

The SUMMER VILLAGE of SANDY BEACH

BYLAW No. 04-2023

Off-Highway Vehicle Bylaw

Being a Bylaw of the Summer Village of Sandy Beach in the Province of Alberta to regulate off highway vehicles traffic within the corporate limits of the Summer Village of Sandy Beach.

WHEREAS pursuant to the provisions of the Traffic Safety Act and the Municipal Government Act, and amendments thereto, a Council of a municipality may, by Bylaw, regulate the operation of off highway vehicles within the corporate limits of the municipality, and;

WHEREAS the Council of the Summer Village of Sandy Beach, in the Province of Alberta, deems it advisable to pass such a bylaw;

NOW THEREFORE, the Council of the Summer Village of Sandy Beach, in the Province of Alberta, duly assembled hereby enacts as follows:

1. DEFINITIONS:

1. "All Terrain 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 an implement of husbandry or construction machinery.
2. "Miniature motor vehicle" means a motor vehicle other than a motor cycle, having specifications: a motorized go-cart, skateboard or similar wheeled toy vehicle, or a motorcycle that has a wheel rim diameter of less than 250 mm, a wheel base of less than 1016 mm when measured from the center of one axle to the center of the other axle, or a seat height, when the vehicle is unladen, of less than 650 mm.
3. "Minibike" means a motor vehicle having specifications: have a four-stroke, horizontal crankshaft engine, single- or two-speed centrifugal clutch transmissions with chain final-drive, 4" or 6" wheels and a low frame/seat height with elevated handlebars.
4. "Motor Cycle" means a motor vehicle mounted on two or three wheels and includes those motor vehicles known to the trade as motorcycles, scooters and power bicycles.
5. "Off-Highway Vehicles" means any motorized vehicle designed for cross-country travel on land, water, snow, marsh or swampland or on other natural terrain and without limiting the generality of the foregoing includes, when designed for such travel:
 - a. Four-wheel drive or low-pressure tire vehicles;
 - b. Motor cycles and related two wheeled vehicles;
 - c. Amphibious machines;

- d. All-terrain vehicles and Dirt Bikes;
 - e. Miniature motor vehicles;
 - f. Any Snow Vehicles and Snow Mobiles;
 - g. Minibikes;
 - h. Any other means of transportation which is propelled by any power other than muscular power or wind.
6. "Highway" means any thoroughfare, street, road (developed or undeveloped), trail, avenue, parkway, driveway, viaduct, lane, alley, square, bridge, causeway, trestle way or other place or any part of any of them, whether publicly or privately owned, that the public is ordinarily entitled or permitted to use for the passage or parking of vehicles and includes: a sidewalk, including a boulevard adjacent to the sidewalk; if a ditch lies adjacent to and parallel with the roadway, the ditch, and; if a highway right of way is contained between fences or between a fence and one side of the roadway, all the land between the fences, or all the land between the fence and the edge of the roadway, as the case may be.
7. "Nuisance" means any use of or activity on land which demonstrates a disregard for the general maintenance and upkeep of Property so as to produce a material annoyance, inconvenience or discomfort to other Persons, whether or not it is detrimental to the surrounding area;
8. "Riparian lands" means the water's edge or riparian areas as classified by Alberta Environment & Parks and any provincial or federal legislation in effect that governs the land between the water's edge of the lake and the property boundary abutting the water's edge.
9. "Speeding" means in excess of posted speed limits.
10. "Stunting" means performing or engage in any stunt or other activity on a roadway that is likely to distract, startle, or interfere with other users of the roadway.

II. REGULATIONS:

1. Any person qualified, registered, licensed (must be displayed), insured and wearing a helmet (required) to operate an off-highway vehicle may operate the same on any Village highway (as described in section 6 above ONLY) within the Summer Village of Sandy Beach or roadway:
 - (a) The hours of operating an off-highway vehicle on Village highways shall be restricted to the period of time between 8am and 11pm in any one day.
 - (b) The maximum speed at which an off-highway vehicle(s) is permitted to travel on Village highways is twenty (20) kilometers per hour unless otherwise posted. Speeding and Stunting is prohibited.

