

VILLAGE OF GLENWOOD
BYLAW # 266-2024
Off-Highway Vehicle Control Bylaw

A BYLAW OF THE VILLAGE OF GLENWOOD, IN THE PROVINCE OF ALBERTA, FOR THE PURPOSE OF REGULATING THE OPERATION OF OFF-HIGHWAY VEHICLES WITHIN MUNICIPAL BOUNDARIES.

WHEREAS, pursuant to Alberta Regulation 319/2002 of the *Traffic Safety Act*, RSA 2000, Council may, by bylaw, authorize the use of Off-Highway Vehicles on roads and streets and alleys under its jurisdiction, direction, control and management; and

WHEREAS pursuant to the provisions of the *Municipal Government Act*, Council may pass bylaws for municipal purposes respecting the safety, health and welfare of people and the protection of property;

NOW THEREFORE BE IT RESOLVED the Council of the Village of Glenwood in the Province of Alberta, duly assembled, enacts as follows:

Part 1 – Short Title

1. This bylaw may be cited as the “Off-Highway Vehicle Control Bylaw”.

Part 2 – Interpretation and Application

2. In this bylaw, unless the context otherwise requires:
 - a) “Highway means any thoroughfare, street, road, trail, avenue, parkway, lane, alley, bridge or causeway or other place or any part of any of them, publicly owned, that the public is ordinarily permitted to use for the passage or parking of vehicles and includes;
 - i) a sidewalk, including a boulevard adjacent to a sidewalk,
 - ii) if a ditch lies adjacent to and parallel within the roadway, the ditch, and
 - iii) if a highway right of way is contained between fences or between a fence on one side of the roadway, all the land between the fences, or all the land between the fence and the edge of the roadway, as the case may be, but does not include a place, declared by regulation, not to be a highway;
 - b) “Off-Highway Vehicle” or “OHV” means any motorised form of transportation built for cross country travel on land, snow, ice or marsh land such as, but not limited to:
 - i) all terrain vehicles (ATV);
 - ii) snow machines; and

iii) side by sides;

but does not include:

- i) golf carts;
 - ii) riding lawn mowers;
 - iii) scooters;
 - iv) electric bikes;
 - v) mopeds, or
 - vi) any other vehicle which cannot be registered pursuant to the Operator Licencing and Vehicle Control Regulation;
- c) "Operate" means to drive, or be in actual physical control of an Off-Highway Vehicle;
- d) "Operator" means the person operating or in physical control of an Off-Highway Vehicle;
- e) "Operator's Licence" means an operator's licence issued pursuant to the *Traffic Safety Act* RSA 2000;
- f) "Owner" means the person named as the registered owner of the Off-Highway Vehicle, or any person renting an Off-Highway Vehicle, or any person having the exclusive use of an Off-Highway Vehicle under a lease;
- g) "Peace Officer" means:
- a) A Police Officer appointed pursuant to the *Police Act*; or
 - b) A Peace Officer appointed pursuant to the *Peace Officer Act* whose appointment includes enforcement of municipal bylaws.
 - c) A Bylaw Enforcement Officer appointed pursuant to the *Municipal Government Act*, RSA 2000.
- h) "Village" means the Village of Glenwood;
- i) "Violation Ticket" means a ticket issued pursuant to this bylaw or Part 2 of the *Provincial Offences Procedure Act*, RSA 2000 as amended and any regulations thereunder.

Part 3 – Application and Operating Off-Highway Vehicles

3.1 This Bylaw applies to highways under the direction, control and management of the Village.

3.2 A person may only operate an OHV in the Village:

- a) on the right-hand side of the road;

- b) at a maximum speed of fifty (50) kilometers per hour, unless the posted speed limit is less than fifty (50) kilometers per hour;
- c) if travelling in single file with other OHV's;
- d) that is duly registered, insured and displays a valid licence plate;
- e) that is equipped with headlights, tail lights, exhaust muffler and other such equipment required by the *Off-Highway Vehicle Regulation*;
- f) if the Operator possesses a valid Alberta driver's licence;
- g) if the Operator and their passengers are wearing regulation safety helmets, subject to the *Vehicle Equipment Regulation (AR 122/2009)* and as required by the *Traffic Safety Act, RSA 2000, Section 128.1*; and
- h) in a manner that the operation of the OHV does not constitute a nuisance or danger to public safety.

