



TOWN OF SMOKY LAKE  
BYLAW #015-2020  
A BYLAW REGULATING  
OFF-HIGHWAY VEHICLES

A BYLAW OF THE TOWN OF SMOKY LAKE, IN THE PROVINCE OF ALBERTA, FOR THE PURPOSE OF REGULATING OFF-HIGHWAY VEHICLES WITHIN THE TOWN.

**WHEREAS**, Council deems it necessary and in the public interest to regulate the use of off-highway vehicles within the Town of Smoky Lake; and

**AND WHEREAS**, the Traffic Safety Act provides that Council may, by bylaw, authorize or issue a permit authorizing persons to drive off-highway vehicles along any portion of the highway that is under the direction, control and management of the municipality;

**AND WHEREAS**, the Traffic Safety Act further provides that a council may, by bylaw, regulate and control the operation of off-highway vehicles on highways which are subject to the direction, control, and management of the municipality and on property that is not a highway and is located within the municipality

**AND WHEREAS** the Municipal Government Act, RSA 2000, c. M-26 provides that Council may pass bylaws for municipal purposes respecting the safety, health and welfare of people and the protection of people and property and the people, activities and things in, on or near a public place or place that is open to the public;

**NOW THEREFORE**, by the authority of the Council of the Town of Smoky Lake, in the Province of Alberta, Council enacts the Bylaw as follows:

**SECTION 1 - TITLE**

1. This Bylaw shall be cited as the "Off-highway Vehicle Bylaw".

**SECTION 2 - DEFINITIONS**

2. In this Bylaw:

- 2.1. "Act" shall mean the *Traffic Safety Act, Revised Statutes of Alberta 2000 Chapter T-6*, and all its regulations including the *Off-Highway Vehicle Regulation, Alberta Regulation 319/2002*;
- 2.2. "Alley" means a narrow highway intended chiefly to give access to the rear of buildings and parcels of land and shall include the term lane;
- 2.3. "Boulevard" means that part of a highway in an urban area that:
  - 2.3.1 Is not a roadway; and
  - 2.3.2 Is that part of the sidewalk this is not especially adapted to the use of or ordinarily used by pedestrians.
- 2.4. "CAO" means the Chief Administrative Officer of the Town of Smoky Lake;
- 2.5. "Town" means the municipal corporation of the Town of Smoky Lake, or the geographical area falling within the municipal boundaries of the Town of Smoky Lake, as the context requires;
- 2.6. "Council" means the Council of the Town of Smoky Lake;
- 2.7. "Driver" or "Operator" shall mean a person who is driving or is in actual control of a vehicle;

- 2.8. "Highway" means any thoroughfare, street, road, trail, avenue, parkway, driveway, viaduct, lane, alley, square, bridge, causeway, trestle-way or other place or any part of any of them, whether publicly or privately owned, that the public is ordinarily entitled or permitted to use for the passage or parking of vehicles and includes:
- 2.8.1 A sidewalk, including a boulevard adjacent to the sidewalk;
  - 2.8.2 If a ditch lies adjacent to and parallel with the roadway, the ditch; and
  - 2.8.3 If a highway right of way is contained between fences or between a fence and 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.
- 2.9. "Off-highway Vehicle or OHV" means any motorized mode of transportation built for cross-country travel on land, water, snow, ice or marsh or swamp land or on other natural terrain and, without limiting the generality of the foregoing, includes, when specifically designed for such travel:
- 2.9.1. Four (4) wheel drive vehicles;
  - 2.9.2. Low pressure tire vehicles;
  - 2.9.3. Motorcycles and related 2-wheel vehicles;
  - 2.9.4. Amphibious machines;
  - 2.9.5. All-terrain vehicles,
  - 2.9.6. Miniature motor vehicles;
  - 2.9.7. Snow vehicles;
  - 2.9.8. Mini-bikes; and
  - 2.9.9. Any other means of transportation that is propelled by any power other than muscle power or wind,
- but does not include:
- 2.9.10. Motorboats; and
  - 2.9.11. Any other vehicle exempted from being an off-highway vehicle by the regulations under the *Traffic Safety Act* R.S.A. 2000, Chapter T-6.
- 2.10. "Officer" means a Peace Officer, Bylaw Officer, a member of the RCMP, or any person appointed by the CAO to enforce this Bylaw;
- 2.11. "Owner" means the person who owns a vehicle and includes any person renting a vehicle or having the exclusive use of a vehicle under a lease that has a term of more than 30 days or otherwise having the exclusive use of a vehicle for a period of more than 30 days, or if the context dictates, a duly registered land titleholder;
- 2.12. "Pathway" means a designated sidewalk, walkway, recreational path, or trail exclusively for the use of pedestrian and non-motorized vehicle traffic;
- 2.13. "Safety Helmet" means a safety helmet designed, constructed and sold for use with off-highway vehicles operation and approved to meet CSA or DOT standards;
- 2.14. "Service Road" means a road that runs parallel to a main highway or street and is used to access other highways, businesses, or residences;
- 2.15. "Gas Station/Centre" means a full-service fuel station equipped for servicing motor vehicles, as by selling gasoline or making repairs.





