

MUNICIPALITY OF CROWSNEST PASS

BYLAW No. 983, 2017

OFF-HIGHWAY VEHICLE CONTROL BYLAW

BEING A BYLAW OF THE MUNICIPALITY OF CROWSNEST PASS, IN THE PROVINCE OF ALBERTA, TO REGULATE THE OPERATION OF OFF-HIGHWAY VEHICLES IN THE MUNICIPALITY OF CROWSNEST PASS

WHEREAS pursuant to the *Traffic Safety Act*, Council may, by bylaw, authorize the use of Off-Highway Vehicles on Highways under its direction, control and management; and

WHEREAS pursuant to the provisions of the *Municipal Government Act*, Council may pass bylaws for municipal purposes respecting the following matters:

- a) the safety, health and welfare of people and the protection of people and property;
- b) people, activities and things in, on or near a public place or place that is open to the public; and
- c) the enforcement of bylaws;

WHEREAS it is the desire of the Council of the Municipality of Crowsnest Pass to regulate the use of Off-Highway Vehicles within the Municipality of Crowsnest Pass;

NOW THEREFORE the Council of the Municipality of Crowsnest Pass, in the Province of Alberta, duly assembled enacts as follows:

PART 1 - SHORT TITLE

1. This Bylaw may be cited as the "Off-Highway Vehicle Control Bylaw".

PART 2 - INTERPRETATION AND APPLICATION

DEFINITIONS

2. In this Bylaw, unless the context otherwise requires;
 - (a) "**Chief Administrative Officer**" means the Chief Administrative Officer of the Municipality of Crowsnest Pass or his delegate;
 - (b) "**Council**" means the Council of the Municipality of Crowsnest Pass;

- (c) **"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;
- (d) **"Municipality"** means the municipal corporation of the Municipality of Crowsnest Pass and includes the geographical area within the boundaries of the Municipality of Crowsnest Pass where the context so requires;
- (e) **"Municipal Tag"** means a tag or similar document issued by the Municipality under the *Municipal Government Act* that alleges a bylaw offence and provides a Person with the opportunity to pay an amount to the Municipality in lieu of prosecution for the offence;
- (f) **"Municipal Property"** means any lands owned by the Municipality, or under the direction, control and management of the Municipality, to which members of the public have access by express or implied invitation, but does not include Highways;
- (g) **"Off-Highway Vehicle" or "OHV"** 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,
- (i) 4-wheel drive vehicles,
 - (ii) low pressure tire vehicles,
 - (iii) motor cycles and related 2-wheel vehicles,
 - (iv) amphibious machines,
 - (v) all-terrain vehicles,
 - (vi) snow vehicles,

- (vii) any other means of transportation that is propelled by any power other than muscular power or wind,

but does not include

- (viii) motor boats,
 - (ix) miniature vehicles, including but not limited to go carts, golf carts, pocket bikes, riding lawn mowers, scooters, and mopeds that cannot be registered pursuant to the *Operator Licensing and Vehicle Control Regulation*, or
 - (x) any other vehicle exempted from being an Off-Highway Vehicle by regulation;
- (h) **"Off-Highway Vehicle Exclusion Zones"** means those areas shown in bold on the maps attached as Schedule "A" hereto;
 - (i) **"Operate"** or **"Operating"** means to drive, or be in actual physical control of an Off-Highway Vehicle;
 - (j) **"Operator's Licence"** means an operator's licence issued pursuant to the *Traffic Safety Act* and includes a licence or permit issued in another jurisdiction that permits a Person to operate a motor vehicle of the same class;
 - (k) **"Owner"** means the Person named as the registered owner of the Off-Highway Vehicle, or any Person renting an Off-Highway Vehicle, or any Person having the exclusive use of an Off-Highway Vehicle under a lease, or any Person otherwise having the exclusive use of an Off-Highway Vehicle for a period of more than thirty (30) days;
 - (l) **"Peace Officer"** means:
 - (i) a Bylaw Enforcement Officer appointed pursuant by the *Municipal Government Act*; or
 - (ii) a police officer appointed pursuant to the *Police Act*; or
 - (iii) a peace officer appointed pursuant to the *Peace Officer Act* whose appointment includes enforcement of the Municipality's bylaws;
 - (m) **"Person"** means any individual, firm, partnership, association, corporation, trustee, executor, administrator or other legal representative;
 - (n) **"Roadway"** means that part of a Highway intended for use by vehicular traffic;

- (o) **"Special Event"** means any race, derby, rally or other organized social or sporting event in which the operation of Off-Highway Vehicles on a Highway is the predominate purpose of the event, or such other event where the operation of Off-Highway Vehicles on a Highway may be required to support the event;
- (p) **"Safety Helmet"** means a safety helmet intended for use by an operator or passenger of an Off-Highway Vehicle that
 - (i) meets one or more of the standards for motor cycle safety helmets adopted in the *Vehicle Equipment Regulation*, and
 - (ii) has the mark or label CSA, DOT, BSI or the Snell Memorial Foundation indicating that the safety helmet met one or more of the specifications required on the date on which it was manufactured;
- (q) **"Violation Ticket"** means a violation ticket issued pursuant the *Provincial Offences Procedures Act*.

RULES OF INTERPRETATION

- 3. Any heading, sub-headings, or tables of contents in this Bylaw are included for guidance purposes and convenience only, and shall not form part of this Bylaw.
- 4. Any reference to a statute is a statute of the Province of Alberta unless otherwise stated and includes reference to any regulations enacted thereunder.
- 5. Where this Bylaw refers to another Act, bylaw, regulation or agency, it includes reference to any Act, bylaw, regulation or agency that may be substituted therefore.
- 6. This Bylaw is gender-neutral and, accordingly, any reference to one gender includes another.
- 7. Every provision of this Bylaw is independent of all other provisions and if any provision of this bylaw is declared invalid for any reason by a Court of competent jurisdiction, all other provisions of this bylaw shall remain valid and enforceable.

APPLICATION

- 8. This Bylaw applies to Highways under the direction, control and management of the Municipality and nothing in this Bylaw authorizes, or in any way affects, the Operation of an Off-Highway Vehicle on any Provincial Highway.
- 9. Nothing in this Bylaw relieves any Person from complying with any provision of any federal or provincial legislation affecting Off-Highway Vehicles, including without restriction, the *Traffic Safety Act* and all applicable regulations thereunder.

