

THE TOWN OF WHITECOURT

BY-LAW NO. 1138

A BY-LAW OF THE TOWN OF WHITECOURT, PROVINCE OF ALBERTA TO REGULATE AND CONTROL THE OPERATION OF OFF HIGHWAY VEHICLES.

NOW THEREFORE, under the authority and subject to the provisions of the Municipal Government Act, being Chapter M-26, 1 of the Statutes of Alberta, 1994, and amendments thereto, and the Off Highway Vehicles Act, being Chapter O-4 of the Revised Statutes of Alberta 1980, and amendments thereto, the Municipal Council of the Town of Whitecourt, in the Province of Alberta, duly assembled, enacts as follows:

WHEREAS, Council deems it expedient and proper to provide controls for the operation of off highway vehicles within the Town of Whitecourt, with respect to places, times and speeds of the vehicles.

1. In this by-law the following definitions shall apply:
 - a. The definitions as contained in Section 1 of the Off-Highway Vehicle Act being Chapter O-4 of the 1980 Revised Statutes of Alberta shall apply;
 - b. "highway" means any thoroughfare, street, road, trail, avenue, parkway, driveway, viaduct, land, alley, square, bridge, causeway, trestleway, or other place, whether publicly or privately owned, and part of which the public is ordinarily or permitted to use for the passage of vehicles; and
 - (i) includes:
 - (a) where a ditch lies adjacent to and parallel with a roadway, the ditch;
 - (b) where highway right of way is contained between fences or between the fences, or all the land between the fence and the edge of the roadway, as the case may be; and
 - (ii) does not include a place declared by the Lieutenant Governor in Council not to be a highway.
 - c. "Off-highway vehicle" means any motorized vehicle designated 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) 4 - wheel drive or low pressure tire vehicles;
 - (ii) motor cycles and related 2-wheel vehicles;
 - (iii) amphibious machines;
 - (iv) all terrain vehicles;
 - (v) miniature motor vehicles;
 - (vi) snow vehicles;
 - (vii) minibikes; and
 - (viii) any other means of transportation which is propelled by any power other than muscular power or wind.

But does not include:

 - (ix) motor boats; or
 - (x) any other vehicle exempted from all of the provisions of this Act by the regulations.
 - d. "Insured off-highway vehicle" means an off-highway vehicle the owner of which is insured by a policy of insurance approved under Part 7 of the Insurance Act and containing the coverage and limits fixed by that Part for automobiles in relation to public liability, property damage and accident benefits in respect of that off-highway vehicle;
2. Subject to any other restrictions and provisions that may be contained in this by-law, no person shall operate an Off-Highway Vehicle in the Town of Whitecourt, between the hours of 10:00 p.m. and 7:00 a.m. of the day next succeeding.
3. a. No person under the age of 14 years shall operate an off-highway vehicle in a public place.

- (a) is so designed as to control the vehicle being towed so that it will substantially follow in the tracks of the towing vehicle,
 - (b) is of sufficient strength to safely control the vehicle being towed,
 - (c) does not exceed 1.83 m in length, and
 - (d) adequately prevents the towed vehicle from colliding with the towing vehicle in the case of downhill travel or a stop.
15. Every person, owner, or operator who contravenes this By-law or any part thereof is guilty of an offense and liable to a fine or fines and/or seizure and detainment of the off-highway vehicle as set out in Schedule 2.
 16. A peace officer who on reasonable and probable grounds believes that an offense under Sections 5, 6, or 9 has been committed may seize and detain any off-highway vehicle in respect of which the offense was committed until the final disposition of any proceedings that may be taken under the Off-Highway Vehicle Act, and Section 96 of the Motor Vehicle Administration Act applies, with all necessary modifications, to that off-highway vehicle.
 17. When seizure and detainment occurs, the owner of the off-highway vehicle shall be responsible for all storage fees, towing, and all other associated fees.
 18. Operators of off-highway vehicles use permitted areas and highways in the Town of Whitecourt at their own risk and the Town of Whitecourt does not warrant such areas as being suitable for the use of off-highway vehicles.
 19. By-law No. 654 and By-law No. 1087 and amendments thereto are hereby rescinded.
 20. This By-law comes into force and effect on the date of final passing.

READ a first time this 26th day of February, 1996

READ a second time 26th day of February, 1996

READ a third and final time by unanimous consent and finally passed this 26th day of February, 1996.



Mayor

Town Manager

BYLAW NO. 1138-1

OF THE TOWN OF WHITECOURT
PROVINCE OF ALBERTA

TO AMEND THE OFF-HIGHWAY VEHICLES BYLAW

WHEREAS, Council deems it expedient and proper to make certain amendments to Bylaw No. 1138, being the Off-Highway Vehicles Bylaw.