- 2.16. "Sidewalk" means that part of the highway especially adapted to the use of, or ordinarily used by, pedestrians, and includes that part of a highway between:
  - 2.16.1. The curb line; or
  - 2.16.2. Where there is no curb line, the edge of the roadway and the adjacent property line, whether or not it is paved or improved.
- 2.17. "Violation Tag, Municipal" means a tag or similar document issued by the pursuant to the *Municipal Government Act*;
- 2.18. "Violation Ticket, Provincial" means a violation ticket issued in accordance with the Provincial Offences Procedures Act.

### **SECTION 3 - INTERPRETATION**

- 3.1. Each provision of this bylaw is independent of all other provisions and if any provision is declared invalid for any reason by a Court of competent jurisdiction all other provisions of this bylaw remain valid and enforceable.
- 3.2. Nothing in this bylaw relieves a person from complying with the provision of any federal or provincial law or regulation, other bylaw or any requirement of any lawful permit, order or license.
- 3.3. Any heading, subheading or tables of content in this bylaw are included only for convenience and shall not form part of this bylaw.
- 3.4. Where this bylaw refers to another Act, bylaw regulation or agency, it includes reference to any Act bylaw, regulation or agency that may be substituted therefore.
- 3.5. All Schedules attached to this bylaw shall form part of this bylaw.

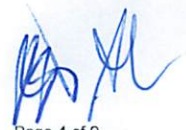
### **SECTION 4 - GENERAL AUTHORITY**

4. The Chief Administrative Officer is hereby delegated the authority to:
  - 4.1. carry out any inspections to determine compliance with this bylaw;
  - 4.2. take any steps or carry out any actions required to enforce this bylaw;
  - 4.3. take any steps or carry out any actions required to remedy any contravention of this bylaw;
  - 4.4. establish investigation and enforcement procedures with respect to any contravention of this bylaw;
  - 4.5. establish forms for the purposes of this bylaw;
  - 4.6. issue permits with such terms and conditions as are deemed appropriate;
  - 4.7. delegate any powers, duties or functions under this bylaw to an employee of the Town.

### **SECTION 5 - GENERAL REGULATIONS**

- 5.1 No person, including a driver or passenger, shall ride on an off-highway vehicle within the Town unless that person is properly wearing an approved safety helmet.
- 5.2 Where a passenger on an off-highway vehicle is under the age of fourteen (14) it shall be the responsibility of the driver to ensure they are wearing an approved safety helmet.

- 5.3 No person shall operate, cause to operate or permit the operation of any off-highway vehicle on any highway within the Town except for
- 5.3.1 loading or unloading an off-highway vehicle from or onto a trailer and into a building or property;
  - 5.3.2 entering and exiting the Town via the shortest route possible travelling to and from the operator's place of residence or place of storage;
  - 5.3.3 travelling to and from a Service station via designated route if available or the shortest route possible;
  - 5.3.4 on designated off-highway vehicle trail as shown in "Schedule A" of this bylaw;
  - 5.3.5 in the ditch beside a highway;
  - 5.3.6 where no ditch exists, on the graveled shoulder of a highway;
  - 5.3.7 to cross a highway by the shortest and safest route possible;
  - 5.3.8 where no shoulder or ditch exists, on the portion of highway that is furthest to the right side of the roadway, or nearest to the curb, so as to impede traffic as little as possible; and
  - 5.3.9 whenever possible, designated trails, alley ways or service roads shall be used for travel instead of streets.
- 5.4 No person shall park or operate an off-highway vehicle in or on:
- 5.4.1 a school ground;
  - 5.4.2 a playground;
  - 5.4.3 a parking lot;
  - 5.4.4 on private property without the expressed permission of the owner;
  - 5.4.5 in a Town park;
  - 5.4.6 at any Town arena;
  - 5.4.7 on any Town property without prior written permission from the CAO;
  - 5.4.8 on a pedestrian pathway;
  - 5.4.9 at a commercial establishment that is not a Service station;
  - 5.4.10 in any cemetery; and
  - 5.4.11 any area where prohibited by sign.
- 5.5 No person shall operate an off-highway vehicle within the Town between the hours of 2200 (10:00 p.m.) and 0700 (7:00 a.m.) the next day.
- 5.6 No person under the age of fourteen (14) shall operate an off-highway vehicle without having a supervisor, who is at least eighteen (18) years of age, as a lawful passenger on the same off-highway vehicle, or else, travelling in close proximity.
- 5.7 No person shall operate an off-highway vehicle with more passengers than the vehicle was designed to carry.
- 5.8 An off-highway vehicle must have at least one working head light and one working taillight when operating within the Town.



