

**BYLAW NO. 1167  
OF STARLAND COUNTY  
IN THE PROVINCE OF ALBERTA, CANADA**

A Bylaw of Starland County in the Province of Alberta, to regulate the operation of off-highway vehicles within Starland County, also known as the "Off-Highway Vehicle Bylaw".

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

**WHEREAS**, pursuant to the provisions of the *Municipal Government Act*, Council may pass bylaws for municipal purposes respecting the following matters:

- a) the safety, health and welfare of people and the protection of people and property;
- b) people, activities and things in, on or near a public place or place that is open to the public; and
- c) the enforcement of bylaws.

**NOW THEREFORE** the Council of Starland County, in the Province of Alberta, duly assembled enacts as follows:

**1. TITLE:**

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

**2. DEFINITIONS:**

2.1 In this Bylaw:

- 2.1.1 "Chief Administrative Officer" means the Chief Administrative Officer (CAO) of Starland County or his/her delegate.
- 2.1.2 "Council" means the Council of Starland County.
- 2.1.3 "County" means the Municipality of Starland County, in the Province of Alberta.
- 2.1.4 "Highway" means any thoroughfare, street, road, trail, avenue, parkway, driveway, viaduct, lane, alley, square, bridge, causeway, trestle way or other place or any part of any of them, whether publicly or privately to use for the passage or parking of vehicles and includes:
  - (a) a sidewalk, including a boulevard adjacent to the sidewalk;
  - (b) if a ditch lies adjacent to and parallel with the roadway, the ditch; and
  - (c) 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;

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but does not include a place declared by regulation not to be a highway.

2.1.5 "Hamlet" means the communities of Craigmyle, Rumsey, Rowley and Michichi located in the Municipality of Starland County.

2.1.6 "Off-Highway Vehicle" or "OHV" means any motorized mode of transport built for cross-country travel on land, water, snow, ice, marsh or swamp land or on other natural terrain and, without limiting and generality of the foregoing, includes, when specifically designed for such travel:

- (a) 4-wheel drive vehicles;
- (b) low pressure tire vehicles;
- (c) motorcycles and related 2-wheel vehicles;
- (d) amphibious machines;
- (e) all-terrain vehicles;
- (f) snow vehicles;
- (g) any other means of transportation that is propelled by any power other than muscular power or wind;

but does not include:

- (h) motorboats;
- (i) miniature vehicles, including but not limited to go-carts and pocket bikes, that cannot be registered pursuant to the Operator Licensing and Vehicles Control Regulation, or
- (j) any other vehicle exempted from being an off-highway vehicle by regulation.

2.1.7 "OHV Special Event" means any race, derby, rally or other organized social or sporting event involving Off-Highway Vehicles being operated on a Highway.

2.1.8 "Operate" or "Operating" means to drive or be in actual physical control of an Off-Highway Vehicle.

2.1.9 "Operator's License" means an operator's license issued pursuant to the Traffic Safety Act and includes a license or permit in another jurisdiction that permits a person to operate a motor vehicle of the same class.

2.1.10 "Owner" means the person named as the registered owner of the Off-Highway Vehicle, or any person renting an Off-Highway Vehicle, or any person having the exclusive use of an Off-Highway Vehicle under lease, or any person otherwise having the exclusive use of an Off-Highway Vehicle for a period of more than thirty (30) days.

2.1.11 "Peace Officer" means:

- (a) a member of the Royal Canadian Mounted Police (RCMP); or
- (b) a bylaw enforcement officer appointed by Starland County.

2.1.12 "Roadway" means that part of a Highway intended for use by vehicular traffic.

2.1.13 "Safety Helmet" means a safety helmet intended for the use by an operator or passenger of an Off-Highway Vehicle that:

- (a) meets one or more of the standards for motorcycle safety helmets adopted in the Vehicle Equipment Regulation passed pursuant to the Traffic Safety Act; and
- (b) has the mark or label CSA, DOT, BSI or the Snell

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Memorial Foundation indicating that the safety helmet met one or more of the specifications required on the date on which it was manufactured;

- 2.1.14 "Violation Ticket" means a violation ticket issued pursuant to Part II of the Provincial Offences Procedures Act.

