

Rules & Regulations Applying to Small Vehicles



Updated November 2018



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Common Definitions

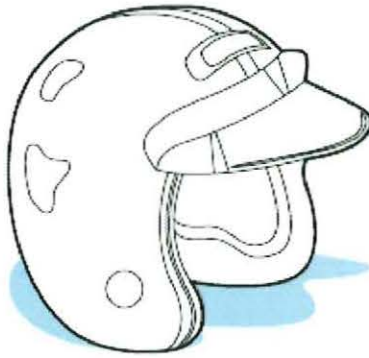
Important common definitions that may apply to more than one of the vehicles listed in this guide:

1. Cycle – “cycle” means a bicycle, power bicycle, motorcycle or moped.
(*Traffic Safety Act, Section 1*)
2. Motorcycle – “motorcycle” means a motor vehicle, other than a moped, that is mounted on 2 or 3 wheels and includes those motor vehicles known in the automotive trade as motorcycles and scooters. (*Traffic Safety Act, Section 1*)
3. Motor vehicle – “motor vehicle” means (i) a vehicle propelled by any power other than muscular power, or (ii) a moped, but does not include a bicycle, power bicycle, an aircraft, an implement of husbandry or a motor vehicle that runs only on rails.
(*Traffic Safety Act, Section 1*)
4. Vehicle – “vehicle”, other than in Part 6, means a device in, on or by which a person or thing may be transported or drawn on a highway and includes a combination of vehicles but does not include a mobility aid. (*Traffic Safety Act, Section 1*)
5. Highway – “highway” means any thoroughfare, street, road, trail, avenue, parkway, driveway, viaduct, lane, alley, square, bridge, causeway, trestleway or other place or any part of any of them, whether publicly or privately owned, that the public is ordinarily entitled or permitted to use for the passage or parking of vehicles and includes:
 - i. A sidewalk, including a boulevard adjacent to the sidewalk
 - ii. If a ditch lies adjacent to and parallel with the roadway, the ditch, and
 - iii. If a highway right of way is contained between fences or between a fence and one side of the roadway, all the land between the fences, or all the land between the fence and the edge of the roadway as the case may be, but does not include a place declared by regulation not to be a highway.
(*Traffic Safety Act, Section 1*)

Quick Reference Guide

	Driver's Licence Required	Minimum Driving Age	Registration Required	Insurance Required	Helmet Required
power bicycles	NO	12	NO	NO	YES
mopeds	CLASS 7	14	YES	YES	YES
motorcycles	CLASS 6	16	YES	YES	YES
mobility aids	NO	N/A	NO	NO	NO
off-highway vehicles	YES + NO	14	YES	YES	YES
prohibited miniature vehicles	It is prohibited to operate these vehicles on roadways or sidewalks.				

Motorcycle Helmets



Motorcycle helmets are worn by riders of:

1. Power Bicycles (A rider may also wear an approved bicycle helmet)
2. Mopeds
3. Motorcycles
4. Most Off-Highway Vehicles

Approved Helmet Standards: Motorcycle Helmets must have the mark or label stating it meets one of the following standards: CSA, DOT (Standard 218), BSI, the applicable Snell Memorial Foundation standard, or the ECE.

The following are adopted and apply to safety helmets in accordance with subsection (1):

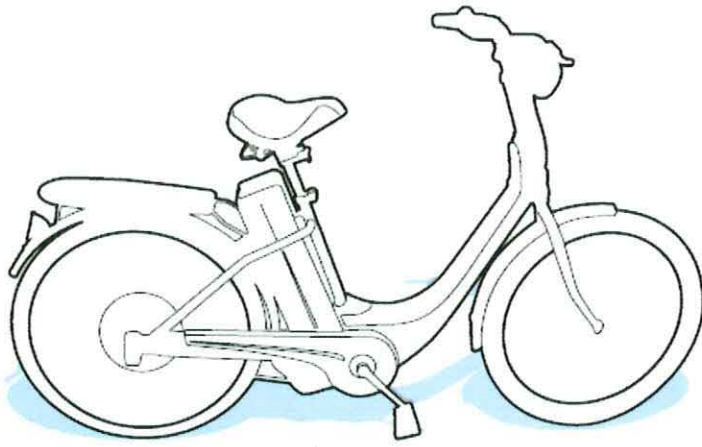
- a) CSA Standard CAN3-D230-M85;
- b) DOT Standard 218 under part 571.218 of the code of Federal Regulations (United States), Title 49;
- c) British Standards Institute Standard BS 6658 – 1985;
- d) Snell Memorial Foundation Standard M2000;
- e) Snell Memorial Foundation Standard M2005;
- f) Snell Memorial Foundation 2010 Standard For Protective Headgear;
- g) United Nations Economic Commission for Europe Regulation 22-05.

No person shall buy, sell or offer for sale a safety helmet intended for the use of operators or passengers of cycles, and off-highway vehicles, unless it complies with the standard.

To ensure your personal safety, maintain your helmet in good condition and replace it in accordance with its manufacturer's recommendations.

Note: New helmets are not being manufactured and certified to the CSA, BSI, and older Snell Memorial Foundation Standards. These standards are included as some older helmets may still be in use on Alberta's roadways.

Power Bicycles



Definition according to: USE OF HIGHWAY AND RULES OF THE ROAD REGULATION

1(1)(o) "power bicycle" means a vehicle that is a power-assisted bicycle under the Motor Vehicle Safety Regulations (Canada) (C.R.C., c. 1038);

Motor Vehicle Safety Regulations (Canada) (C.R.C., c. 1038):

Interpretation 2.(1)

"power-assisted bicycle" means a vehicle that:

- (a) has steering handlebars and is equipped with pedals,
- (b) is designed to travel on not more than three wheels in contact with the ground,
- (c) is capable of being propelled by muscular power,
- (d) has one or more electric motors that have, singly or in combination, the following characteristics:
 - (i) it has a total continuous power output rating, measured at the shaft of each motor, of 500 W or less,
 - (ii) if it is engaged by the use of muscular power, power assistance immediately ceases when the muscular power ceases,
 - (iii) if it is engaged by the use of an accelerator controller, power assistance immediately ceases when the brakes are applied, and
 - (iv) it is incapable of providing further assistance when the bicycle attains a speed of 32 km/h on level ground,
- (e) bears a label that is permanently affixed by the manufacturer and appears in a conspicuous location stating, in both official languages, that the vehicle is a power-assisted bicycle as defined in this subsection, and
- (f) has one of the following safety features,
 - (i) an enabling mechanism to turn the electric motor on and off that is separate from the accelerator controller and fitted in such a manner that it is operable by the driver, or
 - (ii) a mechanism that prevents the motor from being engaged before the bicycle attains a speed of 3 km/h;

Operator's
Licence
Required

NO

Operator's licence: You are not required to hold an operators licence when operating a power bicycle.

(*Traffic Safety Act, Section 51(a)* states licence required for 'motor vehicles'. Definition of motor vehicle in *Traffic Safety Act, Section 1*, excludes power bicycles.)

Minimum
Driving
Age

12

Minimum driving age: The minimum driving age to operate a power bicycle is 12 years. You must also have written consent from a parent or legal guardian.

