

**Town of Peace River**

**BYLAW No. 1831**

**Being a bylaw of the Town of Peace River, regarding the operation of Off-Highway Vehicles within the municipal limits.**

**WHEREAS** Pursuant to the *Traffic Safety Act*, R.S.A. 2000, c. T-6, as amended, the Council of a municipality may, by bylaw, authorize the use of Off-Highway Vehicles on Highways under its direction, control and management and;

**WHEREAS** Pursuant to the provisions of the *Municipal Government Act*, R.S.A. 2000, c. M-26, as amended, the Council of a municipality may pass bylaws respecting people, activities and things in, on or near a public place, and matters of public safety;

**NOW THEREFORE** the Council of the Town of Peace River, duly assembled enacts as follows:

**1 Title**

1.1 This Bylaw shall be known as the "Off-Highway Vehicle Bylaw".

**2 Definitions**

2.1 For the purposes of this Bylaw, all the definitions of the *Traffic Safety Act*, R.S.A. 2000, c. T-6, as amended, and regulations there under shall be applicable and have the same meaning except as varied in Subsection 2.2 of this Bylaw.

2.2 In this Bylaw:

- a) "Act" means the *Traffic Safety Act*, R.S.A. 2000, c. T-6., as amended from time to time, and any regulation thereunder.

- b) "Chief Administrative Officer" means the Chief Administrative Officer of the Town of Peace River.
- c) "Council" means the Council of the Town of Peace River.
- d) "Designated Trails" means trails and areas designated by Council as such, and identified in Schedule "C" to this Bylaw.
- e) "Environmental Reserve" means an "Environmental Reserve" as defined in s. 616(b)(e) of the *Municipal Government Act*, R.S.A. 2000, c. M.26., as amended.
- f) "Highway" means a Highway as defined in the *Traffic Safety Act*, which is subject to the direction, control and management of the Town, and includes a street, boulevard, sidewalk, alley, or lane.
- g) "Municipal Public Property" means any lands or property owned by the Town of Peace River, or under the direction, control and management of the Town, to which members of the public have access by express or implied invitation.
- h) "Off-Highway Vehicle" means an "Off-Highway Vehicle" as defined in s. 117 of the *Traffic Safety Act*.
- i) "Operate" means to drive, or be in actual physical control of an Off-Highway Vehicle.
- j) "Operator" means the person who is in actual physical control of an Off-Highway Vehicle.
- k) "Owner" means the person named as the registered owner of the Off-Highway Vehicle, or any person renting an Off-Highway Vehicle, or any person having the exclusive use of an Off-Highway Vehicle under a lease, or any person otherwise having the exclusive use of an Off-Highway Vehicle for a period of more than thirty (30) days.
- l) "Peace Officer means:

- i. A member of the Royal Canadian Mounted Police; or
  - ii. A Bylaw Enforcement Officer ; or
  - iii. A Conservation Officer appointed under Section 7 or Schedule 5 to the *Government Organization Act*, R.S.A. 2000, c. G-10.; or
  - iv. A Forest Officer appointed under the *Forests Act*, R.S.A. 2000, c. F-22.; or
  - v. A Wildlife Officer appointed under the *Wildlife Act*, R.S.A. 2002, c. W-10.; or
  - vi. A Provincial Sheriff.
  - vii. A member of the CN (Canadian National Railways) Police Service
- m) "Property Maintenance" means any not-for-profit activity such as removal of snow, movement of heavy or bulky materials or landscaping on the property of the owner or neighbour.
- n) "Roadway" means that part of a Highway intended for use by vehicular traffic.
- o) "School Property" means lands or property used for purposes of a school, including all fields, playgrounds, parking areas, or other lands surrounding the school.
- p) "Staging Area" means a location that is a point of access to a designated trail.
- q) "Town" means the Town of Peace River.
- r) "Violation Tag" means a tag or similar document issued by the Town pursuant to s. 7 of the *Municipal Government Act*.
- s) "Violation Ticket" means a ticket issued pursuant to part II or III of the *Provincial Offences*

*Procedures Act, R.S.A. 2000, c. P-34, as amended  
and the Regulations there under.*

**3 Operation Restrictions**

- 3.1 No person shall operate an Off-Highway Vehicle on any Highway, street, road, alley or lane, or on Municipal Public Property except as specifically provided for within this Bylaw;
- 3.2 No person shall operate an Off Highway Vehicle within the Town of Peace River on any property other than his own, or the property of another person from whom he has received express consent to operate upon.
- 3.3 No Person shall operate an Off-Highway Vehicle on Municipal Public Property or in any residential area between the hours of 10:00pm to 7:00am.
- 3.4 No person shall operate an Off-Highway Vehicle on any Municipal Public Property or on any Highway where the Town has placed a sign or signs prohibiting such operation;
- 3.5 No person shall operate an Off-Highway Vehicle on any Environmental Reserve, Hospital property, School Property, Park, Playground, or Recreational Area or within 150 meters of a hospital.
- 3.6 No person shall operate an Off-Highway Vehicle at a speed in excess of 50 kilometres per hour or as otherwise posted, whichever is lower.
- 3.7 No person shall operate an Off-Highway Vehicle that has been modified, altered or kept in a state of repair so as to create noise which is excessive, creates a hazard or distraction, or otherwise creates a disturbance to the peace and repose of the public.

