

TOWN OF TOFIELD

BY-LAW NUMBER 1063

BEING A BY-LAW TO AMEND BY-LAW NUMBER 1017 OF THE TOWN OF TOFIELD.

WHEREAS, it is deemed necessary that the Tofield Traffic and Off-Highway Vehicle By-Law Number 1017 be amended.

NOW THEREFORE, under the authority of the Municipal Government Act, Statutes of Alberta, 1994, Chapter M-26.1, the Council of the Town of Tofield, in the Province of Alberta, duly assembled, ENACTS as follows:

1. That By-Law Number 1017, and any amendments thereto, of the Town of Tofield be and is hereby amended by:

- ADDING to Section 2 - Definitions:

2.1 (u) "Highway" means any thoroughfare, street, road, trail, avenue, parkway, driveway, lane, alley, square, bridge, causeway, trestle way, or other place, whether publicly or privately owned and part of which the public is ordinarily or permitted to use for the passage of vehicles; and

(i) includes;

(a) where a ditch lies adjacent to and parallel with a roadway, the ditch; and

(b) where highway right of way is contained between fences or between the fences, or all the land between the fence and the edge of the roadway, as the case may be; and

(ii) does not include a place, declared by the Lieutenant Governor in Council, not to be a highway.

(v) "Insured Off-Highway Vehicle" means an off-highway vehicle the owner of which is insured by a policy of insurance approved under Part 7 of the Insurance Act and containing the coverage and limits fixed by that Part for automobiles in rotation to public liability, property damage and accident benefits in respect of that off-highway vehicle.

- DELETING Section 3 - Off-Highway Vehicle Restrictions, in its entirety, and replacing it with the following:

OFF-HIGHWAY VEHICLE RESTRICTIONS:

3.1 No person shall operate an off-highway vehicle, except as authorized, pursuant to the Off-Highway Vehicle Act or pursuant to permission granted under this By-Law.

Deleted  
By-law  
1081

3.2 Subject to any other restrictions and provisions that may be contained in this By-Law, no person shall operate an Off-Highway Vehicle in the Town of Tofield, between the hours of 11 p.m. of one day and 8 a.m. of the day next succeeding.

3.3 No person, under the age of 14 years, shall operate an off-highway vehicle in a public place.

- 3.4 (a) No person may operate an off-highway vehicle at a speed in excess of thirty (30) kilometers per hour, except as otherwise provided in this by-law, in any portion of the Town of Tofield where such vehicles are permitted to operate.
- (b) Notwithstanding Section 3.4(a) Off-Highway Vehicle Clubs may hold races or rallies at locations and times approved by the Council, at which occasion the maximum speed limits as per Section (a) shall not apply.
- 3.5 No person who is the owner or operator of an off-highway vehicle may operate or suffer or permit any other person to operate the off-highway vehicle on any public property when there is not, for the time being, a subsisting certificate of registration issued, pursuant to the Off-Highway Vehicle Act, in respect to that off-highway vehicle.
- 3.6 No person who is the registered owner of an off-highway vehicle shall operate or suffer or permit any other person an off-highway vehicle when there is not, for the time being, a subsisting certificate of insurance so as to ensure the off-highway vehicle is an insured off-highway vehicle, pursuant to the Off-Highway Vehicle Act.
- 3.7 Except as otherwise provided in this By-Law, no person shall operate an off-highway vehicle on any park, playground, athletic playground field, school grounds, Senior Housing Accommodation, Health Care Facility grounds.
- 3.8 No person shall operate an off-highway vehicle on any highway in the Town of Tofield, except:
- (a) An off-highway vehicle may cross any highway, including the roadway, parking lane or sidewalk portion thereof, if:
- (i) the operator stops the off-highway vehicle before entering onto the highway or portion, thereof, to be crossed;
  - (ii) all passengers disembark from the off-highway vehicle and any vehicle or thing attached, thereto, before he commences to cross;
  - (iii) the operator yields the right of way to all other vehicles and persons on the highway; and
  - (iv) the operator crosses over the highway, or portion thereof, to be crossed from the most direct and shortest route of travel available to him.
- (b) An off-highway vehicle may travel on any lane, alley or ditch area, if:
- (i) the operator of the off-highway vehicle is using only those alleys, lanes or ditches which will take him by the most direct route to and from the place where he normally stores his off-highway vehicle and the nearest area on which off-highway vehicles are permitted; and
  - (ii) to and from food, lodging and/or gasoline outlets.
- 3.9 During an emergency, disaster or search and rescue operation with the Municipality, as determined by the Administrator, the provisions of this Section may be waived, varied or suspended by the Administrator.
- 3.10 50 Street, from Rowan's Route to 60 Avenue, is a prohibited area.


- 3.11 The operator of an off-highway vehicle shall yield the right of way to all other traffic on any highway in the Town of Tofield and to all pedestrians, at all times and places.
- 3.12 No person shall operate an off-highway vehicle without due care and attention; or without reasonable consideration for other persons or property.
- 3.13 No person shall tow behind an off-highway vehicle any trailer, sleigh, cutter or other vehicle, unless the hitch or attachment employed;
  - (a) is so designed as to control the vehicle being towed so that it will substantially follow in the tracks of the towing vehicle;
  - (b) is of sufficient strength to safely control the vehicle being towed;
  - (c) does not exceed 1.83 m. In length; and
  - (d) adequately prevents the towed vehicle from colliding with the towing vehicle in the case of downhill travel or a stop.
- 3.14 Every person, owner, or operator who contravenes this By-Law, or any part thereof, is guilty of an offense and liable to a fine or fines and/or seizure and detainment of the off-highway vehicle, pursuant to the Off-Highway Vehicle Act.
- 3.15 Operators of off-highway vehicles that use permitted areas and highways in the Town of Tofield, do so at their own risk, and the Town of Tofield does not warrant such areas as being suitable for the use of off-highway vehicles.

2. That all provisions of the Tofield Traffic and Off-Highway Vehicle By-Law, and amendments thereto, remain in full force and effect.

READ a first time this 16 day of Dec , 1996.

READ a second time this 16 day of Dec , 1996.

READ a third time this 16 day of Dec . , 1996 and finally passed.

  
MAYOR

  
ADMINISTRATOR