

BY-LAW NO. 380 - 95/OFF-HIGHWAY VEHICLES

A BY-LAW OF THE TOWN OF SEDGEWICK, IN THE PROVINCE OF ALBERTA, FOR REGULATING THE USE OF OFF-HIGHWAY VEHICLES ON TOWN PROPERTY, ALLEYS OR HIGHWAYS WITHIN THE TOWN'S CORPORATE LIMITS AND ON TOWN-OWNED PROPERTY OUTSIDE ITS CORPORATE LIMITS.

WHEREAS

pursuant to Section(1)(b), of the Off-Highway Vehicles Act, RSA 1980, which states:

SECTION 18(1)(b)

".... the council of a municipality may by by-law .... with respect to highways under its .... direction, control and management, may authorize persons to operate off-highway vehicles on any portion of any such highway or class of highway and may restrict the hours during which that operation may take place."

AND WHEREAS

the Council of the Town of Sedgewick deem it desirable, necessary and in the public interest to regulate the operation of off-highway vehicles on Town's corporate limits and to prohibit their operation on designated Town-owned property, or property under Town jurisdiction, outside its corporate limits as noted in Section IV.

SECTION I

This By-Law may be cited as the "Off-Highway Vehicles By-Law."

SECTION II

- (a) "alley" means a narrow highway intended chiefly to give access to the rear of buildings and parcels of land;
- (b) "Council" means the Municipal Council of the Town of Sedgewick in the Province of Alberta;
- (c) "driver" or "operator" means a person who drives or is in actual physical control of an "off-highway" vehicle;
- (d) "highway" means any thoroughfare, street, road, trail, avenue, parkway, driveway, viaduct, lane, alley, square, bridge, causeway, trestleway, or other place, 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
  - (i) includes
    - (A) a sidewalk (including the boulevard portion of the sidewalk),
    - (B) if a ditch lies adjacent to and parallel with the roadway, the ditch, and
    - (C) 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 fence and the edge of the roadway, as the case may be,
  - but
  - (ii) does not include a place declared by the Lieutenant Governor in Council not to be a Highway;
- (e) "off-highway vehicle" means any motorized vehicle designed for cross-country travel on land, water, snow, ice, marsh, or swamp land or on other natural terrain and, without limiting the generality of the foregoing, includes, when designed for such travel:
  - (i) four-wheel drive or low pressure tire vehicles
  - (ii) motorcycles and related two-wheel vehicles
  - (iii) all terrain vehicles
  - (iv) snow vehicles
  - (v) minibikes
  - (vi) golf carts, and

- (e) (vii) any other means of transportation which is propelled by any power other than muscular power or wind, but does not include
  - (viii) motor boats, or
  - (ix) any other vehicle exempted from all of the provisions of this Act by the regulations.
- (f) "owner" includes a person renting an "off-highway" or "all terrain" vehicle or having the exclusive use of that vehicle under a lease or otherwise for a period of more than 30 days;
- (g) "permit" means a license for the operation of an off-highway vehicle issued by the Town of Sedgewick prescribing the routes within the Town of Sedgewick on which the off-highway vehicle may travel;
- (h) "roadway" means that part of a highway intended for use by vehicular traffic.

