



**FISHING LAKE METIS SETTLEMENT IN THE PROVINCE OF ALBERTA  
QUAD USE BYLAW  
NO. FLMS001/2015**

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**BEING A BY-LAW OF THE FISHING LAKE METIS SETTLEMENT TO REGULATE AND CONTROL THE USE OF ALL TERRAIN VEHICLES WITHIN THE LIMITS OF THE SAID COMMUNITY.**

**WHEREAS**, the Council of the Fishing Lake Metis Settlement considers it necessary and in the interest of safety to the community and its residents will regulate Off-Highway vehicles within its boundaries in accordance with the laws of the Province of Alberta;

**THEREFORE**, the Council of the Fishing Lake Metis Settlement duly assembled hereby enacts as follows:

**IN THIS BY-LAW** the following definitions shall apply:

1.
  - a) "All Terrain Vehicle" means a wheeled or tracked motor vehicle designed for the travel primarily in unprepared surfaces such as open country and marshland, For the purpose of this bylaw, this includes quads, dirt bikes and mini bikes;
  - b) "Settlement" shall mean the Fishing Lake Metis Settlement;
  - c) "Judge" means a Justice of the Provincial Courts within the Province of Alberta;
  - d) "Highway" means a highway as defined in the Traffic Safety Act, R.S.A. 2000 c.T-6;
  - e) "Off-Highway Vehicle" means any motorized vehicle designated for cross-country travel on land, water, snow, ice, marsh or swamp land or on other natural terrain and, without limiting the generality of the foregoing, includes, when designed for such travel,
    - i) 4 wheel drive or low pressure tire vehicles,
    - ii) motorcycles and related 2 wheel vehicles
    - iii) all-terrain vehicles, including quads, dirt bike and mini bikes,
    - iv) miniature motor vehicles, and
    - v) snow vehicles;
  - f) "Operator" means a person who drives or is in actual physical control of a vehicle;

- g) "Owner" includes a person owning or renting an Off-Highway Vehicle or having the exclusive use of that off-highway vehicle under a lease or otherwise for a period of more than thirty days;
- h) "Peace Officer" means a member of the Royal Canadian Mounted Police, a member of the Municipal Police Force, a member of the Patrol Division of the Department of the Solicitor General, a Forest Officer, a Parks Officer, or a Wildlife Officer;
- i) "Town Site" means Fishing Lake Settlement community limits as set out in Schedule "A" to this by-law.
2. No person is authorized to operate an Off-Highway vehicle within the town site limits (map of Town site area attached) during the hours of 9 pm to 9 am year round. The exception will be the Annual Quad rally that is hosted in September of every year.
  3. The maximum speed at which Off-Highway Vehicles are permitted to travel within the town site area between the hours of 9 am to 9 pm is 30 kms per hour.
  4. Operators of Off-Highway Vehicles on Municipal District highways shall travel on the extreme right hand side of the highway and in single file at all times.
  5. No one under the age of 14 years is permitted to ride on an Off Highway Vehicle unless accompanied by an adult.
  6. The Operator yields the right of way to all vehicles on the roadways. The Operator will abide by all traffic laws at all times.
  7. Anyone caught stunting, spinning on the Highway, revving their Off Highway Vehicle or otherwise creating noise or ground disturbances is guilty of an offence subject to this Bylaw and will be charged.
  8. A Peace Officer, who on reasonable and probable grounds believes that an offence under this By-law has been committed, may seize and detain any Off-Highway Vehicle in respect of which the offence was committed until the final disposition of any proceedings that may be taken under this By-law or the Off-Highway Vehicle Act, and the Traffic Safety Act (Chapter T-6). The Off Highway Vehicle will be seized for not less than 30 days and costs for storing the vehicle will be at the owner's expense.
  9. The Owner that is involved in a contravention of this by-law is guilty of an offence unless he proves to the satisfaction of the Judge that at the time of the offence the Off-Highway Vehicle was not being driven or left parked by him or any other person with his consent, express or implied.
  10. Parents or guardians of any one 14 years of age and under who is found guilty of a contravention of this by-law will be responsible for all costs incurred, including the court costs and fines.
  11. Any person who permits another person 14 years of age and under to operate an Off-Highway Vehicle in contravention of the by-law is guilty of an offence.

12. Any person violating any of the provisions of this by-law shall be guilty of an offence and liable on summary conviction and will be subject to the following penalty:
- a) for a first offence, a person will be given a written and verbal warning;
  - b) for a second offence, a fine of one hundred (\$100.00) dollars and, in default, imprisonment for a term of not more than thirty (30) days.
  - c) for a third offence, a fine of two hundred dollars (\$200.00) in in default, imprisonment for a term of not more than thirty (30) days and seizure of vehicle for thirty (30) days at Owners cost.
  - d) and any subsequent offences after the third offence will have the Off-Highway Vehicle seized and the fine will be doubled each time up to a maximum of one thousand (\$1000.00) dollars.

THAT this by-law shall be effective as, on and from the date of final passing.

**READ AT A FIRST TIME** this 21<sup>st</sup> day of April, 2015 at a Council meeting at which 4 Council members were present and voted as follows:

4 For      0 Against      0 Abstained

**READ AT A SECOND TIME** this 21<sup>st</sup> day of April, 2015 at a Council meeting at which 4 Council members were present and voted as follows:

4 For      0 Against      0 Abstained

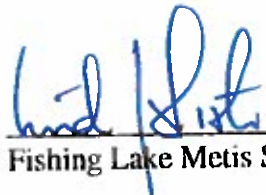
**APPROVED** by ballot vote scheduled at a General Meeting on the 17<sup>th</sup> day of June, 2015 in Fishing Lake Metis Settlement at which 18 members were present and voted to schedule a ballot vote for June 17, 2015.

The scheduled ballot vote on June 17, 2015 at which the vote resulted:

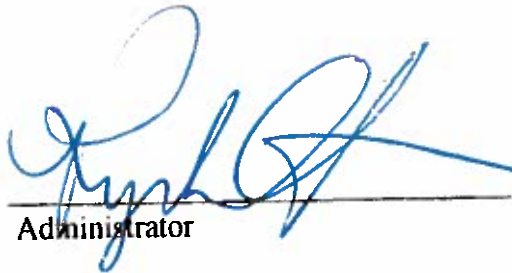
16 For 0 Against 2 Abstained

**READ A THIRD TIME** this 21<sup>st</sup> day of July 2015 at a Council meeting at which 4 Council member were present and voted as follows:

4 For 0 Against 0 Abstained



Fishing Lake Metis Settlement Chair



Administrator

{SEAL}