### 3. APPLICATION:

- 3.1 This Bylaw applies to Highways under the direction, control and management of Starland County and nothing in this Bylaw authorizes, or in any way affects, the operation of an Off-Highway Vehicle on any Provincial Highway.
- 3.2 Nothing in this Bylaw relieves any person from complying with any provision of any federal or provincial legislation affecting Off-Highway Vehicles, including without restriction, The Traffic Safety Act and all applicable regulations thereunder.
- 3.3 For greater certainty and without in any way restricting subsection (3.1.2), no person shall operate an Off-Highway Vehicle on a Highway unless the Off-Highway Vehicle is:
- (a) duly registered and insured pursuant to the Traffic Safety Act; and
  - (b) equipped with headlamps, tail lamps, an exhaust muffler and such other equipment as required by the Off-Highways Vehicle Regulation.

### 4. OPERATING RESTRICTIONS:

- 4.1 No person shall operate an Off-Highway Vehicle in the hamlets of Craigmyle, Michichi, Rowley or Rumsey unless entering or leaving the hamlet using the most direct route to and from their home.
- 4.2 No person shall operate an Off-Highway Vehicle on a Highway in Starland County, except in accordance with this Bylaw or as otherwise permitted under the Traffic Safety Act.
- 4.3 No person shall operate an Off-Highway Vehicle on a Highway unless the person is:
- (a) At least 16 years of age and holds a valid Class 1 to Class 6 operator's license, or
  - (b) at least 14 years of age and holds a valid Class 7 operator's license and is supervised by a person who is:
    - (i) at least 18 years old and holds a valid Class 1 to Class 6 operator's license; and
    - (ii) either occupying the passenger seat on the Off-Highway Vehicle or is on another Off-Highway Vehicle that is travelling in close proximity to the Off-Highway Vehicle.
- 4.4 No person shall operate an Off-Highway Vehicle on a Highway between the hours of 11:00 p.m. and 7:00 a.m.
- 4.5 No person shall operate or ride as a passenger on an Off-Highway Vehicle unless that person is wearing a Safety Helmet securely attached on that person's head.
- 4.6 No person shall operate or ride as a passenger on an Off-Highway Vehicle where the number of persons on that Off-Highway Vehicle

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exceeds the number of persons that the Off-Highway Vehicle is designed to carry.

4.7 A person may operate an Off-Highway Vehicle on a Highway in Starland County provided that at all times the person shall:

- (a) travel in the same direction as vehicles travelling upon the Roadway;
- (b) travel in single file;
- (c) travel in the ditch adjacent to a roadway, on the shoulder or parking lane of the roadway or, where it is safe to do so if obstructed;
- (d) travel at a maximum speed not to exceed forty (40) kilometers per hour or the posted speed limit, whichever is lower.

4.8 An Off-Highway Vehicle may be driven across a Highway in Starland County provided that:

- (a) the operator of the Off-Highway Vehicle stops the Off-Highway Vehicle before crossing the Highway;
- (b) the operator of the Off-Highway Vehicle must yield the right of way to all vehicles and persons on the Highway.

4.9 No person shall operate an Off-Highway Vehicle on any Highway or County property where the County has placed a sign or signs prohibiting such operation.

### **5.0 AUTHORIZED SPECIAL EVENTS:**

5.1 No person shall organize, conduct or take part in an Off-Highway Vehicle special event unless a permit authorizing the Off-Highways Vehicle special event has been issued by Starland County's Chief Administrative Officer.

5.2 No person shall organize, conduct or take part in an Off-Highways Vehicle special event contrary to the terms and conditions imposed by a permit issued by Starland County's Chief Administrative Officer.

5.3 An application for a permit for an Off-Highways Vehicle special event may be made in writing to Starland County and shall include:

- (a) a description of the proposed event and its purpose;
- (b) the name of the person or organization responsible for sponsoring and organizing the proposed event;
- (c) the date and times of the proposed event;
- (d) the type of Off-Highway Vehicles to be used and the approximate number of Off-Highway Vehicles that will be participating at the event; and
- (e) details of the proposed route including a map with the proposed route indicated.

