

VILLAGE OF LAC DU BONNET

By-law No. 8/94

BEING a by-law for the purpose of regulating the operation of off road vehicles within the limits of the Village of Lac du Bonnet.

WHEREAS "The Off Road Vehicles Act", S.M. 1987-88, c. 64, Cap 031 (the "Act" provides as follows:

"s. 32 (1) No person shall operate an off-road vehicle

a) on privately owned land without the express or implied consent of the owner or lawful occupier of the property; or

b) on Crown land allocated by lease or permit, without the express or implied consent of the lawful occupier of the property, unless the operator is otherwise lawfully authorized to enter such land; or

c) within two meters of a dwelling between the hours of twelve midnight and six o'clock in the morning, unless the dwelling is located on the operator's own property or property under the operator's control or as an invited guest; or

d) within 30 meters of a playground, or area set aside for other recreational use, unless the area is enclosed or fenced or unless the off-road vehicle is required for the maintenance or operation thereof.

s.33 (1) Except as may be authorized by subsection (4) or any other provision of this Act or regulation thereunder, no person shall operate an off-road vehicle

a) upon or across a roadway or the shoulder thereof;

b) on or across the median of a divided highway; or

c) on the right-of-way of an interchange.

s.33 (4) The minister may authorize a traffic authority to make by-laws to permit the operation of an off-road vehicle upon a roadway or the shoulder thereof.

s.38 (1) Notwithstanding any other provision of the Act, where a storm or blizzard renders a roadway impassable to vehicular traffic, a local authority may authorize, for a fixed period, the operation of designated off-road vehicles on a roadway or shoulder or designated portions thereof; and during that period, operators may operate off-road vehicles on the roadways or shoulders.

s.38 (2) For the purposes of subsection (1), "local authority" means

(a) the council of an incorporated city, town, village, community as defined in "The Northern Affairs Act", or rural municipality; or

(b) the resident administrator and council of a local government district; or

(c) The Minister of Northern Affairs with respect to northern Manitoba.

s.46 (1) Rules supplementary to, or in addition to, but not contrary to any other provision of this Act or the regulations made under this Act

(a) prescribing the periods of the day, or of the year, during which designated off-road vehicles shall not be operated;

(b) prescribing areas in which the operation of designated off-road

vehicles shall be permitted or prohibited; and

- (c) fixing penalties for violation of by-laws passed under this section;

may be made

- (d) in respect of a municipality, by the Council thereof.

AND WHEREAS "The Highway Traffic Act", S.M. 1985-86, c.3. Cap. H60, provides, inter alia, the Council of a municipality may, by by-law, fix the maximum speed at which a vehicle may be driven on a highway of which the municipality is the traffic authority;

AND WHEREAS the Council of the Village of Lac du Bonnet deems it advisable to pass a By-Law regulating the use of off-road vehicles within the limits of the Village of Lac du Bonnet;

NOW THEREFORE BE IT ENACTED AS FOLLOWS;

1) Definitions:

Unless the context specifically indicates otherwise, the meaning of the terms used in this By-Law shall be as follows:

- (a) Highway means any place or way, including any structure forming part thereof, which or any part of which the public is ordinarily entitled or permitted to use for the passage of vehicles, with or without fee or charge therefor, and includes all the space between the boundary lines thereof; but does not include any area designed or intended, and primarily used for the parking of vehicles and the necessary passage-ways thereon;
- (b) Intersection means the area embraced within the straight projection of the lateral boundary lines of two or more highways that join one another at an angle, whether or not one of the highways crosses another.
- (c) Off-Road Vehicle means any wheeled or tracked motorized vehicle designed or adapted for cross-country travel on land, water, ice, snow, marsh or swamp land or other natural terrain, and, without limiting the generality of the foregoing includes
 - a) a four wheel drive motor vehicle, a motorcycle or a snow vehicle not registered under the Highway Traffic Act;
 - b) an all-terrain vehicle;
 - c) a mini-bike, dirt bike and trail bike;
 - d) a miniature vehicle such as a dune or sport buggy;
 - e) an amphibious vehicle; and
 - f) a snowmobile;but does not include
 - g) an implement of husbandry;
 - h) a farm tractor
 - i) a special mobile machine
 - j) a garden or lawn tractor; and
 - k) a Golf Cart
- (d) Operate means to drive or to be in actual physical control of an off road vehicle;
- (e) Operator means a person operating or driving an off-road vehicle or a person in actual physical control of an off-road vehicle.
- (f) Owner includes a person, in possession of an off road vehicle


under a contract providing that the ownership, title, and property therein is to vest in the person at a subsequent time upon payment of the whole or part of the price or the performance of any other condition;

