

VILLAGE OF BEISEKER OFF-HIGHWAY VEHICLE BYLAW

A BYLAW OF THE VILLAGE OF BEISEKER, IN THE PROVINCE OF ALBERTA, TO REGULATE THE OPERATION OF OFF-HIGHWAY VEHICLES WITHIN THE VILLAGE OF BEISEKER.

WHEREAS pursuant to the Traffic Safety Act, Council may, by bylaw, authorize and regulate the operation of Off-Highway Vehicles on Highways under its direction, control, and management; and

WHEREAS pursuant to the Municipal Government Act, Council may pass bylaws for municipal purposes respecting the safety, health and welfare of people, the protection of people and property, people and activities in public places, and the enforcement of bylaws; and

WHEREAS Council considers it necessary and desirable to regulate the operation of Off-Highway Vehicles within the Village of Beiseker; and

NOW THEREFORE the Council of the Village of Beiseker, duly assembled, enacts as follows:

SECTION 1 TITLE

- 1.1 This Bylaw may be cited as the "Off-Highway Vehicle Bylaw."

SECTION 2 DEFINITIONS

2.1 The following definitions shall apply to this Bylaw:

- a) "CAO" means the Chief Administrative Officer of the Village of Beiseker or their delegate.
- b) "Council" means the Council of the Village of Beiseker.
- c) "Enforcement Officer" means a Peace Officer as defined in the Peace Officer Act, including RCMP members, Community Peace Officers, and Bylaw Enforcement Officers appointed by the Village.
- d) "Highway" has the same meaning as in the Traffic Safety Act.
- e) "Municipal Property" means land owned or controlled by the Village to which the public has access, but does not include Highways.
- f) "Off-Highway Vehicle" or "OHV" has the same meaning as in the Off-Highway Vehicle Regulation (AR 319/2002).
- g) "Operate" or "Operating" means to drive or be in physical control of an OHV.
- h) "Operator's Licence" means a licence issued under the Traffic Safety Act or equivalent from another jurisdiction.
- i) "Owner" means the registered owner, renter, lessee, or person with exclusive use of an OHV for more than 30 days.
- j) "Penalty Tag" means a municipal tag issued pursuant to the Municipal Government Act.
- k) "Roadway" means the portion of a Highway intended for vehicular travel.
- l) "Safety Helmet" means a helmet meeting the standards for motorcycle helmets under the Vehicle Equipment Regulation.
- m) "Violation Ticket" means a ticket issued under Part 2 of the Provincial Offences Procedure Act.

SECTION 3 APPLICATION

- 3.1 This Bylaw applies to all Highways under the direction, control, and management of the Village.
- 3.2 Nothing in this Bylaw authorizes or affects the operation of OHVs on Provincial Highways.
- 3.3 All persons operating an OHV must comply with the Traffic Safety Act, its regulations, and all applicable federal and provincial legislation.

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- 3.4 No person shall operate an OHV on a Highway unless the OHV complies with all applicable requirements under the Traffic Safety Act, the Off-Highway Vehicle Regulation (AR 319/2002), and is equipped with:
- a) a functional headlight;
  - b) a functional taillight and brake light; and
  - c) at least one functional mirror.

