

Village of Carbon

BYLAW 2013-783

BEING A BYLAW TO AMEND BYLAW 2008-759 IN RESPECT TO THE REGULATION AND CONTROL OF TRAFFIC IN THE VILLAGE OF CARBON.

WHEREAS the Municipal Council of the Village of Carbon deems it desirable to amend the Traffic Bylaw 2008-759;

AND WHEREAS the Highway Traffic Act authorizes the Council of a Municipality to authorize or issue a permit authorizing persons to drive off-highway vehicles along any portion of those highways that are under the direct control and management of a Municipality;

AND WHEREAS the Municipal Council of the Village of Carbon recognize the importance of environmental friendly transportation as an opportunity to residents;

NOW THEREFORE the Council hereby amends Traffic Bylaw 2008-759 as follows:

8. OPERATION OF OFF-HIGHWAY & PROHIBITED VEHICLES ON MUNICIPAL ROADWAYS

8.1. OFF-HIGHWAY/PROHIBITED VEHICLE PERMITS

(a) A person who wishes to operate an off-highway/prohibited vehicle on a highway within the Village shall pay the permit fee of \$20.00 and obtain a permit provided that the person:

- (i) is at least fourteen (14) years of age
- (ii) hold a valid Class 5 license or a Class 7 license (Learners Permit)
- (iii) a certificate which establishes that the person has liability insurance up to a minimum of \$200,000 containing an endorsement by the insurers that the Village shall be given a minimum of fifteen (15) days prior notice of cancellation or a material change in the insurance policy.

(b) All personal and public liability will be the responsibility of the owner/operator of the said off-highway/prohibited vehicle, as described by the Province.

(b) A permit issued under this bylaw shall not be transferable for one person to another nor from one off-highway/prohibited vehicle to another off-highway/prohibited vehicle, provided that the owner's insurance covers other drivers of the off-highway/prohibited vehicle.

(c) Upon payment of the required Permit fee as set out in Section 8.1(a) and upon providing the information and meeting the requirement set out in Section 8.1(a), herein the Village may grant a Permit in the form set out in Appendix "B" to this bylaw.

(d) A person who holds a Permit to operate an off-highway vehicle pursuant to this Bylaw shall produce the Permit when asked to so do by a Peace Officer/RCMP. A twenty four (24) hour grace period shall be granted in which to produce the Permit if it is not immediately available.

(e) When a person ceases to meet all of the requirements set out in Section 8.1(a) of this Bylaw, a Permit issued to that person becomes null and void.

8.2 OPERATIONAL RESTRICTIONS

(a) No person shall operate an off-highway/prohibited vehicle within the Village contrary to this Bylaw, or without a Permit as required by this bylaw.

(b) A person who is authorized to operate an off-highway/prohibited vehicle pursuant to the Traffic Safety Act or by Permit, pursuant to this bylaw shall:

- (i) Travel at a maximum speed of twenty-five (25) kilometers per hour;
- (ii) Travel only on a municipal highway and in single file;
- (iii) Travel in the same direction as the vehicles traveling on that side of the highway;
- (iv) Before crossing a highway, the operator of the off-highway/prohibited vehicle shall stop the off-highway/prohibited vehicle;
- (v) The operator of an off-highway/prohibited vehicle shall yield the right-of-way to all other vehicles and persons on the municipal highway; and