### SECTION III

- (a) An owner of an off-highway vehicle who wishes to operate this vehicle within the corporate limits of the Town of Sedgewick must obtain an annual non-transferable permit for the said vehicle from the Town Office. The cost for said permit shall be \$10.00 and will be valid for the calendar year. A format for the permit appears in Appendix I. The operator must have a valid motor vehicle license, and further, if the operator holds a Class 7 (learner's license) then that individual must be accompanied by a holder of a minimum of a valid Class 5 license and must also be over the age of eighteen years.
- (b) An owner of an off-highway vehicle seeking a permit shall produce liability insurance prior to the issuance of said permit. The Town of Sedgewick shall be given a minimum fifteen days notice prior to cancellation or a material change in said liability insurance policy.
- (c) No person shall operate or permit the operation of an off-highway vehicle contrary to the Bylaw, or without a permit, as required pursuant to the By-Law.
- (d) Off-highway vehicles with permits may operate within the corporate limits of the Town of Sedgewick, but only those routes specifically designated on each vehicle's permit. Routes shall include alleys and roadways only, not sidewalks, boulevards, ditches and/or medians.
- (e) Maximum speed of operation shall be 25 kilometers per hour.
- (f) It is the responsibility of the driver, operator, or owner of an off-highway vehicle to produce their permit when asked to do so by the R.C.M.P. or other appointed Town By-Law Enforcement Personnel. A 24-hour grace period in which to produce the permit shall be granted if it is not immediately available.
- (g) No off-highway vehicle, with or without a permit, shall operate on any public property within the corporate limits of the Town of Sedgewick. This includes the golf course, the ball diamonds, the school grounds, and Town-owned vacant lots. This section does not apply to golf carts operating on the golf course.
- (h) No off-highway vehicle without CSA approved lighting shall operate within the corporate limits of the Town of Sedgewick, 1 hour after sunset to 1 hour before sunrise.
- (i) A permit number must be affixed in a visible location on the off-highway vehicle.

**SECTION IV**

R.C.M.P. or authorized Town Employees while in the performance of their duties shall be deemed to be exempt from the provisions of this By-Law.

**SECTION V**

Any driver, operator or owner of an off-highway vehicle found guilty of any infraction or in breach of this By-Law by the R.C.M.P. or other appointed Town By-Law Enforcement Personnel, shall be liable upon summary conviction to a fine not exceeding \$500.00 exclusive of costs and in the case of non-payment of the fine, imprisonment for a period not exceeding 6 months, unless the fine and costs of committal are sooner paid.

**SECTION VI**

Any driver, operator or owner of an off-highway vehicle committing a breach of any of the provisions of the By-Law, may pay, in lieu of prosecution, a maximum penalty in the amount of:

First Offence.....	\$50.00
Second and Subsequent Offences.....	\$100.00

The amount being so indicated on the offence ticket and payable to the Town of Sedgewick within 7 days of its issuance. The amount so paid shall form part of the General Revenue of the Town of Sedgewick.

**SECTION VII**

Any driver, operator or owner of an off-highway vehicle found guilty of any infraction or breach of this By-Law by the R.C.M.P. or other appointed Town By-Law Enforcement Personnel, may have his above mentioned vehicle confiscated by such Personnel, if deemed necessary and appropriate under the circumstances.

**SECTION VIII**

Any driver, operator or owner of an off-highway vehicle operating such a vehicle on Town property, alleys or highways, within the corporate limits of the Town of Sedgewick in such a manner as to cause damage to our loss of personnel, private or public property, may require that the Town request the courts order the offender causing said damage or loss make full restitution of the damaged or lost item or property.

**SECTION IX**

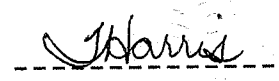
That this By-Law shall take force and effect on the date of its final passage.

Read a FIRST time this 8th day of August, 1995.

Read a SECOND time this 8th day of August, 1995.

Read a THIRD and FINAL time this 8th day of August, 1995.

