



BYLAW # 463

BEING A BYLAW OF THE VILLAGE OF NAMP A IN THE PROVINCE OF ALBERTA FOR THE OPERATION OF OFF HIGHWAY VEHICLES IN THE VILLAGE OF NAMP A

WHEREAS Pursuant to the Traffic Safety Act R.S.A. 2000, c. T-6 as amended, the Council of a municipality may, by bylaw, authorize the use of Off- Highway Vehicles on Highways under its direction, control and management;

WHEREAS Pursuant to the provisions of the Municipal Government Act R.S.A. 2000, c. M-26 as amended, the Council of a municipality may pass bylaws respecting people, activities and things in, on or near a public place, and matters of public safety;

NOW THEREFORE the Council of the Village of Nampa, in the Province of Alberta duly assembled enacts as follows:

1. Title

1.1 This Bylaw shall be known as the "Off - Highway Vehicle Bylaw"

2. Definitions

2.1 For the purpose of the Bylaw, all definitions of the Traffic Safety Act R.S.A. 2000, c. T-6, as amended, and regulations thereunder shall be applicable and have the same meaning except as varied by Subsection 2.2 of this Bylaw

2.2 In this Bylaw:

- a) "Act" means the Traffic Safety Act R.S.A. 2000, c T-6., as amended from time to time.
- b) "Chief Administrative Officer" means the Chief Administrative Officer (CAO) of the Village of Nampa, or their designate.
- c) "Council" means the Council of the Village of Nampa.
- d) "Highway" means a Highway as defined in the Traffic Safety Act which is subject to the direction, control and management of the Village.
- e) "Municipal Public Property" means any lands or property owned by the Village or under the direction, control, and management of the Village to which members of the public have access by express or implied invitation.
- f) "Off- Highway Vehicle" means an "Off - Highway Vehicle" as defined in s.117 of the Traffic safety Act.
- g) "Operate" means to drive, or be in actual physical control of an Off - Highway vehicle.
- h) "Operator" means the person who is in actual physical control of an Off - Highway Vehicle.
- i) "Owner" means the person named as the registered owner of the Off - Highway Vehicle, or any person renting an Off- Highway Vehicle, or any person having the exclusive use of an Off - Highway Vehicle under a lease, or any person otherwise having the exclusive use of an Off- Highway Vehicle for a period of more than thirty (30) days.

- j) "Peace Officer" means:
 - i) A member of the Royal Canadian Mounted Police; or
 - ii) A Bylaw enforcement Officer employed or contracted by the Village; or
 - iii) A Community Peace Officer
- k) "Roadway" means that part of a Highway intended for use by vehicular traffic.
- l) "School Property" means lands or property used for purposes of a school, including all fields, playgrounds, parking areas, or other lands surrounding the school.

3. Operation Restrictions

- 3.1 No person shall operate an Off Highway Vehicle on any Highway or Municipal Public Property except as specifically provided for within this Bylaw;
- 3.2 Except as provided otherwise in this Bylaw, an Operator of an Off - Highway vehicle shall operate the Off - Highway vehicle on the extreme right-hand side of the Roadway and shall travel single file at all times;
- 3.3 When travelling on a highway, the Operator of an Off - Highway vehicle shall drive in the same direction as vehicles travelling on that side of the Roadway closest to the Off - Highway Vehicle;
- 3.4 No person shall operate an Off- Highway Vehicle at a speed in excess of thirty (30 kilometers) per hour;
- 3.5 No person shall operate an Off- Highway vehicle on any school property;
- 3.6 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 Off- Highway vehicle is designed to carry,
- 3.7 No person shall operate an Off - Highway vehicle that has been modified, altered, or kept in a state of repair as to create noise, which in the opinion of a Peace Officer, is excessive, creates a hazard or distraction, or otherwise causes a disturbance to the peace and repose of the public.

4. Exemptions

- 4.1 A Peace Officer shall not be in contravention of this Bylaw if operating an Off - Highway vehicle while in the performance of their official duties.
- 4.2 During an emergency, disaster, or search and rescue operation within the Village, the provisions of this Bylaw may be waived, suspended or varied by Council or the CAO.

5. Offenses

- 5.1 Any person who contravenes a provision of this Bylaw is guilty of an offense and is liable upon summary conviction to a fine in Schedule "A" of this Bylaw.
- 5.2 An owner who allows another person, whether expressly or through implication, to operate the Owner's Off - Highway vehicle, or an Off - Highway vehicle of which the owner has exclusive use, in contravention of this Bylaw is guilty of an offence.

6. Authority of the Chief Administrative Officer and Council

- 6.1 Council hereby delegates to the CAO the authority to designate from time to time on any Municipal Public Property within which the operation of an Off - Highway Vehicle or any type of Off - Highway Vehicle is prohibited.
- 6.2 The CAO is authorized to further delegate the powers granted by this section.

6.3 Council may, by resolution waive any of the provisions contained in the Bylaw, for a specific situation, or situations, subject to whatever condition or conditions as seen fit to apply.

Repeal

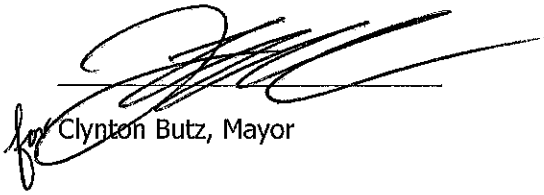
This Bylaw repeals Bylaw # 287 and any amendments thereto made by council resolution.

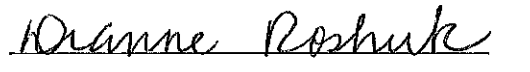
This Bylaw shall come into force and effect when it receives third reading and is duly signed.

Read a first time this 18th day of May, 2021.

Read a second time this 18th day of May, 2021

Read a third and final time this 15 day of June, 2021


for Clynton Butz, Mayor


Dianne Roshuk, Chief Administrative Officer

Schedule "A"
List of Specified Penalties

Section No	Description	Penalty First Offence	Penalty Second Offense	Penalty Third & Subsequent Offences
3.1	Operate OHV on Municipal or Public Property	\$250	\$500	\$ 1000
3.2	Failure to Operate OHV on Right - Hand Side Of Highway or Single- file	\$250	\$500	\$1000
3.3	Operate OHV on Highway Facing Oncoming Traffic	\$250	\$500	\$1000
3.4	Operate OHV in Village in excess of 30 m/hr	\$250	\$ 500	\$ 1000
3.5	Operate OHV on School Property	\$250	\$ 500	\$ 1000
3.6	Passenger(s) in excess of Designed Capacity for OHV	\$ 250	\$500	\$1000
3.7	OHV creating Excessive Noise	\$ 250	\$500	\$1000