- (vi) The operator of an off-highway/prohibited vehicle shall cross over the highway or portion thereof by the most direct route available;
- (vii) When it is necessary to cross a sidewalk to enter a highway, the operator of an off-highway/prohibited vehicle shall stop the off-highway/prohibited vehicle before crossing the sidewalk;
- (viii) A person may only operate an off-highway/prohibited vehicle pursuant to this bylaw on any day from 7:00 am to 11:00 pm;
- (ix) No person shall operate an off-highway/prohibited vehicle on Provincial owned property;
- (x) No person shall operate or be a passenger on an off-highway vehicle where the number of persons on the off-highway/prohibited vehicle exceeds the number of person that the off-highway/prohibited vehicle is designed to carry;
- (xi) A person operating an off-highway/prohibited vehicle must ensure that the off-highway/prohibited vehicle is equipped with a least one white light on the front and at least on red light at the rear and those lights are alight when the off-highway/prohibited vehicle is being operated during night-time hours or when insufficient light or atmospheric conditions make it necessary;
- (xii) The provisions of this bylaw does not apply to the Peace Officers or agents or employees of the Village while operating an off-highway/prohibited vehicle in the performance of their official duties;
- (xiii) During an emergency, disaster, or search and rescue operation within the Village, as determined by Council or its designate, the provisions governing off-highway/prohibited vehicles in this bylaw may be waived, varied or suspended by Council or its designate;
- (xiv) No person shall operate an off-highway/prohibited vehicle within the Village at any time after that person ceases to meet the requirements of Section 8.1 (a) of this bylaw.
- (xv) This bylaw does not limit the Province in enforcing the Law in regards to wreckless driving, and other misdemeanor incidents.

8.3 PENALTIES OFF-HIGHWAY/PROHIBITED VEHICLE CONTRAVENTIONS

The owner of an off-highway/prohibited vehicle in a contravention of this bylaw is guilty of an offence unless the owner establishes that at the time of the offence the off-highway/prohibited vehicle was not being driven or left parked by the owner or any other person with the owner's consent either expressed or implied.

Any person who contravenes any of the provisions of this bylaw is guilty of an offence, and liable on summary conviction to a fine as set out in Appendix A.

14.0 SEVERABILITY PROVISION

Should any provision of this bylaw be invalid, then that provision shall be severed and the remaining bylaw shall be maintained. (Bylaw 2008-759, and Bylaw 2013-783)

15.0 AMENDMENT

This Bylaw amends the noted sections and appendixes of Bylaw 2008-759.


READ A FIRST TIME THIS 9th DAY OF September 2013.

READ A SECOND TIME THIS 9th DAY OF September 2013.


Motion to proceed to third reading

CARRIED UNANIMOUSLY

READ A THIRD TIME and FINAL TIME, AND PASSED THIS 9th DAY OF September 2013.



 Mayor



 Municipal Administrator

Village of Carbon

Bylaw 2013-783

Appendix 'A'

Specified Penalties for Traffic Bylaw

In addition to Appendix A of Bylaw 2008-759 All in relation to Section 8

Operate an Off-Highway Vehicle on Village Operated Trail System	\$100.00
Failure to obtain permit to operate off-highway/prohibited vehicle	\$50.00
Off-highway/prohibited vehicle speed exceeding 25 km/hr	\$50.00
Failure to travel in single file	\$50.00
Failure to travel in the same direction of vehicle traffic	\$50.00
Failure to stop prior to crossing highway	\$100.00
Failure to yield right of way to all vehicles and pedestrian traffic	\$100.00
Failure to travel most direct route	\$50.00
Failure to stop prior to crossing sidewalk	\$100.00
Operate off hours	\$150.00
Exceed number of designated passengers	\$100.00
Off-highway/prohibited vehicle not equipped with lights	\$50.00

Village of Carbon

Bylaw 2013-783

Appendix 'B'

Permit for Off-Highway/Prohibited Vehicle

Permit # _____ Issue Date: _____

Owners Name: _____

Civic Address: _____

Mailing Address: _____

Phone #: _____

Drivers License #: _____ Class 5 OR 7 (Circle One)

Insurance Co. _____ Liability Ins Cert Att'd _____

Type of Off Hwy Vehicle/Prohibited Vehicle: _____

Vehicle S/N: _____

NOTE: The off-highway/prohibited vehicle may only be operated within the corporate limits of the Village of Carbon. Routes include the roadway only, not sidewalks, boulevards, ditches. The approved Route does not include Rosebud Street/Highway 836.

Speed limit for off-highway/prohibited vehicles in the Village of Carbon is 25 kilometers per hour.