NOW THEREFORE, under the authority and subject to the provisions of the Municipal Government Act, being Chapter M-26.1 of the Statutes of Alberta, 1994, and amendments thereto, and the Off Highway Vehicles Act, being Chapter O-4 of the Revised Statutes of Alberta, 1980, the Municipal Council of the Town of Whitecourt, Province of Alberta, duly assembled, enacts as follows:

1. That Sections 19 and 20 of Bylaw No. 1138 shall be renumbered as Sections 20 and 21 respectively.
2. That the following shall be added as Section 19:

"During times of high to extreme fire hazard, as defined by Alberta Environmental Protection, Land and Forest Service, all use of Off-Highway Vehicles shall be banned within the limits of the Town of Whitecourt.
3. That Section 16 shall be amended to add "and 19" after the words, "Sections 5, 6, or 9."
4. That Schedule 2 of Bylaw No. 1138 be deleted and replaced with the attached Schedule 2, dated May 8, 1998.
5. That this Bylaw shall take effect on the date of final passing thereof.

READ a first time this 8th day of May, 1998.

READ a second time this 8th day of May, 1998.

READ a third and final time by Unanimous Consent and finally passed this 8th day of May, 1998.



Mayor



Town Manager

BYLAW NO. 1138-2

OF THE TOWN OF WHITECOURT
PROVINCE OF ALBERTA

TO AMEND THE OFF-HIGHWAY VEHICLES BYLAW

WHEREAS, Council deems it expedient and proper to make certain amendments to Bylaw No. 1138, being the Off-Highway Vehicles Bylaw.

NOW THEREFORE, under the authority and subject to the provisions of the Municipal Government Act, being Chapter M-26.1 of the Statutes of Alberta, 1994, and amendments thereto, and the Off-Highway Vehicles Act, being Chapter O-4 of the Revised Statutes of Alberta, 1980, the Municipal Council of the Town of Whitecourt, Province of Alberta, duly assembled, enacts as follows:

1. That Section 2 of Bylaw No. 1138 shall be deleted and replaced with the following:
 - a. Subject to any other restrictions and provisions that may be contained in this bylaw, no person shall operate an Off Highway Vehicle in the Town of Whitecourt between the hours of 10:00 p.m. of any day and 7:00 a.m. of the day next succeeding.
 - b. No person shall operate an Off Highway Vehicle in the Town of Whitecourt between April 1 and November 30 in any year.
2. That Schedule 1 of Bylaw No. 1138 shall be deleted and replaced with the attached Schedule 1, dated February 22, 1999, to identify approved routes and prohibited areas.
3. That Schedule 2 of Bylaw No. 1138 be deleted and replaced with the attached Schedule 2, dated February 22, 1999 to reflect the changes to Section 2 of the bylaw.
4. That this Bylaw shall take effect on the date of final passing thereof.

READ a first time this 22nd day of February, 1999.

READ a second time this 22nd day of February, 1999.

READ a third and final time by Unanimous Consent and finally passed this 22nd day of February, 1999.



Mayor



Town Manager

Bylaw No. 1138-2 to amend

Bylaw No. 1138
SCHEDULE 2

dated February 22, 1999

Description	Bylaw Section	Penalty
Use of a vehicle that does not meet the definition of an off-highway vehicle	1(c)	\$ 50
Operate an off-highway vehicle when prohibited (times of day and year)	2	\$ 50
Underage operator	3(a) & 3(b)	\$ 25
Speeds in excess of 20km/hr	4(a)	a. for a first offence, a fine of \$50 and in default of payment, imprisonment for a term of not more than 30 days; and b. for a second or subsequent offence, a fine of \$100 and in default of payment, imprisonment for a term of not more than 60 days
No registration	5	\$ 50
No insurance	6	\$ 50
Operating in a prohibited area	7, 8, 9, & 11	a. for a first offence, a fine of \$50 and in default of payment, imprisonment for a term of not more than 30 days; and b. for a second or subsequent offence, a fine of \$100 and in default of payment, imprisonment for a term of not more than 60 days
Not on the most direct route	9(b)(ii)	\$ 50
Failure to yield right of way to all other traffic and pedestrians	12	\$ 50
Operating without due care and attention or without reasonable consideration for other persons/property	13	\$100
Improper towing	14	\$ 25
Operating during times of high to extreme fire hazard	19	\$ 50

BYLAW NO. 1138-3

**OF THE TOWN OF WHITECOURT
PROVINCE OF ALBERTA**

TO AMEND THE OFF-HIGHWAY VEHICLES BYLAW

WHEREAS, Council deems it expedient and proper to make certain amendments to Bylaw No. 1138, being the Off-Highway Vehicles Bylaw.

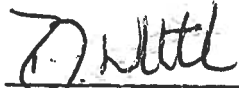
NOW THEREFORE, under the authority and subject to the provisions of the Municipal Government Act, being Chapter M-26.1 of the Statutes of Alberta, 1994, and amendments thereto, and the Off-Highway Vehicles Act, being Chapter O-4 of the Revised Statutes of Alberta, 1980, the Municipal Council of the Town of Whitecourt, Province of Alberta, duly assembled, enacts as follows:

1. That Schedule 1 of Bylaw No. 1138 shall be deleted and replaced with the attached Schedule 1, dated November 9, 2001, to identify approved routes and prohibited areas.
2. That this Bylaw shall take effect on the date of final passing thereof.