### **6.0 EXEMPTIONS:**

6.1 The provisions of this Bylaw shall not apply so as to restrict in any way the operation of an Off-Highway Vehicle by a Peace Officer, Firefighter or agent or employees of Starland County while in the performance of their official duties.

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### 7.0 AUTHORITY OF A PEACE OFFICER:

- 7.1 A Peace Officer is hereby authorized to enforce the provisions of this Bylaw.
- 7.2 A Peace Officer is hereby authorized to remove and impound any Off-Highway Vehicle who the Peace Officer has reasonable and probably grounds to believe has contravened provisions of this Bylaw.
- 7.3 A Peace Officer is authorized and empowered to issue a Violation Ticket to any person who the Peace Officer has reasonable and probable grounds to believe has contravened any provision of this Bylaw.

### 8.0 VIOLATION TICKETS:

- 8.1 A Violation Ticket issued with respect to a contravention of this Bylaw shall be served upon the person responsible or the registered owner of the Off-Highways Vehicle in accordance with the Provincial Offences Procedure Act.
  - 8.2 If a Violation Ticket is issued in respect of an offence, the Violation Ticket may:
    - (a) specify the fine amount established by this bylaw for the offence in Schedule "A"; or
    - (b) require a person to appear in court without the alternative of making a voluntary payment.
  - 8.3 A person who commits an offence may make a voluntary payment equal to the specified fine if:
    - (a) A Violation Ticket is issued in respect of the offence; and
    - (b) A Violation Ticket specifies the fine amount established by this Bylaw for the offence.
  - 8.4 When a clerk records in the Court records the receipt of a voluntary payment pursuant to this Bylaw and the Provincial Offences Procedure Act, that act of recording constitutes acceptance of the guilty plea and also constitutes the conviction and imposition of a fine in the amount of the specified penalty.
- ### 9.0 OWNER LIABILITY:
- 9.1 If an Off-Highway Vehicle is involved in an offence under this Bylaw, the owner is guilty of an offence.
  - 9.2 Subsection 9.1 does not apply if the Owner satisfies the court that, at the time that the Off-Highway Vehicle was involved in an offence:
    - (a) the owner of the Off-Highway Vehicle was not driving the Off-Highway Vehicle; and
    - (b) No other person was driving the Off-Highway Vehicle with the Owner's expressed or implied consent.
  - 9.3 All impound and towed Off-Highway Vehicle fees are the responsibility of the Off-Highway Vehicle owner and not Starland County.
  - 9.4 Impounded Off-Highway Vehicles will require documentation of ownership and fees paid before being released by the tow/impound company.

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**10.0 SEVERABILITY:**

10.1 Shall any provision of this Bylaw be found invalid, the invalid provision shall be severed and the remaining Bylaw shall be maintained.

**11.0 REPEAL:**

11.1 This Bylaw repeals any other Off-Highway Vehicle Bylaw which may be in affect in the jurisdiction of Starland County.

**11.0 EFFECTIVE DATE:**

11.1 This Bylaw shall come into force upon receipt of its third and final reading.

**First Reading** on motion of Councillor Rew this 10<sup>th</sup> day of March, 2021.

**Second Reading** on motion of Deputy Reeve Sargent this 10th day of March, 2021.

**Third and Final Reading** on motion of Reeve Wannstrom, done and passed in the Council of Starland County, duly assembled, this 10th day of March, A.D., 2021.

  
Reeve: Steven Wannstrom

  
Chief Administrative Officer  
Shirley J. Bremer

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**SCHEDULE "A"**

<b>OFFENCE</b>	<b>SPECIFIED PENALTIES</b>
Contravention of any provision of this Bylaw unless specifically set out below:	\$ 250.00
Second or subsequent offence within one year:	\$ 500.00
Operate Off-Highway Vehicle contrary to posted signage:	\$ 500.00
Second or subsequent offence within one year:	\$1,000.00
Unauthorized Special Event:	\$1,000.00