(Operator Licensing and Vehicle Control Regulation. Parental consent in form approved by Registrar or holds a valid licence, *Section 9*)

Registration
Required

NO

Registration: You are not required to obtain registration on power bicycles.

(*Traffic Safety Act, Section 52 (1)(a)* states registration required for 'motor vehicle'. Definition of motor vehicle excludes power bicycles.)

Insurance
Required

NO

Insurance: You are not required to obtain insurance for power bicycles.

(*Traffic Safety Act, Section 54(1)(a)* states insurance required for 'motor vehicle'. Definition of motor vehicle excludes power bicycles.)

Helmet
Required

YES

Helmet: You must wear either an approved motorcycle helmet (Vehicle Equipment Regulation, Section 108).

Or, an approved bicycle helmet (Vehicle Equipment Regulation, Section 112), as allowed by this Registrar's Exemption dated November 20, 2018:

<http://www.transportation.alberta.ca/Content/docType41/production/powerbicycleexemption.pdf>

Special laws:

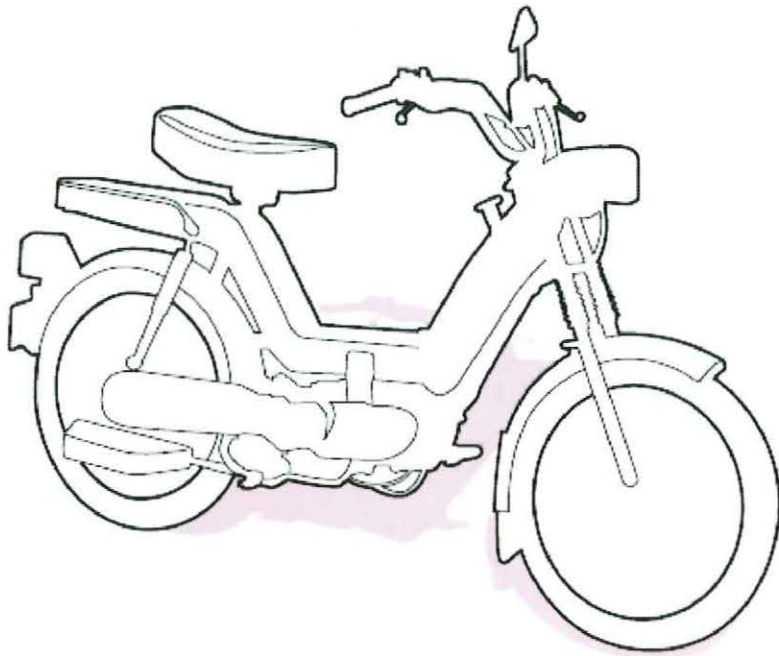
- a) You must ride as far to the right side of a highway as practicable to the curb or edge of the roadway unless making a left hand turn. When riding on a one way street in an urban area you may operate as near as practicable to either curb or edge of the roadway.
(Use of Highway and Rules of the Road Regulation, Section 77.)
- b) If you are under the age of 16 years, you are prohibited from carrying any passengers on a power bicycle.

Equipment: You must be equipped with the following gear when riding a power bicycle: headlamp, tail lamp, reflectors, brakes, and a horn.

(Vehicle Equipment Regulation, Sections: 10, 13, 50, 54, and 60.) Note that power bicycles no longer require a brake lamp or a side mirror. For more details see this Registrar's Exemption dated November 20, 2018:

<http://www.transportation.alberta.ca/Content/docType41/production/powerbicyclebrakelameexemption.pdf>

Mopeds



Definition according to: USE OF HIGHWAY AND RULES OF THE ROAD REGULATION

1(1)(i) "moped" means a vehicle that

- (i) is propelled by an electric motor or an engine that has a displacement of not more than 50 cubic centimetres, and
- (ii) is a limited-speed motorcycle under the Motor Vehicle Safety Regulations (Canada) (C.R.C., c. 1038);

Motor Vehicle Safety Regulations (Canada) (C.R.C., c. 1038):

Interpretation 2.(1)

"limited-speed motorcycle" means a motorcycle that

- (a) has steering handlebars that are completely constrained from rotating in relation to the axle of only one wheel in contact with the ground,
- (b) has a maximum speed of 70 km/h or less,
- (c) has a minimum seat height, when the vehicle is unladen, of 650 mm, and
- (d) does not have a structure partially or fully enclosing the driver and passenger, other than that part of the vehicle forward of the driver's torso and the seat backrest.

NOTE: Some vehicles may appear to be "mopeds", however, if they exceed the engine size of 50 cc, or have a top speed of more than 70 km/h, then they do not fall into the moped classification and are, instead, considered motorcycles.

**Operator's
Licence
Required**
Class 7

Operator's licence: The minimum requirement for operating a moped is a Class 7 licence.
(*Traffic Safety Act, Section 51(a)* states licence required for 'motor vehicles'. Motor vehicle definition above includes mopeds.)

**Minimum
Driving
Age**
14

Minimum driving age: The minimum age for operating a moped is 14 years. (Operator Licensing and Vehicle Control Regulation, Section 28(2) states the age for issuing of a Learner's Licence. Section 32(2)(a) states that Class 7 learner's licence is not considered a learner's licence when operating a moped – supervision is not required.)

**Registration
Required**
YES

Registration: You are required to obtain registration before you operate a moped.
(*Traffic Safety Act, Section 52(1)(a)* states registration required for 'motor vehicles'. Motor vehicle definition includes mopeds.)

**Insurance
Required**
YES

Insurance: You must obtain insurance before operating a moped.
(*Traffic Safety Act, Section 54(1)(a)* states insurance required for 'motor vehicle'. Motor vehicle definition includes mopeds.)

**Helmet
Required**
YES

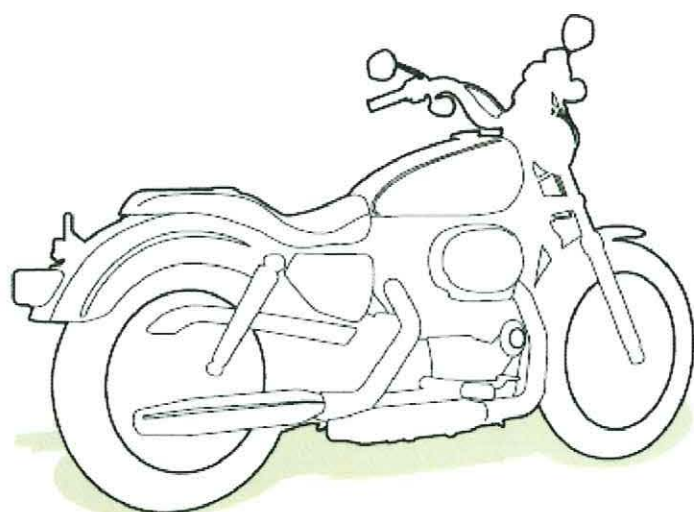
Helmet: You must wear an approved motorcycle helmet when operating a moped.
(*Vehicle Equipment Regulation, Section 93*)

Special laws:

- a) You must ride as far to the right side of a highway as practicable to the curb or edge of the roadway unless making a left hand turn. When riding on a one-way road in an urban area you may operate as near as practicable to either curb or edge of the roadway.
(*Use of Highway and Rules of the Road Regulation, Section 77.*)
- b) If you are under the age of 16 years, you are prohibited from carrying any passengers on a moped.
(*Use of Highway and Rules of the Road Regulation, Section 76.*)

Equipment: Your moped must be equipped with: headlamp, tail lamp, brake lamp, reflectors, brakes, horn, muffler, and mirror.
(*Vehicle Equipment Regulation, Sections: 10, 13, 18, 19, 50, 54, 60, 61, and 110.*)

Motorcycles



Definition according to: **TRAFFIC SAFETY ACT**

1(w): "motorcycle" means a motor vehicle, other than a moped that is mounted on 2 or 3 wheels and includes those motor vehicles known in the automotive trade as motorcycles and scooters.

