

**Village of Warburg
Bylaw # 139/14**

A BYLAW OF THE VILLAGE OF WARBURG, IN THE PROVINCE OF ALBERTA TO REGULATE AND CONTROL THE OPERATION OF OFF-HIGHWAY VEHICLES WITHIN THE CORPORATE LIMITS OF THE VILLAGE OF WARBURG.

WHEREAS, many persons are operating off-highway vehicles within the Village of Warburg limits in public recreational areas including open park land, rivers, ravines lakes or other body of water, natural beauty spots and the like; and

Whereas, off-highway vehicles operate at speeds which may make them a source of danger to pedestrians or which may result in damage to public areas; and

Whereas, it is deemed necessary in the interest of public safety and the effective control of recreational areas for the majority of users to control and regulate the use of off-highway vehicles within the Village limits; and

Whereas, Section 7 of the Municipal Government Act, Revised Statutes of Alberta 2000 and amendments thereto provide that a municipal council may pass bylaws respecting the safety, health and welfare of people and the protection of people and property, and

Whereas, Section 120(5) of the Traffic Safety Act, Revised Statutes of Alberta 2003 and amendments thereto provide that a municipal council may, by bylaw, with respect to highways under its direction or control, authorize persons to operate off-highway vehicles on any portion of any such highway or class of highway,

NOW THEREFORE the Council of the Village of Warburg, duly assembled, and in accordance with the authority provided to the Municipality ENACTS AS FOLLOWS:

I. DEFINITIONS

1. **“Off-Highway vehicle”** means an off-highway vehicle as defined in the Traffic Safety Act for the Province of Alberta 2003 and amendments thereto;
2. **“Highway”** means a highway as defined in the Traffic Safety Act for the Province of Alberta 2003 and amendments thereto;
3. **“Parkland”** shall mean every recreational area owned or controlled by the Village that lies within the limits of the Village whether such parkland is improved in whole or in part or remains in its natural state but shall include other neighbourhood beautification areas and publicly maintained areas administered by the Village;
4. **“Enforcement Officer”** means a member of the Royal Canadian Mounted Police, a member of a Municipal Police Force, a Special Constable or a By-law Enforcement Officer.

II. PERMITTED AREAS

1. There shall be no permitted area whatsoever within the limits of the Village of Warburg for the operation of an off-highway vehicle not withstanding legally licensed vehicles operating on public roadways.

III. REGULATIONS

1. That no person who is the owner or operator of an off-highway vehicle shall operate or permit any other person to operate an off-highway vehicle within the corporate limits of the Village of Warburg, inclusive of all parkland areas except as provided for the Traffic Safety Act and this bylaw;
2. Any person who is the owner or operator of an off-highway vehicle wishing to use Village alleys, or roadways where there are no alleys, to leave the Village of Warburg or to return to their residence within the Village of Warburg must purchase a one year permit, from the Village of Warburg at a cost of \$25.00 per year to do so. Permit applicants shall first obtain proper registration and public liability insurance and property damage coverage with a limit of at least \$1,000,000.00 and proof of registration and insurance must at all times be carried on the off-highway vehicle to be produced to the Enforcement Officer(s) when requested.
3. Unless the Village grants special permission, no rally or race involving off-highway vehicles shall be permitted;
4. No person shall use off-highway vehicles to remove snow or transport refuse to the Village waste area unless they have a permit from the Village of Warburg. Permit applicants shall first obtain proper registration and public liability insurance and property damage coverage with a limit of at least \$1,000,000.00 and proof of registration and insurance must at all times be carried on the off-highway vehicle to be produced to the Enforcement Officer(s) when requested.
5. Parades: A special permit to operate must be obtained from the Municipal Administrator of the Village, for a special event, parade, exhibition etc. The Owner/Operator shall first obtain proper registration and public liability insurance and property damage coverage with a limit of at least \$1,000,000.00 and proof of registration and insurance must at all times be carried on the off-highway vehicle to be produced to the Enforcement Officer(s) when requested.
6. The foregoing restrictions shall not apply so as to:
 - a) Prohibit any peace officer from duly enforcing the provisions of this bylaw. Or;
 - b) Prohibit employees or agents of the Village from operating an off-highway vehicle in the performance of their Village duties, subject to said employees or agents adhering to the following conditions:
 - i. The operator of the vehicle is wearing a traffic vest and a SCA approved helmet.
 - ii. The vehicle is clearly marked as a Village of Warburg vehicle or clearly marked as an agent of the Village.
 - iii. The vehicle is not used at speed greater than 30 km per hour.
 - iv. If used on a highway the vehicle must utilize a rotating amber light signifying a municipal works vehicle.

IV. PENALTIES

1. Every person who contravenes this By-law is guilty of an offence and liable on summary conviction:
 - a) For a first offence to a fine of not more than \$200.00 and in default of payment to imprisonment for a term of not more than 30 days, and
 - b) For a second or subsequent offence to a fine of not more than \$500.00 and in default of payment to imprisonment for a term of not more than 60 days.

V. SEIZURE OF OFF-HIGHWAY VEHICLE

1. An Enforcement Officer who on reasonable and probable grounds believes that this Bylaw has been contravened may seize and detain any off-highway vehicle in respect of which the offence was committed until the final disposition of any proceedings taken under this Bylaw.

VI. BYLAW AUTHORIZATION

That Bylaw #71/05 is hereby rescinded.

That this Bylaw shall come into effect on the date of the third and final reading.

Read a first time this 8th day September, A.D. 2014.
Read a second time this 8th day of September, A.D. 2014.

Read a third time and finally passed this 8th day of September, A.D. 2014.

Mayor Ralph van Assen

Christine Pankewitz
Municipal Administrator

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