- 5.9 No person shall operate an off-highway vehicle so as to cause loud, unnecessary, or unusual noise which could disturb the peace and safety of the public.

#### **SECTION 6 - RULES OF THE ROAD**

- 6.1. The maximum speed at which an off-highway vehicle may travel within the Town is 30km/h, or less if posted at a reduced speed.
- 6.2. Where more than one off-highway vehicle is travelling in a group, drivers shall ensure that they ride in single file.
- 6.3. Drivers must obey all traffic control devices.
- 6.4. Drivers shall yield the right of way to other vehicles or pedestrians using the highway.

#### **SECTION 7 - EXEMPTIONS**

- 7.1. The provisions of this Bylaw shall not apply to:
- 7.1.1. officers while engaged their lawful duties;
- 7.1.2. agents of the Town of Smoky Lake while engaged in work on behalf of the Town;
- 7.1.3. Federal and Provincial law enforcement officers, including Fish and Wildlife Officers and Conservation Officers, while engaged in their lawful duties; and
- 7.1.4. any off-highway vehicle being operated by the Canadian Department of National Defense.
- 7.2. During an emergency, disaster, or search and rescue operation within the Town, the provisions of this Bylaw may be waived, suspended or varied, by the Chief Administrative Officer, or their designate.
- 7.3. The Chief Administrative Officer or their designate may grant permission for the operation of off-highway vehicles within the town and waive any provisions contained in this Bylaw for a designated time or a special event at a location sanctioned by the Town, which includes the Heritage Days Parade.

#### **SECTION 8 - ENFORCEMENT**

- 8.1. An operator of an off-highway vehicle shall immediately, on being signaled or requested to stop by an officer, bring his or her vehicle to a stop and furnish any information respecting the driver or the vehicle that the officer requires and shall not start his or her vehicle until he or she is permitted to do so by the officer.
- 8.2. An Officer may impound an off-highway vehicle that has been involved in a contravention of this Bylaw; and
- 8.3. The vehicle may be impounded at the owner's expense from the time of the offence until such time as the charge against the operator has been resolved; however
- 8.3.1 Such impoundment shall only occur when, in the opinion of the Officer, the offence is serious in nature, and the operator could pose a safety risk to themselves or the public if they are allowed to continue to operate the off-highway vehicle; or
- 8.3.2 The operator of the off-highway vehicle has been involved in a previous contravention of this Bylaw within the same calendar year.





## SECTION 9 - OFFENCES AND PENALTIES

- 9.1. Any person or corporation that contravenes this Bylaw is guilty of an offence.
- 9.2. Any person who willfully obstructs an Officer or assault an Officer with the intent to resist or prevent the lawful arrest or detainment of them or another person in the exercise or performance of their duties related to this Bylaw is guilty of an offence.
- 9.3. A person who is guilty of an offence is liable, upon summary conviction, to a fine in an amount not less than that established in Schedule "B" of this Bylaw, and not exceeding Five Thousand (\$5,000.00), and to imprisonment for not more than six months for non-payment of a fine.
- 9.4. The penalty for a second offence, within a calendar year, shall be double the fine amount as indicated in Schedule "B" of this Bylaw.
- 9.5. The penalty for a third and subsequent offences, within a calendar year, shall be triple the fine amount as indicated in Schedule "B" of this Bylaw.