Part 4 – Exemptions

- 4.1 A Peace Officer shall not be in contravention of this bylaw if operating an OHV while in the performance of their duties.
- 4.2 During an emergency, disaster, or search and rescue operation within the Village the provisions of this bylaw may be waived, suspended or varied by Council, the Chief Administrative Officer, the Peace Officer or the Director of Emergency Services.

Part 5 – Authority of Peace Officers and Enforcement

- 5.1 A Peace Officer is authorized and empowered to issue a Violation Ticket to any person the Peace Officer has reasonable and probable grounds to believe has contravened any provision of this bylaw.
- 5.2 A Violation Ticket may be served as follows:
 - a) in person to the accused; or
 - b) by mail to the address of the registered Owner of the OHV, or the Operator of the OHV if they are not the registered Owner.
- 5.3 The Violation Ticket shall be as specified in Schedule "A" of this bylaw, or by a provincial ticket authorized to be issued by a Peace Officer.
- 5.4 The penalty for an offence covered under the Violation Ticket shall be as specified in Schedule "A" of this bylaw or under provincial statute.
- 5.5 A person who commits an offence under this bylaw may:
 - a) if a Violation Ticket is issued in respect of the offence; and
 - b) if a Violation Ticket specifies the fine amount established by this bylaw for the offence, make a voluntary payment equal to the specified fine.

- 5.6 A person who commits an offence under this bylaw shall have fourteen (14) days from the date of the issuance of the Violation Ticket to pay the fine to avoid prosecution.
- 5.7 Where a Violation Ticket has been issued and the penalty specified on the ticket has not been paid within the prescribed time, a Peace Officer is hereby authorized and empowered to apply to the Courts to have the matter heard.

Part 6 – Penalties

- 6.1 A person who contravenes or fails to comply with any provision of this bylaw is guilty of an offence and is liable to a fine in the amount of not less than that established in this bylaw and not exceeding \$1,000.00.
- 6.2 Without restricting the generality of Section 6.1 the fine amounts established for Violation Tickets are set out in Schedule “A” of this bylaw.

Part 7 – Owner Liability

- 7.1 If an OHV is involved in an offence under this bylaw, the Owner is guilty of an offence.
- 7.2 Section 7.1 does not apply if the Owner satisfies the Court that, at the time the OHV was involved in the offence;
- a) The Owner of the OHV was not driving the OHV; and
 - b) the person operating or otherwise in control of the OHV, was operating or in control of the OHV without the Owner’s consent.

Part 8 – Enforceability of the Bylaw

- 8.1 If any provision or portion of this bylaw shall be held or made invalid by a court decision, statute or rule, or shall be otherwise rendered invalid, the remainder of this bylaw shall not be affected and thereby remain in force.

Part 9 – Repeal of Bylaw

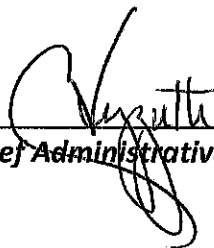
- 9.1 Bylaw 223-2008 is hereby repealed.

READ a first time this 8th day of February, 2024.

READ a second time this 8th day of February, 2024.

READ a third time and finally PASSED this 8th day of February, 2024.


Mayor - Linda Allred


Chief Administrative Officer - Cynthia Vizutti

Off- Highway Vehicle Control Bylaw 266 -2023

Schedule "A"

Violation Ticket Penalties

Section No.	Description	Specified Penalty
Part 3(2)(a)	Failure to operate OHV in right hand lane	\$100.00
Part 3(2)(b)	Operation of OHV in excess of 50 kilometers per hour or in excess of posted speed limit	\$100.00
Part 3 (2)(c)	Failure to operate OHV in a single file	\$100.00
Part 3(2)(d)	Unregistered OHV	Traffic Safety Act
Part 3(2)(d)	Uninsured OHV	Traffic Safety Act
Part 3(2)(d)	Failure to display licence plate on OHV	\$200.00
Part 3(2)(e)	Operate OHV without equipment required by regulations such as, but not limited to, headlights, tail lights and exhaust muffler	\$100.00
Part 3(2)(f)	Un-licenced Operator of the OHV	Traffic Safety Act
Part 3(2)(g)	Operator or passenger failure to wear a helmet	OHV Act
Part 3(2)(h)	Operate OHV as to cause a nuisance or a danger to public safety	Traffic Safety Act