



## BY-LAW 468

### NON-HIGHWAY VEHICLE BYLAW

A by-law of the Town of Daysland, Province of Alberta to regulate and control the operation of "Non-Highway Vehicles" in the Town of Daysland.

**WHEREAS** pursuant to the provisions of Section 13 of the Traffic Safety Act, RSA 2000, c T-6, and amendments thereto, a Council of a Municipality may by bylaw regulate the operation of vehicles within the corporate limits of the municipality;

**AND WHEREAS** the Council of the Town of Daysland, in the Province of Alberta, deems it advisable to pass such a By-law;

**NOW THEREFORE** the Municipal Council of the Town of Daysland duly assembled enacts as follows:

#### **SECTION 1 - TITLE**

This bylaw may be cited as the "Non-Highway Vehicle By-law".

#### **SECTION 2 - DEFINITIONS**

- 2.1 "Act" means the Traffic Safety Act, RSA 2000, c. T-6 as amended.
- 2.2 "Alley" means a narrow highway intended chiefly to give access to the rear of buildings and parcels of land.
- 2.3 "Council" means the Municipal Council of the Town of Daysland.
- 2.4 "Highway" means a highway as defined in the Traffic Safety Act under the direction, management and control of the Town of Daysland.
- 2.5 "Off-Highway Vehicle" means an off-highway vehicle as defined in Section 117 of the Act.
- 2.6 "Prohibited Miniature Vehicle" means
  - (a) any motorized vehicle that must not be registered as a motor vehicle;
  - (b) a vehicle that has 2 or more wheels of less than standard size and includes, but is not limited to, golf carts and go-carts, and
  - (c) an off-highway vehicle if it has 3 or 4 wheels of less than standard size.
  - (d) A motor cycle or moped is a miniature vehicle if it has:

- (i) a seat height of less than 70 centimetres when there is no load:
  - (ii) a wheel rim diameter of less than 23 centimetres;
  - (iii) (iii) a wheel base of less than 100 centimetres when measured from the centers of the axles.
- 2.7 "Other non-conforming vehicle" means any other motor vehicle that, due to its nature, modifications or equipment, must not be registered as a motor vehicle in the Province of Alberta.
- 2.8 "Owner" includes a person owning or renting or using a non-highway vehicle or having the exclusive use of that vehicle under a lease or otherwise.
- 2.9 "Parkland" shall mean every recreational area owned or controlled by the Town that lies within the limits of the Town whether such parkland is improved in whole or in part or remains in its natural state and shall include other neighborhood beautification areas and publicly maintained areas administered by the Town.
- 2.10 "Peace Officer" means a member of the Royal Canadian Mounted Police, a Bylaw Enforcement Officer, or a Special Constable appointed by the Municipal Council.
- 2.11 "Permitted Area" means any area outside of the Town limits where a non-highway vehicle can be operated legally subject to the bylaws of another municipality.
- 2.12 "Qualified Operator" means a person at least 14 years of age and not prohibited from operating a motor vehicle, or a person younger than 14 years if supervised by a person at least 18 years old and on the same vehicle or on another vehicle in close enough proximity to provide constant and immediate supervision.
- 2.13 "Roadway" means that part of a highway intended for use by vehicular traffic.
- 2.14 "Safety Helmet" means a safety helmet as prescribed in the Highway Traffic Act Regulations.
- 2.15 "Traffic Control Device" means any signal, sign, marking or device placed, marked or erected under the authority of the Act for the purpose of regulating, warning or guiding traffic.
- 2.16 "Town" means the Town of Daysland in the Province of Alberta.
- 2.17 "Violation tag" means a form used by the Town to enforce its bylaws pursuant to the Municipal Government Act, R.S.A. 2000, c. M-26, as amended.

- 2.18 "Violation ticket" means a violation ticket pursuant to Part 2 of the Provincial Offenses Procedure Act, R.S.A. 2000. c. P-34, as amended.

### **SECTION 3 – REGULATIONS**

No person shall; or allow, permit or otherwise cause a person to:

- 3.1 operate a prohibited miniature vehicle or any other non-conforming vehicle in the Town
- 3.2 operate any off-highway vehicle as defined in Section 2.5 of this bylaw within the Town unless such vehicle is registered and insured pursuant to the applicable Acts and Regulations; proof of same must be presented to the Town Administrator on demand.
- 3.3 operate an off-highway vehicle in the Town except under the authority of an annual permit.
- 3.4 operate an off-highway vehicle on a highway except on the extreme right hand side of the highway and in single file.
- 3.5 fail to follow the specific route described on the permit.
- 3.6 (a) travel at a rate of speed in excess of
  - (i) 30 km/h on a highway; and
  - (ii) 20 km/hr on a lane or alley.
- (b) fail to obey all laws and regulations of the Town and the Province of Alberta.
- (c) notwithstanding any traffic control devices, fail to yield right of way to all motor vehicles and persons using the highway.
- 3.7 when operating an off-highway vehicle in an alley or lane of the Town and it is necessary to cross a street or avenue, fail to
  - (a) stop the off-highway vehicle before entering on to the highway or portion of highway to be crossed; and
  - (b) yield right of way to all other vehicles and persons on the highway; and

