

**SMOKY LAKE COUNTY
IN THE PROVINCE OF ALBERTA
BYLAW NO. 1454-24**

A BYLAW OF THE MUNICIPALITY OF SMOKY LAKE COUNTY IN THE PROVINCE OF ALBERTA BEING A BYLAW FOR THE PURPOSE OF REGULATING THE OPERATION OF OFF-HIGHWAY VEHICLES IN SMOKY LAKE COUNTY

WHEREAS, pursuant to the *Off-Highway Vehicle Act* Regulation AR 319/2002 and/or *Traffic Safety Act*, Council 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, Council may pass bylaws for municipal purposes respecting the following matters:

- a) the safety, health and welfare of people and the protection of people and property;
- b) people, activities and things in, on or near a public place or place that is open to the public; and
- c) the enforcement of bylaws;

AND WHEREAS, it is the desire of the Council of Smoky Lake County to regulate the use of Off-Highway Vehicles within Smoky Lake County;

NOW THEREFORE the Council of Smoky Lake County, in the Province of Alberta, in regular meeting duly assembled hereby, enacts:

1. CITATION

- 1.1 This Bylaw may be cited as Smoky Lake County “**Off-Highway Vehicle Control Bylaw**”.

2. DEFINITIONS

- 2.1 “**Act**” means the *Traffic Safety Act* T.S.A. 2000 C.T-6.
- 2.2 “**Council**” means the Council of Smoky Lake County in the Province of Alberta.
- 2.3 “**County**” shall mean municipality of Smoky Lake County.
- 2.4 “**Enforcement Officer**” means police officer, peace officer, bylaw enforcement officer or any other persons having the authority to enforce this bylaw.
- 2.5 “**Extreme Fire Risk**” means risk level determined by Fire Protective Services by the assessment of dry environmental conditions and weather conditions.
- 2.6 “**Hamlet**” means any urbanized area designed by Council as a hamlet and having specific boundaries identified.
- 2.7 “**Highway**” means thoroughfare, street, road, trail, avenue, parkway, driveway, viaduct, lane, alley, square, bridge, causeway, trestle way, or other place within the jurisdiction of Smoky Lake County whether publicly or privately owned, any part of which the public is ordinarily entitled or permitted to use for the passage or parking of vehicles, and includes:
 - 2.7.1 a sidewalk (including a boulevard portion thereof).
 - 2.7.2 where a ditch lies adjacent to and parallel with a roadway, the ditch, and
 - 2.7.3 where a highway right-of-way contained between fences or



between a fence and one side of the roadway, all the land between fences, or all the land between the fence and the edge of the roadway, as the case may be.

- 2.8 **"Multi-Lot Country Residential"**: means any Country Residential Sub-division with an internal roadway for lot access.
- 2.9 **"Municipal Property"**: means any lands owned by the Municipality, or under the direction, control and management of the Municipality, to which members of the public have access by express or implied invitation.
- 2.10 **"off-highway vehicle (OHV)"** as defined in Section 117 of the *Traffic Safety Act*, R.S.A. 2000 C.T.-6., shall mean any motorized mode of transportation built for cross-country travel on land, water, snow, ice or marsh or swamp land or on other natural terrain and, without limiting the generality of the foregoing, includes, when specifically designed for such travel.
- 2.10.1 4-wheel drive vehicles,
 - 2.10.2 low pressure tire vehicles,
 - 2.10.3 motorcycles and related 2-wheel vehicles,
 - 2.10.4 amphibious machines,
 - 2.10.5 all terrain vehicles,
 - 2.10.6 miniature motor vehicles,
 - 2.10.7 snow vehicles,
 - 2.10.8 minibikes, and
 - 2.10.9 any other means of transportation that is propelled by any power other than muscular power or wind, but does not include
 - 2.10.10 motorboats, or
 - 2.10.11 any other vehicle exempted from being an off-highway vehicle by regulation
- 2.11 **"Off Highway Vehicle (OHV) Restriction"** means prohibiting the operation of Off-Highway Vehicles.
- 2.12 **"Permitted Use Area"** means those recreation areas as defined in *"Schedule B"*.
- 2.13 **"Reasonable Rate of Speed"** means being able to stop in a reasonable distance when presented with hazards such that losses of life or limb or serious injuries are not incurred.
- 2.14 **"Regulation"** means the Off-Highway Vehicle Regulation 319/2002

3. PROVISIONS

- 3.1 The County hereby allows the operation of off-highway vehicles on road right-of-ways and permitted use areas under the care, control and management of the County under the following conditions:
- 3.1.1 Every person who operates an Off Highway Vehicle must be at least 14 (fourteen) years of age.
 - 3.1.2 Every person who operates an Off Highway Vehicle must be in possession of a valid Operator's License of any class.
 - 3.1.3 Valid insurance and registration must be in place on the said off-highway vehicle at all times and evidence of this shall be available upon demand of a Peace Officer or County representative.
 - 3.1.4 Safety helmets should be worn by the operator and passenger(s).
 - 3.1.5 Subject to the regulations under the *Off-Highway Vehicle Act* Regulation AR 319/2002 and *Traffic Safety Act*, a reasonable rate of speed must be adhered to while on municipal property.