  
 -----  
 MAYOR BRUCE DAHL

  
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 OFFICE/ASSISTANT T.HARRIS

APPENDIX I

TOWN OF SEDGEWICK  
OFF-HIGHWAY VEHICLE PERMIT

PERMIT # \_\_\_\_\_

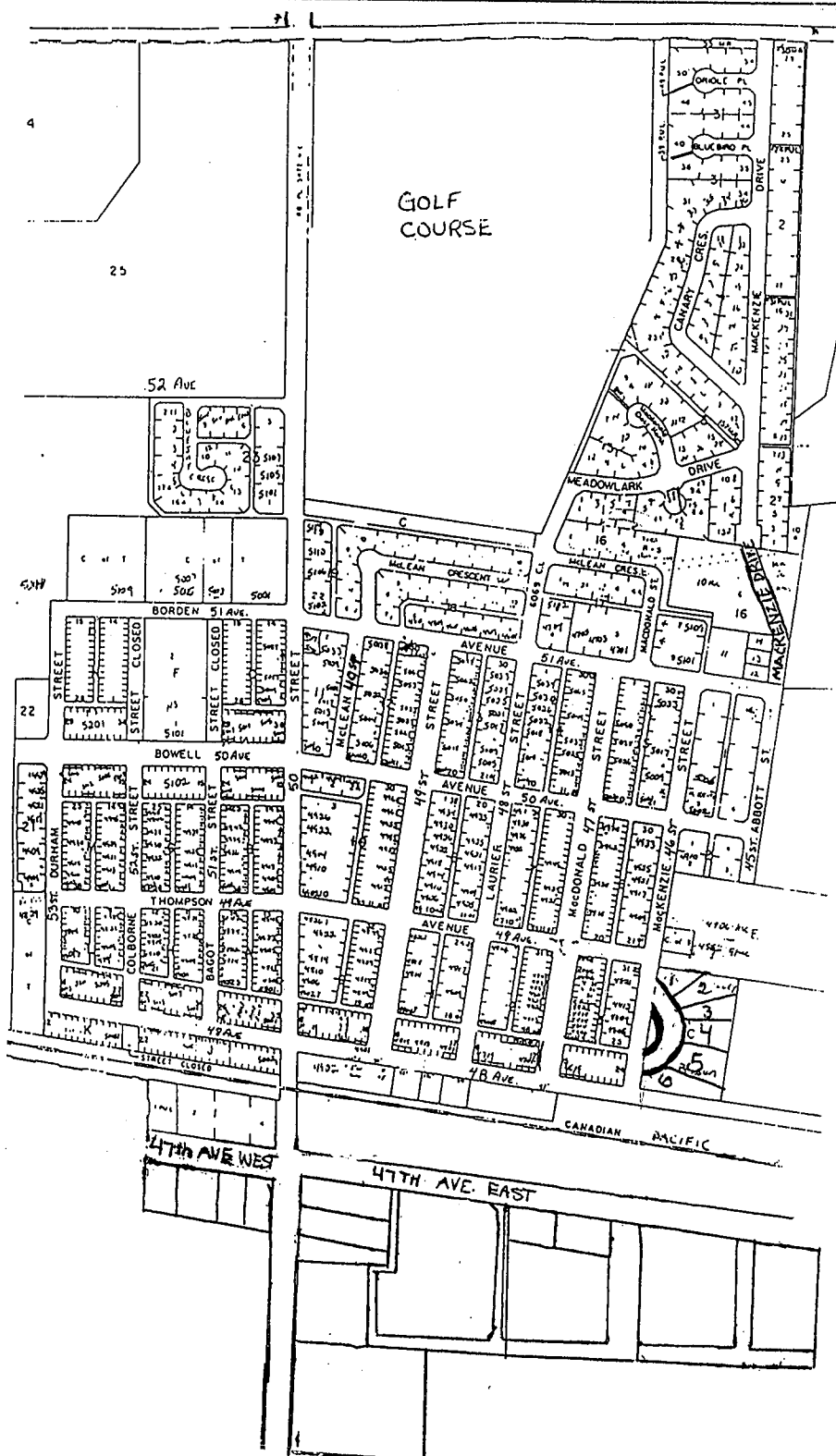
VALID FOR YEAR \_\_\_\_\_

OWNER'S NAME \_\_\_\_\_

MUNICIPAL ADDRESS \_\_\_\_\_

Type of Off-Highway Vehicle \_\_\_\_\_ Vehicle S/N \_\_\_\_\_

Route of Travel Within Town of Sedgewick \_\_\_\_\_



The off-highway vehicle may only be operated within the corporate limits of the Town of Sedgewick on the above route. Routes include the roadway and alleys only and not sidewalks, boulevards, ditches, and/or medians.

Speed limit for off-highway vehicles in the Town of Sedgewick is 25 kilometers per hour.