Operator's
Licence
Required
Class 6

Operator's licence: You are required to have a Class 6 licence in order to operate a motorcycle.
(Operator Licensing and Vehicle Control Regulation, Section 26.)

Minimum
Driving
Age
16

Minimum driving age: You must be 16 years of age in order to operate a motorcycle.
(Operator Licensing and Vehicle Control Regulation, Section 26) Applies to either learner or operator. (Operator Licensing and Vehicle Control Regulation, Section 28 – must be minimum 16 years for operating motorcycle with Class 7.)

Learning to operate: You must be 16 years of age before you begin to learn how to operate a motorcycle. A learner must hold a Class 7, 5, 4, 3, 2, or 1 licence.
(Operator Licensing and Vehicle Control Regulation, Section 29(4).) Learner must be supervised by someone 18 years or older (Operator Licensing and Vehicle Control Regulation, Section 29(3)), who holds a Class 6 licence that is not a Graduated Driver Licence (GDL). Supervisor must either be on the bike

with the learner or in or on another motor vehicle in close proximity. (*Traffic Safety Act, Section 51(f), (f.1) & (f.2).*) If learner has a Class 7 learner's licence, then learner may not operate a motorcycle during night time which is defined as one hour after sunset to one hour before next sunrise (Operator Licensing and Vehicle Control Regulation, Section 32(6)).

Registration
Required

YES

Registration: You are required to obtain registration before you operate a motorcycle.
(*Traffic Safety Act, Section 52(1)(a)* states registration required for 'motor vehicles'.)

Insurance
Required

YES

Insurance: All motorcycles must be insured before they are operated.
(*Traffic Safety Act, Section 54(1)(a)* states insurance required for 'motor vehicles'.)

Helmet
Required

YES

Helmet: You must wear an approved motorcycle helmet when operating a motorcycle.
(Vehicle Equipment Regulation, Section 108). Standards are also covered in this section.)

Special laws:

- a) You may only carry as many passengers as the motorcycle is designed for.
(Use of Highway and Rules of the Road Regulation, Section 77.)
- b) Passengers must ride on the seat designed for passengers and use the foot rests.
(Use of Highway and Rules of the Road Regulation, Section 77.)
- c) Not permitted to ride beside another cycle in the same lane except when passing.
- d) Shall not operate the cycle adjacent to another cycle travelling in the same direction.
(Use of Highway and Rules of the Road Regulation, Section 78)

Equipment: You must meet the requirements of the Vehicle Equipment Regulation.

Introduction

Operating a small vehicle is a high risk activity. These vehicles are lighter, less stable, and more vulnerable in a crash than other vehicles on the road. New riders are at the greatest risk of having a collision because they are unfamiliar with the controls and handling characteristics of small vehicles.

Even if you are an experienced automobile driver, when learning to ride a small vehicle, be aware that you are once again a beginner. Always ride with a safe attitude. Try to anticipate and avoid dangerous situations by riding safely. Being involved in a crash can mean a loss of income, health and possibly a life.

This handbook is a good source in understanding the rules and regulations applying to small vehicles. For other driver handbooks and to understand more about road safety and low risk driving pick up a Basic, Motorcycle and/or Professional Driver's Handbook at an Alberta Registry Agent office or on <http://www.transportation.alberta.ca/DriversVehicles.htm>

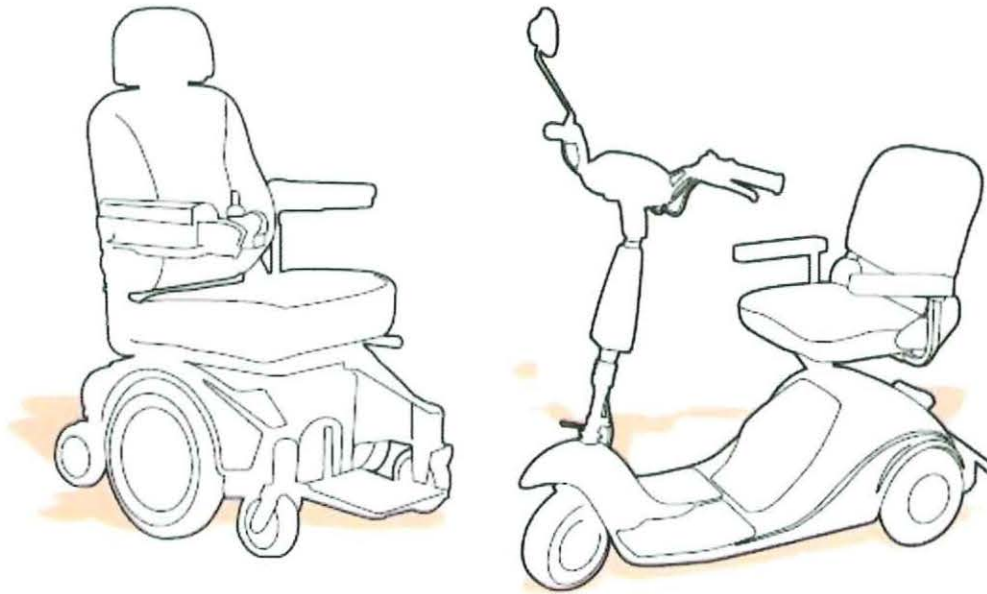
Although efforts have been made to reflect the current state of the legislation and regulations at the time of its original publishing, this publication has no legislative sanction and is not intended to take the place of the *Traffic Safety Act* and Regulations or other legislation from which in part it is derived. The user is encouraged to refer to the source legislation at: <http://www.transportation.alberta.ca/525.htm> for purposes of interpreting and applying the law. Any reliance on the information contained herein is done so at the reader's sole risk.

A message from Alberta Transportation

October 2017

Mobility Aids

(electric scooters/wheelchair)



Definition According to: *Traffic Safety Act*

1(v): "Mobility aid" means a device used to facilitate the transport, in a normal seated orientation, of a person with a physical disability.

1(gg): "pedestrian" means

- i) a person on foot, or
- ii) a person in or on a mobility aid

1(ww): "vehicle", other than in Part 6, means a device in, on or by which a person or thing may be transported or drawn on a highway and includes a combination of vehicles but does not include a mobility aid.

Operator's
Licence
Required

NO

Operator's Licence: You are not required to hold a licence in order to operate a mobility aid.

Minimum
Driving
Age

N/A

Minimum driving age: There is no minimum age requirement. Anyone is able to operate a mobility aid.

