

BYLAW NO. 784
OF THE
TOWN OF KILLAM
IN THE PROVINCE OF ALBERTA

A BYLAW OF THE TOWN OF KILLAM, IN THE PROVINCE OF ALBERTA FOR THE PURPOSE OF AMENDING BYLAW 778 REGULATING AND CONTROLLING THE OPERATION OF “SNOWMOBILES” WITHIN CORPORATE LIMITS OF THE TOWN OF KILLAM. THE AMENDMENTS ARE TO SCHEDULE 1.1 AND THE ADDITION OF SCHEDULE 1.2.

WHEREAS PURSUANT TO THE PROVISIONS OF SECTION 13 OF THE TRAFFIC SAFETY ACT, RSA 2000, C. T-6, AND AMENDMENTS THERETO, A COUNCIL OF A MUNICIPALITY MAY, BY BYLAW, REGULATE OPERATION OF VEHICLES WITHIN THE CORPORATE LIMITS OF THE MUNICIPALITY;

AND WHEREAS the Council of the Town of Killam, in the province of Alberta, deems it advisable to pass such a bylaw;

NOW THEREFORE the Municipal Council of the Town of Killam in the Province of Alberta duly assembled hereby enacts as follows:

1. TITLE

1. This bylaw may be cited as the **Snowmobile By-Law.**

2. DEFINITIONS

“Act” means the Traffic Safety Act, RSA 2000, c. T-6 as amended.

“Council” means the Municipal Council of the Town of Killam.

“Highway” means a highway as defined in the Traffic Safety Act under the direction, management and control of the Town of Killam.

“Off-Highway Vehicle” means an off-highway vehicle as defined in Section 117 of the Act.

“Owner” includes a person owning or renting or using a snowmobile or having the exclusive use of that snowmobile under a lease or otherwise.

“Parkland” shall mean every recreational area owned or controlled by the town that lies within the limits of the Town whether such parkland is improved in whole or in part or remains in its natural state and shall include other neighbourhood beautification areas and publicly maintained areas administered by the Town.

“Peace Officer” means a member of the Royal Canadian Mounted Police, a Bylaw Enforcement Officer, or a Special Constable appointed by the Municipal Council.

“Qualified Operator” means a person of least 14 years of age and not prohibited from operating a motor vehicle, or a person younger than 14 years if supervised by a person at least 18 years old and on the same vehicle or on another vehicle in close enough proximity to provide constant and immediate supervision.

“Roadway” means that part of a highway untended for use by vehicular traffic.

“Safety Helmet” means a safety helmet as prescribed in the Highway Traffic Act Regulations”.

“Snowmobile” means a motorized vehicle designed or intended exclusively or chiefly for cross-country travel on snow, or ice, or both

“Traffic Control Device” means any signal, sign, marking or device placed, marked or erected under the authority of the Act for the purpose of regulating, warning or guiding traffic.

“Town” means the Town of Killam in the Province of Alberta.

“Violation Tag” means a form used by the Town to enforce its bylaws pursuant to the Municipal Government Act, R.S.A. 2000, c.M-26, as amended.

“Violation ticket” means a ticket issued pursuant to the Provincial Offenses Procedure Act, RSA 2000, c.P-34, as amended.

3.REGULATIONS

All non-highway vehicles as defined in Section 2.4 of this bylaw excluding snowmobiles, are unauthorized to be operated within Town of Killam Corporate Limits as previously stated in the Bylaw #773, Section 8.4.

A snowmobile may be operated within town limits only when proceeding to and from the operator’s residence. The operator shall exit town to the south using alleyways only where at all possible. Snowmobiles may travel along 49th Avenue to reach their quickest access out of town. Traveling on or across the Highway 13 and 36 within town limits is not permitted.

3.2.1 Council may grant special permission to groups and individuals to use other routes out of town when requested in writing.

When a person operates a snowmobile within the Town, the operator shall:

a) travel at a rate of speed not in excess of

- i) 30 km/h on the avenue; and
 - ii) 20 km/h on a lane or alley.
- b) Obey all laws and regulations of the Town and the Province of Alberta.
- c) Notwithstanding any traffic control devices, yield right-of-way to all motor vehicles and persons using the avenue.

