

**BYLAW NO 05-10
OF THE VILLAGE OF MYRNAM**

BEING A BYLAW OF THE VILLAGE OF MYRNAM TO ESTABLISH REGULATIONS FOR THE CONTROL AND OPERATION OF SNOW VEHICLES AND OFF HIGHWAY VEHICLES WITHIN THE VILLAGE OF MYRNAM.

WHEREAS the Municipal Government Act, R.S.A. 2000, C M-26 and amendments thereto allows a municipality to pass bylaws and delegate authority with respect to streets under its direction, control and management and transportation thereon; and

WHEREAS pursuant to the provisions of Section 18(1) of the *Off-Highway Vehicle Act*, being Chapter 0-4, Revised Statutes of Alberta, 1980 and amendments thereto, no person shall operate an Off-Highway vehicle on any portion of a Highway except as provided by the said Act;

AND WHEREAS pursuant to the provisions of Section 18(2)(b) of the *Off-Highway Vehicle Act*, the Council of a Municipality is authorized (with respect to Highways under its direction, control and management) to authorize persons to operate Off-Highway Vehicles on any portion of any such Highway or class of Highway and to restrict the hours during which that operation may take place;

WHEREAS under the authority of the Traffic Safety Act, RSA 2000, Chapter T-6 and amendments thereto, Town Council deems it necessary to regulate and control the operation of snow vehicles and all terrain vehicles within the Town Corporate Limits; and

WHEREAS it is Councils intention to allow the owner of a snow vehicle or an all terrain vehicle access to trails and the lake outside the Town limit and services within the Town limits; and

WHEREAS the purpose of the bylaw is to permit residents to travel by snow vehicle or all terrain vehicle using the most direct route from their place of residence or storage to appropriately marked permitted areas of legal operation.

Now therefore the Municipal Council of the VILLAGE OF MYRNAM duly assembled enacts as follows:

IN THIS BYLAW:

1. The following definitions apply:
 - a) **“All Terrain Vehicle”** means any motorized off-highway vehicle traveling on three or more low pressure tires and having a seat designed to be straddled by an operator, having the specifications prescribed by the *Off-Highway Vehicle Act Regulations*.

- b) **“Amphibious Vehicle”** means a wheeled or tracked motor vehicle designed for travel primarily on unprepared surfaces such as open country and marshland, but does not include a snow vehicle, implement of husbandry or construction machinery.
 - c) **“Village”** means the Village of Myrnam.
 - d) **“Highway”** means – Highway 881 and those roadways, travel ways, and alley ways located within the Village.
 - e) **“Motorcycle and minibike”** means a motorized off-highway vehicle mounted on two wheels and having a seat designed to be straddled by an operator, and includes those motor vehicles known to the trade as motorcycles, scooters and power bicycles, having specifications as prescribed by the *Off-Highway Vehicle Act Regulations*.
 - f) **“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 designated for such travel:
 - i) Motorcycles and Minibikes
 - ii) Snow Vehicles
 - iii) All Terrain Vehicles
 - g) but does not include Motorboats and Amphibious Vehicles.
 - h) **“Qualified Person”** means a person who is the holder of a valid subsisting operator’s license as prescribed by the *Motor Vehicle Administration Act*, R.S.A. 1980, Chapter M-22.
 - i) **“Safety Helmet”** means a safety helmet as prescribed in the *Highway Traffic Act Regulations*.
 - j) **“Snow Vehicle”** means a motorized off-highway vehicle specifically designed for travel mounted and propelled on one or more tracks and having a seat designed to be straddled by an operator, and intended to be driven exclusively or chiefly on snow or ice or both.
1. Any Qualified Person may operate an Off-Highway Vehicle on a Highway as defined in this Bylaw subject to the following conditions:
- a) The hours of operating an Off-Highway Vehicle within the Village limits shall be restricted to the period of time between 8:00 am and 10:00 pm on any day.
 - b) The maximum speed at which Off-Highway Vehicles are permitted to travel on Highway 881 is 30 kilometres per hour. On all other roads, alleys and travel ways within the municipality the maximum speed shall be restricted to 20 kilometres per hour.

