

**Village of Warburg  
Bylaw #71/05**

**A BYLAW OF THE VILLAGE OF WARBURG, IN THE PROVINCE OF ALBERTA, FOR THE CONTROL AND REGULATION OF “OFF-HIGHWAY” VEHICLES WITHIN THE CORPORATE LIMITS OF THE VILLAGE OF WARBURG.**

**WHEREAS**, under the *Traffic Safety Act, RSA 2000* and amendments thereto, Council may by By-law, with respect to highways under its direction, control and management, authorize persons to operate Off-Highway Vehicles on any portion of any such highway or class of highway.

**WHEREAS**, under the *Traffic Safety Act, RSA 2000* and amendments thereto Council may by By-law control and regulate the speed and hours of operation for Off-Highway Vehicles,

**WHEREAS**, the Municipal Council of the Village of Warburg deems it expedient to pass a By-law to authorize, control and regulate the operation of Off-Highway Vehicles within the Village of Warburg,

**NOW THEREFORE BY THE MUNICIPAL COUNCIL OF THE VILLAGE OF WARBURG DULY ASSEMBLED,**

**ENACTS AS FOLLOWS:**

**1. TITLE**

This By-law shall be known as the “Off-Highway Vehicles By-law: of the Village of Warburg.

**2. DEFINITIONS**

- (a) “Motor Vehicle” – means a vehicle propelled by any power other than muscular power or a moped, but does not include a bicycle, an aircraft, a tractor, whether equipped with rubber tires or not, an implement of husbandry or a motor vehicle that runs only on rails.
- (b) “Off-Highway Vehicles” – shall mean any motorized vehicle designated for cross-country travel on land, water, snow, ice, marsh or swamp land or natural terrain and without limiting the generality of the foregoing includes, when designated for such travel;
  - i) four-wheel drive or low pressure tire vehicles,
  - ii) motorcycles and related two-wheel vehicles,
  - iii) amphibious machines,
  - iv) all terrain vehicles,
  - v) miniature motor vehicles,
  - vi) snow vehicles,
  - vii) mini bikes, and
  - viii) any other means of transportation which is propelled by any power other than muscular power and wind.

But does not include:

- (f) “Council” – means the Council of the Village of Warburg;
- (g) “Village” - means the Village of Warburg;
- (h) “Boulevard” – means that part of a Highway that is not roadway, and is that part of the sidewalk that is not especially adapted to the use of or ordinarily used by pedestrians;
- (i) “Owner” – means an Owner as defined in the *Traffic Safety Act, RSA 2000*,
- (j) “Violation Tag” – means a tag or similar document issued by the Village pursuant to the *Municipal Government Act*;
- (k) “Violation Ticket” – means a ticket pursuant to Part II of the *Provincial Offences Procedure Act, S.A. 1988, c. P-21.5*, as amended.

### 3. REGULATIONS

- (a) No person shall operate an Off-Highway Vehicle within the Village of Warburg except as provided for in this By-law or as authorized by the *Traffic Safety Act, RSA 2000*.
- (b) Off-Highway Vehicle use within the boundaries of the Village of Warburg shall be restricted to travel on the most direct route to an area of legal off highway use outside the corporate limits of the Village of Warburg unless a permit to operate has been obtained from the Municipal Administrator of the Village of Warburg for a special event, parade, exhibition, etc.
- (c) The Owner shall first obtain proper registration and public liability and property damage insurance coverage with a limit of at least \$10,000.00 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.
- (d) A person who is authorized to operate an Off-Highway Vehicle pursuant to the *Traffic Safety Act, RSA 2000* or this By-law shall,
  - i) travel at a maximum speed of twenty (20) kilometres per hour;
  - ii) travel in single file;
  - iii) travel in the same direction as the Vehicles, travelling at the furthest right portion of the road being traveled;
  - iv) before crossing a Roadway, the Operator of the Off-Highway Vehicle shall stop the Off-Highway Vehicle;
  - v) all passengers on the Off-Highway vehicle shall disembark from the Off-Highway Vehicle before the Operator commences to cross the Roadway;
  - vi) the Operator of an Off-Highway Vehicle shall yield to the right-of-way of all other vehicles and persons on the Roadway;