- (c) cross over the highway by the most direct and shortest route of travel available to the operator.
- 3.8 operate an off-highway vehicle within the Town corporate limits between the hours of 10:00 p.m. of one day and 7:00 a.m. the following day.
- 3.9 operate an off-highway vehicle upon any parkland, walking trail, parking lot, or commercial or industrial area within the Town except as may be specified on the annual permit.
- 3.10 operate an off-highway vehicle that does not have an operational headlight, taillight, brakes and a muffler.
- 3.11 operate an off-highway vehicle within the Town unless that person is a qualified operator.
- 3.12 at any time during the night time hours or at any other time when, due to insufficient light or unfavorable atmospheric conditions, objects are not clearly discernible at a distance of 150 meters ahead, operate an off-highway vehicle unless the headlight and tail light are alight.
- 3.13 operate an off-highway vehicle without wearing a safety helmet.
- 3.14 tow a trailer, sleigh, cutter or other vehicle behind an off-highway vehicle unless the hitch or attachment used
  - (a) is designed so that the vehicle being towed substantially follows in the tracks of the towing vehicle,
  - (b) is strong enough to safely control the vehicle being towed,
  - (c) is not more than 1.83 metres long, and
  - (d) prevents the towed vehicle from colliding with the towing vehicle during travel downhill or when the towing vehicle stops.
- 3.15 Notwithstanding Section 3.3 of this bylaw, the Council may, by resolution, grant permission for the operation of off-highway vehicles in any designated area within the Town for a designated time or event and may waive any Sections of this bylaw it deems acceptable to accommodate same.

- 3.16 Notwithstanding any Sections of this bylaw municipal employees may be authorized by Council, or by the CAO in an emergent situation, to operate a non-highway vehicle in the course of their duties if the situation so dictates.

#### **SECTION 4 – ANNUAL PERMIT**

- 4.1 An annual permit:
- (a) will be issued by the Town Office to the verified owner of an off-highway vehicle upon receipt of the specified permit fee as set by Council.
  - (b) expires December 31 of the permit year.
  - (c) may be cancelled by the Town Administrator for the remainder of a given year for misuse of the permit or for violations of this bylaw.
  - (d) must be carried by the qualified operator of an off-highway vehicle and produced on the demand of a Peace Officer.

#### **SECTION 5 – PENALTIES**

- 5.1 Any person who violates or contravenes any provision of this bylaw, or any person who allows, permits or otherwise causes another person to violate or contravene any provision of this bylaw, is guilty of an offense and shall be liable on summary conviction before a Provincial Court Judge to a minimum penalty as specified in Schedule A.1 of this bylaw.
- 5.2 In addition to, or in substitution of, the fines stipulated in Section 5.1, a Provincial Court Judge may make any other order deemed appropriate concerning a breach of this bylaw.
- 5.3 Notwithstanding Section 5.1 of this bylaw, an Enforcement Officer may issue a violation tag to a person who the Enforcement Officer has reasonable and probable grounds to believe has contravened any provision of this bylaw, or has permitted, allowed or otherwise caused a person to contravene any provision of this bylaw:
- (a) specifying a voluntary payment as described in Schedule A.2 of this bylaw; and
  - (b) the person to whom the violation tag is issued may, in lieu of being prosecuted for the offence, pay to the Town the penalty specified within the time period indicated on the violation tag.
- 5.4 A violation tag shall be deemed to have been sufficiently served if

- (a) served to the accused directly, or
  - (b) mailed to the address of the registered owner of the vehicle or person occupying a property, or
  - (c) secured to the vehicle or property in respect of which the offense is alleged to have been committed.
- 5.5 In those cases where a violation tag has been issued and the penalty specified on the violation tag has not been paid within the prescribed time, then an Enforcement Officer may issue a violation ticket specifying that a voluntary payment be made as described in Schedule A.3 of this bylaw.
- 5.6 Notwithstanding Section 5.4 of this bylaw, an Enforcement Officer may immediately issue a violation ticket to any person who the Enforcement Officer has reasonable grounds to believe has contravened any provisions of this bylaw, or has permitted, allowed or otherwise caused a person to contravene any provision of this bylaw, specifying that
- (a) a voluntary payment be made as described in Schedule A.3 of this bylaw; or
  - (b) if it is in the public interest to compel the accused to appear before a Judge, issue a summons respecting any offense for which a voluntary payment may be made requiring the accused to appear before a Provincial Court Judge on the initial appearance date without the alternative of making a voluntary payment.
- 5.7 The levying and payment of any fines shall not relieve a person from the necessity of remedying the situation that created the violation of any section of this by-law.

## **SECTION 6: REPEAL**

- 6.1 Bylaw #456 is hereby repealed.

## **SECTION 7. EFFECTIVE DATE**

This bylaw shall take effect on the date of passing thereof.

