

BYLAW 138-24

SUMMER VILLAGE OF WHISPERING HILLS A BYLAW OF THE SUMMER VILLAGE OF WHISPERING HILLS TO REGULATE THE PILOT TESTING OF GOLF CARTS ON SELECT PUBLIC ROADS

WHEREAS, the Council of the Summer Village of Whispering Hills, duly assembled, deems it advisable to set forth the terms and conditions to regulate the pilot testing of golf carts on select public roads in and through the Summer Village of Whispering Hills.

NOW THEREFORE, the Council of the Summer Village of Whispering Hills, under the authority vested in it by the Pilot Project (Golf Carts) Regulation under the *Traffic Safety Act*, R.S.A. 2000, c. T-6 as well as its general bylaw-making powers under the *Municipal Government Act*, R.S.A. 2000, c. M-26 and the *Traffic Safety Act*, R.S.A. 2000 c. T-6, hereby enacts as follows:

TITLE

1. This Bylaw may be cited as the "Golf Cart Pilot Project Bylaw".

PURPOSE

2. The purpose of the Bylaw is to regulate the operation of golf carts pursuant to the Pilot Project (Golf Carts) Regulation, the *Traffic Safety Act* and its regulations.

DEFINITIONS

3. Definitions in the Pilot Project (Golf Carts) Regulation, and definitions in the *Traffic Safety Act* and its regulations, as applicable, are adopted for the purposes of the interpretation and the application of this Bylaw.

In this bylaw:

- (a) "Act" means the Traffic Safety Act, RSA 2000, T-6;
- (b) "Council" refers to the Council of the Summer Village of Whispering Hills, and as defined in the Municipal Government Act, RSA 2000, M-26;
- (d) "CAO" means the Chief Administrative Officer of the Summer Village of Whispering Hills, or designate;
- (f) "Designated Roadway" means a roadway identified by the Summer Village of Whispering Hills and approved by the Registrar as a roadway that golf carts may operate on;
- (g) "Owner" has the same meaning within the Act and further includes a person who is identified in a Permit issued under Section 12 of this bylaw;
- (h) "Peace Officer" means: i. a Police Officer, ii. a person appointed as a Peace Officer pursuant to the Peace Officer Act, S.A.2006, c. P-3.5, or Bylaw No. 1418/24 Page 2 of 29 iii. a person appointed as a Bylaw Enforcement Officer pursuant to the Municipal Government Act, RSA 2000, M-26.
- (i) "Permit" means a permit issued in accordance with this Bylaw under Section 12

OPERATING PARAMETERS

4. All persons operating Golf Carts in accordance with the provisions of this Bylaw shall conform in all respects to the requirements of the Pilot Project (Golf Carts) Regulation, as amended from time to time, a copy of which is attached as Schedule "E" hereto.
5. It shall be unlawful to operate a golf cart on any roadways with a posted speed greater than 50km/h.
6. No person shall operate a golf cart on any designated walking or ski trail, or on any area that is ditched or designed to provide drainage unless such operation is permitted by posted signage.
7. No person shall operate a golf cart on any Municipal Reserve, Park, Green Space, Cemetery, or Playground unless such operation is permitted by posted signage.
8. No person shall operate a golf cart:
 - a) At night. Night is defined as the period commencing one hour after sunset and ending one hour before the following sunrise.
 - b) Without exercising due care and attention,
 - c) Without reasonable consideration for other persons in the area or who might reasonably be expected to be in the area,
 - d) With more passengers than the number of seats included in the golf cart,
 - e) With a person being towed on any type of equipment attached to the golf cart, or
9. Every operator of a golf cart shall:
 - a) When approaching an oncoming vehicle, pass the vehicle on the right,
 - b) Yield the right of way to vehicles approaching from their right,
 - c) When overtaking another vehicle, pass that vehicle on the left,
 - d) Yield the right of way to all pedestrians that are approaching so close as to present a hazard, except when overtaking another vehicle, maintain a safe following distance behind any other vehicle, and
 - e) When requested by a Peace Officer, produce for the Officer's inspection proof of Municipal authorization (permit/registration) as required by Section "12" of this Bylaw.

ROUTES/SIGNAGE

10. No person shall operate a golf cart on a public road within the corporate limits of the Summer Village of Whispering Hills, unless
 - a) The road is an approved routes as list/shown on the map in Schedule "B", attached to and forming part of the Bylaw; and
 - b) The road is identified by such signs, as shall be posted, set out in Schedule "C", attached to and forming part of this Bylaw.

PARKING

11. Golf carts may not be parked on any public roadway.

REPORTING AND PERMITS

12. Persons shall register their golf cart using the form shown in Schedule "D" of this Bylaw by:

- a) confirming that the golf cart has, and while registered/permitted will continue to have, the features required by the Pilot Project (Golf Carts) Regulation and Section of this Bylaw;
 - b) acknowledging understanding of all terms and conditions related to the operation of golf carts as required by the *Traffic Safety Act* and its regulations, the Pilot Project (Golf Carts) Regulation and this Bylaw;
 - c) acknowledging that all information collected in connection with the permit/registration may be shared with the Registrar in accordance with the Municipality's reporting responsibilities as required by the Pilot Project (Golf Carts) Regulation; and noted in Section 13 of this Bylaw; and
13. A person operating a golf cart shall forthwith report to the Municipality a collision resulting in property damage of any amount, or an injury or fatality.