- (c) Operators of off-highway vehicles on Village highways shall travel on the extreme right-hand side of the road and shall travel single file at all times.
- (d) All off highway vehicles travelling on Village highways shall be equipped with an approved exhaust muffler, at least one headlight and tail lights. At any time during the evening time hours or at any other time, when due to insufficient light or unfavourable atmospheric conditions objects are not clearly discernible on the highway at a distance of 150 meters ahead, no off-highway vehicles shall be in motion on a highway unless the headlight and taillights are alight.
- (e) Without restricting the generality of the foregoing, the provisions of the Traffic Safety Act shall apply to the operation of an off-highway vehicle on Municipal through highways.
- (f) All off-highway vehicles must be duly registered and insured pursuant to the Traffic Safety Act.
- (g) All operators of off-highway vehicles must have a minimum Class 7 driver's license.
- (h) All operators of off-highway vehicles must be wearing a CSA approved helmet.
- (i) **Any Person found in Violation** of this Bylaw, the Traffic Safety Act or deemed in Violation of any of the Regulations in this said Bylaw shall dismount their ATV and will not be allowed to further operate the Vehicle within the Municipal Jurisdiction of the Summer Village of Sandy Beach.

Any person found in violation of this bylaw or the Traffic Safety Act will be required to complete an off-highway vehicle training course presented in Alberta, prior to being able to operate on Summer Village property again. An operator deemed in violation of any of the regulations in this said bylaw shall dismount their ATV and will not be allowed to further operate the vehicle within the municipal jurisdiction of the Summer Village of Sandy Beach

- (j) No person shall operate an off-highway vehicle under the influence of alcohol, drugs or cannabis. Any person found to do so by enforcement will immediately surrender their keys and be deemed liable for possible impoundment of the vehicle in question by the Bylaw Enforcement Officer with the towing costs to be added to the owner/operator's expense. Video surveillance and photo evidence of possible offenders under this Bylaw will be surrendered to the Bylaw Officer and will stand as testimony for determining a specific violation under this Bylaw.

- k) **Any Person Qualified** to Operate an Off-Highway Vehicle may Operate same on any Village Highway within the Summer Village of Sandy Beach, within the time period of this Bylaw. No Person shall Operate an Off-Highway Vehicle on Municipal Playgrounds, Day Parks, Municipal Lands or Municipal Property where it is signed that Off-Highway Vehicles are not allowed, with the exception of Municipal Employers or Contractors during the course of their Employment/Work.
- k) **No person shall operate** an off-highway vehicle (including dirt bike) on municipal playgrounds, day parks, campgrounds, municipal lands, designated municipal park reserve (including any lakeshore side) or any municipal property where it is signed that off-highway vehicles are not allowed, with the exception of municipal employees or contractors during the course of their employment/work. Even if not signposted, all municipal lands, park reserves, shorelines, lakeshore or any other municipal property are off limits to off highway vehicles within all municipal boundaries. Lands or highways that are also off limits to off-highway vehicles are the water's edge or riparian areas as classified by Alberta Environment & Parks and any provincial or federal legislation in effect that governs these said lands that are between the water's edge of the lake and the property boundary abutting the water's edge or riparian area.
- l) **OHV Bylaw Enforcement** on Crown Land allows the Municipality through this Bylaw to exercise Jurisdiction and Enforcement on the basis of Noise and Amenity Disturbance, as per the effective "Noise/Nuisance Bylaws for The Summer Village of Sandy Beach" The Bylaw Officer is hereby to implement and exercise for offenders in this order i) Education and ii) Noise/Disturbance Bylaw Warnings and finally iii) Fines when noise and amenity infractions are incurred.
- l) **OHV Bylaw enforcement on** Crown land allows the municipality through this bylaw to exercise jurisdiction and enforcement on the basis of noise and amenity disturbance as per the effective noise / nuisance Bylaw's for The Summer Village of Sandy Beach. The Summer Village of Sandy Beach prohibits the access and use of OHV 's (and dirt bikes) on Crown land, the water's edge, shorelines, riparian areas and lakefront properties with lake fronting land that have encroached on the water's edge and authorize the Bylaw/Peace Officer to implement and exercise for offenders in this order: i) education and ii) noise/disturbance Bylaw warnings and finally iii) fines when noise and amenity infractions are incurred. Where a nuisance (as per the definition in this Bylaw) prevails as determined by the Peace Officer fines may be issued on the spot especially if video footage is provided.
- m) Dirt bikes are subject to the regulations as set out in whole in this Bylaw and applicable on all municipal lands and roadways and noise and amenity disturbance will be enforced through the noise and community standards bylaws.