Registration
Required

NO

Registration: You are not required to obtain registration for mobility aids.

Insurance
Required

NO

Insurance: Insurance is not a requirement for mobility aid users.

Helmet
Required

NO

Helmet: You are not required to wear a helmet when operating a mobility aid. However, it is recommended especially when operating on uneven surfaces. (Vehicle Equipment Regulation, Section 112.)

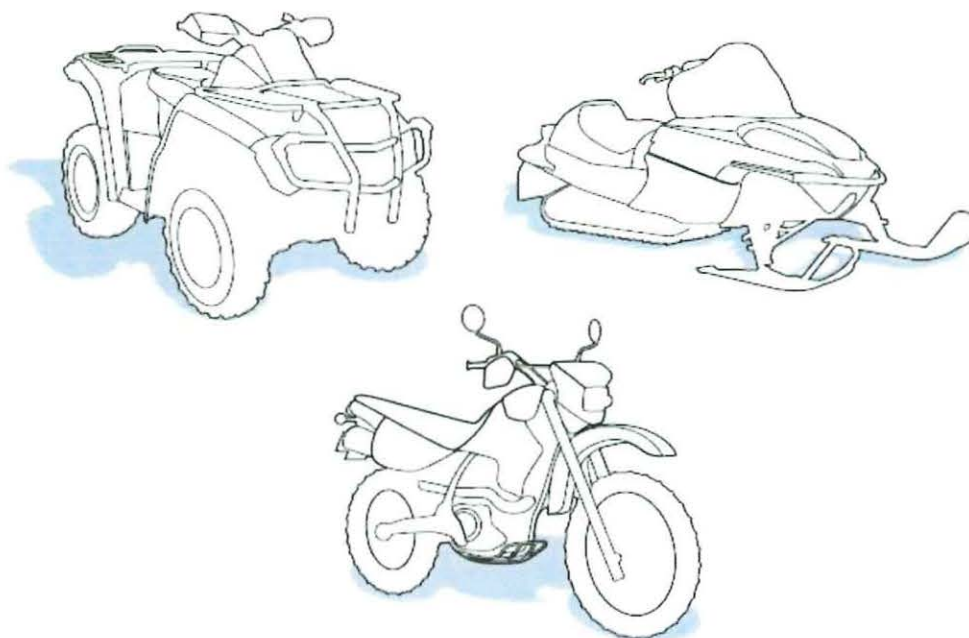
Special laws: A mobility aid user is by definition considered a pedestrian. All rules that apply to pedestrians also apply to individuals operating a mobility aid.

(*Traffic Safety Act, Section 1*, definition of "pedestrian")

Equipment: No special equipment is required to operate a mobility aid.

Off-highway Vehicles

(ATV, snowmobile, trail bike)



Definition according to: **TRAFFIC SAFETY ACT**

117(a): "off-highway vehicle" means any motorized mode of transportation built for cross-country travel on land, water, snow, ice or marsh or swamp land or on other natural terrain and, without limiting the generality of the foregoing, includes, when specifically designed for such travel,

- a) 4-wheel drive vehicles
- b) low pressure tire vehicles
- c) motorcycles and related 2-wheel vehicles
- d) amphibious vehicles
- e) all-terrain vehicles
- f) miniature motor vehicles
- g) snow vehicles
- h) minibikes, and
- i) any other means of transportation that is propelled by any power other than muscular or wind (but does not include motor boats)

Note: For definition and restrictions that apply to miniature vehicles and minibikes, see the prohibited miniature vehicles section.

Prohibited Operation: An off-highway vehicle may not be operated on any highway, road or ditch unless permission has been expressly granted. In the case of a provincial highway, the Minister may by "order" or "permit" authorize such vehicles along any portion of a highway (*Traffic Safety Act, Section 120(4)(a)(i) & (ii)*). In the case of a municipality, the council of a municipality may, through bylaw, authorize such vehicles along any portion of a highway (*Traffic Safety Act, Section 120(4)(b)*).

Note: Definition of "highway" includes the ditches alongside the roadway.

Crossing a highway: An off-highway vehicle may be driven across a highway, including the roadway, parking lane or sidewalk portion of the highway, if the following occurs:

- The driver must stop the off-highway vehicle before crossing.
- All passengers must be off the off-highway vehicle and any vehicle or thing attached to it before the driver starts to cross the highway.
- The driver must yield the right of way to all other vehicles and persons on the highway.
- The driver must drive the most direct and shortest route of travel available.
- A licence is not required to cross a highway.

Operator's Licence:

On private land: You are not required to have an operators licence when on private land. (Does not meet definition of "highway" and in *Traffic Safety Act, Section 119(2)* does not require registration or insurance in these cases.)



Off-highway operation: You are not required to have an operator's licence when operating off-highway.

(*Traffic Safety Act, Section 51(a)* states that you shall not "...drive a motor vehicle on a highway unless that person is the holder of a subsisting operator's licence." Since these are "off-highway" vehicles, this requirement does not apply.)



On-highway operation: You are required to have an operator's licence when operating on-highway.

(*Traffic Safety Act, Section 120(2)(b) & (4)* allow operation on a highway if authorized by minister or municipality. Operator Licensing and Vehicle Control Regulation, Section 26(1) allows a Class 6 licence to be used for this. Section 32(2) allows Class 7 to be used this way. Any class of licence may be used from 1 through 7.) No licence required if just crossing a highway.



Minimum driving age: The minimum age for operating off-highway vehicles on public land or highways is 14 years where permitted. If you are younger than 14 years, you may operate on public land with supervision by someone 18 years of age or older who is either on the same off-highway vehicle or in close proximity.

(Off-Highway Vehicle Regulation, Section 2.) If operating on private property, no age restriction applies.

Alberta Transportation recommends compliance with a manufacturer's recommendations and warnings, especially in accordance with minimum age, and seating capacity. If the manufacturer recommends no passengers for a vehicle, or designed the vehicle to have no passengers, then Alberta Transportation strongly recommends you not carry any passengers. Also, passengers should only be carried if they can properly use the passenger hand rails and footrests.

The ATV Safety Alert of the Canadian and Alberta Safety Council's ATV Rider Courses state: "Never carry a passenger on a single-rider ATV. Carrying a passenger may upset the balance of the ATV and may cause it to go out of control". The Alberta Center for Injury Control and Research started an ATV working group and this group cautions against a passenger less than 12 years old or anyone who can't reach the hand rails or footrests.

- Many young children lack the appropriate motor skills and ability to maneuver an off highway vehicle (OHV) such as an OHV, particularly when operating an adult size OHV.
- Each year, many children and youth are seriously injured or even killed while riding an OHV.
- In Canada, nearly 25% of OHV related deaths are among children under 15 years old.
- More than one third of serious injuries from OHV crashes are among children under 15 years old.

Registration
Required

YES

Registration: Off-highway vehicles must be registered before they are allowed on Alberta's roads. This applies only to public land and highways. (*Traffic Safety Act*, Section 119.) No registration required if on private property.)

Insurance
Required

YES

Insurance: All off-highway vehicles must be insured if you plan to operate them on public land or highways where permitted. (*Traffic Safety Act*, Section 119.) No insurance required if on private property.

