



**VILLAGE OF STIRLING  
IN THE PROVINCE OF ALBERTA  
Bylaw No. 456-14  
Off-Highway Vehicle Bylaw**

**A BYLAW OF THE VILLAGE OF STIRLING IN THE PROVINCE OF ALBERTA REGULATING  
THE OPERATION AND USE OF OFF-HIGHWAY VEHICLES ON HIGHWAYS UNDER THE  
JURISDICTION OF THE VILLAGE OF STIRLING.**

**WHEREAS** pursuant to the provisions of Section 120 (2) (b) of the Traffic Safety Act Revised Statutes of Alberta 2000 Chapter T-6 and amendments thereto, no person shall operate an off-highway vehicle on any portion of a highway.

**AND WHEREAS** pursuant to the provisions of Section 128 (a) (b) of the aforesaid Statutes, the Council of a municipality may by By-Law, with respect to highways under its direction, control and management, any such highway or class thereof and may require persons driving or otherwise riding on or in an off-highway vehicle to wear a helmet, restrict the hours during which such operation may take place, setting maximum speed limits respecting the operation of off-highway vehicles with respect to property that is not a highway that is located within the municipality and to which members of the public have access while operating off-highway vehicles.

**AND WHEREAS** the Council of the Village of Stirling considers it desirable and expedient to permit the operation of certain types of off-highway vehicles within its boundaries in accordance with the regulations specified in the Traffic Safety Act Chapter T-6.

**NOW THEREFORE UNDER AUTHORITY OF AND SUBJECT TO THE TRAFFIC SAFETY ACT CHAPTER T-6 AND REGULATIONS GOVERNING OFF-HIGHWAY VEHICLES, THE COUNCIL OF THE VILLAGE OF STIRLING IN THE PROVINCE OF ALBERTA DULY ASSEMBLED, HEREBY ENACTS AS FOLLOWS:**

**1. DEFINITIONS:**

- a) **“OFF-HIGHWAY VEHICLE”** means any motorized mode of transportation built for cross-country travel on land, water, snow, ice or marsh or swamp land or on natural terrain and, without limiting the generality of the foregoing, includes, when specifically designed for such travel,
1. 4-wheel drive vehicles,
  2. low pressure tire vehicles,
  3. motor cycles and related 2-wheel vehicles,
  4. amphibious machines,
  5. all-terrain vehicles,
  6. miniature motor vehicles,
  7. snow vehicles,
  8. mini bikes, and
  9. any other means of transportation that is propelled by any power other than muscular power or wind,
- but does not include
10. motor boats, or
  11. any other vehicle exempted from being an off-highway vehicle by regulation;
- b) **“ACT”** means the Traffic Safety Act, RSA 2000 c. T-6.;

- c) **“VILLAGE”** shall mean the Village of Stirling;
- d) **“VEHICLE”** means a device in, on or by which a person or thing may be transported or drawn and includes a combination of vehicle but does not include a mobility aid.
- e) **“HIGHWAY”** means any thoroughfare, street, road, trail, avenue, parkway, driveway, viaduct, lane, alley, square, bridge, causeway, trestleway or other place or any part of any of them, whether publicly or privately owned, that the public is ordinarily entitled or permitted to use for the passage or parking of vehicles and includes
1. a sidewalk, including a boulevard adjacent to the sidewalk,
  2. if a ditch lies adjacent to and parallel with the roadway, the ditch, and
  3. 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 fences, or all the land between the fence and the edge of the roadway as the case may be.
- f) **“ROADWAY”** means that part of the highway intended for use by vehicular traffic;
- g) **“PARKING LANE”** means that portion of a highway between:
1. the edge of the roadway to the right of the direction of the traffic, and
  2. the nearest solid white line (not being the center line) marked on the roadway;
- h) **“MOTOR VEHICLE”** means
1. a vehicle propelled by any power other than muscular power, or
  2. a moped,
- but does not include a bicycle, a power bicycle, an aircraft, an implement of husbandry or a motor vehicle that runs only on rails.
- i) **“MOTOR CYCLE”** means a motor vehicle, other than a moped, that is mounted on 2 or 3 wheels and includes those motor vehicles known in the automotive trade as motor cycles and scooters;
- j) **“OPERATOR” or “DRIVER”** means a person who is driving or is in actual physical control of a vehicle;
- k) **“DRIVING” or “DRIVE”** includes having the care or control of a vehicle
- l) **“CERTIFICATE OF REGISTRATION”** means a certificate of registration that is issued under the Traffic Safety Act and includes a document or information and other data contained in an electronic form that is recognized under the Traffic Safety Act as a certificate of registration;
- m) **“FINANCIAL RESPONSIBILITY CARD”** means a card issued or authorized pursuant to the *Insurance Act*;
- n) **“MOTOR VEHICLE DOCUMENT”** means
1. an operator’s license;
  2. a certificate of registration;
  3. a financial responsibility card;
  4. a license plate;
  5. an operating authority certificate;
  6. a safety fitness certificate;
  7. a permit;
  8. a validation tab for a license plate;
  9. any other document not referred to in sub clauses (1) to (8) that is prescribed by regulation as a motor vehicle document.
- o) **“OWNER”** means the person who owns a vehicle and includes any person renting a vehicle or having the exclusive use of a vehicle under a lease that has a term of more than 30 days or otherwise having the exclusive use of a vehicle for a period of more than 30 days.
- p) **“PEACE OFFICER”** means
1. a member of the Royal Canadian Mounted Police;
  2. a member of a municipal police service;
  3. a peace officer appointed under the *Peace Officer Act* for the purpose of this act;