**4. Designated Trails**

- 4.1 Council may approve a system of staging areas and designated trails for the operation of Off-Highway Vehicles.
- 4.2 Applications for designated trails shall be submitted in accordance with the policy set forth in Schedule "B", attached hereto and forming part of this bylaw.

**5. Exemptions**

- 5.1 A Peace Officer shall not be in contravention of this Bylaw if operating an Off-Highway Vehicle while in the performance of their official duties.
- 5.2 During an emergency, disaster, or search and rescue operation within the Town, the provisions of this Bylaw may be waived, suspended or varied by Council, the Chief Administrative Officer, the Director of Disaster Services or a designate thereof.
- 5.3 An Off-Highway Vehicle may be operated on a municipal highway in the immediate vicinity of the owner's place of residence for the purposes of property maintenance.
- 5.4 Pursuant to Section 5.3, an Off-Highway Vehicle may be operated on a municipal highway, in accordance with all regulations under the *Traffic Safety Act* and the *Off Highway Vehicle Regulation*.

**6. Offences**

- 6.1 Any person who contravenes a provision of this Bylaw is guilty of an offence and is liable upon summary conviction to a fine specified in Schedule "A" of this Bylaw.
- 6.2 An Owner who allows another person, whether expressly or through implication, to operate the Owner's Off-

Highway Vehicle, or an Off-Highway Vehicle of which the Owner has exclusive use, in contravention of this Bylaw is guilty of an offence.

**7. Violation Tags and Tickets**

7.1 A Peace Officer is hereby authorized and empowered to issue a Violation Tag to any person who the Peace Officer has reasonable and probable grounds to believe has contravened any provision of this Bylaw.

7.2 A Violation Tag may be issued to such person:

- a) Either personally; or
- b) By mailing a copy to such person at his or her last known Post Office Address,
- c) By leaving it with a person apparently over eighteen (18) years of age at the place of residency of the person to whom the Violation Tag is addressed.

7.3 The Violation Tag shall be in a form approved by the Town and shall state:

- a) The name of the person to whom the Violation Tag is issued;
- b) A description of the offence and the applicable Bylaw Section;
- c) The appropriate penalty for the offence as specified in this Bylaw;
- d) That the penalty shall be paid within thirty (30) days of the issuance of the Violation Tag in order to avoid prosecution; and
- e) Any other information as may be required by the Town.

- 7.4 Where a Violation Tag has been issued pursuant to this Bylaw, the person to whom a Violation Tag has been issued may, in lieu of being prosecuted for the offence, pay to the Town the penalty specified on the Violation Tag.
- 7.5 If the penalty specified on a Violation Tag is not paid within the prescribed time period, then a Peace Officer is hereby authorized and empowered to issue a Violation Ticket pursuant to Part III of the *Provincial Offences Procedure Act*, R.S.A. 2000, c. P-34, as amended.
- 7.6 Notwithstanding the above, a Peace Officer is hereby authorized and empowered to immediately issue a Violation Ticket to any person who the Peace Officer has reasonable and probable grounds to believe has contravened any provision of this Bylaw, pursuant to Part II or Part III of the *Provincial Offences Procedure Act*, R.S.A. 2000, c. P-34, as amended.
- 7.7 A Violation Ticket issued with respect to a violation of this Bylaw shall be served upon the person responsible for the contravention in accordance with the *Provincial Offences Procedures Act*, R.S.A. 2000, c. P-34, as amended.
- 7.8 The person to whom the Violation Ticket has been issued may plead guilty by making a voluntary payment in respect of the summons by delivering to the Provincial Court, on or before the initial appearance date, the Violation Ticket together with an amount equal to the specified penalty for the offence as provided by Schedule "A" of this Bylaw.
- 7.9 When a clerk in the Court records the receipt of a voluntary payment pursuant to Section 6.8 and the *Provincial Offences Procedure Act*, the act of recording constitutes acceptance of the guilty plea and also constitutes the conviction and the imposition of a fine in the amount of the specified penalty.

7.10 A Peace Officer or Bylaw Enforcement Officer shall cause an Off Highway Vehicle to be removed and taken to and stored in a suitable place, at the registered owner's risk and expense when a second or subsequent offence occurs under this bylaw.

