

**BY-LAW NO. 10-2000  
OF THE  
TOWN OF VERMILION  
IN THE PROVINCE OF ALBERTA**

BEING A BY-LAW OF THE TOWN OF VERMILION TO  
REGULATE AND CONTROL THE OPERATION OF SNOW  
VEHICLES IN THE TOWN OF VERMILION

WHEREAS pursuant to the Municipal Government Act, Chapter M-26.1 of the 1994 Statutes of Alberta and amendments thereto, a Council may pass Bylaws respecting activities and things in, on, or near, a public place or place that is open to the public, and

WHEREAS pursuant to the Municipal Government Act, Chapter M-26.1 of the 1994 Statutes of Alberta and amendments thereto, a Council may pass Bylaws respecting the safety, health, and welfare of people and the protection of people and property, and

WHEREAS pursuant to the Off-Highway Vehicle Act, Chapter 0-4 of the 1980 Revised Statutes of Alberta and amendments thereto, a Council may pass Bylaws with respect to Highways under its direction, control, and management, authorize persons to operate Snow Vehicles on any portion or any such Highway, or class of Highway, and may restrict the hours during which that operation may take place.

NOW, THEREFORE, THE COUNCIL OF THE TOWN OF VERMILION  
DULY ASSEMBLED ENACTS AS FOLLOWS:

1. TITLE

This Bylaw may be cited as the “Town of Vermilion Snow Vehicle Bylaw”.

2. DEFINITIONS

- (1) “Council” means the Municipal Council of the Town of Vermilion.
- (2) “Designated Routes” means Highways and areas of Parkland designated for use by Snow Vehicles as outlined in Schedule I attached to this Bylaw.
- (3) “Highway” means any thoroughfare, street, road, trail, avenue, parkway, driveway, viaduct, lane, alley, square, bridge, causeway, tresselway, or other place, whether publicly or privately owned, any part of which the public is ordinarily entitled or permitted to use for the passage or parking of vehicles, and includes:
  - a) if a ditch lies adjacent to and parallel with the roadway, the ditch, and;
  - b) if a Highway right of way is contained between fences or between a fence and one side of the roadway, all of the land between the fences or, all of the land between the fence and the edge of the roadway as the case may be;
  - c) A Sidewalk (including the boulevard portion of the sidewalk).
- (4) “Operator” means an Owner or Operator who drives or is in actual physical control of a Snow Vehicle.
- (5) “Owner” includes an Owner or Operator renting a Snow Vehicle or having the exclusive use of that Snow Vehicle under a lease or otherwise, for a period of more than thirty (30) days.

- (6) "Parkland" shall mean a public place or, place that is open to the public except a Highway and without limiting the generality of the foregoing, includes recreational lands owned or controlled by the Town that lie within the Town limits whether or not such lands are improved in whole or in part.
- (7) "Peace Officer" means a member of the Royal Canadian Mounted Police, a Forest Officer, a Conservation Officer, or a Bylaw Officer of the Town of Vermilion.
- (8) "Roadway" means that part of a Highway intended for use by vehicular traffic.
- (9) "Sidewalk" means that part of a Highway specially adapted to the use of or ordinarily used by pedestrians, and includes that part of a Highway between the curb line (or the edge of the Roadway where there is no curb line) and the adjacent property line, whether or not paved or improved.
- (10) "Snow Vehicle" means a motor vehicle designed or intended to be driven exclusively or chiefly on snow or ice or both.
- (11) "Violation Tag" means a tag or similar document issued by the Town of Vermilion pursuant to the Municipal Government Act, S.A. 1994, C.M-26.1, as amended.
- (12) "Violation Ticket" means a ticket issued pursuant to Part II of the Provincial Offences Procedures Act, S.A. 1988, C.P-21.5, as amended, and Regulations thereunder.

### 3. OPERATION RESTRICTIONS

- (1) No Owner or Operator is authorized to operate a Snow Vehicle on any Highway or Parkland except as specifically provided for within this Bylaw.
- (2) No Owner or Operator of a Snow Vehicle may operate or permit the operation of a Snow Vehicle on any Parkland within the Town of Vermilion with the exception of areas approved by the Council by resolution granting permission for the operation of Snow Vehicles in a designated area for a designated time or event as posted.
- (3) The hours of operating a Snow Vehicle subject to any other restrictions and provisions, that may be contained in this Bylaw, shall be restricted to the period of time between 8:00 a.m. and 11:00 p.m. in any one day.
- (4) No Owner or Operator of a Snow Vehicle may operate or permit the operation of a Snow Vehicle in the Town of Vermilion in accordance with this Bylaw, between April 15 and November 1 in any year.
- (5) A Snow Vehicle may cross a Highway if:
  - a) the Operator stops the Snow Vehicle before entering onto the Highway or portion thereof to be crossed;
  - b) all passengers disembark from the Snow Vehicle and any vehicle or thing attached thereto before commencing to cross;
  - c) the Operator yields the right of way to all other vehicles and persons on the Highway, and;
  - d) the Operator crosses over the Highway or portion thereof,

to be crossed from the most direct and shortest route of travel available.

