

**A BYLAW FOR THE PURPOSE OF REGULATING OFF HIGHWAY VEHICLES IN  
THE SUMMER VILLAGE OF CRYSTAL SPRINGS  
BYLAW NO: 185**

WHEREAS the *Municipal Government Act, Chapter M-26 of the Revised Statutes of Alberta, 2000, part 2, section 7 and 8 and amendments thereto*, authorizes the Council of a municipality to pass bylaws pertaining to the protection of people, property and nuisances within its corporate boundary;

AND WHEREAS the Council of the Summer Village of Crystal Springs deems it advisable to adopt such a bylaw;

**NOW THEREFORE** the Council of the Summer Village of Crystal Springs, in the Province of Alberta, duly assembled, does hereby enact as follows:

**SECTION 1 – NAME OF BYLAW**

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

**SECTION 2 – PURPOSE OF BYLAW**

2.1 The purpose of this Bylaw is to enable the comfort and health of residents and visitors to Crystal Springs.

**SECTION 3 – DEFINITIONS**

3.1 In this bylaw,

- a. "Highway" is as defined under the Alberta Traffic Safety Act;
- b. 'Municipal Tag' means a tag or ticket wherein the Person alleged to have committed a breach of a provision of this bylaw is given a penalty;
- c. "Off Highway vehicle" means an off-highway vehicle as defined in the Alberta Traffic Safety Act.
- d. "Operator" means a person who drives or is in actual physical control of any vehicle.
- e. 'Peace Officer' means a member of the Royal Canadian Mounted Police, a Special Constable, a Peace Officer, or a Bylaw Enforcement Officer;
- f. 'Person' includes public bodies, bodies corporate, societies, partnerships, individuals and companies;
- g. 'Property' means real property and includes land together with all improvements which has been so affixed to the land as to make them in fact and in law a part thereof;
- h. "Roadway" means that part of a highway intended for use by vehicular traffic;
- i. "Safety Helmet":
  1. A safety helmet intended for the use of an operator or a passenger of a cycle must meet one or more of the standards for off highway vehicle helmets adopted under subsection (3) in effect on the date on which it was manufactured.
  2. The following are adopted and apply to safety helmets in accordance with subsection (1):
    - A) CSA Standard CAN3-D230-M85
    - B) U.S.A. Federal Motor Vehicle Safety Standard FMVSS 218 Motorcycle Helmets 1993 OCT
    - C. U.S.A. Federal Motor Vehicle Safety Standard FMVSS 218 Motorcycle Helmets 2000 OCT
    - D. British Standards Institute Standard BSI-B6658-1995
    - E. Snell Memorial Foundation M2000
  3. A safety helmet must have the mark or label CSA, DOT or BSI or the mark or label of the organization in subsection (2) (e) indicating that the safety helmet met one or more of the specifications required on the date on which it was manufactured
- j. "Snow vehicle" means any motor vehicle designed or intended to be driven exclusively or chiefly upon snow or ice or both;
- k. 'Summer Village' means the Summer Village of Crystal Springs;
- l. 'Truck' means a public vehicle that is properly registered to operate on a highway in Alberta having a licensed maximum gross vehicle weight in accordance with the Traffic Safety Act,

Revised Statutes of Alberta 2000, Chapter T-6, of more than five thousand kilograms (5,000 kg), regardless of the vehicles weight at a specific time;

#### **SECTION 4 - GENERAL**

- 4.1 A person may operate an Off Highway Vehicle on any Highway, Roadway, Parking Lane of any highway located within the Summer Village of Crystal Springs provided:
- a. That the operator of such Off Highway vehicle operates the vehicle, as far to his right hand side of any such road as is practicable.
  - b. That he does not contravene the provisions of the Bylaw setting speed limits on Summer Village roads or any other Bylaw of the Summer Village.
  - c. That the operator and passenger of any such Off Highway vehicle wear an approved safety helmet at all times while operating the Off Highway vehicle.
  - d. That the operation of Off Highway vehicles within the Summer Village should be restricted to the hours of 10:00 a.m. to 10:00 p.m. only.
  - e. That any Off Highway vehicle using the Summer Village roads be properly insured and licenced as per the Off Highway Vehicle Act.
  - f. That all Off Highway vehicles be operated with headlights turned on at all times if so equipped.
  - g. That the operator of an Off Highway vehicle shall at all times yield the right of way to the operators of vehicles of other classes.

#### **SECTION 5 - EXCLUSIONS**

- 5.1 Nothing herein shall render any person liable to a fine, penalty or punishment for:
- a. performing work of any emergency nature for the preservation or protection of life, health and property;

#### **SECTION 6 – PERMITS**

- 6.1. A Person may make an application to a Peace Officer or Bylaw Enforcement Officer having jurisdiction within the Summer Village for a temporary permit allowing for Off Highway vehicles that would otherwise violate this Bylaw.
- 6.2. The Council of the Summer Village hereby authorizes the issuance of such permits by a Peace Officer or Bylaw Enforcement Officer having jurisdiction within the corporate limits of the Summer Village.

#### **SECTION 7 – PENALTY PROVISIONS**

- 7.1. A Peace Officer or Bylaw Enforcement Officer authorized to enforce this Bylaw under Section 7 of the *Municipal Government Act*, R.S.A. 2000, Chapter M-26, and who has reasonable and probable grounds to believe a Person has contravened any section of this Bylaw, may under the authority of this Bylaw, issue a Municipal tag, and where this tag is not paid by the offender a Part 2 violation tag may be issued under the *Provincial Offenders Procedures Act* R.S.A., Chapter 2000, P-34, to that Person.
- 7.2. Penalties and Fees set out in Schedule "A" may be amended from time to time by a resolution of Council.

#### **SECTION 8 – SEVERABILITY**

- 8.1. Should any section or part of this Bylaw be found to have been improperly enacted, then such section or part shall be regarded as being severable from the rest of this Bylaw. The Bylaw remaining after such severance shall be effective and enforceable as if the section found to be improperly enacted had not been enacted as part of this Bylaw.

#### **SECTION 9 – REPEAL AND EFFECTIVE DATE**

- 9.1. Upon passing this bylaw, Bylaw #110 is hereby repealed.
- 9.2. This bylaw comes into effect on the date of the third reading

READ a first time this 8<sup>th</sup> day of December, 2013

READ a second time this 20<sup>th</sup> day of May, 2014

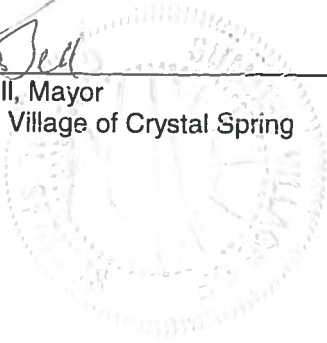
GIVEN unanimous support to be read a third time this 20<sup>th</sup> day of May, 2014

READ a third time and finally passed this 20<sup>th</sup> day of May, 2014



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Doris Bell, Mayor  
Summer Village of Crystal Spring



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Sylvia Rey, Chief Administrative Officer  
Summer Village of Crystal Springs

## **Schedule "A": Penalties and Fees**

Any Person who commits a breach of any of the provisions of this bylaw shall be liable to penalty as follows:

- A fine of \$115.00