**8. Authority of the Chief Administrative Officer and Council**

8.1 Council hereby delegates to the Chief Administrative Officer the authority to designate from time to time any Municipal Public Property within which the operation of an Off-Highway Vehicle or any type of Off-Highway Vehicle is permitted, restricted or prohibited.

8.2 The Chief Administrative Officer is authorized to further delegate the powers granted by this section.

8.3 Council may, by resolution, waive any of the provisions contained in this Bylaw, for a specific situation or situations, subject to whatever condition or conditions Council sees fit to apply.

8.4 Council may, by resolution, amend Schedule "C" to this Bylaw to add or remove locations identified as staging areas or Designated Trails.

**9. Severance**

9.1 Should any provision of this Bylaw be ruled invalid, then such provision shall be severed and the remaining Bylaw shall be maintained.

**9 Transitional**

9.1 This Bylaw shall come into force and effect October 1, 2014.



**Schedule "A"**

List of Specified Penalties

3.1 Operate Off Highway Vehicle on a Municipal Highway or  
Municipal Public Property:

\$250.00 – first offence

\$500.00 – second offence

\$1000.00 – third or subsequent  
offence

3.2 Operate Off Highway Vehicle between 10 pm and 7 am  
on Municipal Public Property or in a residential area.

\$250.00 – first offence

\$500.00 – second offence

\$1000.00 – third or subsequent  
offence

3.3 Operate Off Highway Vehicle contrary to regulatory  
signs:

\$250.00 – first offence

\$500.00 – second offence

\$1000.00 – third or subsequent  
offence

3.4 Operate Off Highway Vehicle in restricted area:

\$250.00 – first offence

\$500.00 – second offence

\$1000.00 – third or subsequent  
offence

3.5 Operate Off Highway Vehicle in Environmental Reserve, Park, Playground, School Property, or within 150 meters of Hospital:

\$250.00 – first offence

\$500.00 – second offence

\$1000.00 – third offence

3.6 Operate at speed in excess of 50 kilometers per hours:

\$100.00

3.7 Operate Off Highway Vehicle with modified or altered exhaust so as to create noise or distraction:

\$250.00 – first offence

\$500.00 – second offence

\$1000.00 – third offence

**Schedule "B"**

**Off-Highway Vehicle Recreation Trails in the Town of Peace River:**

*What is a trail-* A trail is a purposefully sanctioned and managed route for a defined recreational experience.

*Town of Peace River's role:* The role of Town is to manage municipal public lands. Generally the Town is not actively involved in developing recreational opportunities for motorized vehicles, but is willing to work with groups seeking access to public land for the purpose of developing recreational opportunities.

**Steps for Development of Trails on Municipal Land:**

1. Expression of Interest:

Organization will develop an initial proposal for the Town with the following information:

- a. Organization name and status.
- b. Resources and funding proposed/available for trail life cycle.
- c. Initial general route proposals

2. Agreement in Principle by TPR:

The Town will assess proposal as above and determine if it is acceptable, and if the proposed trail(s) is an acceptable use of public land in the area considered. The Town will either:

1. *Agree in principle on the project-* this does not constitute final approval of the project.
2. *Not agree in principle on the project-* TPR will either indicate outstanding information or planning requirements, or indicate that the proposed trail is not an appropriate land-use.

3. Detailed Trail Proposal:

Once TPR has agreed in principle the proponent can submit a detailed trail proposal, This proposal will include the following:

- a. Written proposal indicating:

- i. Organization name, status and objectives
  - ii. Objective and classification of trail(s)
  - iii. Proposed improvements and level of development
  - iv. How any issues brought up in step 2 have been addressed.
  - v. Resources & Funding available for trail life cycle.
- b. Map (or maps) of appropriate scale showing the following:
- i. Proposed route location and staging points (access areas)
  - ii. Areas of new clearing and areas of existing clearing
  - iii. Any private land ownership if applicable
  - iv. All roads (highways, municipal roads, etc.) within the area
  - v. Any parks and protected areas

**4. Approval:**

If the detailed trail proposal is acceptable the Town will issue an authorization for trail construction.

Under the authorization, the organization is responsible to:

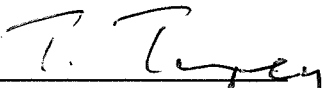
- Maintain the trail and improvements
- Carry liability insurance for the trail
- Prepare annual and periodic plans for safety & maintenance

READ a first time this 4<sup>th</sup> day of NOVEMBER, 20 13.

READ a second time this 24<sup>th</sup> day of FEBRUARY, 20 14.

READ a third and final time this 5<sup>th</sup> day of MAY, 20 14.

SIGNED by the Mayor and Chief Administrative Officer this 5<sup>th</sup> day of MAY, 20 14.

  
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Thomas Tarpey  
Mayor

  
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Kelly Bunn  
Chief Administrative Officer