PART 3 - OPERATING OFF-HIGHWAY VEHICLES

10. A Person may only Operate an Off-Highway Vehicle in the Municipality:
- (a) in the parking lane of the Roadway; or
 - (b) where the Roadway does not include a parking lane or where the parking lane is obstructed, in the rightmost lane of the Roadway; and
 - (c) at a maximum speed not to exceed twenty (20) kilometres per hour, or where a lower speed limit has been prescribed, in excess of the prescribed limit; and
 - (d) on lands outside the Off-Highway Vehicle Exclusion Zones, being those areas shown in bold on the maps attached as "Schedule A".
11. For greater certainty, and without in any way restricting section 10, a Person may Operate an Off-Highway Vehicle on a Highway provided that at all times the Person shall:
- (a) travel in the same direction as vehicles travelling upon the Roadway; and
 - (b) travel in single file with any other Off-Highway Vehicles.

PART 4 - OPERATIONAL RESTRICTIONS

12. Without restricting the generality of section 9, no Person shall Operate an Off-Highway Vehicle in the Municipality unless:
- (a) the Off-Highway Vehicle is duly:
 - (i) registered;
 - (ii) insured; and
 - (iii) displays a valid licence plate,
pursuant to the *Traffic Safety Act*; and
 - (b) the Off-Highway Vehicle is equipped with headlamps, tail lamps, an exhaust muffler and such other equipment as required by the *Off-Highway Vehicle Regulation*; and
 - (c) the Person Operating the Off-Highway Vehicle has a valid Operator's Licence.
13. Section 12 above does not apply to the Operation of an Off-Highway Vehicle on land:
- (d) owned by the Person Operating the Off-Highway Vehicle; or

- (e) on land owned by some other Person if that other Person has expressly or impliedly consented to the Operation of that Off-Highway Vehicle on that land.
- 14. No Person shall Operate an Off-Highway Vehicle on Municipal Property.
- 15. No Person shall Operate an Off-Highway Vehicle on a Highway, except in accordance with this Bylaw or as otherwise permitted under the *Traffic Safety Act*.
- 16. Notwithstanding sections 14 and 15, a Person may load or unload an Off-Highway Vehicle onto or from a motor vehicle or trailer from a Highway or Municipal Property if at an approved staging area.
- 17. No Person shall Operate an Off-Highway Vehicle in the Municipality unless the Person is at least 14 years of age.
- 18. No Person shall Operate an Off-Highway Vehicle on a Highway between the hours of 8:00pm and 8:00am.
- 19. No Person shall Operate or ride as a passenger on an Off-Highway Vehicle unless that Person is wearing a Safety Helmet securely attached on the Person's head.
- 20. No Person shall Operate or ride as a passenger on an Off-Highway Vehicle where the number of Persons on the Off-Highway Vehicle exceeds the number of Persons that the Off-Highway Vehicle is designed to carry.
- 21. No Person shall Operate an Off-Highway Vehicle on any Highway where the Municipality has placed a sign or signs prohibiting such operation.
- 22. No Person shall operate an Off-Highway Vehicle within the Municipality in a manner that constitutes a nuisance as reasonably determined by a Peace Officer in his sole discretion.

PART 5 - AUTHORIZED SPECIAL EVENTS

- 23. No Person shall organize, conduct or take part in a Special Event unless a permit has been issued by the Chief Administrative Officer.
- 24. No Person shall organize, conduct or take part in a Special Event contrary to the terms and conditions imposed by a permit issued by the Chief Administrative Officer.
- 25. An application for a permit for a Special Event shall be made in writing to the Municipality no less than 14 days prior to the Special Event commencing and include:
 - (a) a description of the proposed event and its purpose;
 - (b) the name of the Person or organization responsible for sponsoring and organizing the proposed event;

- (c) the date and times of the proposed event;
- (d) the type of Off-Highway Vehicles to be used and the approximate number of Off-Highway Vehicles that will be participating at the event; and
- (e) details of the proposed route including a map with the proposed route indicated.

PART 6 - PERMITS

- 26. Notwithstanding Part 5, the Chief Administrative Officer may issue permits in relation to activities governed by this Bylaw on such terms and conditions as the Chief Administrative Officer deems appropriate.
- 27. A Person to whom a permit has been issued pursuant to this Bylaw and any Person carrying out an activity otherwise regulated, restricted or prohibited by this Bylaw pursuant to such permit, shall comply with any terms or conditions forming part of the permit and shall produce the permit to a Peace Officer upon request.
- 28. A Person shall not make any false or misleading statement or provide any false or misleading information to obtain a permit pursuant to this Bylaw.
- 29. If any term or condition of a permit issued pursuant to this Bylaw is contravened or if a false or misleading statement or false or misleading information was provided to obtain the permit, in addition to any other remedy available to the Municipality, the Chief Administrative Officer or a Peace Officer may immediately cancel the permit.
- 30. The onus of proving a permit has been issued in relation to any activity otherwise regulated, restricted or prohibited by this Bylaw is on the Person alleging the existence of such a permit, on a balance of probabilities.

PART 7 - EXEMPTIONS

- 31. The provisions of this Bylaw shall not apply so as to restrict in any way the operation of an OHV by a Peace Officer or firefighter while in the performance of their official duties.
- 32. Notwithstanding section 31, and subject to Parts 3 and 4, an OHV may operate on:
 - (a) Municipal Property where the Person, while in the performance of their official duties, is:
 - (i) an employee or volunteer of the Municipality;
 - (ii) an agent or contractor acting on behalf of the Municipality; or
 - (b) lands within the Off-Highway Vehicle Exclusion Zones where the Person is engaged in snow clearing, weed spraying or fence repair only.

