

## **BY-LAW #398**

Being a By-law of the Village of Ferintosh in the Province of Alberta to regulate and control the operation of Snow Vehicles in the Village of Ferintosh.

**WHEREAS** The Off-Highway Vehicles Act, being Chapter 73 of the Statutes of Alberta 1972, provides that the Council of a Municipality may by by-law, authorize persons to operate off-highway vehicles on any portion of any highway under its control or management, and may restrict the hours during which such operation may take place, and

**WHEREAS** The Municipal Government Act being Chapter 246 of the Revised Statutes of Alberta, 1970, as amended, provides that a Council of a Municipality may, by by-law make regulations respecting the use of Park and Recreation areas as well as any other property owned by the said municipality;

**AND WHEREAS** Council of the Village of Ferintosh deems it advisable to permit the operation of snow vehicles within the Village of Ferintosh.

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

1. This by-law may be cited as the Snow Vehicle By-law
2. In this By-law;
  - (a) "Village" means the Village of Ferintosh.
  - (b) "Highway" has the same meaning as defined in the Highway Traffic Act, being chapter 56 of the Statutes of Alberta, 1975 and all amendments thereto.
  - (c) "Lane" or "alley" means a roadway used or intended to be used as an access to the rear of a lot or parcel of land and shall include all of the Village owned land on each side of such roadway from property line to property line.
  - (d) "Snow Vehicle" means a motor vehicle designed, or intended to be driven exclusively or chiefly upon snow or ice or both.
  - (e) "Vehicle" means a device in, upon, or by which a person or thing may be transported from one place to another.
  - (f) "Owner" includes any person owning or renting a Snow Machine or having exclusive use thereof under lease.
  - (g) "Driver" means a person who is in control of the machine.
3. The operation of snow vehicles within the village is subject to all the provisions of the Off-Highway Vehicles Act, being Chapter 73 of the Statutes of Alberta, 1972 and all amendments thereto, and to the regulations thereunder, except as otherwise provided in this by-law.
4. Subject to any other restrictions that may be contained in this by-law, no snow vehicle shall be permitted to operate along any portion of the highway from time of sunset one day and sunrise the next at any time when insufficient light or

unfavourable atmospheric conditions obscure objects on the highway to a degree that they are not clearly discernible at a distance up to a distance up to 150 meters, under these circumstances the snow vehicle must be equipped with

(i) not more than two headlamps of untinted glass mounted on the front of a snow vehicle and at least one red tail lamp mounted on the rear of the vehicle.

(ii) the headlamps used on a snow vehicle pursuant to this section shall be of sufficient intensity to reveal a person or vehicle at a distance of not less than 90 meters from the front of a snow vehicle.

(iii) headlamps on a snow vehicle shall be so aimed that on a straight level road the high intensity portion of the beam will not strike the eye of an approaching driver.

(iv) no person shall operate a snow vehicle with head lamps that are not in compliance with Section (ii) above.

5. Under this by-law the operator of a snow vehicle may;

(a) cross any highway, including roadway, parking lane or sidewalk or portion thereof; if

(i) the operator stops the snow vehicle before entering on to the highway or portion thereof

(ii) the operator yields the right-of-way to all other vehicles and persons on the highway

(iii) the operator crosses over the highway or portion thereof to be crossed by the most direct and shortest route of travel available to him

(b) travel on any lane or highway in the Village of Ferintosh if:

(i) the operator of the snow vehicle travels at a rate of speed only sufficient to keep his snow vehicle in a steady forward motion, but in any event not in excess of more than 16 kmp (10 mph).

(ii) the operator operates his snow vehicle as near as possible to the right hand portion of the roadway or as far as possible on the untravelled portion thereof.

(iii) the operator yields right-of-way to all other vehicles and persons on the highway.

(iv) the operator of the snow vehicle is using only those alleys and lanes which will take him in the most direct route to or from the place where he or she normally stores his snow vehicle and the nearest area on which snow vehicles are permitted to operate. Under this section the most acceptable route for leaving the village on the west side shall be by taking the closest alley from the place where the snow vehicle is stored to Railway Avenue and from there proceeding along Railway Avenue. The procedure shall be the same upon returning in that the operator of the snow vehicle shall proceed along Railway Avenue to the closest alley to his or her destination.

6. No person shall operate a snow vehicle that is not equipped with an exhaust muffler designed to expel the exhaust gasses without excessive noise.
7. No person shall operate a snow vehicle on village property unless permission has been requested and granted.
8. Persons whose property is damaged due to snow vehicles entering upon it shall assume responsibility and take action by reporting the offence to the R.C.M.P.
9. Regulations with regard to ski-do rallies must be made and enforced by the organization sponsoring the rally.
10. (a) The owner of a snow vehicle is guilty of an offence and liable of any contravention of this by-law in connection with the snow vehicle unless the owner proves to the satisfaction of the judge trying the case that at the time of the offense the snow vehicle was not being driven by him or any other person with his consent, express or implied.  
  
(b) Notwithstanding subsection (a), if the owner was not at the time of the offense driving the snow vehicle he is not in any event liable for imprisonment.
11. Every police officer who on reasonable and probable grounds believes an offense under this by-law has been committed may seize and detain any snow vehicle in respect of which the offense has been committed until the final dispositions and proceedings have taken place.
12. A peace officer seizing a snow vehicle may cause the vehicle to be removed and taken into storage until court notifies otherwise.
13. Every person who contravenes any provision of this by-law is guilty of an offense and liable on summary conviction to a fine of not less than twenty-five dollars (\$25.00) or more than one hundred dollars (\$100.00), and in default of payment to imprisonment for a term not exceeding thirty (30) days.
14. This by-law replaces By-law #299.
15. This by-law shall come into force and effect on the date of its passage.

Read a first time in council this 17<sup>th</sup> day of November A.D. 1980.

Read a second time in council this 1<sup>st</sup> day of December A.D. 1980.

Read a third time in council and finally passed this 15<sup>th</sup> day of December A.D. 1980.

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Mayor

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Municipal Administrator