- (6) No Owner or Operator shall operate a Snow Vehicle except as authorized pursuant to the Off-Highway Vehicle Act and this Bylaw.
- (7) The operation of any Snow Vehicle on any lands within the Town's management, direction, and control other than a Designated Route is prohibited at all times except as authorized pursuant to the Off-Highway Vehicle Act and this Bylaw.
- (8) A Snow Vehicle may travel on a Designated Route as identified on Schedule I attached to this Bylaw if the Operator of the Snow Vehicle:
  - a) Travels at a rate of speed not in excess of 30 kilometres per hour;
  - b) Travels in a single file;
  - c) Yields the right of way to all other vehicles and persons; and
  - d) Is equipped with at least one headlight and one tail light.
- (9) A Snow Vehicle may travel in the ditches of a Highway if the Owner or Operator of the Snow Vehicle:
  - a) Is using only those ditches of a Highway which will provide access to the most direct route to and from the place where the Snow Vehicle is normally stored and nearest area on which the Snow Vehicle is permitted to operate;
  - b) Travels at a rate of speed not in excess of 30 kilometres per hour;
  - c) Travels in a single file in the same direction as the vehicles travelling on that side of the Highway;
  - d) Yields the right of way to all other vehicles and persons; and
  - e) Is equipped with at least one headlight and one tail light.
- (10) A Snow Vehicle may travel in the parking lane of a Highway for as short a distance as necessary to by-pass any hazard or obstruction in the ditch, or where there is no parking lane, the extreme right-hand side of the Roadway if the Owner or Operator of the Snow Vehicle:
  - a) Is using only those parking lanes or where there is no parking lane, the extreme right hand side of the Roadway which will provide access to the most direct route to and from the place where the Snow Vehicle is normally stored and nearest area on which the Snow Vehicle is permitted to operate;
  - b) Travels at a rate of speed not in excess of 30 kilometres per hour;
  - c) Travels in a single file in the same direction as the vehicles travelling on that side of the Highway;
  - d) Yields the right of way to all other persons and vehicles;

and

- e) Is equipped with at least one headlight and one tail light.
- (11) No Owner or Operator shall operate or be a passenger on a Snow Vehicle where the persons on the Snow Vehicle exceeds the number of persons that the Snow Vehicle is designed to carry.
  - (12) The provisions of this Bylaw shall not apply to Peace Officers, or agents or employees of the Town of Vermilion while operating a Snow Vehicle in the performance of their official duties.
  - (13) During an emergency, disaster, or search and rescue operation within the Town of Vermilion as determined by the Director of Disaster Services, the provisions of this Bylaw may be waived, varied, or suspended by the Director of Disaster Services.
  - (14) No Owner or Operator of a Snow Vehicle may operate or permit the operation of a Snow Vehicle on any Highway or designated route identified in Schedule I 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 Snow Vehicle.
  - (15) No Owner or Operator of a Snow Vehicle may operate or permit the operation of a Snow Vehicle on any Highway or designated route identified in Schedule I when there is not, for the time being, a subsisting valid financial responsibility card approved under Part VII of the Insurance Act and containing the coverage and limits affixed by that part for Snow Vehicles in relation to public liability, property damage, and accident benefits in respect of that Snow Vehicle.
  - (16) No Owner or Operator of a Snow Vehicle may operate or permit the operation of a Snow Vehicle without due care and attention or without reasonable consideration for other persons or property.
  - (17) No Owner or Operator of a Snow Vehicle may tow behind a Snow Vehicle a trailer, sleigh, cutter, or other vehicle, unless the hitch, or attachment employed, meets the following conditions:
    - a) is so designed as to control the vehicle being towed so that it will substantially follow in the tracks of the towing Snow 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 Snow Vehicle in the case of down hill travel or a stop.
  - (18) Owners and Operators of Snow Vehicles use designated routes, permitted areas, and Highways in the Town of Vermilion at their own risk and the Town of Vermilion does not warrant such areas as being suitable for the use of Snow Vehicles.
  - (19) Penalties:
    - a) The Owner of a Snow Vehicle involved in a contravention of this Bylaw is guilty of an offence unless the Owner establishes that at the time of the offence, the

Snow Vehicle was not being driven or left parked by the Owner or any other person with the Owner's consent, either expressed or implied.

