

Off-Highway Vehicles Bylaw No. 697-25

A B-LAW OF THE VILLAGE OF INNISFREE IN THE PROVINCE OF ALBERTA TO REGULATE AND CONTROL THE OPERATION OF OFF-HIGHWAY VEHICLES WITHIN THE CORPORATE LIMITS OF THE VILLAGE.

WHEREAS it is deemed necessary in the interest of public safety to control and regulate the use of off-highway vehicles within Village limits; and

WHEREAS Section 7 of the *Municipal Government Act, RSA 2000* provides that a municipal Council may pass bylaws respecting the safety, health and welfare of people and the protection of people and property; and

WHEREAS Section 120(5) of the *Traffic Safety Act, RSA 2000* provides that a municipal Council may, by Bylaw, with respect to highways under its direction and control, authorize persons to operate off-highway vehicles on any portion of any such highway of class of highway,

NOW THEREFORE, the Council of the Village of Innisfree, duly assembled, enacts as follows:

1. DEFINITIONS

- 1.1 **"Chief Administrative Officer"** or **"CAO"** means the Chief Administrative Officer for the Village of Innisfree appointed pursuant to the *Municipal Government Act, RSA 2000*, c M-26, or their delegate.
- 1.2 **"Council"** means the Council of the Village of Innisfree.
- 1.3 **"Highway"** means a highway as defined in the *Traffic Safety Act, RSA 2000*; c T-6.
- 1.4 **"Municipal Tag"** means a Municipal Violation notice or tag, allowing for the voluntary payment of a specified penalty being paid out of court to the Village of Innisfree in lieu of issuance of a Violation Ticket;
- 1.5 **"Off-Highway Vehicle"** means an off-highway vehicle as defined in the *Traffic Safety Act, RSA 2000*, c. T-6, as amended;
- 1.6 **"Operator"** means a Person who drives or is in physical control of an Off-Highway Vehicle;
- 1.7 **"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.
- 1.8 **"Peace Officer"** has the same meaning as in the *Provincial Offences Procedure Act, RSA 2000 c P-34* and means:
 - 1.8.1 Any member of the Royal Canadian Mounted Police;
 - 1.8.2 Any member of Municipal Police Service;
 - 1.8.3 Any Special Constable;
 - 1.8.4 Any Bylaw Enforcement Officer, the Chief Administrative Officer or their Designated Officer.

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- 1.9 **"Provincial Offences Procedures Act"** means the *Provincial Offences Procedure Act*, R.S.A. 2000, c P-34, as amended or repealed and replaced from time to time;
- 1.10 **"Village"** means the municipal corporation of the Village of Innisfree, in the Province of Alberta and includes the geographical area within the boundaries of the Village of Innisfree where the context so requires;
- 1.11 **"Violation Ticket"** means a Tag or similar documents issued pursuant to the *Provincial Offences Procedures Act* and the Regulations thereunder;

2. PERMITTED AREAS

- 2.1 There shall be no permitted area whatsoever within the limits of the Village of Innisfree for the operation of an off-highway vehicle not withstanding legally licensed vehicles operating on public roadways.

3. REGULATIONS

- 3.1 That no person who is the owner or operator of an off-highway vehicle shall operate or permit any other person to operate an off-highway vehicle within the corporate limits of the Village of Innisfree, inclusive of all parkland areas, except as provided for in the *Traffic Safety Act*, RSA 2000, c T-6 and this Bylaw.
- 3.2 A Person operating an Off-Highway Vehicle shall:
- a) Travel single file, in the same direction as the vehicles traveling on the Highway.
 - b) Travel at a maximum speed not exceeding 30 kilometers per hour or the posted speed limit, whichever is lower;
 - c) Exit and return to their residence using the Roadway by the most direct and safest route of travel within the Village of Innisfree.
- 3.3 No Person shall operate an Off-Highway Vehicle on a Highway or on Village land:
- a) Unless they are at least 16 years of age and the holder of a valid subsisting Class 5 or greater Operator's License;
 - b) Unless the Off-Highway vehicle is insured, registered and displays a valid license plate in accordance with the *Traffic Safety Act*;
 - c) Unless the Off-Highway Vehicle is equipped with headlamps, tail lamps, an exhaust muffler and other equipment as required by provision of the *Off Highway Vehicle Act* and Regulations thereunder;
 - d) Before 8:00 am and after 10:00 pm, Monday through Friday or before 9:00 am and after 10:00 pm on Saturday, Sunday or Statutory Holidays:
- 3.4 No Person shall operate or be a passenger on an Off-Highway Vehicle without wearing a Safety Helmet securely attached to their head.
- 3.5 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 Off-Highway Vehicle is designed to carry.

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- 3.6 No person shall operate an Off-Highway Vehicle where the Village has placed signage prohibiting such operation or where Off-Highway Vehicle use is prohibited.
- 3.7 No Person shall operate an Off-Highway Vehicle within any Environmental Land or any school property.
- 3.8 No Person shall operate an Off-Highway Vehicle in a manner that constitutes a Nuisance as reasonably determined by a Peace Officer in their sole discretion.
- 3.9 No Person shall tow a trailer, sleigh or other vehicle behind an Off-Highway Vehicle in contravention of the *Traffic Safety Act* and Regulations thereto.
- 3.10 An Operator of an Off-Highway Vehicle shall immediately, on being signaled or requested to stop by a Peace Officer, bring their vehicle to a stop, and furnish any information respecting the driver or the vehicle and shall not start their vehicle until that are permitted to do so by the Peace Officer.
- 3.11 Unless the Village grants special permission, no rally or racing shall be permitted.
- 3.12 The Village will not restrict the operation of off-highway vehicles from participating in a Village of Innisfree parade, if the vehicle is insured for public liability insurance coverage,
- 3.13 The foregoing restrictions shall not apply so as to;
- a) Prohibit any peace officer, bylaw officer or agent authorized by the Chief Administrative Officer from duly enforcing the provisions of this bylaw;
 - b) Prohibit employees or agents of the Village from operating an off-highway vehicle in the performance of their Village assigned duties, or Fire and Emergency Members, in the discharge of their Emergency duties subject to said employees or agents adhering to the following conditions;
 - i. The operator of the vehicle is wearing a traffic vest and a CSA approved helmet.
 - ii. The vehicle is clearly marked as a Village of Innisfree vehicle or clearly marked as an agent of the Village or is clearly marked as an Emergency Services vehicle.
 - iii. The vehicle is not used at speeds greater than 30 km per hour.
 - iv. If used on a highway, the vehicle must utilize a rotating amber light signifying a Municipal Public Works or an Emergency Services vehicle.