Helmet
Required

YES

Helmet: Helmets are required for anyone driving, operating, riding in or on, or being towed by, an OHV on public land.

You are not required to wear a helmet when using an OHV:

- on your own property,
- on private property with permission of the owner,
- on First Nations Reserve or Metis Settlement lands, unless they have a law requiring it;
- that has safe, manufacturer installed rollover protective structures and seat belts, which have not been modified and are being properly worn;
- that meets the standards for a motor vehicle designed for use on a roadway, has seat belt assemblies maintained in compliance with the Vehicle Equipment Regulation, and that person is wearing a seat belt (e.g. unmodified 4x4 trucks, sport utility vehicles, and jeeps);

- if you are a bona fide member of the Sikh religion who wears a turban;
- during the performance of farming or ranching operations exempt from Alberta's occupational health and safety laws; and
- during the performance of work where Alberta's occupational health and safety laws have exempted OHV helmet use.

OHV helmet use is recommended for all OHV users, even if they are exempt.

For more information on helmet exemptions, please see the *Traffic Safety Act* sections 128.1 and 129, and Off-Highway Vehicle Regulation section 9.1.

Special Laws: Please check the *Traffic Safety Act* for special laws. (*Traffic Safety Act*, Section 117 to 129 and Off-Highway Vehicle Regulation.)

Vehicle Equipment: Off-highway vehicles must be equipped with the following equipment: a headlamp, tail lamp, and a muffler. (Off-Highway Vehicle Regulation, Sections: 5, 6, and 8.)

Accessing Trails: Off-highway operators have access to thousands of kilometres of trails in a variety of landscapes. However, not all areas are open to off-highway vehicles. Operators must ensure they are aware of restrictions and guidelines in the areas where they plan to ride.

- Permission must be obtained before riding on private property and most public lands leased for agriculture.
- Off-highway vehicles are generally prohibited from parks, protected areas and natural areas.

Shared use and respect: Many areas are shared with other recreational and industrial land users. Off-highway vehicle operators can promote respect and reduce conflict with others with simple practices.

- Yield the trail to non-motorized traffic (such as horses, hikers, cyclists, skiers).
- Keep engine volume and vehicle speed low when near other users.
- Respect soil and vegetation reclamation efforts.
- Pack out all trash and litter.

Environment: Off-highway vehicles are capable of causing long-term disturbance to soil, water, vegetation, fish and wildlife. Wet and alpine areas are particularly at risk. Help reduce damage by doing the following.

- Ride on existing trails. Whenever possible, ride when the trails are dry.
- Stay out of streams and wetlands.
- Steer clear of wildlife and sensitive habitats.
- Keep skidding and spinning to a minimum.
- Keep machines clean to reduce weed transfer and prevent overheating which can lead to a fire.

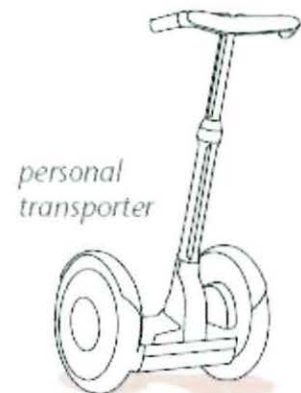
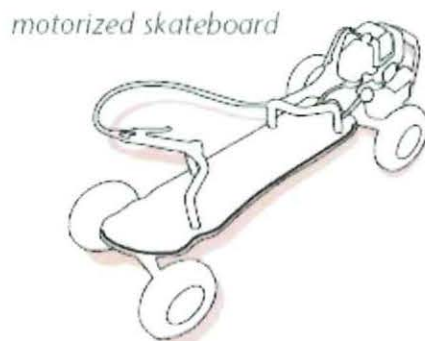
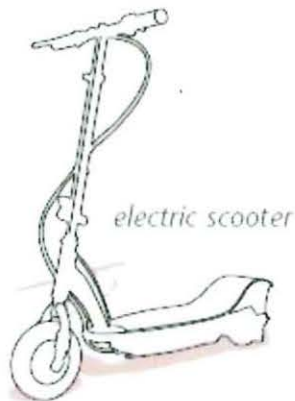
Safety: Mud, water, slick surfaces, and rough terrain increase the chance of a crash. Emergency response time may be longer in remote areas.

- Tell someone where you are going and check in with them on your return.
- Ride within your abilities.
- Ride with others.
- Use safety equipment. Carry emergency tools and supplies.
- Keep your machine in good repair.
- Travel responsibly and share the trail.

For information on responsible recreation on public land, please view Environment and Parks web page at this link:

<http://aep.alberta.ca/recreation-public-use/recreation-on-public-land/default.aspx>

Prohibited Miniature Vehicles



Prohibited Operation: These vehicles are motor vehicles, as defined in the *Traffic Safety Act*; however, they also meet the definition of "miniature vehicles" which are not permitted on a highway in Alberta, including sidewalks alongside the roadway. While many of these motorized vehicles will be used in a pedestrian-like manner, the operators of these vehicles do not meet the legal definition of "pedestrian"

Permitted Operation: Miniature vehicles may not be operated on a highway in Alberta; they may only be operated on private property. The definition of "highway" on page 4 of this document includes privately owned places that the public is ordinarily entitled or permitted to use for the passage or parking of vehicles, for example shopping mall parking lots.

In law, these vehicles meet the definition of a motor vehicle; however they do not fit the definitions of mobility aid, motorcycle, or pedestrian.

TRAFFIC SAFETY ACT

Section 1(x): "motor vehicle" means

- (i) a vehicle propelled by any power other than muscular power, or
- (ii) a moped but does not include a bicycle, a power bicycle, an aircraft, an implement of husbandry or a motor vehicle that runs on rails.

Section 1(v): "mobility aid" means a device used to facilitate the transport, in a normal seated orientation, of a person with a physical disability.

Section 1(w): "motorcycle" means a motor vehicle, other than a moped, that is mounted on 2 or 3 wheels and includes those motor vehicles known in the automotive trade as motorcycles and scooters.

Section 1(gg): "pedestrian" means

- (i) a person on foot
- (ii) a person in or on a mobility aid and includes those persons designated by regulation as pedestrians.

Section 52(1): Except as otherwise permitted under this Act, a person shall not operate a motor vehicle or trailer on a highway unless there is a subsisting certificate of registration issued in respect of that vehicle.

Miniature Vehicle definition according to:

OPERATOR LICENSING AND VEHICLE CONTROL REGULATION

59(1) A miniature vehicle must not be registered as a motor vehicle.

(2) In this section, "miniature vehicle" means a go cart, a 3 or 4-wheeled vehicle of less than standard size, a golf cart, a 3 or 4-wheeled vehicle that the registrar considers would present a hazard to other highway users because of its novel size or operating characteristics or a vehicle referred to in subsection (3) or (4).

(3) An off highway vehicle is a miniature vehicle if it has 3 or 4 wheels and is less than standard size.

(4) A motorcycle or moped that has the following is a miniature vehicle:

- (a) a seat height of less than 70 centimetres when there is no load
- (b) a wheel rim diameter less than 25 centimetres
- (c) a wheel base of less than 100 centimetres when measured from the centre of one axle to the centre of the other axle.