PART 8 - AUTHORITY OF PEACE OFFICERS

MUNICIPAL TAGS

33. A Peace Officer is hereby authorized and empowered to issue a Municipal Tag to any Person who the Peace Officer has reasonable and probable grounds to believe has contravened any provision of this Bylaw.
34. A Municipal Tag may be served:
 - (a) Personally to the accused;
 - (b) mailed to the address of the registered owner of the OHV concerned, or the operator of the OHV if not there registered owner; or
 - (c) Attached to or left upon the OHV with respect of which the offence is alleged to have been committed.
35. The Municipal Tag shall be in a form approved by the Chief Administrative Officer and shall state:
 - (a) the name of the Person to whom the Municipal Tag is issued, if known;
 - (b) a description of the offence and the applicable Bylaw section;
 - (c) the appropriate penalty for the offence as specified in Schedule "B" of this Bylaw;
 - (d) that the penalty shall be paid within fourteen (14) days of the issuance of the Municipal Tag in order to avoid prosecution; and
 - (e) any other information as may be required by the Chief Administrative Officer.
36. Where a contravention of this Bylaw is of a continuing nature, further Municipal Tags may be issued by a Peace Officer, provided that no more than one Municipal Tag shall be issued for each day that the contravention continues.
37. A Person to whom a Municipal Tag has been issued may pay the penalty specified on the Municipal Tag and if the amount is paid on or before the required date, the Person will not be prosecuted for the offence.
38. Nothing in this Bylaw shall prevent a Peace Officer from immediately issuing a Violation Ticket.

VIOLATION TICKETS

39. Where a Municipal Tag has been issued and the penalty specified on the Municipal Tag is not paid within the prescribed time, a Peace Officer is hereby authorized and empowered to issue a Violation Ticket.

40. Notwithstanding section 39, a Peace Officer may immediately issue a Violation Ticket to any Person whom the Peace Officer has reasonable and probable grounds to believe has contravened any provision of this Bylaw.
41. A Violation Ticket issued with respect to a contravention of this Bylaw shall be served upon the Person responsible for the contravention in accordance with the *Provincial Offences Procedure Act*.
42. If a Violation Ticket is issued in respect of an offence, the Violation Ticket may:
- (a) specify the fine amount established by this Bylaw for the offence in Schedule "B"; or
 - (b) require a Person to appear in court without the alternative of making a voluntary payment.
43. A Person who commits an offence may:
- (a) if a Violation Ticket is issued in respect of the offence; and
 - (b) if a Violation Ticket specifies the fine amount established by this Bylaw for the offence;
- make a voluntary payment equal to the specified fine.
44. When a clerk records in the court records the receipt of a voluntary payment pursuant to this Bylaw and the *Provincial Offences Procedure Act*, the act of recording receipt of that payment constitutes acceptance of the guilty plea and also constitutes a conviction and the imposition of a fine in the amount of the specified penalty.

PART 9 - PENALTIES

OFFENCE

45. A Person who contravenes or fails to comply with any provision of this Bylaw is guilty of an offence and is liable to a fine in an amount not less than that established in this Part and not exceeding \$10,000.00.

SPECIFIED PENALTIES

46. Without restricting the generality of section 45, the fine amounts established for use on Municipal Tags and Violation Tickets if a voluntary payment option is offered are as set out in Schedule "B".

OWNER LIABLE

47. If an Off-Highway Vehicle is involved in an offence under this Bylaw, the Owner is guilty of an offence.

48. Section 47 does not apply if the Owner satisfies the court that, at the time that the Off-Highway Vehicle was involved in the offence:

- (a) the Owner of the Off-Highway Vehicle was not driving the Off-Highway Vehicle; and
- (b) the Person operating or otherwise in control of the OHV was operating or in control of the OHV without the Owner's expressed or implied consent.

PART 10 - GENERAL

BYLAW SCHEDULES

49. Schedules "A", "B", and "C" attached hereto shall form part of this Bylaw.

REPEAL

50. Bylaw 722, 2007 is repealed.

EFFECTIVE DATE

51. This Bylaw shall come into force and effect upon receiving third and final reading and being duly signed

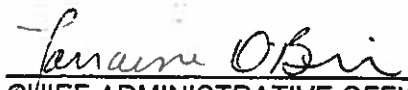
Read a first time this 4th day of April, 2017.

Carried

Read a second time this 6th day of June, 2017.











Read a third and final time this 20th day of June, 2017.


