

BYLAW NO. 119

Being a By-law of the Summer Village of Ghost Lake, in the Province of Alberta, to regulate and control the operation of Off-Highway Vehicles in the Summer Village.

WHEREAS pursuant to Section 18 of the Off-Highway Vehicles Act, being Chapter 0-4 of the Revised Statutes of Alberta, 1980, a Council may by bylaw with respect to highways under its direction, control and management, authorize persons to operate off-highway vehicles on any portion of any such highways, may restrict the hours during which that operation may take place, and subject to the maximum rates of speed prescribed for the highways under the Highway Traffic Act, prescribe maximum and minimum rates of speed for off-highway vehicles;

AND WHEREAS pursuant to Section 160 of the Municipal Government Act, being Chapter M-26 of the Revised Statutes of Alberta, 1980, a Council may also pass bylaws for the purpose of prohibiting, eliminating or abating noise, in all or a designated location of the municipality and for the purpose of protecting life and property;

AND WHEREAS the Council of The Summer Village of Ghost Lake deems it advisable to pass a bylaw authorizing persons to operate off-highway vehicles on certain highways within the municipality during certain hours, regulating the speed at which such off-highway vehicles may be operated, controlling the noise emanating from the operation of such vehicles, and protecting life and property from the hazards inherent in the operation of such vehicles;

NOW THEREFORE, the Council of The Summer Village of Ghost Lake, duly assembled, enacts as follows:

SECTION I - TITLE:

- a) This Bylaw may be cited as the "Off-Highway Vehicles Bylaw".

SECTION II - DEFINITIONS:

1. In this bylaw,
- (a) "Council" means the Council of The Summer Village of Ghost Lake;
 - (b) "Highway" means a highway as defined in the Highway Traffic Act of the Revised Statutes of Alberta, 1980;
 - (c) "Off-Highway Vehicle" means any motorized vehicle designated for cross-country travel on land, water, snow, ice, marsh or swamp land on any other natural terrain and, without limiting the generality of the foregoing, includes, when designated for such travel,
 - i) 4-wheel drive or low pressure tire vehicles,
 - ii) motor cycles and related 2-wheel vehicles,
 - iii) amphibious machines,
 - iv) all terrain vehicles,
 - v) miniature motor vehicles,
 - vi) snow vehicles,
 - vii) mini-bikes, and
 - viii) any other means of transportation which is propelled by any power other than muscular power or wind,but does not include
 - ix) motor boats;
 - (d) "Night Time" means that period commencing at sunset and ending the following sunrise;

- (e) "Operate" means running the engine of or the act of driving an off-highway vehicle;
- (f) "Operator" means a person who drives or is in physical control of an off-highway vehicle;
- (g) "Owner" includes a person to whom a certificate of registration has been issued under the Off-Highway Vehicle Act, and also 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 thirty (30) days;
- (h) "Public Lands" means all land within the corporate limits of the Summer Village which is owned by the Summer Village, or which is otherwise under the direction or control of the Council of the Summer Village, whether such land is improved in whole or in part, or remains in its natural state, but does not include those highways which are identified on the Schedule which is attached to this bylaw;
- (i) "Permitted Area" means:
 - (i) the roadway of those highways within the Summer Village which are identified on the Schedule attached to this bylaw; and
 - (ii) Public Lands when used solely for the purposes set forth in Section III(a)(i) and (ii) of this bylaw;
- (j) "Residence" means the private property within the Summer Village where a person is residing, staying or visiting;
- (k) "Roadway" means that part of a highway within the Summer Village intended for use by a vehicle;
- (l) "Summer Village" means The Summer Village of Ghost Lake, in the Province of Alberta, and the corporate limits thereof or the body corporate known as the Summer Village of Ghost Lake, as the context requires;
- (m) "Vehicle" means a vehicle as defined in the Highway Traffic Act of the Revised Statutes of Alberta, 1980.

SECTION III - GENERAL PROHIBITIONS

- (a) No person shall operate an off-highway vehicle upon any public lands within the Summer Village. This prohibition shall not extend to a person who operates an off-highway vehicle on public lands:
 - (i) solely for the purpose of servicing a boat within the waters of Ghost Lake, or launching a boat into or removing a boat from the waters of Ghost Lake;
 - (ii) solely for the purpose of performing work for, or performing work on behalf of the Summer Village as authorized from time to time by the Council; or
 - (iii) solely for the purpose of gaining access to, and leaving the frozen waters of Ghost Lake by way of the boat launch in the schedule attached to this bylaw.
- (b) No person shall operate an off-highway vehicle at a speed in excess of sixteen (16) kilometres per hour anywhere within the Summer Village.
- (c) No person shall operate an off-highway vehicle anywhere within the Summer Village between the hours of 10:00 p.m. on any day and 10:00 a.m. on the following day.
- (d) Notwithstanding the subsection (c), no person shall operate an off-highway vehicle anywhere in the Summer Village during night time or when unfavorable atmospheric conditions are such that the off-highway vehicle is not clearly visible at a distance of sixty (60) metres.
- (e) No person shall operate an off-highway vehicle anywhere in the Summer Village which is not equipped with an exhaust muffler consisting of a series of pipes or chambers which ensures that the exhaust gases from the engine are cooled and expelled without excessive noise and without the emission of any flame or sparks.