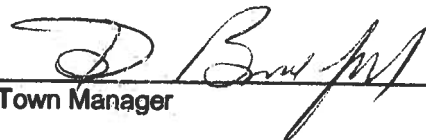
READ a first time this 13th day of November, 2001.

READ a second time this 13th day of November, 2001.

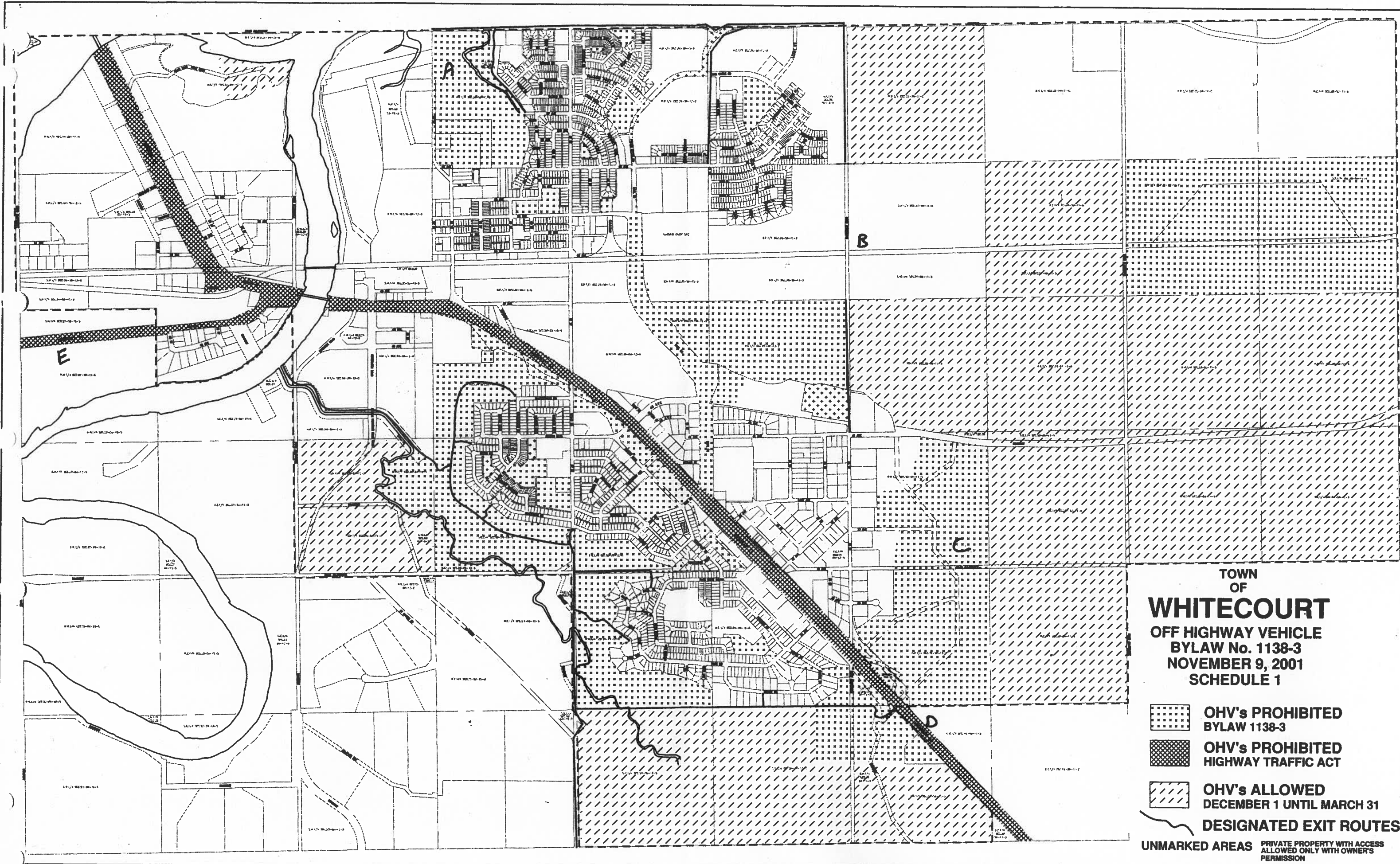
READ a third and final time by Unanimous Consent and finally passed this 13th day of November, 2001.








Mayor



Town Manager



TOWN
OF
WHITECOURT
OFF HIGHWAY VEHICLE
BYLAW No. 1138-3
NOVEMBER 9, 2001
SCHEDULE 1

-  OHV's PROHIBITED BYLAW 1138-3
-  OHV's PROHIBITED HIGHWAY TRAFFIC ACT
-  OHV's ALLOWED DECEMBER 1 UNTIL MARCH 31
-  DESIGNATED EXIT ROUTES
-  UNMARKED AREAS PRIVATE PROPERTY WITH ACCESS ALLOWED ONLY WITH OWNER'S PERMISSION