MAYOR

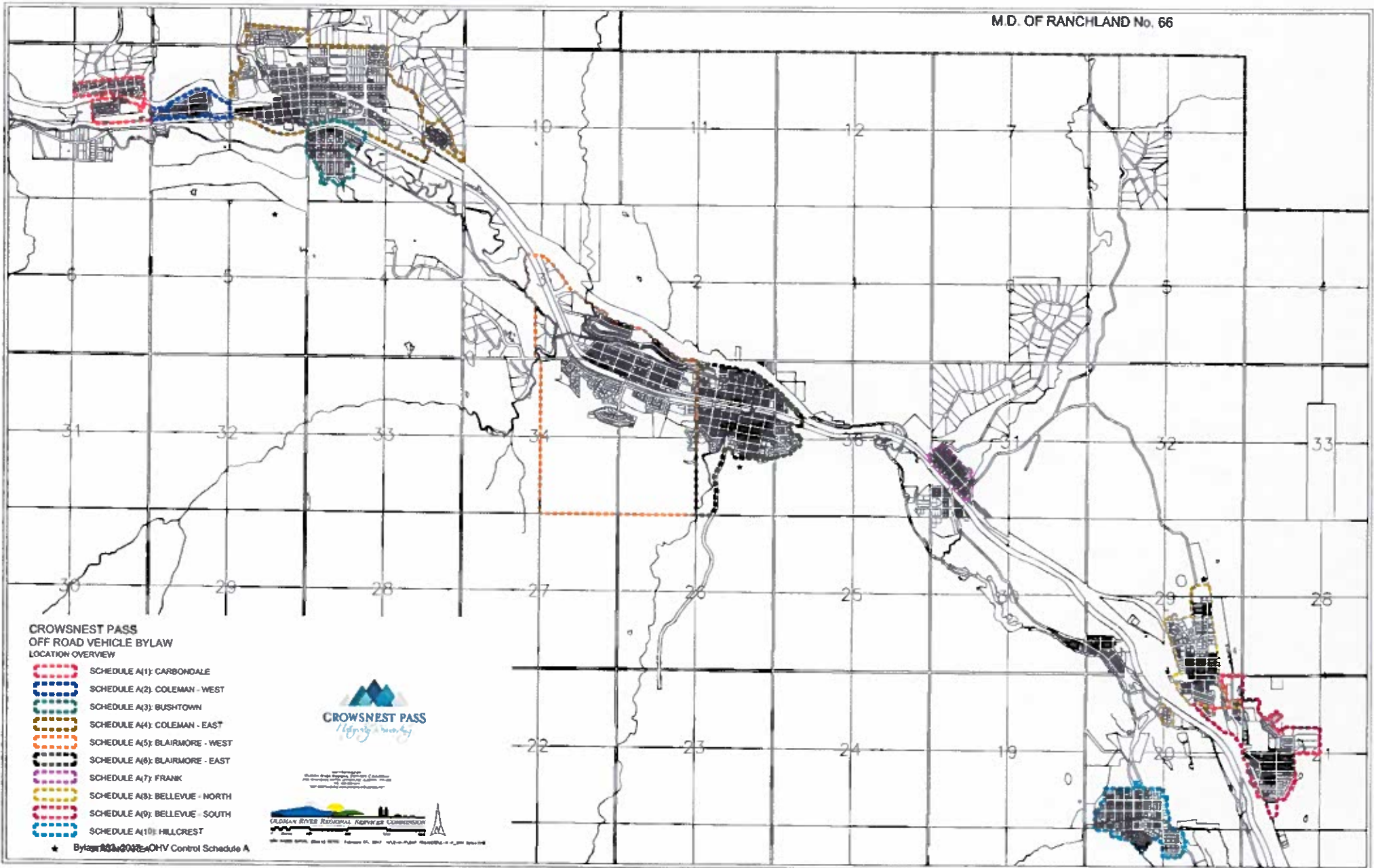

CHIEF ADMINISTRATIVE OFFICER

SCHEDULE "A"
OFF-HIGHWAY VEHICLE EXCLUSION ZONES

**CROWSNEST PASS
OFF ROAD VEHICLE BYLAW
LOCATION OVERVIEW**

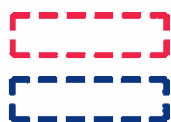
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-  SCHEDULE A(2): COLEMAN - WEST
-  SCHEDULE A(3): BUSHTOWN
-  SCHEDULE A(4): COLEMAN - EAST
-  SCHEDULE A(5): BLAIRMORE - WEST
-  SCHEDULE A(6): BLAIRMORE - EAST
-  SCHEDULE A(7): FRANK
-  SCHEDULE A(8): BELLEVUE - NORTH
-  SCHEDULE A(9): BELLEVUE - SOUTH
-  SCHEDULE A(10): HILLCREST

★ Bylaw 2024-0012 - OHV Control Schedule A





OFF ROAD VEHICLE BYLAW SCHEDULE 'A'(1)



CARBONDALE

COLEMAN - WEST



CROWSNEST PASS
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Bylaw #: 983, 2017 - OHV Control Bylaw

Date: June 20, 2017



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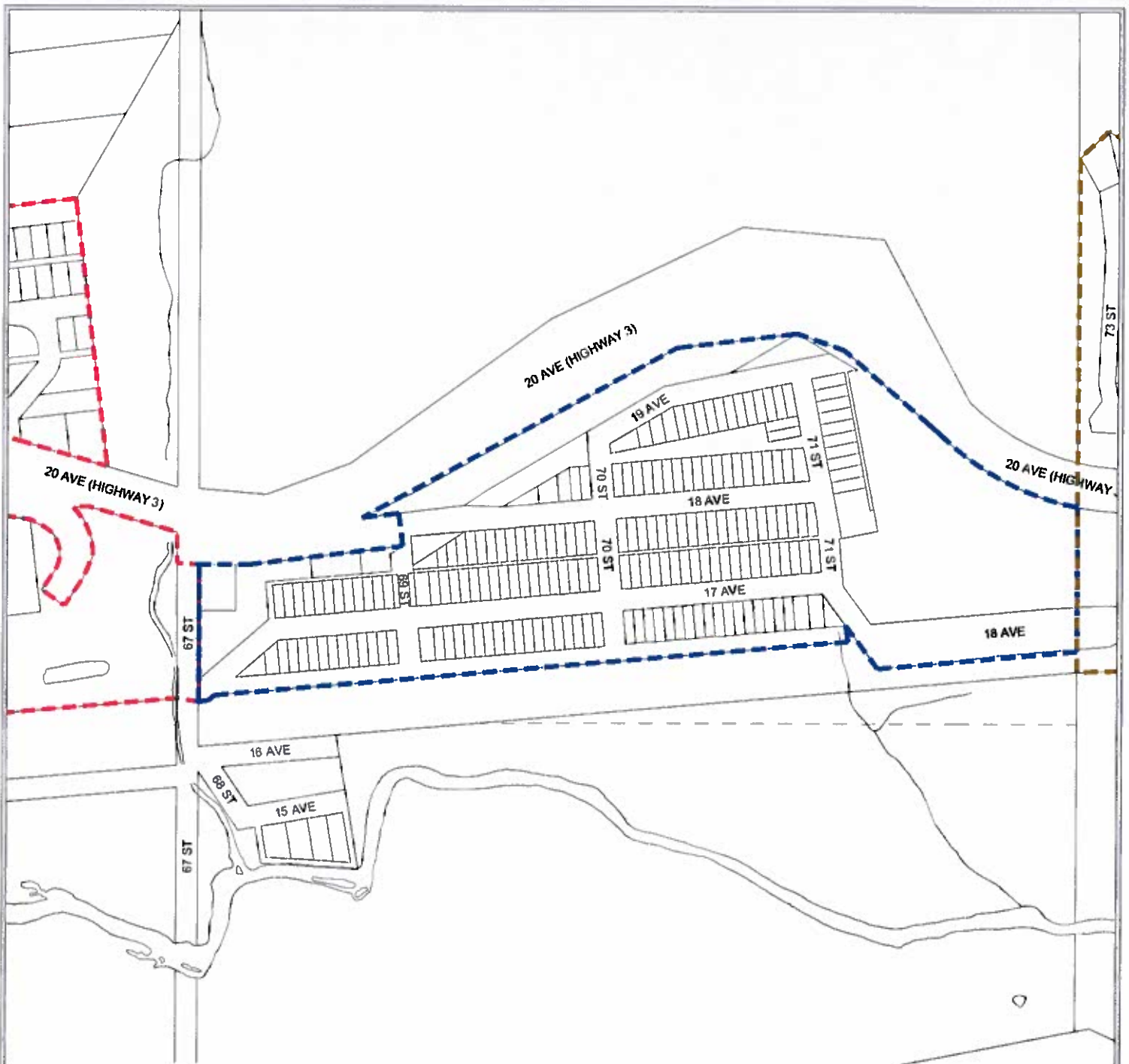
Bylaw 983, 2017 - OHV Control Schedule A
November 30, 2016 N:\C-N-P\CNP PROJECTS\C-N-P-ORV Bylaw.dwg