SECTION 4 OPERATING RESTRICTIONS

- 4.1 No person shall operate an OHV on Municipal Property.
- 4.2 No person shall operate an OHV on a Highway except as permitted by this Bylaw or the Traffic Safety Act.
- 4.3 No person under 16 years of age shall operate an OHV on a Highway.
- 4.4 All operators must hold a valid Operator's Licence (any class from Class 1 to Class 6).
- 4.5 No person shall operate an OHV between 23:00 and 07:00.
- 4.6 All operators and passengers must wear a Safety Helmet.
- 4.7 No person shall carry more passengers than the OHV is designed to safely accommodate.
- 4.8 A person operating an OHV shall
- a) travel in the same direction as traffic,
  - b) travel in single file,
  - c) operate as far to the right side of the roadway as practicable, including on the shoulder or parking lane where available, except when:
    - 1) making a lawful left turn;
    - 2) overtaking and passing another vehicle proceeding in the same direction;
    - 3) the roadway conditions make it unsafe or impracticable to do so; or
    - 4) otherwise directed by an Enforcement Officer or traffic control device.
  - d) not exceed 30 km/h.
- 4.9 No person shall operate an OHV contrary to posted signage.
- 4.10 Designated Routes and Restricted Areas
- a) Council may, by resolution, designate specific routes, streets, or areas where OHV operation is permitted or prohibited on a permanent or seasonal basis.
  - b) The CAO may temporarily restrict or prohibit OHV operation on specific routes, streets, or areas for a period not exceeding 30 days where:
    - 1) road construction, maintenance, or repair activities are occurring;
    - 2) special events or public gatherings require restricted access;
    - 3) emergency conditions pose a safety risk; or
    - 4) seasonal or weather conditions make operation unsafe.
  - c) The CAO shall provide notice of temporary restrictions under subsection (b) by posting signage and, where practicable, providing notice on the Village website.
  - d) All operators must comply with posted restrictions and designations made under this section.
- 4.11 No person shall operate an OHV on Meadowlark Trail within the boundaries of the Village of Beiseker.

SECTION 5 EXEMPTIONS

- 5.1 Peace Officers and firefighters are exempt while performing official duties.
- 5.2 Village employees, volunteers, agents, or contractors may operate OHVs on Municipal Property while performing official duties as authorized by the CAO or Emergency Services.

SECTION 6 OWNER LIABILITY

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- 6.1 The Owner of an OHV involved in a contravention of this Bylaw is guilty of an offence.
- 6.2 Section 6.1 does not apply if the Owner proves they were not operating the OHV and no other person was operating it with their consent.
- 6.3 An Owner convicted under this section is not liable to imprisonment.

SECTION 7 VIOLATION TICKETS AND PENALTIES

- 7.1 A person who contravenes this Bylaw is guilty of an offence.
- 7.2 Voluntary payment amounts:
  - a) 40% of the fine if paid within 15 days.
  - b) 60% of the fine if paid between 16 and 45 days.
- 7.3 If payment is not made within 45 days, a Violation Ticket may be issued.
- 7.4 If a payment deadline falls on a non-business day, it is extended to the next business day.
- 7.5 Payment of the voluntary penalty constitutes satisfaction of the offence.

SECTION 8 GENERAL PENALTIES

- 8.1 A person who contravenes this Bylaw is liable to a fine not exceeding \$10,000.
- 8.2 Specified penalties are set out in Schedule A.

SECTION 9 LIABILITY FOR DAMAGE

- 9.1 The Village and its Enforcement Officers are not liable for any direct or indirect loss or damage arising from duties under this Bylaw, except where grossly negligent.

SECTION 10 SEVERABILITY

- 10.1 If any portion of this Bylaw is declared invalid, the remainder continues in force.

SECTION 11 EFFECTIVE DATE

- 11.1 This Bylaw comes into force upon third reading and signing.

