

Whereas, Pursuant to the provisions of Part 2, Division 1, Section 7, of the Municipal Government Act, Revised Statutes of Alberta 2000, Chapter M-26 and amendments thereto, the Council may pass Bylaws for the purpose of promoting the safety, health, and welfare of people and the protection of people and property.

NOW THEREFORE, the Council of The Town of Millet, duly assembled enacts as follows;

This Bylaw may be cited as the Parks and Off-Highway Vehicles Bylaw.

PART 1 – PURPOSE, DEFINITIONS AND INTERPRETATION

PURPOSE 1) ~~1)~~ The purpose of this Bylaw is to regulate the conduct and activities of people in parks and/or while operating Off Highway Vehicles to promote the safe, enjoyable and reasonable use of such property for the benefit of all citizens of the Town of Millet.

DEFINITIONS

2) In this Bylaw:

- (a) “Council” means the Council of The Town of Millet
- (b) “Employee” means any person employed by the Town of Millet
- (c) “Motor vehicle” means a vehicle powered by any power other than muscle power, or a moped, but does not include a bicycle, a power bicycle, an aircraft, an implement of husbandry or a motor vehicle that runs only on rails
- (d) “Off Highway Vehicle” means any motorized vehicle designated or designed for cross country travel on land, water, snow, ice, marsh or swamp land or natural terrain and without limiting the generality of the foregoing includes, when designated for such travel;
 - i) four-wheel drive or low pressure tire vehicles
 - ii) motorcycles and related two wheel vehicles
 - iii) amphibious machines
 - iv) all terrain vehicles
 - v) miniature motor vehicles
 - vi) snow vehicles
 - vii) mini bikes and
 - viii) any other means of transportation which is propelled by any power other than muscle power and wind, but does not include motor boats or any other vehicle exempted from all of the provisions of the Off Highway Act

- (e) “operator” means a person who drives or is actual physical control of a vehicle
- (f) “Peace Officer” means any member of the RCMP, a Community Peace Officer, a Police Officer or a Bylaw Officer
- (g) “alley” means a narrow highway intended chiefly to give access to the rear of buildings and parcels of land.
- (h) “Highway” has the same definition as detailed in the Traffic Safety Act Revised Statutes Of Alberta 2000, Chapter T-6
- (i) “Town” means the Town of Millet
- (j) “Parkland” means every recreational area, Municipal Reserve and Public Utility Lots, owned or controlled by the Town of Millet, which lie within the corporate limits of the Town, whether such parkland is improved in whole or in part, or remains in its natural state but shall include other neighborhood beautifications areas and public maintained areas that are administered by the Town. Parkland also includes the area in the limits of the Town west of the rail tracks and east of Highway 2A. (50 St.)
- (k) “Public Facilities” means such buildings as arenas, bathhouses, public comfort stations, swimming pools, water parks, community buildings or any buildings used for recreation or cultural activities, owned or under control of the Town of Millet.
- (l) “Structures” means every erection such as backstops, fences, bleachers, playground equipment, trees, shrubs, playing fields and anything incidental to their use.

INTERPERTATIONS

The marginal notes and headings in this Bylaw are for reference purposes only

PART 2 – OFFENCES – OFF HIGHWAY VEHICLES

Off Highway Vehicle Operation

- 3) No person shall operate an Off Highway Vehicle on or in any Parkland within the Town of Millet.
- 4) No owner of an Off Highway Vehicle shall allow anyone to operate the vehicle on or in any Parkland within the Town of Millet.
- 5) No person shall operate an Off Highway Vehicle on a sidewalk or boulevard.

The Town of Millet Parks and Off-Highway Vehicles Bylaw

Bylaw 2009/06

- Helmets 6) No person shall operate an Off Highway Vehicle within the corporate limits of the Town unless the operator and passengers are wearing safety approved helmets.
- Under 14 years 7) No person under the full age of fourteen (14) years shall operate an Off Highway Vehicle in the Corporate limits of the Town of Millet
- 8) No person who is an owner or in care and control of an Off Highway Vehicle shall allow any person under the full age of Fourteen (14) years to operate an Off Highway Vehicle within the corporate limits of the Town of Millet.
- Permitted operation 9) An owner of an Off Highway Vehicle may operate the vehicle on a highway for the purpose of loading or unloading providing the loading or unloading is done directly in front or as close as possible to the owner's residence.
- 10) A person who can lawfully operate an Off Highway Vehicle may operate the vehicle within the corporate limits of the Town only on the most direct route from a residence to the nearest exit from the Town to a location of legal Off Highway Use providing the vehicle is operated as follows:
- (a) Travel at a speed less than (20) twenty Kilometers per hour
 - (b) Does not drive or operate the vehicle on parkland
 - (c) Travels in rear lanes only, except where there is no lane, then on the most right portion of a highway.
 - (d) An Off Highway Vehicle shall yield right of way to All other users of the road including pedestrians.
 - (e) An Off Highway Vehicle shall not be operated between the hours of 10:00 PM and 7:30 AM (2200hrs and 0730hrs)
 - (f) An Off Highway Vehicle operator does so at his/her own risk and the Town does not warrant any area of the Town suitable for Off Highway Vehicle use,
- Exception 11) The provisions of this Bylaw shall not apply to a Peace Officer, employee of the Town or an employee of a School Board operating a vehicle in the performance of a duty.
- Onus 12) Where an Off Highway Vehicle is used in contravention of this Bylaw, and the operator or driver

