

BYLAW 89-06
SUMMER VILLAGE OF WHISPERING HILLS
A BYLAW TO REGULATE OFF-HIGHWAY VEHICLES WITHIN ITS BOUNDARIES

WHEREAS, the Summer Village of Whispering Hills considers it desirable and expedient to regulate off-highway vehicles within its boundaries in accordance with the laws of the province of Alberta;

THEREFORE, the council of the Summer Village of Whispering Hills duly assembled, hereby enacts as follows:

IN THIS BY-LAW:

1. Definitions

- (a) "Off Highway Vehicle" as defined in section 117 of the Alberta Traffic Safety Act
Off-highway vehicle means any motorized mode of transportation built for cross-county travel on land, water, snow, ice or marsh or swamp land or on other natural terrain and, without limiting the generality of the foregoing include, when specifically designed for such travel,
- (i) 4 wheel drive
 - (ii) low pressure tire vehicles,
 - (iii) motorcycles and related 2 wheel vehicles
 - (iv) amphibious machines
 - (v) all terrain vehicles
 - (vi) miniature motor vehicles
 - (vii) snow vehicles
 - (viii) mini-bikes and
 - (ix) any other means of transportation which is propelled by any power other than muscle power or wind, but does not include;
 - (x) motor boats, or
 - (xi) any other vehicle exempted from being an off-highway vehicle by regulation.

(b) "Municipal District" shall mean the Summer Village of Whispering Hills

(c) "Highway" means a highway as defined in the Highway Traffic Act, Revised Status of Alberta 2000, Chapter H-8

(d) "Operator" means a person who drives or is in actual physical control of a vehicle;

(e) "Owner" includes a person renting an off-highway vehicle or having the exclusive use of that vehicle under a lease of otherwise for a period of more than 30 days:

(f) "Parking Lane" means that portion of a highway between:

- (i) the edge or the roadway to the right of the direction of traffic and the nearest solid white line (not being the center line) marked on the roadway.
- (ii) The edge of the roadway to the right of the direction of traffic without entering the ditch, median or boulevard.

(g) "Roadway" means that part of a highway intended for use by vehicular traffic;

2. No person is authorized to operate an off-highway vehicle on any highway under the direction, management and control of the Municipal District except as specifically provided for within the By-Law.

3. The maximum speed at which off-highway vehicles are permitted to travel on Municipal District Highways is 30 km per hour.

4. Any person 14 years and older can operate an Off-highway vehicle without supervision.

(a) Any person under 14 years of age can operate an off-highway vehicle if they are supervised by a person 18 years old/older;

- (i) that is sitting in the passenger seat or

(ii) be travelling in or on a vehicle that is in close proximity to the off-highway vehicle.

5. Off-Highway Vehicles must be registered and insured if:

- (a) Someone other than the owner is going to drive
- (b) If it will be operated in a public place
- (c) If it will be operated on a highway

5.1 No person shall drive an off-highway vehicle if the licence plate is not securely attached, legible and clearly visible to other drivers at all times.

- (a) Validation tabs must be current and securely attached to the off-highway vehicle licence plate.

6. Off-highway vehicles must be equipped with the following equipment;

- (a) Headlight – No person shall drive an off-highway vehicle in a public place unless there are mounted on the front of that off-highway vehicle at least one or two headlamps that comply with this section;
 - (i) Must be able to make objects 60 metres ahead clearly visible.
 - (ii) Must be white and the lens and bulb made of clear untinted glazing
- (b) Taillight – No person shall drive an off-highway vehicle unless the off-highway vehicle has at least one tail lamp mounted on the rear of the vehicle and complies with this section.
 - (i) Tail light must be capable of emitting a light that is visible from at least 60 metres away
 - (ii) Light must be red in colour
- (c) Mufflers – No person shall drive an off-highway vehicle unless the off-highway vehicle is equipped with an exhaust muffler that complies with this section.
 - (i) Must cool and expel the exhaust gasses from the engine without excessive noise and without producing sparks.
 - (ii) Mufflers must not be widened
 - (iii) Mufflers must not be cut out or disconnected from the engine or have had a baffle plate or other part removed
- (d) Trailer hitch – No person shall tow a trailer, sleigh, cutter or other vehicle behind an off-highway vehicle unless the hitch or attachment used
 - (i) is designed so that the vehicle being towed substantially follows in the tracks of the towing vehicle.
 - (ii) is strong enough to safely control the vehicle being towed,
 - (iii) is not more than 1.8. metres long, and
 - (iv) prevents the towed vehicle from colliding with the towing vehicle during travel downhill and when the towing vehicle stops.

7. Operators of off-highway vehicles on Municipal District 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.

8. No person is authorized to operate an off-highway vehicle in ditches, on medians or boulevards;
 - (a) The ditch, median or boulevard may be crossed by the most direct and shortest route of travel available to him in order to gain access to/from a highway and the off-highway areas.
9. 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 Off-Highway Vehicle Act and Section 96 of the motor Vehicle Administration Act applies, with all the necessary modifications, to that of off-highway vehicle.
10. Any person who permits another person to operate an off-highway vehicle in contravention of this By-Law is guilty of an offence.
11. This By-Law shall come into force and effect as of the third and final reading.

READ A FIRST TIME THIS 2ND DAY OF JUNE 2006 A.D.

READ A SECOND TIME THIS 2ND DAY OF JUNE 2006 A.D.

READ A THIRD TIME AND PASSED THIS 2ND DAY OF JUNE 2006 A.D.

Mayor

Chief Administrative Officer