

## **BYLAW 05-01**

A BYLAW OF THE VILLAGE OF BRETON IN THE PROVINCE OF ALBERTA FOR THE CONTROL AND REGULATION OF OFF-HIGHWAY VEHICLES WITHIN THE CORPORATE LIMITS OF THE VILLAGE OF BRETON.

**WHEREAS**, under the *Traffic Safety Act*, R.S.A. 2000, c. T-6, as amended, Council may by bylaw, 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;

**WHEREAS**, under the *Traffic Safety Act*, R.S.A. 2000, c. T-6, as amended, Council may by bylaw control and regulate the speed and hours of operation for Off-Highway Vehicles;

**WHEREAS**, the Municipal Council of the Village of Breton deems it expedient to pass a bylaw to authorize, control and regulate the operation of Off-Highway Vehicles within the Village of Breton;

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

- 1) This bylaw be cited as the “Off-Highway Vehicle” Bylaw.
- 2) Definitions
  - a) “*Council*” – means the Council of the Village of Breton;
  - b) “*Village*” – means the Village of Breton;
  - c) “*Enforcement Officer*” – means a Bylaw Enforcement Officer authorized by the Village under the *Municipal Government Act*, S.A. 1996, c. M-26.1, as amended, to do any act or perform any duties under this bylaw and includes a member of the Royal Canadian Mounted Police and, when authorized, a Special Constable;
  - d) “*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;
  - e) “*Highway*” – means a highway as defined in the *Traffic Safety Act*, R.S.A. 2000, c. T-6, as amended;
  - f) “*Off-Highway Vehicle*” – means an Off-Highway Vehicle as defined in the *Traffic Safety Act* R.S.A. 2000, c. T-6 , as amended; any motorized vehicle designated for cross-county 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) motorcycles and related 2-wheel vehicles
    - iii) amphibious machines
    - iv) all terrain vehicles
    - v) miniature motor vehicles
    - vi) snow vehicles
    - vii) minibikes, and
    - viii) any other means of transportation which is propelled by any power other than muscular power or wind, but does not include
    - ix) motorboats, or

- x) any other vehicle exempted from all of the provisions of this Act by the regulations;
  - g) “*Operator*” – means an Operator as defined in the *Traffic Safety Act*, R.S.A. 2000, c. T-6, as amended; as a person who drives or is in actual physical control of a vehicle;
  - h) “*Owner*” – means an Owner as defined in the *Traffic Safety Act*, R.S.A. 2000, c. T-6, as amended; includes a person renting an off-highway vehicle or having the exclusive use of that vehicle under a lease or otherwise for a period of more than 30 days;
  - i) “*Roadway*” – means that part of a highway intended for use by vehicular traffic;
  - j) “*Safety Helmet*” – means a safety helmet as described in the *Traffic Safety Act*, R.S.A. 2000, c. T-6, as amended;
  - k) “*Violation Tag*” – means a tag or similar document issued by the Municipality pursuant to the *Municipal Government Act*;
  - 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. Except as pursuant to the *Traffic Safety Act*, R.S.A. 2000, c. T-6 and any amendments thereof, no person shall have, operate or park an Off-highway Vehicle on any highway or public place within the Village of Breton limits.
  4. Notwithstanding section 3, Peace Officers are hereby authorized to operate any Off-highway Vehicle within the Village of Breton for the performance of their duties.
  5. Notwithstanding section 3, Council may, by resolution, grant permission to organizations for the holding of special events involving the use of Off-highway Vehicles within the Village of Breton limits.
  6. Notwithstanding section 3, persons are permitted to use an Off-highway Vehicle for the sole purpose of snow removal from sidewalks within the Village of Breton limits.
  7. A person who is authorized to operate an Off-Highway Vehicle pursuant to the *Traffic Safety Act* or this Bylaw shall;
    - a) Travel at a maximum speed of twenty (20) kilometres per hour;
    - b) Travel in a single file;
    - c) Travel in the same direction as the Vehicles travelling on that side of the Roadway;
    - d) Before crossing a Roadway, the Operator of the Off-Highway Vehicle shall stop the Off-Highway Vehicle;
    - e) All passengers on the Off-Highway Vehicle shall disembark from the Off-Highway Vehicle before the Operator commences to cross the Roadway;
    - f) The Operator of an Off-Highway Vehicle shall yield the right-of-way to all other vehicles and persons on the Roadway;
    - g) The Operator of an Off-Highway Vehicle shall cross over the Roadway or portion thereof by the more direct route available;
    - h) When it is necessary to cross a sidewalk to enter a Roadway, the Operator of an Off-Highway Vehicle shall stop the Off-Highway Vehicle before crossing the sidewalk;

