



**MUNICIPAL DISTRICT OF FAIRVIEW NO. 136
BYLAW NO. 991/ADM/2022**

**A BYLAW OF THE MUNICIPAL DISTRICT OF FAIRVIEW NO. 136, IN THE
PROVINCE OF ALBERTA, FOR THE PURPOSES OF REGULATING THE
OPERATION OF OFF-HIGHWAY VEHICLES.**

WHEREAS, pursuant to the provisions contained the *Traffic Safety Act*, RSA 2000 c. T-6, as amended, the Council of a municipality may, by Bylaw, authorize or issue a permit authorizing person to drive Off-Highway Vehicles along any portion of a Highway that is under the direction, control, and management of the municipality;

AND WHEREAS, pursuant to the provisions contained in the *Traffic Safety Act*, the Council of a municipality, by Bylaw, is given certain powers to regulate and control the operation of Off-Highway Vehicles on Highways which are subject to the direction, control, and management of the municipality and on property that is not a Highway and is located within the municipality;

AND WHEREAS the Council of Municipal District of Fairview No. 136 has determined that it is in the best interests of residents of Municipal District of Fairview No. 136 that a Bylaw be passed to regulate and control the operation of Off-Highway Vehicles pursuant to the powers granted to municipalities;

NOW THEREFORE the Council of Municipal District of Fairview No. 136, in the Province of Alberta, in regular session, duly assembled, enacts as follows:

1.0 TITLE

1.1 This Bylaw may be cited as the "Off-Highway Vehicle Bylaw."

2.0 DEFINITIONS:

2.1 In this Bylaw:

- a) "Bylaw Enforcement Officer" means a Bylaw Enforcement Officer appointed by the municipality pursuant to the *Municipal Government Act*, RSA 2000, c. M-26, as amended, to enforce municipal bylaws;
- b) "Council" means the duly elected Council of the Municipal District of Fairview No. 136;
- c) "Ditch" means all that portion of a Highway that does not include the Roadway;
- d) "Environmental Reserve" means an environmental reserve as defined by section 616(e) of the *Municipal Government Act*;
- e) "Hamlet(s)" means the Hamlets of Bluesky and Whitelaw;
- f) "Highway" means a highway as defined by the *Traffic Safety Act*, RSA 2000 c. T-6., which is under the direction, control, and management of the Municipal District of Fairview No. 136;
- g) "Municipality" means the Municipal District of Fairview No. 136;
- h) "Off-Highway Vehicle (OHV)" means an Off-Highway Vehicle as defined by the *Traffic Safety Act*;

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- i) "Operate" or "Operating" means to drive or be in actual physical control of an Off-Highway Vehicle;
- j) "Peace Officer" includes a member of the Royal Canadian Mounted Police or a Peace Officer appointed pursuant to legislation or regulations enacted by the Province of Alberta;
- k) "Residential Area" means a Hamlet, or any multi-lot residential subdivision within the Municipal District of Fairview No. 136;
- l) "Roadway" means that part of a Highway intended for use by vehicular traffic;
- m) "Safety Helmet" means a safety helmet intended for use by an Operator or passenger of an Off-Highway Vehicle that meets one or more of the standards for motorcycle safety helmets adopted in the *Vehicle Equipment Regulation*, AR 122/2009 passed pursuant to the *Traffic Safety Act*; and,
- n) "*Traffic Safety Act*" means the Traffic Safety Act, RSA 2000 c. T-6., as amended from time to time.

3.0 APPLICATION

- 3.1 This Bylaw applies to Highways and other places under the direction, control and management of the Municipality and nothing in this Bylaw authorizes, or in any way affects, the Operation of an Off-Highway Vehicle on any Provincial Highway as defined in the *Highways Development and Protection Act*, RSA 2000, Chapter H-8.5. Provincial Highways within the Municipality that are under the direction, control and management of the Province of Alberta include, but are not limited to: Highway 2, Highway 64, Secondary Highway 682, Secondary Highway 729 and Secondary Highway 735.
- 3.2 This Bylaw does not apply to the Operation of an Off-Highway Vehicle on privately owned land in the Municipality.
- 3.3 Nothing in this Bylaw relieves any person from complying with any provision of any federal or provincial legislation applicable to Off-Highway Vehicles, including without restriction, the *Traffic Safety Act* and all applicable regulations thereunder.
- 3.4 During an emergency, disaster or search and rescue operation within the Municipality, the provisions of this Bylaw may be waived, varied or suspended by the Chief Administrative Officer or designate.
- 3.5 The provisions of this Bylaw shall not apply to a Bylaw Enforcement Officer or a Peace Officer while operating an Off-Highway Vehicle in the performance of their official duties.