OFFENCES AND PENALTIES

14. The operator of a golf cart that is involved in a contravention of this bylaw is guilty of an offence and liable upon summary conviction to a fine specified in Schedule "A" of this bylaw, and/or may have their registration/permit for the golf cart seized by a bylaw enforcement officer or revoked by the municipality
15. The owner of a golf cart that is involved in a contravention of this bylaw is guilty of an offence and liable upon summary conviction to a fine specified in Schedule "A" of this bylaw, and/or may have their registration/permit for the golf cart seized by a bylaw enforcement officer or revoked by the municipality
16. VIOLATION TAG
- a) A Peace Officer and/or appointed Bylaw Enforcement Officer is hereby authorized and empowered to issue a Violation Tag to any person who the Peace Officer has reasonable and probable grounds to believe has contravened any provision of this bylaw.
17. VIOLATION TICKET
- a) A Peace Officer and/or appointed Bylaw Enforcement Officer is hereby authorized and empowered to issue a violation ticket, pursuant to Part II of the Provincial Offences Procedure Act (Alberta), to any person who the Peace Officer has reasonable and probable grounds to believe has contravened any portion of this bylaw.
18. SEVERABILITY
- Should any section or part of this bylaw be found to have been improperly enacted, such section shall be deemed to be severable from all other sections of this bylaw.

COMING INTO FORCE

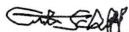
19. This Bylaw comes into force on XXX date, subject to the Bylaw's approval on or before that date by the Registrar of Motor Vehicle Services and the installation of signs as required by section 13 of the Regulation on or before the Bylaw's coming into force date.

READ a first time this 26th day of September, 2024

READ a second time this 26th day of September, 2024

RECEIVED Unanimous Consent to proceed to third reading this 26th day of September, 2024

READ a third time and passed this 26th day of September, 2024



Mayor



Chief Administrative Officer

APPROVED by the Minister responsible for Alberta Transportation and Economic Corridors, or delegated representative this 28th day of October 2024



Minister

SCHEDULE 'A'

Specified Penalties – Violation Tag

Bylaw Section	Offence	Fine
Sections 4-9	Operating Parameters	\$ 125.00
	Fail to Stop for a Peace Officer	\$ 250.00
Section 9	Fail to Produce Documents for Inspection	\$ 125.00
	Failure to Remain Stopped	\$ 250.00
Second offence within a 12 month period	Two times the fine indicated above	
Third offence within a 12 month period	Three times the fine indicated above	

Specified Penalties – Violation Ticket

Bylaw Section	Offence	Fine
Sections 4-9	Operator Parameters	\$250.00
	Fail to Stop for a Peace Officer	\$500.00
Section 9	Fail to Produce Documents for Inspection	\$250.00
	Failure to Remain Stopped	\$500.00
Second offence within a 12 month period	Two times the fine indicated above	
Third offence within a 12 month period	Three times the fine indicated above	

SCHEDULE 'B'

ROUTE SELECTION

All Roadways in the Summer Village will be included in the Route list. No roadways in the Summer Village of Whispering Hills have an allowed speed of more than 50 km/h. There is only one entrance into and out of Whispering Hills so there is no through traffic or highway accessibility.

LIST OF ROUTES

Whispering Hills Road
Ella Mae Crescent
Marion Crescent
Allen Drive
David Drive
Aspen Drive
Whitetail Lane
Poplar Lane
Mistik Lane
Willow Lane

Any designated trails marked with a golf cart sign

SCHEDULE 'C'

SIGNAGE

This sign will be placed in 4 locations within the Summer Village of Whispering Hills with 1 posted at the only entrance to the Summer Village of Whispering Hills.



SCHEDULE 'D'

APPLICATION

Fee - \$25.00

Replacement Sticker Fee - \$15

SUMMER VILLAGE OF WHISPERING HILLS

GOLF CART PERMIT APPLICATION

OWNER INFORMATION

Last Name	
First Name	
Date of Birth	
Age at time of Application	
Mailing Address	
Lake Address	
Email	
Phone	

GOLF CART INFORMATION

Serial Number	
Make	
Model	
Colour	
Number of Seats	
Fuel / Power Source	

EQUIPMENT

	YES	NO
Headlamps		
Tail Lamps		
Break Lamps		
Signal Lamps		
Speedometer		
Seatbelts		

Designated Highways

I understand that it is my responsibility to operate only on municipal roadways designated under the Pilot Project (Golf Carts) Bylaw.

Duty to Report

Like all drivers, golf cart operators must report collisions to police when damage is above the \$5,000 threshold, or there are injuries or fatalities. Under the Regulation, golf cart operators have an additional reporting requirement. Collisions resulting in property damage of any amount, or injury or death must be promptly reported to the municipality.

Production of Documents

A copy of this permit shall be carried in the golf cart and produced upon request of a Peace Officer. Failure to do so may result in enforcement action being taken against the owner or operator as if no permit was in effect. A digital copy may be carried on a phone or other electronic device.

Validation Sticker

The accompanying validation sticker issued with this permit shall be displayed on the Golf Cart at all times when operated on a municipal roadway. The sticker shall be clear and legible, and free of obstructions. The sticker shall be displayed on the front driver's side of the vehicle and visible from a distance of 10 meters.

Assumption of Risk and Liability

I agree to abide by all conditions of the Traffic Safety Act, the Pilot Project (Golf Carts) Regulation, and Whispering Hills Pilot Project (Golf Carts) Bylaw, all as amended from time to time. By obtaining this permit, I agree that I am liable as the owner of the golf cart for any use contrary to these rules and regulations. I further understand that my permit may be revoked or cancelled at any time for noncompliance. I assume all risk and liability associated with the operation of this golf cart for myself and all operators and passengers. I agree to indemnify and hold harmless the Summer Village of Whispering Hills, its agents, or employees from all claims, damages, and expenses (including legal fees on a solicitor and own client basis) resulting from the operation of a golf cart, including damages, claims, and expenses resulting from damage to property, personal injury, or death.

Signature of Applicant: _____

Date: _____

Approval:

Signature of CAO: _____

Date: _____