- n) This Bylaw allows the municipality to ban the use of OHV's during any local or Provincial emergencies or any State of Local Emergency.
- o) Children 14 years of age or under must be accompanied by an adult or a valid Class 7 License Holder: A Class 7 learner's license allows you to drive a Class 5 or 6 vehicle with someone over 18 who has a full Class 5 driver's license or higher. They must sit in the front passenger seat. This license also allows you to drive a moped. Restrictions: You cannot drive during **the hours between 11:00pm** and 8:00am.
- p) During times of high to extreme fire hazard or weather conditions, as defined by the Alberta Environmental Protection Land & Forest Services, the CAO or designate shall have the authority to ban the use of Off-Highway vehicles.
- q) The fire break(s) off West Cove Drive does not allow for the use of OHV's or dirt bikes of any engine size and any use of OHVs and any size dirt bike on this pathway from West Cove Drive to Highway 642 is completely prohibited and subject to the fines prescribed in this Bylaw.
- r) **OHVs must use the** "shortest possible route to their residence"; recreational use on community roads and municipal property is not permitted.
- s) **The shoreline/shoreline all along** Lakeshore Drive and in specific 207 to 315 Lakeshore Drive, between the cattails (riparian area) and residents' property, is designated as municipal park land and is not under AEP authority. This area is municipal lands and the recreational use of OHVs in this area is prohibited. **Boating access to the water will not be impeded by this bylaw.**
- t) **No person shall enter** on or occupy (including with a OHV or dirt bike) vacant land that is a bed or shore of a permanent and naturally occurring body of water or a naturally occurring river, stream, watercourse or lake except
 - (a) where the entry and occupation are for a recreational purpose that
 - (i) involves boating,
 - (ii) involves travel on frozen ground or on ice capable of holding the weight of the conveyance without making a depression on the ground or ice or breaking the ice, or
 - (iii) does not involve the use of a wheeled or tracked conveyance, unless the entry or occupation occurs within a designated water crossing and is in accordance with the rules specified in signs or notices under section 33.3,
 - (b) in accordance with a disposition issued or a consent given to the person under the Act,

(b.1) where the person is carrying out duties as an employee, agent or contractor of the Government of Alberta,

(c) where the person has a lawful right to be on the land or the entry or occupation is expressly permitted in an applicable disturbance standard or in a disposition issued to the person, or

(d) where the person is exercising a right recognized and affirmed under Part II of the Constitution Act, 1982 or a right under section 12 of the Transfer Agreement or is travelling to a location to exercise such a right.

III **PENALTIES**

- a) Every person who contravenes the provisions and regulations of this bylaw is guilty of an offence and liable to summary conviction as prescribed in the Traffic Safety Act and/or any related Alberta regulation.
- b) Regardless of the penalty stipulations applicable as per the Traffic Safety Act the attached **Schedule A** will also be in effect for violations enforced as per this bylaw. Failure to pay an issued fine, authorize Council to add the fine to the applicable tax roll.
- c) The Bylaw Officer for the Summer Village of Sandy Beach with the adoption of this Bylaw is hereby granted enforcement powers under and as per the Traffic Safety Act and Municipal Government Act in Alberta.
- d) The Council of the Summer Village of Sandy Beach reserves the right to revoke this bylaw at any time without notice.

This bylaw comes into full force and effect on the date of its final passing and Bylaw 06-2009 is rescinded with this Bylaw's passing.

READ A FIRST TIME this 15th day of June 2023.

READ A SECOND TIME this 21st day of September 2023.

READ A THIRD AND FINAL TIME this 21st day of September 2023.

Signed this 21st day of September 2023.

The Summer Village of Sandy Beach,
The Province of Alberta, Canada



Mayor

Chief Administrative Officer

Schedule A Penalties and Fines

Operating an OHV without a helmet:	\$100
Operating an OHV on any other land or highway as described in this Bylaw:	\$150
Speeding and Stunting with an OHV:	\$150
Operating an OHV under the influence of alcohol, drugs or cannabis:	\$250
Failure to display a registered license plate:	\$150
Operating an OHV without insurance or operating an OHV deemed to be unregistered:	\$150
Operating an OHV or dirt bike on the West Cove Drive Fire Break or lakeshore Drive Municipal Lands shoreline:	\$200
Operating a dirt bike outside the limits as prescribed in this Bylaw:	\$200
Operating an OHV and dirt bike in contravention of any noise or community standards bylaw applicable for the municipality:	\$200
Defying any Provincial emergency measures:	\$500

Second offences will carry a \$75 additional charge on any of the fines listed in Schedule A.

Third offences will carry double fines.