BYLAW-2007-07

OF THE MUNICIPAL DISTRICT OF LESSER SLAVE RIVER NO. 124

Being a Bylaw of the Municipal District for the operation of off-highway vehicles within the corporate limits of the municipality

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WHEREAS the Municipal Government Act, being Chapter M-26.1 of the Statutes of Alberta 1994, and amendments thereto, provides that a Municipality has the powers given it by this and other enactments; and

WHEREAS the Traffic Safety provides that a municipality may by by-law with respect to highways under its direction, control and management, authorize persons to operate off-highway vehicles on any portion of any such highway or class of highway and may restrict the hours during which that operation may take place; and

WHEREAS, the Council deem it necessary to control the use of these vehicles for the well being and protection of all concerned;

NOW THEREFORE, the Council of the Municipal District of Lesser Slave River No. 124, duly assembled, enacts as follows:

1. This bylaw may be cited as the Off-Highway Vehicles Bylaw.

2. **DEFINITIONS**

   (1) ***Highway*** means thoroughfare, street, road, trail, avenue, parkway, driveway, viaduct, lane, alley, square, bridge, causeway, trestleway or other place within the jurisdiction of the Municipal District of Lesser Slave River No. 124 which the public is ordinarily entitled or permitted to use for the passage or parking of vehicles, and includes:
   - (a) where a ditch lies adjacent to and parallel with the roadway, the ditch, and
   - (b) where a highway right-of-way is contained between fences or between a fence and one side of the roadway, all the land between fences, or all the land between the fence and the edge of the roadway, as the case may be.

   (2) ***Off Highway Vehicle*** means any motorized vehicle designated for cross-country travel on land, snow, or ice, and includes, when designed for such travel,
   - (a) motor cycles and related 2-wheel vehicles,
   - (b) all terrain vehicles,
   - (c) snow vehicles,

   (3) **Multi – lot subdivision** means a rural subdivision containing five or more lots and not lying within a hamlet.

3. Except within hamlets and multi-lot subdivisions, the operation and /or use of off-highway vehicles shall be permitted on highways as specified and restricted by this bylaw within the corporate limits of the Municipal District of Lesser Slave River No. 124.

4. Within hamlets and multi-lot subdivisions, the operator of the off-highway vehicle may use the highways of the Municipal district only to leave the hamlet or multi-lot subdivision and to return to the hamlet or multi-lot subdivision by the shortest route possible to their residence.

5. Except as provided in the Traffic Safety Act, off highway vehicles shall not be operated on the travelled portion of the highway, but to the right side of the driving and /or travelled surface.

6. No person shall operate an off-highway vehicle on any highway within the Municipal District where signs prohibit.

7. That all pertinent legislation contained within the Traffic Safety Act and amendments and regulations thereto apply to this By-law.

8. That the hours of operation for off-highway vehicles be restricted to operate only between the hours of 7:00 a.m. and 11:00 p.m.

9. That the maximum speed at which off-highway vehicles are permittted to travel on Municipal District highways is 30 kilometers per hour.

10. The Council of the Municipal District of Lesser Slave River No. 124 by resolution may waive any of the provisions contained in this by-law, for a specific situation(s) subject to whatever conditions(s) as seen fit to apply.

PENALTIES

11. A person who contravenes any portion of this bylaw is guilty of an offense punishable on summary conviction.

12. Persons contravening certain sections of this bylaw shall be liable for the penalties set out in such section or set out opposite such section number in Schedule "A" hereto.

13. A notice or form commonly called a traffic tag having wording approved by the Official may be issued by a Peace Officer or Special Constable to any person alleged to have breached any provision of this bylaw, and the said notice or form shall require the payment to the Municipality in the amount specified in this bylaw, as amended.

14. Except as otherwise provided in this bylaw, a person who is guilty of an offense under this bylaw, for which a penalty is not otherwise provided, is liable to a fine of not less than TWENTY-FIVE ($25.00) DOLLARS and not more than TWO THOUSAND FIVE HUNDRED ($2,500.00) DOLLARS and in default of payment is liable to imprisonment for a term not exceeding six (6) months, or to imprisonment not exceeding six (6) months without the option of a fine, or to both a fine and imprisonment.

15. The Council hereby prescribes the specified penalty payable in respect of a contravention of this bylaw in Schedule "A" Specified Penalties and all others as per the specified penalties of the Province of Alberta.

16. Any fine or penalty imposed under this bylaw shall be enure to the benefit of the Municipal District of Lesser Slave River No. 124.

Bylaw 99-03 is hereby amended.

Read a first time this 14 day of November, 2007.

Read a second time this 12 day of December, 2007.

Read a third time and finally passed, this 12 day of December, 2007.

Reeve

Manager

SCHEDULE "A"

Specified Penalties

ITEM	SECTION	OFFENSE	PENALTY
1	4	Failure to use shortest route in hamlets/subdivision	57.00
2	5	Unauthorized operation of Off Highway Vehicle on Highway	230.00
3	6	Operating where signs prohibit	230.00
4	8	Hours of operation	57.00
5	9	Exceeding maximum speed:	
		Kilometers Over Limit	
		1	57.00
		2	59.00
		3	62.00
		4	64.00
		5	66.99
		6	69.00
		7	71.00
		8	73.00
		9	75.00
		10	78.00
		11	80.00
		12	82.00
		13	85.00
		14	87.00
		15	89.00
		16	103.00
		17	110.00
		18	113.00
		19	120.00
		20	124.00
		21	129.00
		22	136.00
		23	140.00
		24	147.00
		25	150.00
		26	156.00
		27	161.00
		28	166.00
		29	172.00
		30	177.00
		31	18.00
		32	194.00
		33	203.00
		34	211.00
		35	219.00
		36	228.00
		37	236.00
		38	247.00
		39	255.00
		40	264.00
		41	273.00
		42	281.00
		43	290.00
		44	299.00
		45	307.00
		46	316.00
		47	325.00
		48	333.00
		49	342.00
		50	351.00