a third and final time this 25 day of November, 2013.

Signed by the Chief Elected Official and Chief Administrative Officer this 29 day of November 2013

*Original signed by Mayor*

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Mayor

*Original Signed by CAO*

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Chief Administrative Officer

**SCHEDULE 1  
PROHIBITED AREAS**



**Indicates Prohibited Area**

**SCHEDULE 2**

**SCHEDULE OF PENALTIES**

<u>Description</u>	<u>Penalty</u>
Infraction of any section of the Off-Highway Vehicles Bylaw – first offence	\$100.00
Infraction of any section of the Off-Highway Vehicles Bylaw – second/subsequent offence Plus impoundment of the off-highway vehicles for a minimum of 30 days and that the owner is responsible for all storage fees, towing charges and all other associated fees	\$200.00