cannot be identified, the owner of the vehicle shall be responsible for the contravention.

- (a) "Owner" in this section means the registered owner as listed on a certificate of registration
- b) if the vehicle is unregistered than the owner, as listed as a bill of sale or other document, accepted as proof of ownership.

PART 3 – OFFENCES – PARKS

- 13) No person, while in a park or on parkland shall;
 - (a) Carry or discharge any firearm, fireworks, airgun, sling shot, catapult or other weapon
 - (b) Distribute any hand bills or circular, nor post, place or display any placard, notice, paper, advertising device or publicity matter of any kind, without having the written permission of the Chief Administration Officer, except such notices that are erected by civic departments dealing with recreation, traffic control, public health or park safety
 - (c) No person shall erect, build or locate, or permit the erection, building or locating in any park, of any trailer, shelter or other building or tent or other shelter without the written consent of the CAO.
 - (d) No procession, drill, parade, political or other public meeting, except when organized or approved by the Town, shall be held in any park
 - (e) No person other than Town authorized person shall park or drive any motor vehicle on parkland or in a park
- 14) No person shall place or plant any tree or shrub on any parkland without first obtaining written permission from the Town of Millet
- 15) No person shall play any game or engage in any recreation within a park that is considered dangerous to persons using the park or adjacent properties.
- 16) Persons using any structure, parkland or public facility do so at their own risk and the Town does not warrant such areas to be safe for use at all times.
- 17) The Town of Millet, or any Town officer, shall have the right to close any parkland or public facility or structure by posting signs, and such signs shall be sufficient notice that no person is permitted to use the aforementioned.

- 18) Any employee of the Town or any person authorized by the Town, may exclude any person from any park or recreation area whose conduct is considered undesirable and may cause to be removed any person who is violating any Bylaw of the Town.

PART 4 – ENFORCEMENT

- 19) A Peace Officer is hereby authorized and empowered to issue a violation ticket, pursuant to the Provincial Offences Procedure Act, to any person who the Peace Officer believes on reasonable and probable grounds has contravened any section of this Bylaw.
- 20) Any person to whom a violation ticket has been issued may make the voluntary payment, if one is offered, in respect of the violation ticket by delivering the violation ticket along with an amount equal to that specified for the offence as set out in this Bylaw.
- 21) A Peace Office who believes that the breach of any section in this Bylaw is of such a serious nature he/she may issue an offender with a violation ticket compelling the offender's appearance in court.
- (a) A Provincial Court Judge or Justice of the Peace may set a penalty higher than the specified penalty in this Bylaw.
- (b) Notwithstanding the provisions of this Bylaw any person who has been issued a violation ticket pursuant to any section of this Bylaw may exercise his/her right to defend any charge of committing a contravention of any provision of this Bylaw.
- (c) A person issued a violation ticket for an offence shall be deemed sufficiently and properly served:
- (i) if served personally on the accused
 - (ii) if mailed by registered mail to the address of the person who has contravened this Bylaw.

SCHEDULE "A" VIOLATIONS AND PENALTIES

PART 2 – OFF HIGHWAY VEHICLES

Section	Description	Penalty
3)	Operate an OHV in a Park	\$ 200.00
4)	Owner allow operation of OHV in a park	\$ 200.00
5)	Operate OHV on a sidewalk or boulevard	\$ 100.00
6)	Not wearing safety helmets	\$ 75.00
7)	Person under 14 years operate OHV	\$ 50.00
8)	Owner allow person under 14 years	\$ 100.00
10)	Drive OHV contrary to rules when Driving from residence out of Town.	\$ 200.00

PART 3 – PARKS

13)	(a)	Discharge firearms fireworks etc	\$ 250.00
	(b)	Distribute material in a park	\$ 100.00
	(c)	Erect building, trailer or tent	\$ 100.00
	(d)	Public meeting in Park	\$ 100.00
	(e)	Drive or park a MV in a park	\$ 150.00
14)		Plant a tree etc in a park	\$ 100.00
15)		Dangerous game	\$ 100.00