4.0 OPERATING RESTRICTIONS

- 4.1 No person shall operate an Off-Highway Vehicle on any Highway in the Municipality except in accordance with this Bylaw or as otherwise authorized by the *Traffic Safety Act*.
- 4.2 All operation of Off-Highway Vehicles in the Municipality shall be in compliance with:
 - a) This Bylaw and any other Bylaw of the Municipality;
 - b) The *Traffic Safety Act*, *Off Highway Vehicle Regulation*, AR 319/2002. and any other Provincial legislation or regulations; and,
 - c) The *Criminal Code of Canada*, and any other Federal legislation or regulations.



- 4.3 No Person shall Operate an Off-Highway Vehicle in any Municipal Park, Campground, Playground, Environmental Reserve or at any other place in the Municipality where prohibited.
- 4.4 No Person shall operate an Off-Highway Vehicle where a sign or signs have been placed by the Municipality prohibiting such operation.
- 4.5 No Person shall Operate an Off-Highway Vehicle in any Residential Area except for the following purposes:
- a) Loading or unloading the Off-Highway Vehicle onto another motor vehicle or trailer lawful to be on the Highway, or
 - b) Entering or leaving the Residential Area by means of the shortest and most direct route available.
- 4.6 The maximum speed at which an Off-Highway Vehicle shall be permitted to travel in a Residential Area is thirty (30) km/hour.
- 4.7 The maximum speed at which an Off-Highway Vehicle shall be permitted to travel on a Roadway is fifty (50) km/hour.
- 4.8 Notwithstanding the speed limits for Off-Highway Vehicles prescribed herein, no person shall operate an Off-Highway Vehicle at a rate of speed that is unreasonable, having regard to all circumstances including, without restricting the generality of the foregoing, the following:
- a) The nature, condition, use and extent of development of the Roadway, Ditch, or other location;
 - b) The atmospheric, weather or other conditions that might affect visibility of the Operator or the control of the Off-Highway Vehicle;
 - c) The amount of traffic that is or might reasonably be expected to be on the Roadway, Ditch or other location;
 - d) The mechanical condition of the Off-Highway Vehicle or any equipment on the Off-Highway Vehicle.
- 4.9 No person shall Operate an Off-Highway Vehicle on a Highway within the Municipality unless that person:
- a) Operates the Off-Highway Vehicle on the extreme right-hand side of the Roadway or in the Ditch;
 - b) Operates the Off-Highway Vehicle in single file at all times;
 - c) Operates the Off-Highway Vehicle in the same direction as vehicles traveling on the side of the Roadway closest to the Off-Highway Vehicle; and,
 - d) Yields, at all times, the right of way to all other classes of vehicles.
- 4.10 The hours of operating an Off-Highway Vehicle in a Residential Area shall be restricted to the period of time between 7:00 a.m. and 10:00 p.m.
- 4.11 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 the Off-Highway Vehicle is designed to carry.
- 4.12 No person shall Operate or be a passenger on an Off-Highway Vehicle unless that person is wearing a Safety Helmet securely attached on the person's head.

5.0 SEVERABILITY

- 5.1 Each provision of this Bylaw is independent of all other provisions. If any such provision is declared invalid by a court of competent jurisdiction, all other provisions of this Bylaw will remain valid and enforceable.

6.0 REPEAL




6.1 Bylaw No. 802 and any amendments thereto shall be repealed upon this Bylaw No. 991/ADM/2022 becoming effective.

7.0 EFFECTIVE DATE

7.1 This Bylaw shall take effect on the date of the third and final reading.


Read a first time this 19th day of July, 2022.


Philip Kolodychuk, Reeve


Robert Jorgensen, CAO


Read a second time this 16th day of August, 2022.


Philip Kolodychuk, Reeve


Robert Jorgensen, CAO

Read a third time and passed this 16th day of August, 2022.


Philip Kolodychuk, Reeve


Robert Jorgensen, CAO