

BYLAW # 1297

A BY-LAW OF THE TOWN OF INNISFAIL TO PROVIDE FOR THE CONTROL AND REGULATION OF OFF-HIGHWAY VEHICLES WITHIN THE LIMITS OF THE TOWN OF INNISFAIL AND TO RESCIND BY-LAW NO. 1033 OF THE TOWN OF INNISFAIL, A BY-LAW FOR THE CONTROL AND REGULATION OF SNOW VEHICLES WITHIN THE TOWN OF INNISFAIL.

WHEREAS, the Council of the Town of Innisfail may pass a By-law pursuant to Section 112 (b) of the Municipal Government Act, being Chapter M-26 of the Revised Statutes of Alberta and amendments thereto, for promoting the health, safety, morality and welfare thereof;

AND WHEREAS, it is deemed expedient and proper to pass a By-law for the control and regulation of off-highway vehicles within the Town of Innisfail

NOW THEREFORE, THE MUNICIPAL COUNCIL OF THE TOWN OF INNISFAIL IN COUNCIL ASSEMBLED HEREIN ENACTS AS FOLLOWS:

1. This By-law may be cited as the Town of Innisfail Off-Highway Vehicle By-law;
2. In this By-law;
 - (a) “all terrain vehicle” means a wheeled or tracked motor vehicle designed for travel primarily on unprepared surfaces such as open country and marshland but does not include implements of husbandry, construction machinery or powered wheel chairs;
 - (b) “off-highway vehicles” means any motorized vehicle designated for cross-country travel on land, water, snow, ice, marsh or swampland or on other natural terrain and without limiting the generality of the foregoing, includes, when designed for such travel:
 - (i) four-wheel drive vehicles;
 - (ii) motorcycles and related two wheel vehicles;
 - (iii) amphibious machines;
 - (iv) all terrain vehicles;
 - (v) snow vehicles;
 - (vi) mini-bikes; but does not include
 - (vii) motorboats;
 - (viii) any other vehicle exempted from this By-law.
 - (c) “open space” means any space within the Town of Innisfail owned by the Town of Innisfail which is not used for buildings and structures and includes the following:
 - (i) parks;
 - (ii) playgrounds;
 - (iii) campgrounds;
 - (iv) trail systems;
 - (v) municipal reserves;
 - (vi) berms;
 - (vii) all other space not designed for use of motorized vehicles;
 - (d) “operator” means a person who drives or is in actual physical control of a vehicle;
 - (e) “peace officer” means a member of the Royal Canadian Mounted Police and the Town of Innisfail By-law Enforcement Officer;

3. (1) No person shall operate an off-highway vehicle on any portion of open space within the Town of Innisfail;
- (2) Notwithstanding sub-section (1),
 - (a) The Municipal Manager may authorize persons to operate off-highway vehicles in open space for the purpose of track-setting of ski trails, enforcement or any other purpose he deems necessary from time to time;
4. The operator of an off-highway vehicle who contravenes this By-law is guilty of an offence and liable on summary conviction to a fine of \$30.00 and in default of payment, to imprisonment for a term no to exceed ten (10) days.
5. Every peace officer is hereby granted authority and charged with the duty of enforcing the provisions of this By-law.
6. This By-law shall come into force and effect on final passing thereof.
7. By-law # 1033 is hereby repealed.

READ A FIRST TIME IN OPEN COUNCIL THIS 25TH DAY OF JANUARY, 1993.

READ A SECOND TIME IN OPEN COUNCIL THIS 25TH DAY OF JANUARY, 1993.

READ A THIRD TIME IN OPEN COUNCIL AND FINALLY PASSED THIS 25TH DAY OF JANUARY, 1993.

Original Document Signed