- 3.2 Ditches, culvert ends, culvert markers, pipeline markers, NG markers, survey markers, power poles, power pole anchors, pipeline risers, fence lines (parallel) are to be considered risks associated with operating an off-highway vehicle in ditches and road allowances and property.
- 3.3 Serious risk would include open excavations, washouts, drop-offs, natural or man-made, i.e., bridge ditches to be guard railed or sloped into river, fence lines crossing road allowance improved or not.
- 3.4 Every person operating an Off-Highway Vehicle in Hamlets, Subdivisions and campsites may travel in alleys or when necessary, on the road where no access to an alley is available, solely for the purpose of on route to and returning from, permitted use area as per **Schedule "B". "Permitted Use Area"**
- 3.5 It is the owner's responsibility to ensure that the spark arrestors are not altered or removed from the mufflers.
- 3.6 Off Highway Vehicles shall travel to the extreme right hand side of the road and / or in the right ditch when practical, or as otherwise posted.
- 3.7 Off Highway Vehicles shall travel in single file at all times.
- 3.8 The maximum allowable speed in any Multi-Lot Country Residential area is 30 km/hr.
- 3.9 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 that the off-highway vehicle is designed to carry.
- 3.10 At times of extreme fire risk the County will implement an Off-Highway Vehicle Restriction on Municipal Property as a preventative measure to protect life, property, and the environment from fire.
 - 3.10.1 No person shall operate an Off-Highway Vehicle on Municipal Property, Highway, Permitted Use Area, or trail in Smoky Lake County during a Fire Ban and Off-Highway Vehicle Restriction.
 - 3.10.2 An Off-Highway Vehicle Restriction applies to all Off-Highway Vehicles equipped with a Combustion Engine and/or an Electric Engine.
 - 3.10.3 The Off-Highway Vehicle Restriction does not apply to Private Land or Agriculture, Institutional (educational), Commercial / Industrial, Emergency Response or Indigenous peoples who use an OHV for traditional use.
 - 3.10.4 Any person who causes a fire while operating an Off-Highway Vehicle during an Off-Highway Vehicle Restriction will be responsible for all costs of extinguishing the fire.

4. PENALTIES

- 4.1 In this bylaw, no Enforcement Officer or an employee of the County shall be deemed to have committed an offence if the act done was relative to construction, transportation, maintenance for highways or other places for the purpose of enforcement of this bylaw.

- 4.2 Persons contravening certain sections of this bylaw shall be liable for the penalties set out in **Schedule "A"**. **"Penalties and Fees"**

5. VIOLATION(S)

- 5.1 A notice of form commonly called an Offence Notice / Summons / or Violation Tag having printed wording approved by the County, may be issued by Enforcement Officer to any person alleged to have contravened any provisions of this bylaw, and the said notice shall require the payment to such official in the amount specified in this bylaw, as amended, or the regulations pursuant to the *Provincial Offenses Procedures Act*, (Alberta), as amended.
- 5.2 A Violation Tag shall be deemed to be sufficiently served:
- 5.2.1 if served personally on the accused; or
- 5.2.2 if mailed to the address of the registered owner of the off-highway vehicle concerned; or to the person concerned;
- 5.2.3 if attached to or left securely and visibly upon the off-highway vehicle in respect of which the offence is alleged to have been committed.
- 5.3 The conviction of a person under the provisions of this bylaw does not operate as a bar to further prosecution for the continued neglect or failure on the part of the person to comply with the provisions of this bylaw, or conditions, orders, or permits, issued in accordance with this bylaw.

6. SEVERABILITY

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

7. REPEAL

That Bylaw No. 1149-07, known as the "*Operation of Off-Highway Vehicles*" be and is hereby repealed.

This Bylaw comes into effect on the date of final passing.

READ A FIRST TIME IN COUNCIL THIS 8th day of February, AD 2024.



Jered Serben
Reeve



Lydia Cielin
Interim Chief Administrative Officer

READ A **SECOND TIME** IN COUNCIL THIS ____ day of _____, AD
2024.

READ A **THIRD AND FINAL TIME, WITH THE UNANIMOUS CONSENT OF
ALL COUNCILLORS PRESENT, THIS** ____ day of _____, AD
2024.

Jered Serben
Reeve

Lydia Cielin
Interim Chief Administrative Officer



SCHEDULE “A”
PENALTIES AND FEES

1.	Operators not using reasonable speed are liable to a fine of up to:	\$250.00
2.	Operating an off-highway vehicle in contravention of the Traffic Safety Act	<i>As per the Traffic Safety Act</i>
3.	Operating an off-highway vehicle during a Fire Ban or Off-Highway Vehicle (OHV) Restriction	\$1,000.00

SCHEDULE “B”
PERMITTED USE AREA

- **Iron Horse Trail**