- i) A person may not operate an Off-Highway Vehicle pursuant to the Bylaw between 11:00 p.m. of one day and 7:00 a.m. of the following day.
8. A person shall not operate an Off-Highway Vehicle unless wearing a Safety Helmet.
9. Except as authorized under the *Traffic Safety Act* or this Bylaw, no person shall operate an Off-Highway Vehicle on Village owned property.
10. 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.
11. A person operating an Off-Highway Vehicle must ensure that the Off-Highway Vehicle is equipped with one white light on the front and at least one red light at the rear and that such lights are alight when the Off-Highway Vehicle is being operated at night-time hours or when insufficient light or atmospheric conditions make it necessary.
12. No Owner and/or Operator shall operate or permit to operate an Off-Highway Vehicle on public land, unless it is properly registered and insured, pursuant to the *Traffic Safety Act*, R.S.A. 2000, c. T-6, as amended.
13. No person under the age of 14 years shall operate an Off-Highway Vehicle in a public place, unless she/he is supervised by an adult person seated next to him/her on the Off-Highway Vehicle, or otherwise in close proximity, while giving instruction, if that instruction is not given on a Highway.
14. Except as otherwise provided in this bylaw, no person shall operate an Off-Highway Vehicle on any park, playfield or golf course located within the Village of Breton.
15. Golf Carts will be the only Off-Highway Vehicle permitted to travel on the Village of Breton Golf Course.
16. No person shall tow behind an Off-Highway Vehicle any trailer, sleigh, cutter or other vehicle unless the hitch or attachment:
  - a) is designed to control the vehicle being towed, so 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 in length, and;
  - d) adequately prevents the towed vehicle from colliding with the towing vehicle in the case of downhill travel or a stop.
17. The provisions of this Bylaw do not apply to an Enforcement Officer or agents or employees of the Village while operating an Off-Highway Vehicle in the performance of their official duties.
18. 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.
19. No person shall operate an Off-Highway Vehicle without due care and attention, or without reasonable consideration for other persons or property.
20. That failure to comply with any section shall constitute an offence under this bylaw, the penalty for which shall be a fine of \$50.00 for the first offence and \$100.00 for a second or subsequent offence.

21. Any fine or penalty imposed under this bylaw shall ensure to the benefit of the Village of Breton.
22. An Enforcement Officer is hereby authorized and empowered to issue a Violation Tag to any person, who the Enforcement Officer has reasonable and probable grounds to believe has contravened any provision of this bylaw.
23. A Violation Tag may be issued to such person:
  - a) personally;
  - b) by mailing a copy to such person at his last known post office address; or
  - c) 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.
24. The Violation Tag shall be in a form approved by the Village Administrator and shall state:
  - a) the name of the defendant;
  - b) the offence;
  - c) the appropriate penalty for the offence as specified in this bylaw;
  - d) that the penalty shall be paid within 30 days of the issuance of the Violation Tag;
  - e) any other information as may be required by the Village Administrator.
25. Where a contravention of this bylaw is of a continuing nature, further Violation Tags may be issued by an Enforcement Officer, provided however, that no more than one Violation Tag shall be issued for each day that the contravention continues.
26. 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 Village Treasurer the penalty specified on the Violation Tag.
27. Nothing in the bylaw shall prevent an Enforcement Officer from immediately issuing a Violation Ticket.
28. In those cases where a Violation Tag has been issued and if the penalty specified on the Violation Tag has not been paid within the prescribed time, then an Enforcement Officer is hereby authorized to issue a Violation Ticket pursuant to Part II of the *Provincial Offences Procedure Act*, to any person who the Enforcement Officer has reasonable grounds to believe has contravened any provision of this bylaw.
29. 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 bylaw, to the Provincial Court office specified on the Violation Ticket.

- 30. Bylaw No. 98-16 is in this regard hereby rescinded.
- 31. That this bylaw shall come into full force and effect upon final reading thereof.

**READ** a first time this 15<sup>th</sup> day of March, 2005.

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Mayor

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Municipal Administrator

**READ** a second time this 19<sup>th</sup> day of April, 2005.

**READ** a third and final time this 19<sup>th</sup> day of April, 2005.

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Mayor

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Municipal Administrator