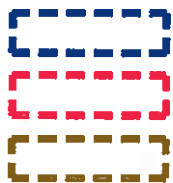
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"NOT RESPONSIBLE FOR ERRORS OR OMISSIONS"



OFF ROAD VEHICLE BYLAW SCHEDULE 'A'(2)



COLEMAN - WEST
CARBONDALE
COLEMAN - EAST



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Date: June 20, 2017



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Bylaw 983, 2017 - OHV Control Schedule A
November 30, 2016 M:\C-N-P\CNP PROJECTS\C-N-P OHV Bylaw.dwg



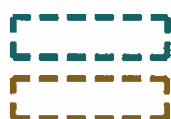
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OFF ROAD VEHICLE BYLAW SCHEDULE 'A'(3)



BUSHTOWN

COLEMAN - EAST



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OFF ROAD VEHICLE BYLAW SCHEDULE 'A'(4)



COLEMAN - EAST

BUSHTOWN



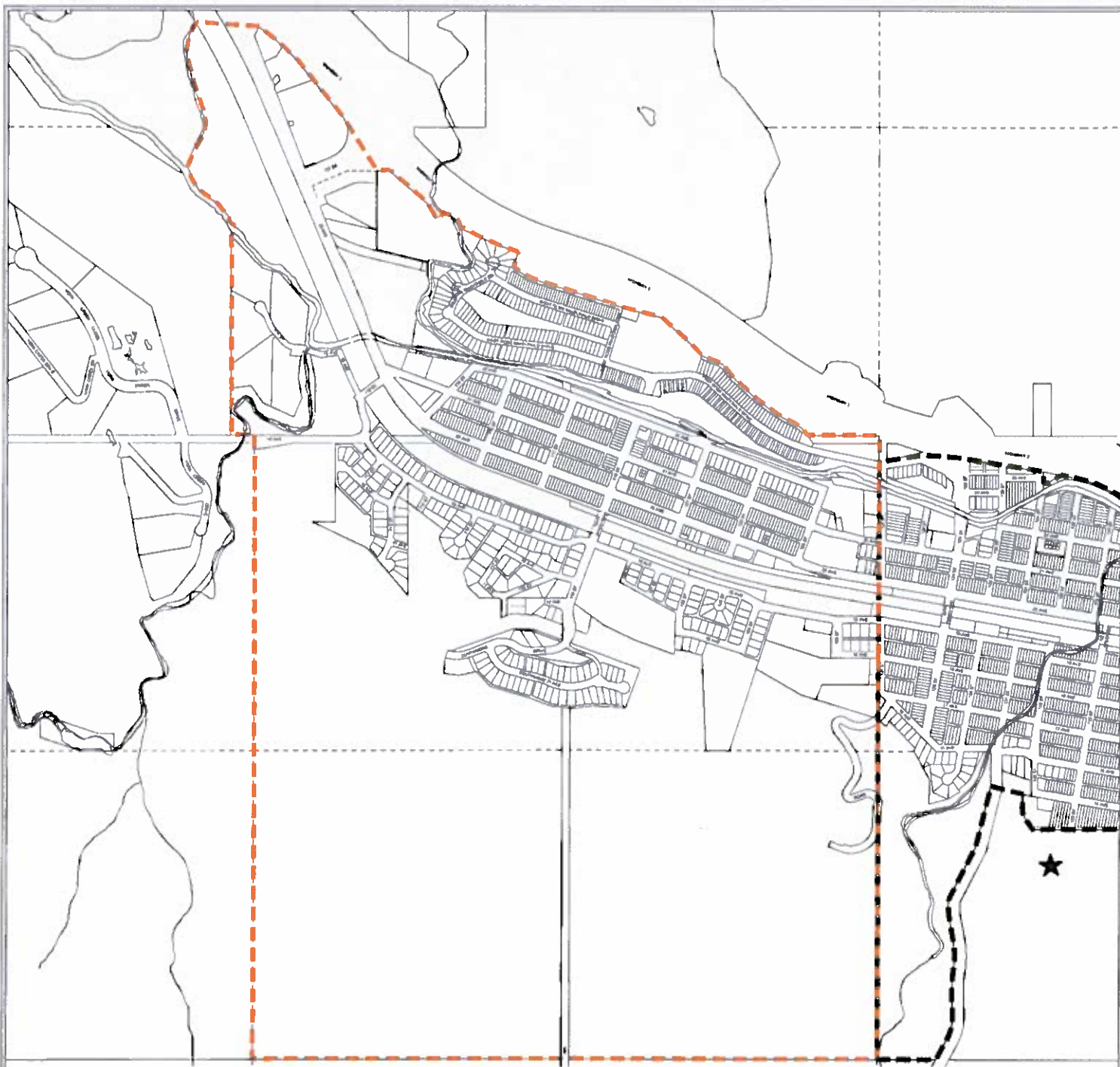
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Date: June 20, 2017



Bylaw 983, 2017 - OHV Control Schedule A
November 30, 2016 M:\C-N-P\CNP PROJECTS\C-N-P_OHV bylaw.dwg

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OFF ROAD VEHICLE BYLAW SCHEDULE 'A'(5)



BLAIRMORE - WEST

BLAIRMORE - EAST



STAGING AREA



CROW'S NEST PASS
Naturally Rewarding

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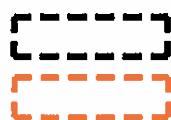
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November 30, 2016 N:\C-N-P\CNP PROJECTS\C-N-P_OHV Bylaw.dwg



OFF ROAD VEHICLE BYLAW SCHEDULE 'A'(6)