When a person is operating a snowmobile in an alley or lane of the Town and it is necessary to cross a street or avenue, the operator of the snowmobile shall:

- a) stop the snowmobile before entering on to the avenue or portion of avenue to be crossed; and
- b) yield right of way to all other vehicles and person on the avenue; and
- c) cross over the avenue by the most direct and shortest route of travel available to the operator.

No snowmobile shall be operated within Town corporate limits between the hours of 10:00 p.m. of one day and 7:00 a.m. of the following day.

No person shall operate a snowmobile upon any parkland, walking trail, parking lot within the Town.

No person shall operate a snowmobile that does not have an operational headlight, taillight, brakes and a muffler.

Only qualified persons are allowed to operate snowmobiles within the Town.

No person shall operate a snowmobile unless wearing a safety helmet.

Notwithstanding any sections of this bylaw municipal employees may be authorized by Council or by the CAO in an emergent situation, to operate a snowmobile or non-highway vehicle in the course of their duties if the situation so dictates.

4.PENALTIES

Any person who violates or contravenes any provision of this bylaw, or any person who allows, permits or otherwise causes another person to violate or contravene any provision of this bylaw, is guilty of an offence and shall be liable on summary conviction before a Provincial Court Judge to a penalty as specified in Schedule A.1 of this bylaw.

In addition to, or in substitution of, the fines stipulated in Section 4.1, a Provincial Court Judge may make any other order deemed appropriate concerning a breach of this bylaw.

Notwithstanding Section 4.1 of this bylaw, an Enforcement Officer may issue a violation tag to a person who the Enforcement Officer has reasonable and probable grounds to believe has contravened any provision of this bylaw, or has permitted, allowed or otherwise caused a person to contravene any provision of this bylaw

- (a) Specifying a voluntary payment as described in Schedule A.2 of this bylaw; and
- (b) The person to whom the violation tag is issued may, in lieu of being prosecuted for the offence, pay to the Town the penalty specified within the time period indicated on the violation tag.

A violation tag shall be deemed to have been sufficiently served if:

- (a) served to the accused directly, or
- (b) mailed to the address of the registered owner of the vehicle or person occupying a property, or
- (c) secured to the vehicle or property in respect of which the offence is alleged to have been committed.

In those cases where a violation tag has been issued and the penalty specified on the violation tag has not been paid within the prescribed time, then an Enforcement Officer may issue a violation ticket specifying that a voluntary payment be made as described in Schedule A.3 of this bylaw.

Notwithstanding Section 4.4 of this bylaw, an Enforcement Officer may immediately issue a violation ticket to any person who the Enforcement Officer has reasonable grounds to believe has contravened any provisions of this bylaw, or has permitted, allowed or otherwise caused a person to contravene any provision of this bylaw, specifying that

- (a) A voluntary payment be made as described in Schedule A.3 of this bylaw; or
- (b) if it is in the public interest to compel the accused to appear before a Judge, issue a summons respecting any offense for which a voluntary payment may be made requiring the accuse to appear before a Provincial Court Judge on the initial appearance date without the alternative of making a voluntary payment.

The levying and payment of any fines shall not relieve a person from the necessity of remedying the situation that created the violation of any section of the bylaw.

This bylaw shall come into force and effect upon final passing.

READ A FIRST TIME THIS 21ST DAY OF JUNE, 2007.

READ A SECOND TIME THIS 21ST DAY OF JUNE, 2007.

READ A THIRD AND FINAL TIME THIS 21ST DAY OF JUNE, 2007 AND FINALLY PASSED.

Mayor

Town Administrator

BY-LAW #767

SCHEDULE "A"

Schedule A.1

- (a) for a first offense, a minimum fine of \$300.00.
- (b) for a second offense, a minimum fine of \$600.00.
- (c) for a third and subsequent offense, a minimum fine of \$1200.00.

Schedule A.2

- (a) for a first offense, a voluntary payment of \$75.00.
- (b) for a second offense, a voluntary payment of \$150.00.
- (c) for a third and subsequent offense, a voluntary payment of \$300.00.

Schedule A.3

- (a) for a first offense, a voluntary payment of \$150.00.
- (b) for a second offense, a voluntary payment of \$300.00.
- (c) for a third and subsequent offense, a voluntary payment of \$600.00.