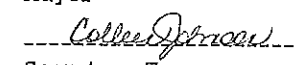
- (g) Right-of-Way means an area of land acquired for the public thoroughfare including any other facility incidental thereto;
 - (h) Roadway means the portion of a highway that is improved, designed or ordinarily used for vehicular traffic, and includes that portion thereof that, but for the presence of a safety zone, would be ordinarily so used, but does not include the shoulder; and where a highway includes two or more separate roadways, the term "roadway" refers to any one roadway separately and not all the roadways collectively;
 - (i) Shoulder means the portion of a highway contiguous with the travelled way for accommodation of stopped vehicles for emergency use and for lateral support of base and surface courses;
2. No person shall operate an off-road vehicle within the limits of the Village of Lac du Bonnet except as permitted in this By-Law or under the Act.
3. No person shall operate an off-road vehicle
- (a) in a careless manner or without due care and attention; or
 - (b) without reasonable consideration for other persons and property or in a manner likely to cause damage or injury to other persons and property.
4. A person who is qualified under the Act to operate an off-road vehicle and is either ordinarily resident within the Village of Lac du Bonnet or owns or is related by marriage or blood to the owner of a residence within the Village of Lac du Bonnet is entitled, when operating an off-road vehicle during the period provided in S.32 (1) (c) of this by-law, to drive the off road vehicle along the lane immediately adjacent to his or her residence or to the residence of his or her relative to the nearest designated route provided, however, at no time is any person entitled to operate an off-road vehicle on any street within the Village of Lac du Bonnet.
5. No person shall operate an off-road vehicle within the Village of Lac du Bonnet at a speed that is greater than 20 kilometres an hour on designated routes or 20 kilometres an hour on lanes which are the speeds established by "The Highway Traffic Act" for vehicular traffic within the Village of Lac du Bonnet or such other speeds may be designated under "The Highway Traffic Act" from time to time.
6. No person shall operate an off-road vehicle within the Village of Lac du Bonnet between the hours of twelve midnight of one day and 6:00 o'clock a.m. of the next day.
7. Notwithstanding any other provision of this By-Law and the Act, where a storm or blizzard renders a roadway impassable to vehicular traffic, the Council of the Village of Lac du Bonnet may authorize for a fixed period, the operation of off-road vehicles on roadways within the Village of Lac du Bonnet.
8. (1) Where an offence, resulting from the violation of any provision of this By-Law
- a) is committed by means of, or with respect to, an off-road vehicle;
 - b) occurs by reason of, or with respect to, the ownership, use, or operation of an off-road vehicle;

the owner of the off-road vehicle may be charged with the commission of the offence and, if the judge or justice before whom the charge is tried, is satisfied that the offence was committed, the owner is guilty of the offence and is liable, on summary conviction, to the penalty herein provided, unless the owner satisfies the judge or justice that at the time of the violation, the off-road vehicle was in the possession of a person without the consent of the owner.

8. (2) Nothing in subsection (1) relieves the operator of an off-road vehicle from any liability for any offence or violation of any provision of this By-Law.
9. Any person who violates, contravenes or disobeys or refuses, omits, neglects, or fails to observe, obey or comply with any provision of this By-Law is guilty of an offence and is liable, on summary conviction, to a fine of not less than \$100.00 or more than \$1,000.00 or, in default of payment thereof, to imprisonment.
10. THAT By-Law No. 434/86 is hereby repealed.

DONE, PASSED AND ENACTED, in open Council duly assembled this day of
A.D. 1994.



Mayor


Secretary Treasurer

Read a first time this 9th day of June A.D. 1994
Read a second time this 23rd day of June A.D. 1994
Read a third time this 23rd day of June A.D. 1994