Alberta Transportation
780-427-8901
Toll Free 310-0000

Alberta 

www.saferoads.com



Owning and Operating a Small Vehicle In Alberta

Rules and regulations applying to power bicycles, mopeds, off-highway vehicles, motorcycles, mobility aids and prohibited miniature vehicles

Operating a small vehicle is a high-risk activity. These vehicles are lighter, less stable, and more vulnerable in a crash than other vehicles on the road. New riders are at the greatest risk of having a collision because they are unfamiliar with the controls and handling characteristics of small vehicles.

This fact sheet highlights the rules and regulations applying to small vehicles - power bicycles, mopeds, off-highway vehicles, motorcycles, mobility aids and prohibited miniature vehicles. In Alberta, the rules of the road are contained in the *Traffic Safety Act (TSA)* and regulations under the Act such as the *Use of Highway and Rules of the Road Regulation (UHRRR)*. Licensing requirements are contained in the *Operator Licensing and Vehicle Control Regulation*. Driver guides and additional information on road safety and low risk driving can be found online at: <http://www.transportation.alberta.ca/DriversVehicles.htm> or at any Alberta Registry Agent office.

SMALL VEHICLE DEFINITIONS

Mobility Aid: a device used to facilitate the transport, in a normal seated orientation, of a person with a physical disability.

***Moped:** includes a vehicle with an electric motor or one that is propelled by an engine that has a displacement of not more than 50 cc. It has a top speed of 70 km/h and no weight restrictions.

Motorcycle: a motor vehicle, other than a moped, that is mounted on two or three wheels and includes those motor vehicles known in the automotive trade as motorcycles and scooters.

Off-Highway Vehicle: any motorized mode of transportation built for cross-country travel on land, water, snow, ice, marsh or swamp lands, or on other natural terrain.

***Power Bicycle:** has an electric motor with a maximum power of 500 watts, a top speed of 32 km/h, and no weight restriction or allowance to be engine-driven.

Prohibited Miniature Vehicles: motor vehicles as defined in the *Traffic Safety Act*, but are considered "miniature vehicles", which are not permitted on a highway in Alberta, including sidewalks along the roadway. They may only be operated on private property.

The definitions of a moped and a power bicycle have been updated within the *UHRRR* to be consistent with federal regulations that define them as a limited speed motorcycle and a power-assisted bicycle (however, they will still be called mopeds and power bicycles in Alberta). The updated regulation came into effect on **July 1, 2009**.

REFERENCE GUIDE FOR SMALL VEHICLES

Small Vehicle	Driver's Licence Required	Minimum Driving Age	Registration Required	Insurance Required	Helmet Required
Power Bicycles	No	12	No	No	Yes
Mopeds	Minimum Class 7	14	Yes	Yes	Yes
Motorcycles	Class 6	16	Yes	Yes	Yes
Mobility Aids	No	N/A	No	No	No
Off-Highway Vehicles	Yes/No (Off-Highway)	14	Yes	Yes	No
Prohibited Miniature Vehicles	IT IS PROHIBITED TO OPERATE THESE VEHICLES ON ROADWAYS OR SIDEWALKS				

OPERATING SMALL VEHICLES

Power Bicycles & Mopeds:



- You must ride on the far right side of a road, unless making a left-hand turn.
- When riding on a one-way street in an urban area, you may operate as near as possible to either curb or edge of the road.
- If you are under the age of 16, you are

prohibited from carrying any passengers on a power bicycle or moped.

- A power bicycle or moped must be equipped with the following gear: headlamp, tail lamp, brake lamp, reflectors, brakes, horn, muffler, and mirror.
- Please also see Owning and Operating a Power Bicycle or Moped in Alberta.

Mobility Aids:

- A mobility aid user is, by definition, considered a pedestrian.
- All rules that apply to pedestrians also apply to individuals operating a mobility aid.
- It is recommended that a mobility aid be operated on sidewalks or pathways, not a roadway.



Prohibited Miniature Vehicles:



- These vehicles are motor vehicles as defined in the *Traffic Safety Act*, however they also meet the definition of "miniature vehicles" which **are not permitted on a highway in Alberta**, including sidewalks alongside the roadway.
- Miniature vehicles may only be operated on private property.
- The only exception to this prohibition is a special permit granting authority to operate on a highway.
- In law, these vehicles meet the definition of a motor vehicle, but they do not fit the definitions of mobility aid, motorcycle, or pedestrian.
- While many of these motorized vehicles will be used in a pedestrian-like manner, the operators of these vehicles do not meet the legal definition of "pedestrian".

- Prohibited miniature vehicles include: personal transporter, pocket bikes, go carts, electric scooters and golf carts.

Motorcycles:



- You may only carry as many passengers as the motorcycle is designed for.
- Passengers must ride on the seat designed for passengers and use foot rests.
- A motorcycle is not permitted to ride beside another cycle in the same lane, except when passing. Motorcycles can't be operated adjacent to another cycle travelling in the same direction.
- Motorcycles must meet the requirements of the *Vehicle Equipment Regulation*.

Off-Highway Vehicles:

- Off-highway vehicles include: 4-wheel drive vehicles, low pressure tire vehicles, motorcycles and related 2-wheel vehicles, amphibious vehicles, all-terrain vehicles, miniature motor vehicles, snow vehicles, minibikes, and any other means of transportation that is propelled by any power other than muscular power or wind (but does not include motorboats).
- An off-highway vehicle may not be operated on a highway, a road or in a ditch unless permission has been expressly granted.
- Off-highway vehicles must be equipped with a headlamp, tail lamp, and muffler.



Helmets:

- Motorcycle helmets are required by riders of power bicycles, mopeds, and motorcycles.
- The rider and passenger must wear an approved motorcycle safety helmet. Helmets must have the mark or label stating it meets one of the following standards: CSA, DOT, BSI or the Snell Memorial Foundation M2000.
- No person shall buy, sell or offer for sale a safety helmet intended for the use of operators or passengers of cycles unless it complies with one of the standards.



Resources for Safely Operating Small Vehicles

- *Traffic Safety Act*: <http://www.transportation.alberta.ca/525.htm>
- Driver's Guide to Operation, Safety and Licensing: <http://www.transportation.alberta.ca/531.htm>
- Rider's Guide to Operation, Safety and Licensing: <http://www.transportation.alberta.ca/531.htm>
- Traffic Safety in Alberta web site: www.saferoads.com

Alberta Municipalities

Alberta WS



Alberta Municipal Affairs

October 2017

Municipal Capacity Building, Municipal Capacity and Sustainability Branch

Basic Principles of Bylaws

Alberta Municipal Affairs

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The contents of this publication are intended to provide general information. Readers should not rely on the contents herein to the exclusion of independent legal advice. All publications of this document prior to October 2017 no longer contain complete information.

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Introduction

Section 7 of the *Municipal Government Act (MGA)* sets out the general jurisdiction to pass bylaws. This general jurisdiction gives broad authority to municipalities to develop bylaws unique to each municipality. Councils are expected to act in good faith and in the public interest when creating laws. Municipal administration, who usually drafts bylaws, is expected to act in good faith when carrying out the responsibility. Creating a bylaw that meets general statutory and fundamental principle standards is only part of the process. A good bylaw needs to be drafted for certainty, predictability, democratic transparency and accountability. Municipal administration should aim to create bylaws that are understandable, enforceable and accomplish the council's desired goal. A listing of the sections of the MGA that allow for bylaws to be passed is attached to this document.