## SECTION 10 - MUNICIPAL VIOLATION TAGS AND PROVINCIAL VIOLATION TICKETS

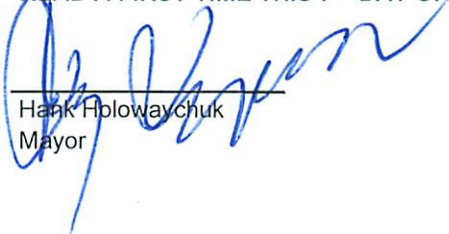
- 10.1. A municipal violation tag or provincial violation ticket may be issued in respect to an offence, and the municipal violation tag or provincial violation ticket must specify the fine amount established by this Bylaw for the offence;
- 10.2. The person receiving the municipal violation tag or provincial violation ticket may pay the fine amount on or before the required date, and this person shall not be prosecuted for the offence;
- 10.3. A provincial violation ticket must be paid before the date specified by the ticket;
- 10.4. A municipal violation tag must be paid within thirty (30) days of the date it was issued;
- 10.5. If a municipal violation tag has been issued, a person may, prior to the required date, request that a provincial violation ticket be issued in place of a municipal violation tag to allow that person to attend court with respect to the offence.
- 10.6. If a provincial violation ticket is issued in respect to an offence:
  - 10.6.1. The provincial violation ticket may specify the fine amount established by this bylaw for the offence;
  - 10.6.2. The provincial violation ticket may require a person to appear in court without the alternative of making a voluntary payment;
- 10.7. If a provincial violation ticket specifies a fine amount, a person may make a voluntary payment equal to the fine amount specified on or before the required date, and this person shall not be prosecuted for the offence; or
- 10.8. If a provincial violation ticket specifies a fine amount, a person or their agent may appear in court on the required date and elect to enter a plea with respect to the offence.

## SECTION 11 – EFFECT

This bylaw shall come into full force and effect immediately upon the date of its final passing.



READ A FIRST TIME THIS 7<sup>th</sup> DAY OF JULY, 2020

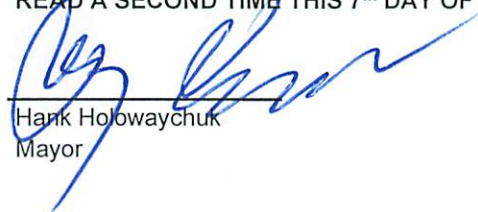


Hank Holowaychuk  
Mayor



Adam Kozakiewicz  
Chief Administrative Officer

READ A SECOND TIME THIS 7<sup>th</sup> DAY OF JULY, 2020

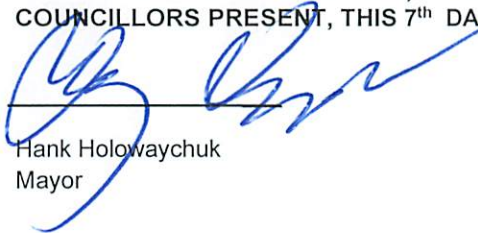


Hank Holowaychuk  
Mayor

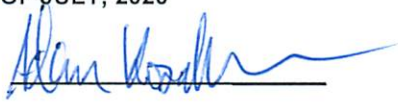


Adam Kozakiewicz  
Chief Administrative Officer

READ A THIRD AND FINAL TIME, WITH THE UNANIMOUS CONSENT OF ALL COUNCILLORS PRESENT, THIS 7<sup>th</sup> DAY OF JULY, 2020