- (e) Off-Highway Vehicles may be operated in alleys only, except in the case of there being no alley at the rear of his property, an Operator of an Off-Highway Vehicle may use the street or avenue at the front of his or her property upon which to travel to the nearest alley to link up with the most direct route to an area of legal Off-Highway use outside the corporate limits of the Village of Warburg.
- (f) No alleys shall be used as a recreation area by Off-Highway Vehicles, but shall only be used as a means of transporting Off-Highway Vehicles under their own power to and from a permitted area.
- (g) Except as authorized under the *Traffic Safety Act*, or this By-law, no person shall operate an Off-Highway Vehicle on Village-owned property;
- (h) No Off-Highway Vehicles shall be operated over or across privately owned property within the Village of Warburg unless permission has first been granted by the person owning the property.
- (i) 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 the Off-Highway Vehicle is designed to carry.
- (j) A person operating an Off-Highway Vehicle must ensure that the Off-Highway Vehicle is equipped with one white light on the front and at least one red light at the rear and that such lights are alight when the Off-Highway Vehicle is being operated during night-time hours or when insufficient light or atmospheric conditions make it necessary.
- (k) No person shall operate an Off-Highway Vehicle on any sidewalk or boulevard.
- (l) No person shall operate an Off-Highway Vehicle within the corporate limits of the Village of Warburg unless the Operator and all passengers are wearing safety-approved helmets.
- (m) Any items pertaining to the operation of Off-Highway Vehicles contained in this By-law, which fall under the *Traffic Safety Act* of Alberta shall support, aid and effect the enforcement of this By-law.
- (n) The provisions of this By-law do not apply to an Enforcement Officer or agents or employees of the Village while operating an Off-Highway Vehicle in the performance of their official duties.
- (o) During an emergency, disaster, or search and rescue operation within the Village, as determined by Council or its designate, the provisions of this By-law may be waived,

- (r) No person shall tow behind an Off-highway Vehicle any trailer, sleigh, cutter or other vehicle unless the hitch or attachment:
  - i) is designed to control the vehicle being towed, so it will substantially follow in the tracks of the towing vehicle;
  - ii) is of sufficient strength to safely control the vehicle being towed;
  - iii) does not exceed 1.83m in length, and
  - iv) adequately prevents the towed vehicle from colliding with the towing vehicle in the case of downhill travel or a stop.

#### 4. OFFENCES

- (a) That failure to comply with any section shall constitute an offence under this By-law, the penalty for which shall be a fine of \$50.00 for the first offence and \$100.00 for a second or subsequent offence.
- (b) Any fine or penalty imposed under this By-law shall ensure to the benefit of the Village of Warburg.
- (c) An Enforcement Officer is hereby authorized and empowered to issue a Violation Tag to any person, who the Enforcement Officer has reasonable and probable grounds to believe has contravened any provision of this By-law.
- (d) A Violation Tag may be issued to such person:
  - i) personally;
  - ii) by mailing a copy to such person at his last known post office address; or
  - iii) by leaving it for the defendant at his residence with a person on the premises who appears to be at least 18 years of age.
- (e) The Violation Tag shall be a form approved by the Village Administrator and shall state:
  - i) the name of the defendant;
  - ii) the offence;
  - iii) the appropriate penalty for the offence as specified in this By-law;
  - iv) that the penalty shall be paid within 30 days of the issuance of the Violation Tag;
  - v) any other information as may be required by the Village Administrator;
- (f) Where a contravention of this By-law is of a continuing nature, further Violation Tags may be issued by an Enforcement Officer.

- (i) In those cases where a Violation Tag has been issued and if the penalty specified on the Violation Tag has not been paid within the prescribed time, then an Enforcement Officer is hereby authorized to issue a Violation Ticket pursuant to Part II of the *Provincial Offences Procedure Act*, to any person who the Enforcement Officer has reasonable grounds to believe has contravened any provision of this By-law.
- (j) Notwithstanding paragraph 4(a) of this By-law, an Enforcement Officer is hereby authorized an empowered to immediately issue a Violation Ticket pursuant to Part II of the *Provincial Offences Procedure Act*, to any person who the Enforcement Officer has reasonable grounds to believe has contravened any provision of this By-law.
- (k) Any person to whom a Violation Ticket has been issued may make voluntary payment in respect of the Violation Ticket by delivering the Violation Ticket along with an amount equal to that specified for the offence as set out in this By-law, to the Provincial Court office specified on the Violation Ticket.

5. By-laws 26/98 and 40/00 are in this regard hereby rescinded.

6. That this By-law shall come into full force and effect upon final reading thereof.

**DONE AND PASSED** in open council assembled at Warburg, in the Province of Alberta, this 13th day of June, A.D. 2005.

Read a first time this 13th day of June, A.D. 2005.

Read a second time this 13th day of June, A.D. 2005.

Read a third time with the unanimous consent of the Council Members present and finally passed this 13th day of June, A.D. 2005.

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Mayor Richard Carstairs

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Christine Pankewitz  
Municipal Administrator

SEAL