

SUMMER VILLAGE OF MEWATHA BEACH

IN THE PROVINCE OF ALBERTA

BY-LAW 01-06

BEING A BY-LAW OF THE SUMMER VILLAGE OF MEWATHA BEACH TO REGULATE AND CONTROL THE USE OF ALL TERRAIN VEHICLES WITHIN THE LIMITS OF THE SAID SUMMER VILLAGE.

WHEREAS, the Council of the Summer Village of Mewatha Beach considers it desirable and expedient to regulate Off-Highway Vehicles within its boundaries in accordance with the laws of the Province of Alberta;

THEREFORE, the Council of the Summer Village of Mewatha Beach duly assembled hereby enacts as follows:

IN THIS BY-LAW:

1.
 - a) "All Terrain Vehicle" means a wheeled or tracked motor vehicle designed for the travel primarily in unprepared surfaces such as open country and marshland, but does not include a snow vehicle, implement of husbandry or construction machinery;
 - b) "Municipal District" shall mean the Summer Village of Mewatha Beach;
 - c) "Judge" means a Justice as deviled in the Provincial Offences Act November 1, 1989, Revised Statues of Alberta 1980, Chapter S-26.
 - d) "Highway" means a highway as defined in the Traffic Safety Act, Chapter T-6,
 - e) "Miniature Motor Vehicle" means a motor vehicle other than a motor cycle, having specifications prescribed by the regulations passed pursuant to the Traffic Safety Act Chapter T-6.
 - f) "Mini bike" means motorcycle having specifications as prescribed by the regulations passed pursuant to the Traffic Safety Act, Chapter T-6
 - g) "Motor Vehicle" means motor vehicle as defined by the Traffic Safety Act, Chapter T-6, Revised and amendments thereto.
 - h) "Motor Vehicle Administration Act" means the Traffic Safety Act. Chapter T-6
 - i) "Motorcycle" means a motor vehicle mounted on two or three wheels and includes those motor vehicles known to the trade as motorcycle, scooters and power bicycles;
 - i) "Off-Highway Vehicle" means any motorized vehicle designated 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) motorcycles and related 2 wheel vehicles
 - iii) amphibious machines,
 - iv) all terrain vehicles,
 - v) miniature motor vehicles,
 - vi) snow vehicles
 - vii) any other means of transportation which is propelled by any power other than muscular power or wind, but does not include;
 - viii) motor boats, or
 - ix) any other vehicle exempted formal of the provisions of the Traffic Safety Act, Revised Statues of Alberta 2003, by the regulations passed there under;
 - j) "Operator" means a person who drives or is in actual physical control of a vehicle;
 - k) "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:
 - l) "Parking Lane" means that portion of a highway between:
 - i) The edge or the roadway to the right of the direction of traffic, and
 - ii) The nearest solid white line (not being the center line) marked on the roadway.

- m) "Peace Officer" means a member of the Royal Canadian Mounted Police, a member of the 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.
 - n) "Roadway" means that part of a highway intended for use by vehicular traffic;
 - o) "Snow Vehicle" means a motor vehicle designed or intended to be driven exclusively or chiefly on snow or ice or both.
2. No person is authorized to operate an Off-Highway vehicle on any Highway under the direction, management and control of the municipal District except as specifically provided for within the By-Law.
 3. The maximum speed at which Off-Highway Vehicles are permitted to travel on Municipal District highways is 20 km. per hour.
 4. Operators of Off-Highway Vehicles on Municipal District highways shall travel within the parking lane, or where there is no parking lane, on the extreme right hand side of the highway and shall travel single file at all times.
 5. The Operator of an Off-Highway Vehicle may cross any highway, including the roadway, the parking lane or sidewalk portion of the highway, as the case may require, if
 - a) The Operator stops the Off-Highway Vehicle before entering onto the highway or portion of the highway to be crossed.
 - b) All passengers disembark from the Off-Highway vehicle and any vehicle or thing attached to it before he commences to cross;
 - c) The Operator yields the right of way to all other vehicles and persons on the highway;
 - d) The operator crosses over the highway or portion of the highway to be crossed by the most direct and shortest route of travel available to him.
 6. No person is authorized to operate an Off-Highway Vehicle on the following within the corporate boundaries of the Municipal District:
 - a) on any parks or Municipal reserve land
 7. The provisions of Section 6 of this By-law shall not apply to Peace Officers, Agents or Employees of any School Board or the Municipal District operating an Off-Highway vehicle while in the performance of their official duties.
 8. A Peace Officer, who on reasonable and probable grounds believes that an offence under this By-law has been committed, may seize and detain any Off-Highway Vehicle in respect of which the offence was committed until the final disposition of any proceedings that may be taken under this By-law or the Off-Highway Vehicle Act, and the Traffic Safety Act (Chapter T-6) applies, with all necessary modifications, to that Off-Highway Vehicle.
 9. The owner of an Off-Highway Vehicle that is involved in a contravention of this By-law is guilty of an offence unless he proves to the satisfaction of the Judge that at the time of the offence the Off-Highway Vehicle was not being driven or left parked by him or any other person with his consent, express or implied.
 10. Any person who permits another person to operate an Off-Highway Vehicle in contravention of the By-law is guilty of an Offence.
 11. Any person violating any of the provisions of the within By-law, excepting Section 6, shall be guilty of an offence and liable on summary conviction:
 - a) for a first offence, to a fine of not more than Fifty (\$50.00) dollars and in default of payment to imprisonment for a term of not more than Thirty (30) days,
 - b) for a second or subsequent offence, to a fine of One Hundred (\$100.00) dollars and in default imprisonment for a term of not more than Sixty (60) days.

12. Any person violating the provisions of Section 6 of this By-law shall be guilty of an offence and liable on summary conviction:
- a) for a first offence, to a fine of not less than Two Hundred and Fifty (\$250.00) dollars and not more than Twenty-five Hundred (\$2,500.00) dollars, exclusive of costs, and in default of payment of the fine and costs to imprisonment for a term of not more than six (6) months;
 - b) for a second or subsequent offence, to a fine of not less than Five Hundred (\$500.00) dollars and not more than Twenty-five Hundred (\$2,500.00) dollars, exclusive of costs, and in default of payment of the fine and costs to imprisonment of not more than six (6) months.

13. THAT this by-law shall be effective as, on and from the date of final passing.

READ A FIRST TIME this 6th day of April, 2006.

READ A SECOND TIME this 6th day of April, 2006

With the unanimous consent of all council Members present,

READ A THIRD TIME AND FINALLY PASSED the 6th day of April, 2006

MAYOR

MUNICIPAL ADMINISTRATOR