Hank Holowaychuk  
Mayor



Adam Kozakiewicz  
Chief Administrative Officer

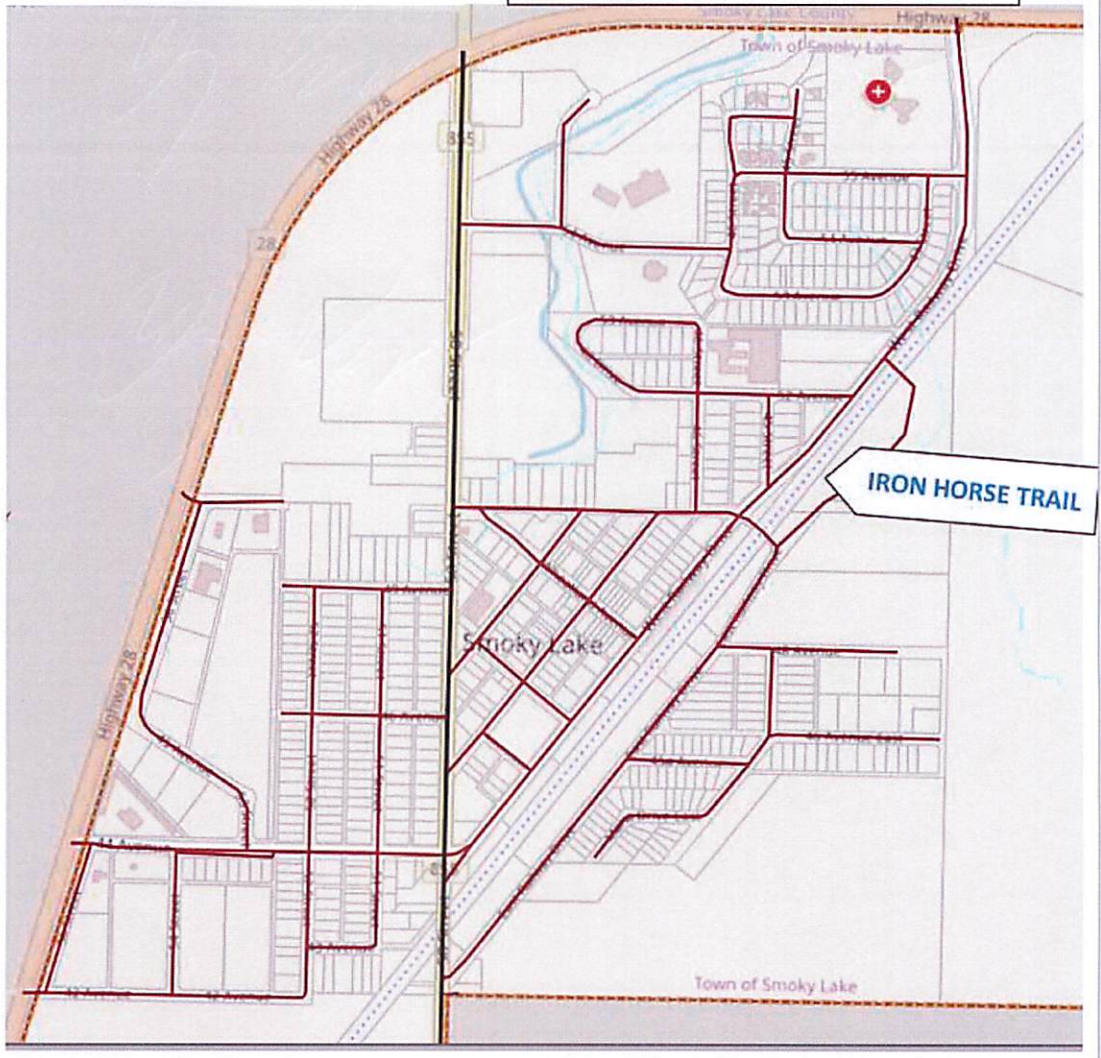


TOWN OF SMOKY LAKE  
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OFF-HIGHWAY VEHICLES  
SCHEDULE "A"



**LEGEND**

- IRON HORSE TRAIL (ATV & SNOWMOBILES)
- MUNICIPAL ROADS
- HIGHWAY





**TOWN OF SMOKY LAKE  
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**SCHEDULE "B" - FINES\***

<b>Section No.</b>	<b>Description</b>	<b>Fine Amount</b>
5.1	Fail to wear helmet	\$100
5.2	Fail to wear helmet - under 14 passenger	\$100
5.3	Operate OHV where prohibited	\$200
5.4	OHV in prohibited area	\$200
5.5	Operate OHV between 2200 and 0700 hours	\$150
5.6	Allow persons under 14 to operate OHV	\$200
5.7	Operate OHV with more passengers then allowed	\$250
5.8	Operate OHV without proper head/taillights	\$100
5.9	Operate OHV causing loud/unnecessary/unusual noise	\$200
6.1	Speeding	\$200
6.2	Fail to operate in single line	\$100
6.3	Fail to obey traffic control device	\$200
6.4	Fail to yield right-of-way to other vehicles/pedestrians	\$200
9.2	Obstruct an Officer	\$500

Second Offence within a calendar year:

Double Fine

Third and sub sequent offences within a calendar year:

Amount Triple Fine

\*Where listed fines conflict with those set out in the Traffic Safety Act or its respective regulations such as the Off-Highway Vehicle Regulations, the fines specified by the act and regulations shall apply.