BLAIRMORE - EAST

BLAIRMORE - WEST



STAGING AREA



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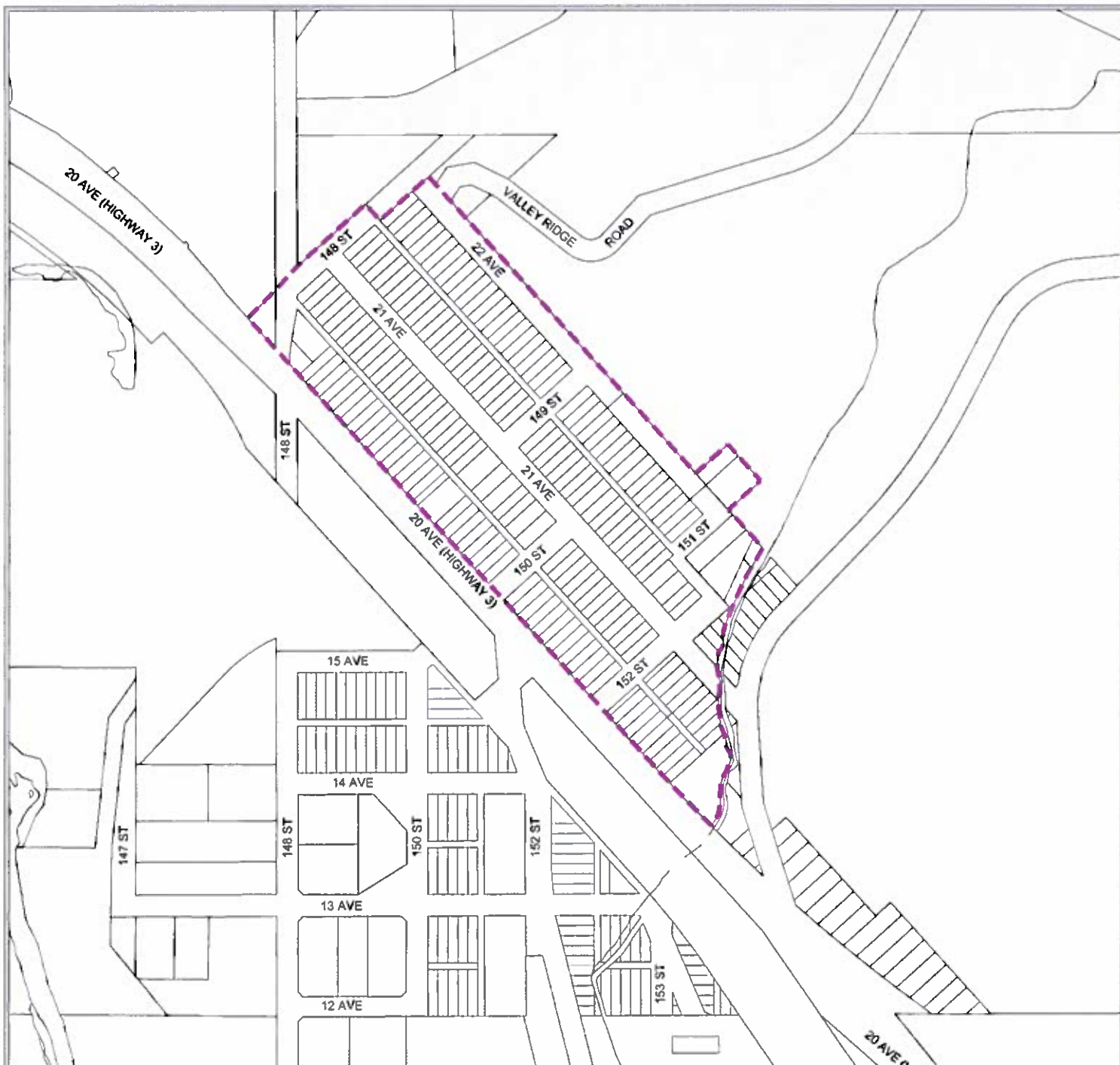
Bylaw 983, 2017 - OHV Control Schedule A
November 30, 2016 NRC-N-P-CNP PROJECTS C-N-P_OHV Bylaw.dwg



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OFF ROAD VEHICLE BYLAW SCHEDULE 'A'(7)



FRANK



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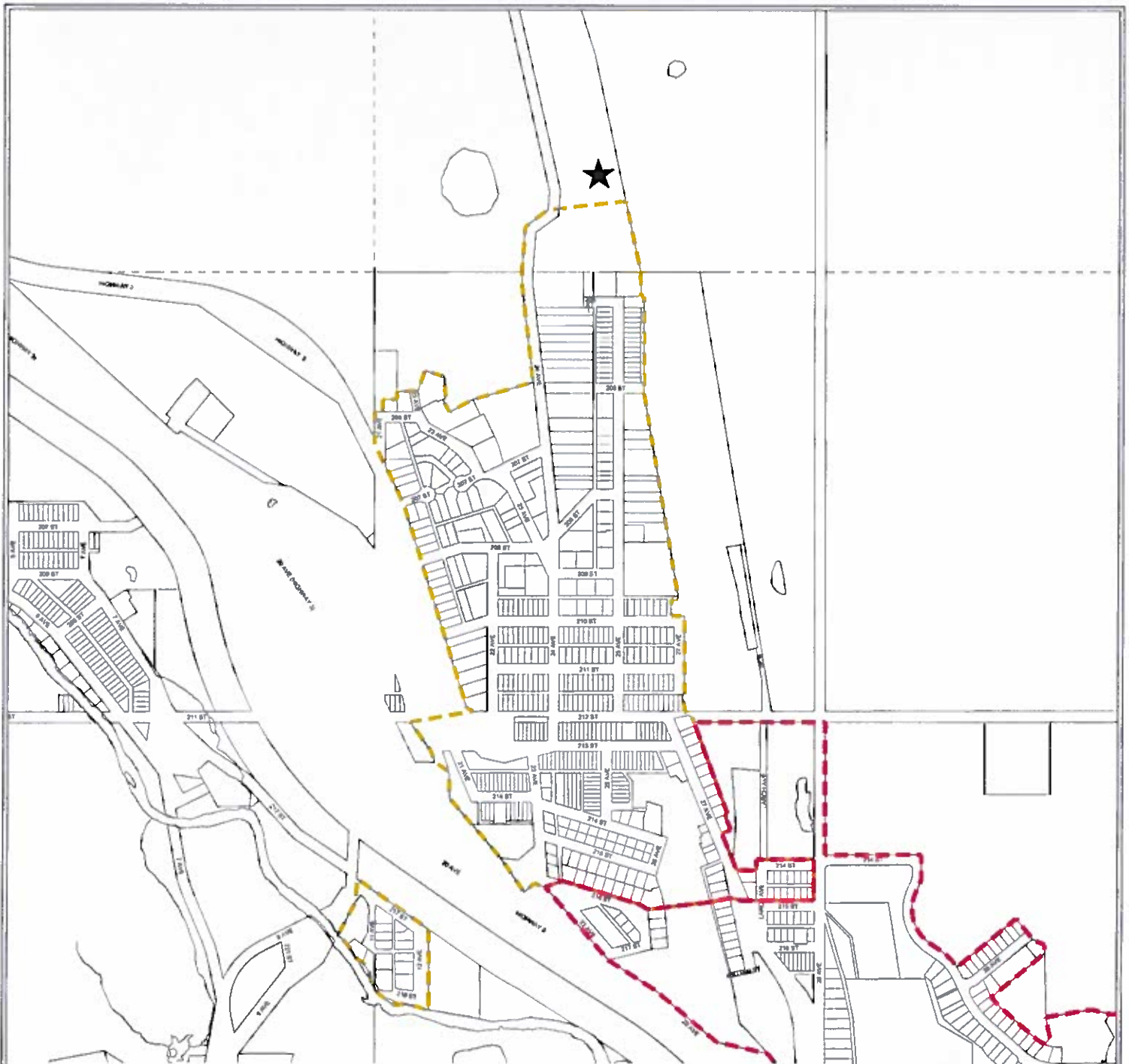