- c) Operators of Off-Highway Vehicles on a Highway 881 and all other village roads shall travel on the extreme right-hand side of the road and shall travel single file at all times.
 - d) All Off-Highway Vehicles traveling on a Highway 881 shall be equipped with at least one headlight and one tail light , and the headlight and tail light shall be alight at all times during which the Off-Highway Vehicle is traveling on a Highway 881.
 - e) Operators of Off-Highway Vehicles shall use the Highways, laneways or back alleys only to proceed to and from the Operator's own property to or from a specific destination by the most direct route, and shall not use these routes as a recreational area or generally for recreational use.
 - f) The operation of any Off-Highway Vehicle on any posted recreation ground within the Village of Myrnam is prohibited.
 - g) Notwithstanding anything herein contain, no person shall operate an Off-Highway Vehicle on any Highway or Village road, alley or travelway where signs posted by the Village of Myrnam prohibit the operation of Off-Highway Vehicles on such routes.
2. Notwithstanding anything herein contained, the provisions of the *Off-Highway Vehicle Act* and the *Highway Traffic Act* shall apply to the operation of Off-Highway Vehicles on Highways.
3. No person shall operate an Off-Highway Vehicle on a Highway as defined in this Bylaw with the exception of the following:
- a) A qualified person
 - b) A person fourteen (14) years of age or older who holds a valid Learner's License issued in accordance with the provisions of the *Motor Vehicle Act*, 1980 R.S.A., Chapter M-22 when such person while operating an Off-Highway Vehicle is accompanied by a qualified person at least eighteen (18) years of age who holds a valid subsisting operator's licence and who is seated immediately beside the person on the Off-Highway Vehicle or travelling in close proximaty and is engaged in teaching the person to drive the Off-Highway Vehicle.
4. The Council of the Village of Myrnam may waive any of the provisions contained in this Bylaw, either generally or to deal with a specific situation and subject whatever conditions as Council sees fit shall apply.

5. Every person who contravenes the provisions of this Bylaw is guilty of an offense on Summary Conviction to a penalty prescribed in Schedule "B" of this Bylaw.
6. This Bylaw Shall be passed and become effective when it receives third reading and is signed by the Mayor and Chief Administrative Officer.

Section 2

WHEREAS under the provision of Section 42 of the Provincial Offences Procedure Act, being Chapter P-21.5 of the Revised Statutes of Alberta, 1988 and amendments thereto and under the provisions of Section 110 of the Municipal Government Act, being Chapter M-26 of the Revised Statutes of Alberta and amendments thereto, the Council of a Municipality may by bylaw provide for the payment of violation tickets or summons out of Court.

A notice of from (commonly called a traffic tag or a violation ticket) may be issued by a peace officer or by a special constable or a bylaw enforcement officer to any person charged with a breach of any of the provisions of this Bylaw and the above mentioned Acts shall apply in regards to the payment. The following offenses shall carry with them a fine as described below:

Hours of Operation

Section 2(a)

For a first offense to a fine of \$50.00 and for a second or subsequent offenses to a fine of \$100.00.

Exceeding Maximum Speed

Section 2(b)

For a first offense to a fine of \$50.00 and for a second or subsequent offenses to a fine of \$100.00.

Driving Wrong Side of Road

Section 2c)

For a first offense to a fine of \$50.00 and for a second or subsequent offenses to a fine of \$100.00.

Driving Without Headlight or Tail Light

Section 2d)

For a first offense to a fine of \$50.00 and for a second or subsequent offenses to a fine of \$100.00.

Failing to Use Shortest Route in Village

Section 2(e)

For a first offense to a fine of \$50.00 and for a second or subsequent offenses to a fine of \$100.00.

Operating in Posted Area or School Yard, near Seniors residences or Lodges, Lagoons or Transfer Sites,

Section 2(f)

For a first offense to a fine of \$50.00 and for a second or subsequent offenses to a fine of \$100.00.

Operating Where Signs Prohibit

Section 2(g)

For a first offense to a fine of \$50.00 and for a second or subsequent offenses to a fine of \$100.00.

A person found guilty of an offense against this Bylaw where no penalty has been specifically provided is liable on Summary Conviction for a first offense to a fine of \$50.00 and for a second or subsequent offenses to a fine of \$100.00.

MISCELLANEOUS:

1. If any part of this Bylaw is found to be invalid, then that part shall be severed and the remaining Bylaw shall be maintained.
2. This Bylaw shall come into force and effect upon the date of the passing of the third and final reading.

Read a first time this 12th day of April 2010.

Read a second time this 12th day of April 2010.

Read a third time and passed this 12th day of April 2010.

Mayor – Edward Sosnowski

Chief Administrative Officer Gary Dupuis