**READ A FIRST TIME THIS 21<sup>ST</sup> DAY OF NOVEMBER, 2007, A. D.**

**READ A SECOND TIME THIS 21<sup>ST</sup> DAY OF NOVEMBER, 2007, A. D.**

**GIVEN UNANIMOUS CONSENT FOR THIRD AND FINAL READING THIS 21<sup>ST</sup> DAY OF NOVEMBER, 2007.**

**READ A THIRD AND FINAL TIME THIS 21<sup>ST</sup> DAY OF NOVEMBER, 2007, A. D.**

  
\_\_\_\_\_  
MAYOR

  
\_\_\_\_\_  
TOWN MANAGER

**SCHEDULE "A"**

**SCHEDULE A.1**

- |   |            |
|---|------------|
| (a) Penalty for a <b>first</b> offense, a minimum fine of                       | \$300.00.  |
| (b) Penalty for a <b>second</b> offense, a minimum fine of                      | \$600.00.  |
| (c) Penalty for a <b>third</b> and <b>subsequent</b> offense, a minimum fine of | \$1200.00. |

**SCHEDULE A.2**

- |  |           |
|--|-----------|
| (a) Penalty for a <b>first</b> offense, a voluntary payment of                       | \$75.00.  |
| (b) Penalty for a <b>second</b> offense, a voluntary payment of                      | \$150.00. |
| (c) Penalty for a <b>third</b> and <b>subsequent</b> offense, a voluntary payment of | \$300.00. |

**SCHEDULE A.3**

- |  |           |
|--|-----------|
| (a) Penalty for a <b>first</b> offense, a voluntary payment of                       | \$150.00. |
| (b) Penalty for a <b>second</b> offense, a voluntary payment of                      | \$300.00. |
| (c) Penalty for a <b>third</b> and <b>subsequent</b> offense, a voluntary payment of | \$600.00. |



**SCHEDULE B**  
**PERMIT**

**TO OPERATE, OR ALLOW TO OPERATE, OFF HIGHWAY  
VEHICLES WITHIN THE TOWN OF DAYSLAND PURSUANT  
TO SECTION 3.15 TOWN OF DAYSLAND NON- HIGHWAY  
VEHICLE BYLAW**

**INCLUSIVE DATES (AND TIME) \_\_\_\_\_ TO \_\_\_\_\_**

**THIS PERMIT IS GRANTED TO**

\_\_\_\_\_  
**(Name of person receiving permit)**

**FOR**

\_\_\_\_\_  
**(name of Group, if any)**

**FOR THE PURPOSE OF**

\_\_\_\_\_  
**WAIVED SECTIONS OF BYLAW (IF ANY):**

\_\_\_\_\_  
\_\_\_\_\_  
**The undersigned (and the above mentioned Group, if any) has a copy of the Town of Daysland Non-Highway Vehicle bylaw, understands the provisions of this bylaw, and agrees to accept responsibility for the activities of any and all persons operating an Off Highway Vehicle within the Town of Daysland under this permit; and that persons operating under this permit and found to be in contravention of the provisions of this bylaw other than those specifically waived are subject to any and all penalties as described in this bylaw.**

**The undersigned further agrees that the Town of Daysland, its Council, Administrator, or any employees of the Town of Daysland will in no way be held as liable for any personal injury or property damage resulting from the operation of an off-highway vehicle under the authority of this Permit.**

\_\_\_\_\_  
**Signature of Permit Holder**

\_\_\_\_\_  
**Signature for Town Administrator**

**SCHEDULE C**

**ANNUAL PERMIT TO OPERATE AN OFF- HIGHWAY  
VEHICLE WITHIN THE TOWN OF DAYSLAND  
PURSUANT FOR SECTION 3.3 TOWN OF DAYSLAND  
NON- HIGHWAY VEHICLE BYLAW**

This Permit shall be valid from \_\_\_\_\_ to December 31 of the  
same year. (Date of Issue)

1. NAME(S) OF PERMIT HOLDER (REGISTERED OWNERS)

---

2. TYPE AND MAKE/MODEL OF VEHICLE

---

3. LICENSE PLATE # (IF AVAILABLE/APPLICABLE) \_\_\_\_\_

4. SPECIFIC PERMITTED ROUTE MUST BE SHOWN ON MAP (SEE  
REVERSE SIDE)

---

I (we) the undersigned have reviewed the Town of Daysland Non-Highway Vehicle Bylaw and agree to operate the above-identified vehicle in accordance with the allowances described in this Permit, and pursuant to all regulations contained in this bylaw.

I (we) further understand that any contravention of this Permit and/or bylaw may result in the cancellation of this Permit for the remainder of the calendar year, and may result in the assessment of penalties as described in this bylaw.

I (we) further agree that the Town of Daysland, its Council, Administrator, or any employees of the Town of Daysland will in no way be held as liable for any personal injury or property damage resulting from the operation of the above vehicle under the authority of this Permit.

---

Signature of the Town Administrator or Designate

---

Signature(s) of Registered Owner(s)

This permit must be carried by the qualified operator of the above-described off-highway vehicle and produced upon the demand of a Peace Officer.