This guide provides the basic principles for developing bylaws and is an information summary only and has no legislative sanction. For certainty, refer to the *Municipal Government Act* and the *Interpretation Act*, copies of which are available for purchase from Alberta Queen's Printer Bookstore. It is recommended that municipalities obtain legal advice when developing a bylaw.

What is a bylaw

A bylaw is a law made by a local authority in accordance with the powers conferred by or delegated to it under a statute, in this case the MGA. Council may pass a bylaw to govern the affairs within the council (the procedural bylaw and code of conduct for councillors) and bylaws that govern within the municipality. Common bylaws include vehicle parking and stopping regulations, animal control, licensing, noise, business regulation, and management of public recreation areas.

A municipal by-law is no different than any other law of the land, and can be enforced with penalties, challenged in court and must comply with higher levels of law. Municipal bylaws are often enforceable through the public justice system, and offenders can be charged with a criminal offence for breach of a bylaw.

Authority

Section 180 of the MGA states:

- (1) A council may act only by resolution or bylaw.
- (2) Where a council or municipality is required or authorized under this or any other enactment or bylaw to do something by bylaw, it may only be done by bylaw.
- (3) Where council is required or authorized under this or any other enactment or bylaw to

do something by resolution or to do something without specifying that it be done by bylaw or resolution, it may be done by bylaw or resolution.

Section 692 provides special considerations for bylaws pertaining to Part 17 Planning and Development.

Drafting Bylaws

There are 3 types of bylaws: main bylaws; amending bylaws which are used when changes materially affect the bylaw in principle or substance; and revision bylaws which can be used when a municipality needs to make limited types of changes to a bylaw.

Drafting bylaws is usually the responsibility of the Chief Administrative Officer (CAO) or a person delegated that function. There are resources available, such as:

- a) Have your municipal solicitor prepare bylaws.
- b) Contact your municipal association for a sample bylaw if one is available.
- c) Obtain a sample bylaw from a neighboring municipality.

Bylaws should be drafted in plain and simple language to ensure that they are easily understood and enforceable. Section 12 of the *Interpretation Act* states that the preamble is part of an enactment to assist in explaining the enactment. However, tables of contents, marginal notes and section headers and statutory citations after the end of a section or schedule are not.

Parts of a Bylaw

Corporate Title

Use the full corporate title of the municipality on the bylaw.

Bylaw Number

It is a best practice to use a logical sequence when numbering bylaws and include the year that the bylaw was written and a consistent and uniform numbering and/or lettering system for sections, subsections, paragraphs, and sub-paragraphs in your bylaws.

Sub-Title to Describe Purpose

Include a brief statement of the bylaw's purpose. A purpose clause is intended to provide a better understanding of the legislative intent of the council and resolve any possible ambiguities in the bylaw.

Example:

WHEREAS, under the provisions of the *Municipal Government Act*, a council may pass bylaws respecting Business, Business activities, and persons engaged in

Business, and provide for a system of licensing including any or all of the matters listed therein;

Enactment

The enacting clause of a bylaw may read:

NOW THEREFORE, the Council of the _____ Municipality _____ in the Province of Alberta, enacts as follows:

Citation

It is often necessary to have a short form name for the bylaw, so that it may be referred to in minutes. The citation is suggested to read as follows:

This Bylaw is cited as the _____ Municipality _____ "Business Licence Bylaw".

Definitions

Definitions should be used sparingly. Section 13(a) of the *Interpretation Act* provides that definitions in a bylaw (unless otherwise stated) are applicable to the entire bylaw including the section containing the definitions. Section 13(b) of the *Interpretation Act* provides that definitions in the *Municipal Government Act* are deemed to apply to bylaws made under that Act. Section 28 of the *Interpretation Act* provides that all of the definitions listed in that section apply to every bylaw enacted by a local government even if the words or phrases are not again defined in the bylaw.

Terms that are particular to the bylaw must be defined. A word or phrase should be defined only if:

- a) It is not being used in its dictionary meaning or is being used in one of several dictionary meanings.
- b) It is used as an abbreviation of a longer word or phrase.
- c) The definition is intended to limit or extend the ordinary meaning of the word or phrase.

The following are examples of possible definitions:

- a) "Select standing committee" means the Select Standing Committee on Legislative Offices;
- b) "Lease" *includes* an agreement for lease (*extends*)
- c) "Dividend" *does not* include a stock dividend (*limits*).

Statement of to Whom and to What the Bylaw Applies

The bylaw must be specific in declaring who or what is affected.

For example, "The bylaw applies to all persons who is a cat owner in the Town of Anywhere."

General Rules and Special Provisions

You may want to set out in the bylaw any special provisions or rules that would be applied. These should be drafted carefully, being well organized, clear and complete. There must be authority in legislation or regulation for each provision in the bylaw. Each statement should be clear and precise enough that everyone is able to determine what they must or must not do in order to comply with it. Try to keep sentences short, simple and concise, using plain language and clear formatting.

For example, "No person shall engage in or operate a Business in the City unless the person holds a Business Licence authorizing them to engage in or operate that Business."

Severability Clause

A regulatory bylaw should contain a provision that allows the bylaw to remain valid if any portion of the bylaw is found by the Court of Queen's Bench to be invalid. Be aware that if the court finds that the council intended that the invalid portion is an integral part of the remainder, it may set aside the entire bylaw despite a severability clause.

Schedule Clauses

A schedule can be added as a supplement to the bylaw. The bylaw will include a reference to the schedule, which is attached and forms part of the bylaw. The schedule should include the bylaw number and a schedule number or letter. When a schedule is attached to a bylaw it becomes part of the bylaw; therefore it cannot be changed by a motion or resolution of council, but must be changed by an amending bylaw. Schedules are particularly useful for utility rate bylaws, as these amounts are often subject to review and adjustment. (rev. July 2018)

Penalty Clause

Penalty and enforcement sections should be provided for in regulatory bylaws.

Example: "Any person who is in contravention of this Bylaw is guilty of an offence and is subject to receive a Municipal Tag in the amount of \$300.00 for the first offence."

"Where a Business Licence has expired and the Business is still in operation, the person is guilty of an offence under this Bylaw."

Section 7(i) of the MGA sets out some of the penalties that may be written into bylaws.

Transitional Clause

If applicable, provisions must be included that cover the period during which persons affected by the bylaw can do things to conform to the new conditions. Otherwise, the bylaw is in full effect when it receives third reading and the necessary signatures.

Repeal Clause

All previous bylaws that deal with subjects that are addressed in the new bylaw must either be

repealed or amended. In the new bylaw, the number and description of the bylaws to be repealed or amended should be specified. It is also important to reference the repeal of any amendments to those bylaws.

Example, "Upon third reading of Bylaw ____, Bylaw ____ and all amendments thereto are hereby repealed."

Passing a Bylaw

Readings

Section 187 of the *MGA* is very specific in its provisions regarding bylaw readings. It states that every proposed bylaw must have three distinct and separate readings. A proposed bylaw must not have more than two readings at a council meeting unless the councillors present unanimously agree to consider third reading.