4. a park warden appointed under the *Parks Canada Agency Act (Canada)*;
  5. a conservation officer appointed under section 1 of Schedule 3.1 to the *Government Organization Act*;
  6. a wildlife officer appointed under the *Wildlife Act*;
  - q) “**TRAFFIC VIOLATION NOTICE**” means a document authorized by the Provincial Offences Procedures Act R.S.A. 2000, c. P-34, pursuant to Part 2 and 3;
  - r) “**OPERATOR’S LICENSE**” means an Operator’s License that is issued under the Act, and includes a document or information and other data contained in an electronic form that is recognized under the Act as an Operator’s License;
  - s) “**Safety Helmet**” means a Safety Helmet as prescribed in the Regulations made pursuant to the Act.
2. No person is authorized to operate an Off-Highway Vehicle on any highway under the direction, management and control of the Village except as specifically provided for within this By-Law.
  3. No person shall operate an Off-highway Vehicle on a Village highway or unrestricted public property under the control of the Village unless the operator is a minimum of 16 year old.
  4. The hours of operating an Off-highway Vehicle on Village Highways within Village shall be restricted to the period of time between **8:00 a.m.** to **10:00 p.m.** in any day.
  5. The maximum speed at which Off-Highway vehicles are permitted to travel on Village highways is **20 Kilometres Per hour**, unless otherwise posted at a reduced speed.
  6. Operators of Off-highway Vehicles on Village highways shall travel within the parking lane or where there is no parking lane, on the extreme right hand side of the highway and shall travel single file at all times.
  7. The operator of an Off-Highway Vehicle may travel on any Highway, Roadway, Parking Lane, alley or designated area if:
    - a) The operator of the Off-Highway Vehicle is using only those Highway, Roadway, Parking Lane, alley or permitted designated areas which will take the operator by the most direct route to and from the place where the operator normally stores the Off-Highway Vehicle and nearest area on which Off-Highway Vehicles are permitted to operate.
  8. The operator of an Off-Highway Vehicle may cross any highway, including the roadway, the parking lane or sidewalk portion of the highway, as the case may require, if
    - a) The operator stops the Off-Highway Vehicle before entering onto the highway or portion of the highway to be crossed;
    - b) All passengers disembark from the Off-Highway Vehicle and any vehicle or thing attached to it before he/she commences to cross;
    - c) The operator yields the right of way to all other vehicles and persons on the highway; and
    - d) The operator crosses over the highway or portion of the highway to be crossed by the most direct and shortest route of travel available to him/her.
  9. All Off-Highway Vehicles travelling on Village highways shall be equipped with at least one headlight and one tail light and NO Off-Highway vehicle shall be operated on a highway unless the headlight and tail light are aight.