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Bylaw 983, 2017 - OHV Control Schedule A

November 30, 2016 N:\C-N-P\CNF PROJECTS\C-N-P_OHV Bylaw.dwg





OFF ROAD VEHICLE BYLAW SCHEDULE 'A'(8)



BELLEVUE - NORTH

BELLEVUE - SOUTH



STAGING AREA

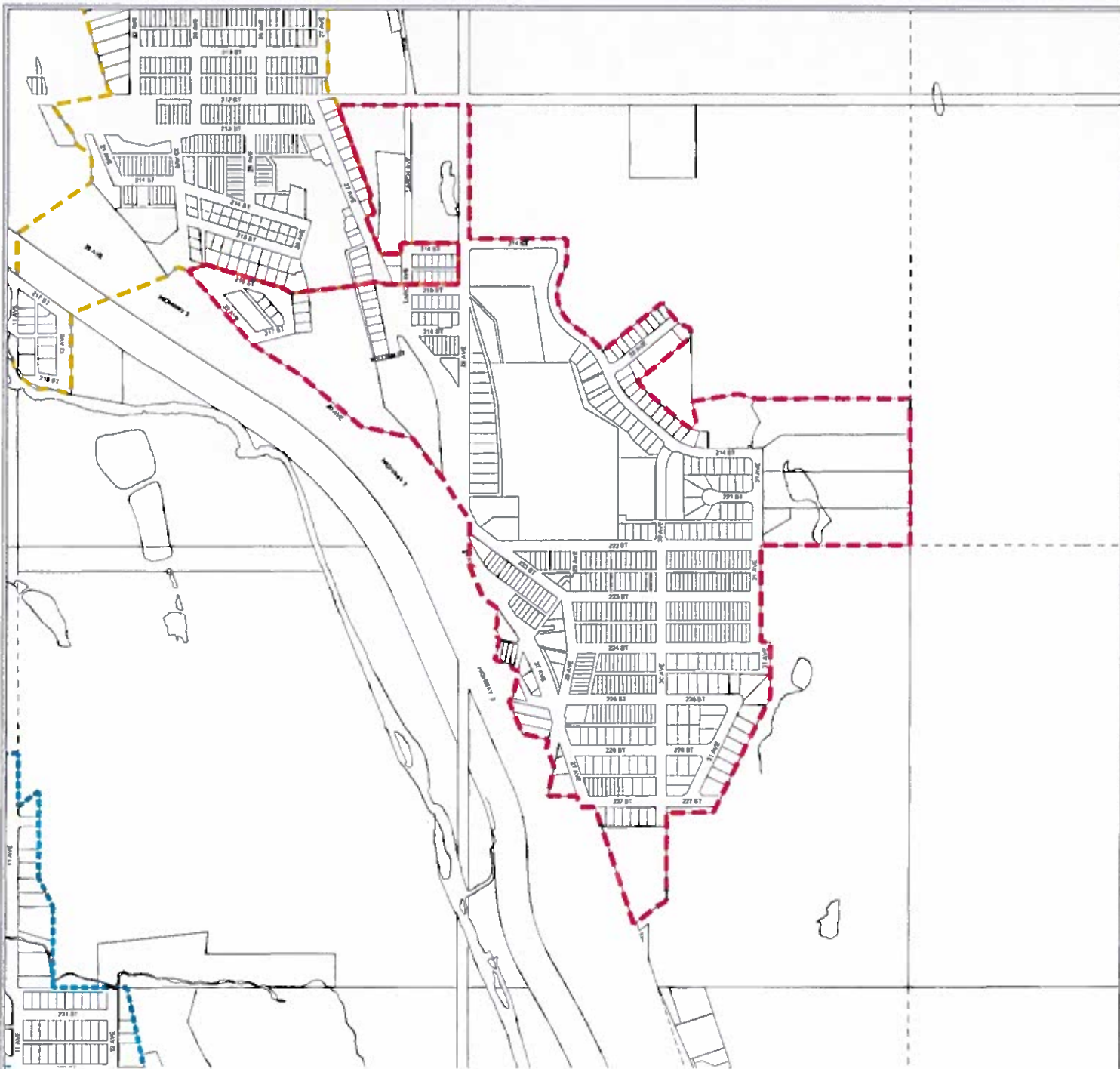


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OFF ROAD VEHICLE BYLAW SCHEDULE 'A'(9)