- (f) No person shall operate an off-highway vehicle anywhere in the Summer Village when the muffler with which the vehicle is required to be equipped
 - (i) is cut out or disconnected from the engine, or
 - (ii) has had a baffle plate or other part removed, or
 - (iii) has been altered by opening or widening the exhaust outlet, or
 - (iv) has been altered by attaching an attachment or device
 - (1) which increases the noise of the expulsion of the gases from the engine, or
 - (2) allows a flame to be ignited from the exhaust system.
- (g) Notwithstanding the subsections (e) and (f), in the operation of an off-highway vehicle anywhere in the Summer Village, no person shall make, continue or cause or allow to be made or continued any loud, unnecessary or unusual noise, or any noise whatsoever which annoys, disturbs, injures, endangers or detracts from the comfort, repose, health, peace or safety of other persons in the Summer Village.

SECTION IV - OPERATION OF OFF-HIGHWAY VEHICLES ON HIGHWAYS:

Subject to the Regulations which follow in Section V off-highway vehicles may be operated on the roadway of those highways within the Summer Village which are identified on the Schedule attached to this bylaw.

SECTION V - REGULATIONS:

- (a) No person shall operate an off-highway vehicle on a highway in the Summer Village unless he is authorized to do so under the Off-Highway Vehicles Act and the Motor Vehicle Administration Act, and without in any way limiting the generality of the foregoing:
 - (i) a person operating the off-highway vehicle must hold a valid operator's license or be otherwise authorized to operate a motor vehicle under the Motor Vehicle Administration Act; and,
 - (ii) the off-highway vehicle must be licensed and insured in compliance with the provisions of the Off-Highway Vehicles Act.
- (b) No person shall operate an off-highway vehicle on any part of a highway that is not the roadway.
- (c) Every operator of an off-highway vehicle shall yield the right-of-way to every vehicle and pedestrian using the roadway, and shall otherwise observe all laws, regulations and bylaws governing the operation of a vehicle on a highway.

SECTION VI - PERMITTED AREA USE:

- (a) An operator of an off-highway vehicle uses permitted areas at his own risk.
- (b) The Summer Village does not warrant any permitted area as being suitable for off-highway vehicle use.

SECTION VII - VOLUNTARY FINES:

- (a) Where a Peace Officer, Special Constable, Bylaw Enforcement Officer or other person authorized to carry out the provisions of this bylaw believes that any person has contravened any provisions of this bylaw he may serve upon such person a notice or form having printed wording approved by the Council. This notice or form shall state the section of the bylaw which was contravened and the amount which will be accepted by the Summer Village in lieu of prosecution, which shall be Twenty-Five Dollars (\$25.00).
- b) Service of any notice or form shall be sufficient if it is
 - i) Personally served,
 - ii) Served by mail,
 - iii) Left with an adult person who resides at the residence where the person who is alleged to have committed such offence resides.

- (c) Upon production of the notice of form issued, pursuant to this Section, within ten (10) consecutive days from the date of issuance, together with payment, to the Summer Village Office, of the fee as provided in subsection (a), the person to whom the notice or form was issued shall not be liable for prosecution for the contravention in respect of which the notice or form was issued.
- (d) Notwithstanding the provisions of this Section, a person to whom a notice or form has been issued pursuant to this section may exercise his right to defend any charge of committing a contravention of any of the provisions of this bylaw.

SECTION VIII - OFFENCES, PENALTIES AND PROSECUTIONS:

- (a) Every person who contravenes this bylaw is guilty of an offence and liable on summary conviction
 - i) for a first offence to a fine of not more than Fifty Dollars (\$50.00) and in default of payment to imprisonment for a term of not more than thirty (30) days, and
 - ii) for a second or subsequent offence to a fine of not more than One Hundred Dollars (\$100.00) and in default of payment to imprisonment for a term of not more than sixty (60) days.
- (b) The owner of an off-highway vehicle that is involved in a contravention of this bylaw is guilty of an offence unless he proves to the satisfaction of the Judge that at the time of the contravention the off-highway vehicle was not being operated by him or by any other person with his consent, expressed or implied.
- (c) In any prosecution under this bylaw, a certificate purporting to be signed by a meteorologist and stating the time of sunrise and the time of sunset in or about the area of the Summer Village shall be admitted in evidence as prima facie proof of the facts stated in the certificate, without proof of the signature or qualifications of the person signing the certificate.
- (d) What is a loud noise, an unnecessary noise, an unusual noise, or a noise which annoys, disturbs, injures or endangers the comfort, repose, health, peace or safety of other persons is a question of fact for a Court which hears the prosecution of an offence under this bylaw.

SECTION IX - EFFECTIVE DATE:

- (a) This bylaw shall come into effect on the date of final passing thereof.

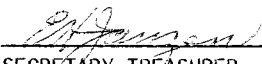
READ a first time this 10th day of June, 1987.

READ a second time this 10th day of June, 1987.

READ a third and final time this 10th day of June, 1987, and passed by a majority consent of Council.



MAYOR



SECRETARY-TREASURER

SCHEDULE TO BYLAW 119
OF
THE SUMMER VILLAGE OF GHOST LAKE