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SCHEDULE "A" PENALTIES

| SECTION   | OFFENCE   | Penalty Tag -<br>Early<br>Payment<br>(Within 15<br>Days of<br>Offense) | Penalty Tag -<br>Early<br>Payment<br>(Days 16-45<br>After<br>Offense) | Municipal<br>Penalty Tag | PROVINCIAL<br>VIOLATION<br>TICKET<br>(Specified) |
|-----------|---|--|---|--------------------------|--|
| Section 4 | <i>APPLICATION</i>  |  |   |                          |  |
| 4.1       | Operating OHV on Municipal Property   | \$100.00   | \$150.00  | \$250.00                 | \$250.00   |
| 4.3       | Underage/Unlicensed Operator  | \$100.00   | \$150.00  | \$250.00                 | \$250.00   |
| 4.5       | Operate OHV Between 11:00 pm and 7:00 am                                    | \$100.00   | \$150.00  | \$250.00                 | \$250.00   |
| 4.6       | Fail to use safety helmet or attached safety equipment including seatbelts. | \$200.00   | \$300.00  | \$500.00                 | \$500.00   |
| 4.7       | Passengers in excess of designated capacity for OHV                         | \$200.00   | \$300.00  | \$500.00                 | \$500.00   |
| 4.8(a)    | Operate OHV facing Oncoming Traffic   | \$400.00   | \$600.00  | \$1,000.00               | \$1,000.00                                       |
| 4.8(b)    | Fail to Travel in Single-File   | \$100.00   | \$150.00  | \$250.00                 | \$250.00   |
| 4.8(c)    | Fail to Operate on Designated Area  | \$100.00   | \$150.00  | \$250.00                 | \$250.00   |
| 4.8(d)    | Operate OHV Contrary to posted Sign   | \$100.00   | \$150.00  | \$250.00                 | \$250.00   |
| 4.9       | Operate OHV Contrary to posted Sign   | \$100.00   | \$150.00  | \$250.00                 | \$250.00   |
| 4.10      | Operate on Restricted Route/Area  | \$100.00   | \$150.00  | \$250.00                 | \$250.00   |
| 4.11      | Operating OHV on Meadowlark Trail   | \$200.00   | \$300.00  | \$500.00                 | \$500.00   |
| Section 6 | <i>EXEMPTIONS</i>   |  |   |                          |  |
| 6.1       | Owner Liability – Same as Underlying Offence                                | Same   | Same  | Same                     | Same   |

# VILLAGE OF BEISEKER

## RESOLUTION # 2026-079

### **TITLE: Designation of Permitted Routes for Off-Highway Vehicle Operation**

WHEREAS Council has enacted the Off-Highway Vehicle Bylaw (Bylaw 2026-05), which authorizes Council, by resolution, to designate specific routes, streets, or areas where Off-Highway Vehicle (OHV) operation is permitted or prohibited on a permanent or seasonal basis; and

WHEREAS Council considers it necessary to formally designate all applicable municipal roadways under the Village's direction, control, and management as permitted routes for OHV operation, subject to the restrictions and conditions set out in the Bylaw; and

WHEREAS Highway 72 and Highway 9 are Provincial Highways and not under the jurisdiction of the Village, and therefore OHV operation on these highways remains prohibited under the Bylaw and applicable provincial legislation; and

WHEREAS Meadowlark Trail is expressly prohibited for OHV operation under the Bylaw, and therefore must be excluded from all permitted route designations;

### **NOW THEREFORE BE IT RESOLVED THAT:**

Council designates the following municipal roads and streets as OHV Permitted Routes, subject to all operating restrictions and safety requirements outlined in the Off-Highway Vehicle Bylaw:

#### **Designated OHV-Permitted Roads**

- 1 Avenue
- 2 Avenue
- 3 Avenue
- 4 Avenue
- 4 Street
- 5 Avenue
- 5 Street
- 6 Street
- 7 Street
- 8 Street
- 9 Street
- Beacon Heights Road
- Beaver Place
- Chinook Crescent
- Chinook Road
- Crescent Drive
- Lampson Avenue
- Lount Crescent
- North Road
- Skyland Place
- Skyland Road

**Explicitly Prohibited Routes**

This resolution does not authorize OHV operation on:

- Highway 72 (Provincial Highway)
- Highway 9 (Provincial Highway)
- Meadowlark Trail
- Municipal Property not classified as a Highway

**AND FURTHER THAT:**

Administration is authorized to install appropriate signage at key entry points and intersections to inform OHV operators of permitted routes and restricted areas.

This resolution shall take effect immediately upon passage and shall remain in force until amended or repealed by Council.

\_\_\_\_\_ MAYOR

\_\_\_\_\_ CHIEF ADMINISTRATIVE OFFICER