10. No person shall operate an Off-Highway Vehicle within the limits of the Village, unless the operator is the holder of a valid subsisting class 5 or greater Operator's License.
11. No person who is the owner or operator of an Off-Highway Vehicle may operate or suffer or permit any other person to operate the Off-Highway Vehicle on any public property when there is not, for the time being, a subsisting certificate of registration issued pursuant to the Off-Highway Vehicle Act in respect to that Off-Highway Vehicle.
12. No person who is the registered owner of an Off-Highway Vehicle shall operate or suffer or permit any other person to operate an Off-Highway Vehicle when there is not, for the time being, a subsisting Financial Responsibility Card or certificate of insurance so as to ensure the Off-Highway Vehicle is an insured Off-Highway Vehicle pursuant to the Off-Highway Vehicle Act.
13. No person shall operate an Off-Highway Vehicle within the limits of the Village without the use of a CSA approved safety helmet.
14. The operation of any Off-Highway Vehicle on any school yard, playground, park, playfield or any posted recreational grounds within the Village is **PROHIBITED** at all times.
15. The operation of any Off-Highway Vehicle on Highway 846 right of ways is **PROHIBITED** at all times.
16. The provision of Section 14 and 15 of this By-Law shall not apply to Peace Officers, agents or employees of any School Board or agents or employees of the Village operating an Off-Highway Vehicle while in the performance of their official duties.
17. The operator of an Off-Highway Vehicle shall yield the right of way to all other traffic on any Highway in the Village of Stirling and to all pedestrians at all times and places.
18. No person shall operate an Off-Highway Vehicle without due care and attention; or without reasonable consideration for other person or property.
19. No person shall tow behind an Off-Highway Vehicle any trailer, sleigh, cutter or other vehicle unless the hitch or attachment employed:
  - 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 metre in length, and
  - d) Adequately prevent the towed vehicle from colliding with the towing vehicle in the case of downhill travel or a stop.
20. During times of high to extreme fire hazard, as defined by Alberta Environment Protection, Land and Forest Service, all use of Off-Highway Vehicles shall be banned within the limits of the Village.
21. A Peace Officer who on reasonable and probable grounds believes that an offence under this By-Law has been committed may seize and detain any Off-Highway Vehicle in respect of which the offence was committed until the final disposition of any proceedings that may be taken under this By-Law or the Traffic Safety Act or any other regulations pertaining to Off-Highway Vehicles.

22. The owner of an Off-Highway Vehicle that is involved in a contravention of this By-Law is guilty of an offence unless he or she proves to the satisfaction of any judicial proceedings that at the time of the offence the Off-Highway Vehicle was not being driven or left parked by him/her or any other person with his/her consent, expressed or implied.
23. Any person who permits another person to operate an Off-Highway Vehicle in contravention of this By-Law is guilty of an offence.
24. Every person who contravenes the provisions of this By-Law is guilty of an offence and liable on summary conviction to a penalty as prescribed in Schedule "A" of this By-Law.
25. 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.
26. Operators of Off-Highway Vehicles use permitted areas and Highways in the Village at their own risk and the Village does not warrant such areas being suitable for the use of Off-Highway Vehicles.
27. This Bylaw shall come into force and effect upon third and final reading.

READ A FIRST TIME THIS THE \_\_\_ DAY OF \_\_\_\_\_, 2014

READ A SECOND TIME THIS THE \_\_\_ DAY OF \_\_\_\_\_, 2014

READ A THIRD TIME AND PASSED THIS THE \_\_\_ DAY OF \_\_\_\_\_, 2014

\_\_\_\_\_  
Mayor - Ben Nilsson

\_\_\_\_\_  
CAO - Mike Selk

## Schedule "A"

WHEREAS under the provisions of the Traffic Safety Act Revised Statutes of Alberta 2000 Chapter T-6, by the Provincial Offences Procedures Act R.S.A. 2000, c. P-34, pursuant to Part 2 and 3; and amendments thereto and under the provisions of Section 568 of the Municipal Government Act Revised Statutes of Alberta 2000 Chapter M-26 and amendments thereto, the Council of a municipality may, by by-law provide for the payment of traffic tickets or summons out of court.

A notice or form (commonly called a traffic tag or a violation ticket) may be issued by a Peace Officer or By-Law Enforcement Officer appointed by Council to any person charged with a breach of any of the provisions of this by-law and hereto mentioned acts shall apply in regards to the payment.

Sections:	3. Operate while under age	\$100.00
	4. Operate during restricted hours	\$75.00
	5. Speeding	\$100.00
	6. Travel right side and single file	\$75.00
	7. Contravention to most direct route condition	\$75.00
	8. Cross highway contrary to conditions	\$150.00
	9. Improper or No lighting	\$75.00
	10-12. Improper or Invalid Motor Vehicle Document	\$100.00
	13. Operate without approved safety helmet	\$100.00
	14. Operate in recreational area, park or school	\$100.00
	15. Operate on Highway 846 right of way	\$300.00
	17. Fail to yield to pedestrians	\$100.00
	18. Operate without due care or attention	\$100.00
	19. Improper towing	\$75.00
	20. Operate while banned	\$300.00
	21. Failure to stop for a Peace Officer	\$300.00

A person found guilty of an offence against this by-law of the Village of Stirling where no penalty has been specifically provided is liable on summary conviction to a fine not exceeding three hundred dollars (\$300.00) exclusive of costs and in default of payment to imprisonment for a period not exceeding six months, unless the fine and cost including the costs of the committal are sooner paid.