- b) An Owner who permits another person to operate the Owner's Snow Vehicle, or such Snow Vehicle which the Owner has exclusive use, in contravention of this Bylaw, is guilty of an offence.
- c) Every Owner or Operator who contravenes the provisions of this Bylaw is guilty of an offence and is liable to a penalty as prescribed in Schedule II attached to this Bylaw.
- d) A Peace Officer, who on reasonable and probable grounds, believes that an offence under this Bylaw has been committed, may seize and detain any Snow Vehicle in respect of which the offence was committed until the final disposition of any proceedings that may be taken under this or the Off-Highway Vehicle Act, and Section 96 of the Motor Vehicle Administration Act, as amended, applies with all necessary modifications, to the Snow Vehicle.
- e) Under no circumstances shall any Owner or Operator contravening any provision of this Bylaw be subject to the penalty of imprisonment.

#### 4. VIOLATION TAGS

- a) A Peace Officer is hereby authorized and empowered to issue a Violation Tag to any person who the Peace Officer has reasonable and probable grounds to believe has contravened any provision of this Bylaw. A Violation Tag may be issued to such person:

Either personally; or

By mailing a copy to such a person at the last known Post Office address.

The Violation Tag shall be in a form approved by the Town of Vermilion or Designated Officer and shall state:

The name of the person;

The offence;

The appropriate penalty for the offence as specified in this Bylaw;

That the penalty shall be paid within thirty (30) days of the issuance of the Violation Tag;

And any other information as may be required by the Town of Vermilion.

- b) Where contravention of this Bylaw is of a continuing nature, further Violation Tags may be issued by a Peace Officer, provided that no more than one Violation Tag shall be issued for each day that the contravention continues.
- c) Where a Violation Tag is issued pursuant to this Bylaw, the person to whom the Violation Tag is issued may, in lieu of being prosecuted for the offence, pay to the Town of Vermilion the penalty specified in the Violation Tag.
- d) Nothing in this Bylaw shall prevent a Peace Officer from immediately issuing a Violation Ticket.

5. VIOLATION TICKET

If the penalty specified on a Violation Tag is not paid within the prescribed time, a Peace Officer is hereby authorized and empowered to issue a Violation Ticket pursuant to Part II of the Provincial Offences Procedures Act, S.A. 1988, C.P-21.5, as amended.

6. SEVERABILITY

Should any provision of this Bylaw be invalid, then such provision shall be severed and the remaining Bylaw shall be maintained.

7. DATE OF COMMENCEMENT

This Bylaw comes into force and effect on the date of the final passing.

READ A FIRST TIME IN COUNCIL THIS 19TH DAY OF DECEMBER, A.D. 2000

\_\_\_\_\_  
Mayor

Town Manager

READ A SECOND TIME IN COUNCIL THIS \_\_\_\_ DAY OF \_\_\_\_\_, A.D. 2001

\_\_\_\_\_  
Mayor

Town Manager

READ A THIRD TIME IN COUNCIL THIS \_\_\_\_ DAY OF \_\_\_\_\_, A.D. 2001

\_\_\_\_\_  
Mayor

Town Manager



## BY-LAW 10-2000

## SCHEDULE II

<i>DESCRIPTION</i>	<i>BYLAW SECTION</i>	<i>PENALTY</i>
Operation in a prohibited area	Section 3(2)	a) for a first offence a penalty of \$50.00; b) for a second or subsequent offence a penalty of \$100.00
Operation of a Snow Vehicle when prohibited (times of day and year)	Section 3(3) & 3(4)	a) for a first offence a penalty of \$50.00; b) for a second or subsequent offence a penalty of \$100.00
Unsafe Highway crossing	Section 3(5)	a) for a first offence a penalty of \$50.00; b) for a second or a subsequent offence a penalty of \$100.00
Speeds in excess of <b>30 km/hour</b>	Section 3(8)(a), 3(9)(b), 3(10)b	a) for a first offence a penalty of \$50.00; b) for a second or a subsequent offence a penalty of \$100.00
Not on the most direct route	Section 3(9)(a), 3(10)(a)	a) for a first offence a penalty of \$50.00; b) for a second or a subsequent offence a penalty of \$100.00
Failure to yield right of way to all other traffic and pedestrians	Section 3(5)(c), 3(8)(c), 3(9)(d), 3(10)(d)	a) for a first offence a penalty of \$50.00; b) for a second or a subsequent offence a penalty of \$100.00
Operation of unregistered Snow Vehicle	Section 3(14)	\$50.00
Operation of uninsured Snow Vehicle	Section 3(15)	\$100.00
Undue care and attention	Section 3(16)	For a first offence a penalty of \$350.00
Improper towing	Section 3(17)	a) for a first offence a penalty of \$25.00