

VILLAGE OF ALIX

BY-LAW #201/92

BEING A BY-LAW of the Village of Alix in the Province of Alberta to regulate and control the operation of "OFF-HIGHWAY VEHICLES" within the Corporate Limits of the Village of Alix;

WHEREAS, pursuant to Section 18 of the Off-Highway Vehicle Act, Chapter 0-4 of the Revised Statutes of Alberta 1980 and amendments thereto, a Council of a municipality may by By-Law, regulate the operation of off-highway vehicles within the corporate limits of the municipality; and

WHEREAS, the Council of the Village of Alix, in the Province of Alberta, deems it advisable to pass such a By-Law;

NOW THEREFORE, the Council of the Village of Alix, in the Province of Alberta, duly assembled, enacts as follows:

Section 1 - Title

This By-Law may be cited as the "Off-Highway Vehicle By-Law".

Section 2 - Definitions

- (a) "Act" means the Off-Highway Vehicle Act, Chapter 0-4 of the Revised Statutes of Alberta 1980 and amendments thereto;
- (b) "Council" means the Municipal Council of the Village of Alix;
- (c) "Current Season" means November 1 of one year to March 31 of the following year;
- (d) "Highway" means a highway as defined in the Highway Traffic Act;
- (e) "Industrial Area" means all that area legally described as Lot 1, Plan 832 - 2748, Village of Alix;
- (f) "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;
- (g) "Off-highway Vehicle" means 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) snow vehicles
- (h) "Operator" means a person who drives or is in actual physical control of a vehicle;
- (i) "Owner" 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;
- (j) "Parkland" shall mean every recreational area owned or controlled by the Village that lies within the limits of the Village whether such parkland is improved in whole or in part or remains in its natural state but shall include other neighborhood beautification areas and publicly maintained areas administered by the Village.
- (k) "Peace Officer" means a member of the Royal Canadian Mounted Police, a member of a municipal police force, a member of the patrol division of the Department of the Solicitor General, a forest officer, a parks officer or a wildlife officer;
- (l) "Permitted Areas" means any area outside of the Village limits where an off-highway vehicle may be operated and within the Village limits on Alix Lake.



## Section 2 - Definitions (cont.)

- (m) "Roadway" means that part of a highway intended for use by vehicular traffic;
- (n) "Snow Vehicle" means a motor vehicle designed or intended to be driven exclusively or chiefly on snow or ice or both.
- (o) "School Grounds" means all that area legally described as Block S, Plan 4539 MC, Village of Alix.
- (p) "Village" means the Village of Alix in the Province of Alberta.

## Section 3 - Regulations

- (a) Only those off-highway vehicles described as:

- (i) 4-wheel drive or low pressure tire vehicles
  - (ii) snow vehicles

may be operated within the corporate limits of the Village.

- (b) The off-highway vehicles described in 3(a) may only be operated within the corporate limits of the Village from November 1 of one year to March 31 of the following year inclusive. The operation of any off highway vehicle from April 1 to October 31 of any year inclusive is strictly prohibited.
- (c) No person who is the owner or operator of an off-highway vehicle may operate or offer or permit any other person to operate the off-highway vehicle when there is not, for the time being, a subsisting certificate of registration issued and an insurance policy issued (pursuant to the Act) for that off-highway vehicle.
- (d) No person shall operate an off-highway vehicle in the Village of Alix except for the purpose of proceeding from his residence to a permitted area and back to his residence by the most direct route possible.
- (e) In proceeding to a permitted area or back to their residence the operator of an off-highway vehicle shall use the alleys, lanes and those routes designated on the map attached to and forming part of this By-Law as Schedule "A".
- (f) When a person operates an off-highway vehicle in an alley, lane or on a designated highway they shall:
  - (i) travel at a rate of speed not in excess of 16 kmph (10 mph);
  - (ii) obey all laws and regulations of the Village and Province of Alberta.
- (g) When a person is operating an off-highway vehicle in an alley or lane of the Village and it is necessary to cross a street or avenue the operator of the off-highway vehicle shall:
  - (i) stop the off-highway vehicle before entering onto the highway or portion of highway to be crossed; and
  - (ii) yield the right of way to all other vehicles and persons on the highway; and
  - (iii) cross over the highway or portion of highway to be crossed, by the most direct and shortest route of travel available to the operator.
- (h) No off-highway vehicle shall be operated within the Village corporate limits between the hours of 11:00 p.m. of one day and 8:00 a.m. of the following day.
- (i) No person shall operate an off-highway vehicle upon any parkland, school grounds or industrial area within the Village.
- (j) No person shall operate an off-highway vehicle that is not equipped with an exhaust muffler.

#### Section 4 - Penalties

- (a) Any person who breaches a provision of this By-Law shall be guilty of an offence and shall be liable upon summary conviction to a fine of not less than \$200.00 and not more than \$500.00.
- (b) Notwithstanding the foregoing, a person charged with an offence under this By-Law may make a voluntary payment at the Village Office at any time up to 10 days after the date the offence ticket is issued and in such case, prosecution for the offence will not proceed.
- (c) The voluntary payment shall be as follows:
  - (i) for a first offence in a current season, \$50.00;
  - (ii) for a second offence in a current season, \$100.00;
  - (iii) for a third or subsequent offence in a current season, \$200.00.
- (d) Where an alleged offender has made payment under this By-Law and is prosecuted under a summons issued for the offence in respect of which such payment has been made, such payment will be refunded.
- (e) If an alleged offender does not pay the penalty amount, then such person may, by summons, be required to appear in Court and shall be liable on summary conviction to pay a minimum fine equal to the penalty amount plus Court costs.
- (f) An owner or operator of an off-highway vehicle found guilty of an infraction or in breach of this By-Law by a Peace Officer may have the off-highway vehicle confiscated by the Peace Officer if deemed necessary and appropriate under the circumstances.

#### Section 5 - Restitution

- (a) An owner or operator of an off-highway vehicle operating such a vehicle on Village property, alleys, lane ways or highways within the corporate limits of the Village in such a manner as to cause damage to or loss of personal, private or public property may require the Village to request the courts to order the offender causing said damage or loss to make full restitution of the damage or loss.

#### Section 6 - Severability

Should any section or part of this By-Law be found to have been improperly enacted or ultra vires, for any reason, then such section or part shall be regarded as being severable from the By-Law and the By-Law remaining after such severance shall be effective and enforceable as if the section found to be improperly enacted had not been enacted as part of this By-Law.

#### Section 7 - Effective Date


This By-Law shall come into force and effect on the final date of passing thereof.

Read a first time this 15th day of December , 199 2.

Read a second time this 15th day of December , 1992.

Read a third time and finally passed this 15th day of December, 1992.

  
\_\_\_\_\_  
Mayor

  
\_\_\_\_\_  
Municipal Administrator



SCHEDULE "A"