4. AUTHORITIES OF PEACE OFFICERS AND ENFORCEMENT:

- 4.1 The CAO or any Peace Officer is hereby authorized to enforce the provisions of this Bylaw.

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- 4.2 A Peace Officer is hereby authorized and empowered to issue a Violation Tag to any Person whom the Peace Officer has reasonable grounds to believe has contravened any portion of this Bylaw.
- 4.3 A Violation Tag may be issued to such Person:
- i. Either personally; or,
 - ii. By attaching it to the Vehicle in respect to which offense is alleged to have been committed; or,
 - iii. By mailing a copy to such Person at their last known post office address.
- 4.4 Where a Violation Tax has been attached to a Vehicle, no Person, other than the Owner or Operator of that Vehicle shall remove the Violation Tax so affixed to the Vehicle.
- 4.5 A Violation Tag issued pursuant to this Bylaw shall be in a form approved by the CAO and shall state:
- i. The name of the Person or Vehicle description;
 - ii. The offence;
 - iii. The appropriate Penalty for the Offence and specified in Schedule "A" of this Bylaw;
 - iv. Time period in which the specified penalty must be paid in order to avoid prosecution for the alleged offence, and;
 - v. Any other information may be required by the CAO.
- 4.6 Where a Violation Tag, attached as Schedule "B," has been issued pursuant to this Bylaw, the Person to whom the Violation Tax has been issued may, in lieu of being prosecuted for the offence, pay the Village the penalty specified on the Violation Tag.
- 4.7 Nothing in this Bylaw will prevent an authorized Peace Officer from immediately issuing a Violation Ticket.
- 4.8 In those cases where a Violation Tag has been issued, and if the Penalty is not paid within the prescribed time period, a Peace Officer is hereby authorized to issue a Violation Ticket pursuant to the Provincial Offences Procedure Act, to any Person whom the Peace Officer has reasonable grounds to believe has contravened any provision of this Bylaw.
- 4.9 Notwithstanding Section 4.4 of this Bylaw, a Peace Officer is hereby authorized and empowered to immediately issue a Violation Ticket pursuant to the *Provincial Offences Procedure Act*, to any Person whom the Peace Officer has reasonable grounds to believe has contravened any provision of this Bylaw.

5 PENALTIES

- 5.1 Any Person who contravenes any of the provisions of this Bylaw is guilty of an offense and liable on summary conviction to the penalties provided in Schedule "A."

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6 SEVERABILITY

6.1 If any clause of this Bylaw is found to be invalid, it shall be severed from the remainder of this Bylaw and shall not invalidate the whole Bylaw.

7 TRANSITIONAL PROVISIONS

7.1 Nothing in this Bylaw will operate to relieve any Person from complying with any Provincial, Federal or other Village law, order, regulation or Bylaw.

7.2 This Bylaw will come into force and effect after third reading and upon being signed.

7.3 This Bylaw, upon coming into force, shall repeal Off-Highway Vehicle Bylaw 596-15 of the Village of Innisfree.

8 EFFECTIVE DATE

This Bylaw shall come into full force and effect upon the date of the third and final reading.

READ for a first time this 22nd day of April 2025 A.D.

READ for a second time this 22nd day of April 2025 A.D.

E. Raycraft - Mayor

T. Rogers - Interim CAO

READ for a third time this ____ day of _____ 2025 A.D.

E. Raycraft - Mayor

T. Rogers - Interim CAO

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SCHEDULE "A"
PENALTIES

FOR VIOLATION OF ALL SECTIONS OF THIS BYLAW:

PENALTY FOR FIRST OFFENCE	\$150
PENALTY FOR SECOND OFFENCE	\$300
PENALTY FOR SUBSEQUENT OFFENCES	\$600

SCHEDULE "B"



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VILLAGE OF INNISFREE
VIOLATION TAG

BYLAW _____

DATE: _____ TIME _____ AM/PM

NAME OF OFFENDER _____

ADDRESS OF OFFENDER _____

VEHICLE LICENSE OR VIN# _____

VEHICLE DESCRIPTION _____

THIS TAG IS ISSUED FOR BREACH OF BYLAW _____

SECTION _____

PENALTY _____

PENALTY DUE DATE _____

ISSUER _____

DATE _____

Signature

Print Name

Please make payments to: "Village of Innisfree."

Address: Village of Innisfree, Box 69, Innisfree, AB T0B 2G0

Contact Number: 780-592-3886

Collection and use of Personal Information: This personal information is being collected in accordance with the Municipal Government Act (MGA) and is protected by the provisions of the Freedom of Information and Protection of Privacy Act, RSA 2000, c F-25 (FOIPP) as amended or repealed and replaced, unless disclosures are authorized under the MGA. This information will be used to address the request above. If you have any questions about the collection and use of your information, contact the Village of Innisfree at 780-592-3886.