- BELLEVUE - SOUTH
- BELLEVUE - NORTH
- HILLCREST



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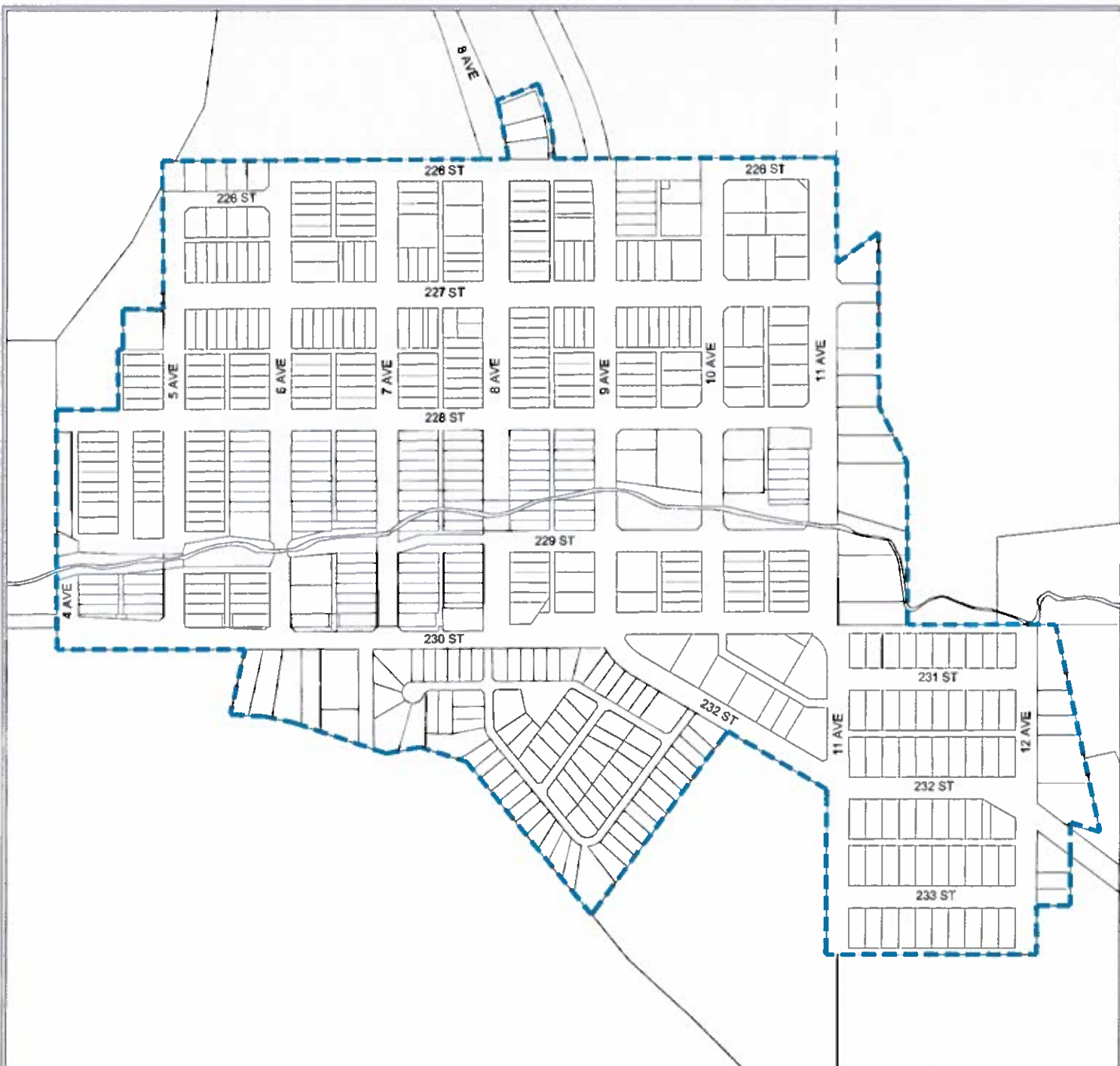


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November 30, 2016 N:\C-N-P\CMF PROJECTS\C-N-P OHV Bylaw.dwg



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OFF ROAD VEHICLE BYLAW SCHEDULE 'A'(10)

 HILLCREST



CROWSNEST PASS
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November 30, 2016 N:\C-N-P\CNP PROJECTS\C-N-P_OHV Bylaw.dwg



SCHEDULE "B"

SPECIFIED PENALTIES

Section No.	Description	Specified Penalty
10(a)	Fail Operate OHV in parking lane	\$500.00
10(b)	Fail to Operate OHV in rightmost lane	\$500.00
10(d)	Operate OHV in excess of posted speed limit or 20 km/hr	Refer to Schedule "C"
10(e)	Operate OHV within Off-Highway Vehicle Exclusion Zone	\$2,500.00
11(a)	Operate OHV in opposite direction of Roadway traffic	\$750.00
11(b)	Fail to Travel in Single-File	\$1,000.00
12(a)(i)	Unregistered OHV	\$270.00
12(a)(ii)	Uninsured OHV	\$2,500.00
12(a)(iii)	Fail to display licence plate on OHV	\$500.00
12(b)	OHV not properly equipped	\$500.00
12(c)	Unlicensed Operator	\$270.00
14	Operate OHV on Municipal Property without Permit	\$2,500.00
17	Underage Operator	\$1,500.00
18	Operate OHV between 8:00pm and 10:00am	\$2,500.00
20	Passenger(s) in Excess of Designed Capacity for OHV	\$1,000.00
21	Operate OHV Contrary to Posted Sign	\$2,500.00
22	Operation of OHV causing a nuisance	\$500.00
23	Unauthorized Special Event	\$2,500.00
27	Fail to comply with permit	\$2,500.00
28	False/Misleading Statement on Permit Application	\$2,500.00
47	Owner of OHV involved in contravention of Bylaw	Specified penalty shall be equal to underlying bylaw provision contravened

SCHEDULE "C"

FINES FOR SPEEDING OFFENCES IN CONTRAVENTION OF SECTION 10(d)

Kilometres Over Limit	Specified Penalty	Kilometres Over Limit	Specified Penalty
1	\$68	26	\$184
2	\$70	27	\$189
3	\$73	28	\$196
4	\$76	29	\$203
5	\$78	30	\$208
6	\$81	31	\$220
7	\$84	32	\$228
8	\$86	33	\$239
9	\$89	34	\$248
10	\$92	35	\$258
11	\$95	36	\$269
12	\$97	37	\$278
13	\$100	38	\$290
14	\$103	39	\$300
15	\$105	40	\$311
16	\$122	41	\$321
17	\$130	42	\$331
18	\$134	43	\$342
19	\$142	44	\$351
20	\$146	45	\$360
21	\$153	46	\$371
22	\$161	47	\$382
23	\$165	48	\$392
24	\$173	49	\$402
25	\$177	50	\$413