The *MGA* requires that before the meeting at which first reading or third reading is to take place, each councillor present must be given or have had the opportunity to review the full text of the proposed bylaw. Only the title or identifying number has to be read at each reading of the bylaw.

The recording secretary must make sure all readings are included in the minutes. If all three readings are to take place at the same meeting, a motion to consider third reading must be presented and carried unanimously, prior to third reading taking place. The recording secretary must include the motion to consider in the minutes and record the vote as CARRIED UNANIMOUSLY.

Effective Date and Signature

Section 189 indicates that a bylaw is passed when it receives third reading and it is signed in by the chief elected official and a designated officer (CAO). A bylaw comes into force at the beginning of the day that it is passed unless otherwise provided for in an enactment or in the bylaw. No bylaw may come into force on the day before it is passed unless the enactment authorizing its passage specifically allows it to come into force that day. Although the legislation does not specifically address the seal on documents, it is advisable to seal over the signatures to deter possible tampering.

Conditions

If there are statutory conditions required prior to passing the bylaw, such as the necessity for approval by an external authority, it is advisable to set out the date of the satisfaction of the condition on the last page of the bylaw under the "readings".

The *MGA* outlines some of the procedures that must be followed before a bylaw or resolution can be voted on. Certain bylaws cannot be passed until the public has been notified through advertising, of the intention to pass the bylaw. Examples include a road closure under section

22 or a bylaw that authorizes a loan under section 265. While not legislatively required, first reading can take place before the public is notified, but before second and third readings are held, the administration must follow the advertising requirements set out in section 606.

Amending or Repealing Bylaws

The power to pass a bylaw includes the power to amend or repeal it. Section 191 of the MGA states that the amendment or repeal must be made in the same way as the original bylaw and is subject to the same consents, conditions, or advertising requirements as the passing of the original bylaw.

A schedule to a bylaw is part of a bylaw. To change a schedule, another bylaw is required that states "Schedule A of bylaw XXX is amended as follows" or "is repealed and replaced with Schedule A, attached to and forming part of this bylaw."

A schedule to a bylaw cannot be amended by any means other than by another bylaw amending the schedule. (rev. July 2018)

However, when a bylaw is revised under section 63, and includes the words 'revised bylaw' in the title, a public hearing or advertising is not required.

Revising Bylaws

63(1) A bylaw under this section may

- (a) omit and provide for the repeal of a bylaw or a provision of a bylaw that is inoperative, obsolete, expired, spent or otherwise ineffective;
- (b) omit, without providing for its repeal, a bylaw or a provision of a bylaw that is of a transitional nature or that refers only to a particular place, person or thing or that has no general application throughout the municipality;
- (c) combine 2 or more bylaws into one bylaw, divide a bylaw into 2 or more bylaws, move provisions from one bylaw to another and create a bylaw from provisions of one or more other bylaws;
- (d) alter the citation and title of a bylaw and the numbering and arrangement of its provisions, and add, change or omit a note, heading, title, marginal note, diagram or example to a bylaw;
- (e) omit the preamble and long title of a bylaw;
- (f) omit forms or other material contained in a bylaw that can more conveniently be contained in a resolution, and add authority for the forms or other material to be prescribed by resolution;
- (g) make changes, without materially affecting the bylaw in principle or substance,
 - (i) to correct clerical, technical, grammatical or typographical errors in a bylaw,
 - (ii) to bring out more clearly what is considered to be the meaning of a bylaw, or
 - (iii) to improve the expression of the law.

- (3) The title of a revised bylaw must include the words "revised bylaw".
- (4) A bylaw under this section must not be given first reading until after the chief administrative officer has certified in writing that the proposed revisions were prepared in accordance with this section.

Section 692(6) allows much the same process for planning bylaws.

Petition for a Bylaw

Under the MGA, electors may petition for a new bylaw or a bylaw to amend or repeal a bylaw on any matter within the council's jurisdiction. A petition requesting an amendment or repeal of a bylaw made under Parts 8 (Financial Administration), 9 (Assessment of Property), 10 (Taxation), 17 (Planning and Development), or 17.2 (Intermunicipal Collaboration) of MGA has no effect.

Within 30 days of the CAO declaring a petition submitted under Section 232 to be sufficient, the council must give first reading to a bylaw dealing with the subject matter of the petition and any other related matter that the council considers necessary. If there is no requirement to advertise the bylaw, the council must pass the bylaw within 30 days of first reading or set a date for the electors to vote on it. A vote of the electors must be held within 90 days of the first reading.

Petitions for Advertised Bylaws

After advertising a proposed bylaw, the electors may submit a petition to hold a vote to determine whether the proposed bylaw should be passed. Advertised proposed bylaws under section 22 and Part 17 (Planning and Development) cannot be petitioned.

If a sufficient petition is received, the council must either decide not to continue with the proposed bylaw or decide to continue and submit the bylaw to a vote of the electors within 90 days after the CAO declares the petition sufficient. Section 231 of the MGA details what action council should take after the electors vote.

Challenging Bylaws

Under section 536 of the MGA any person can apply to the Court of Queen's Bench to have a bylaw declared invalid. Section 536(2) allows a person to apply for an order requiring council to amend or repeal a bylaw as a result of a vote by the electors (on the amendment or repeal).

A bylaw can be challenged and declared invalid on the basis that the proceedings and/or the manner of passing the bylaw do not comply with an enactment. The application must be made within 60 days after the bylaw is passed.

An application to the court to quash a bylaw may be made at any time for the following reasons:

- the bylaw is required to be put to a vote of electors and the vote has not been conducted, or the bylaw was not given the required approval in such a vote,
- the bylaw is required to be advertised and it was not, or
- a public hearing is required regarding the bylaw and it was not held.

No bylaw or resolution may be challenged on the ground that it is unreasonable.

To avoid challenges to your municipal bylaws, it is recommended that council and administration observe the following:

- (a) that the bylaw be enacted according to the Statutes of Alberta.
- (b) that a municipality cannot enact a bylaw that controls any matter over which the federal or provincial government have exclusive control; for example, a bylaw for the fine or penalty for speeding.
- (c) that the bylaw should not treat one group within a class differently from another group. An example of a discriminatory bylaw would be one that closed shops at 6:00 pm in the suburbs, but permits downtown shops to remain open later.
- (d) that council does not pass bylaws that affect an individual's rights
- (e) that the meanings within the bylaw are clear and precise. For instance, a community standards bylaw stating that the grass must be cut or mowed on a regular basis is not explicit. There is a need to provide a more definite explanation; for example, how long the grass has to be before it is considered unsightly.
- (f) That when questions arise, a review by legal counsel is recommended.

There is an expectation that bylaws enacted by a municipality will be enforced. Municipalities have been found negligent by the courts for not enforcing bylaws.

Security of Bylaws

The security of bylaws is the duty of the CAO according to the provisions of Section 208(1)(b) of the MGA. Your bylaws are permanent records and should be stored in a fire proof safe, or perhaps backed up electronically and stored in a secure location. Bylaws may be kept for centuries, so take care of their appearance and preservation.

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