

**THE TOWN OF CHURCHILL
BY-LAW NO. 734/2004**

A BY-LAW TO PERMIT AND REGULATE THE USE OF OFF-ROAD VEHICLES IN THE TOWN OF CHURCHILL

WHEREAS The Off-Road Vehicles Act provides that a municipality may pass by-laws:

- (i) permitting the operation of off-road vehicles across or upon a roadway and shoulder, and
- (ii) prescribing the maximum speed above which off-road vehicles shall not be operated.

AND WHEREAS The Municipal Act provides authority to the Town of Churchill to pass by-laws for the taking of enforcement action.

AND WHEREAS the Town of Churchill is of the opinion that it is desirable in the public interest to pass a by-law regulating the use of off-road vehicles within the Town.

NOW THEREFORE the Council of the Town of Churchill in Council assembled at Churchill, Manitoba, enacts as a by-law the following:

Section 1 – Purpose

1.1 The purpose of this by-law is to permit the use of off-road vehicles across a roadway or across or upon the shoulder of a roadway upon the operator meeting certain conditions, and to set the maximum speed above which they shall not be operated.

Section 2 – Interpretation

2.1 This by-law may be referred to as the “Off-Road Vehicles By-Law”

2.2 In this by-law the words have the same meaning as in The Off-Road Vehicles Act.

Section 3 – Permission and Regulation

3.1 A person may operate an off-road vehicle directly across a roadway, or across or upon the shoulder of a roadway provided that:

- a) the operator has reached the age of 14 years; and,
- b) in the case of an operator or passenger who is under the age of 16 years, wear on their head a properly adjusted and securely fastened helmet in compliance with the requirements contained in the regulations in The Off-Road Vehicles Act.

Section 4 – Maximum Speed

4.1 No person shall operate an off-road vehicle at a speed in excess of 30 kilometres per hour.

Section 5 - Contravention

5.1 Where a person has contravened this By-law, a designated officer or peace officer may seize and impound the off-road vehicle that was operated at the time of the contravention.

5.2 Where an off-road vehicle is seized and impounded, it may be released upon the owner providing proof of ownership satisfactory to the designated officer, and upon payment of the seizure and impoundment fees set out in Schedule A. Where an off-road vehicle is not claimed by the owner within 30-days of seizure, the Town may in its discretion sell or otherwise dispose of the off-road vehicle. Where the off-road vehicle is sold, the proceeds of the sale shall be applied against the Town's costs of the sale, and the outstanding seizure and impoundment fees. Where there are excess proceeds from the sale following the payment of the costs and fees, the Town shall provide the excess proceeds to the owner of the off-road vehicle.

5.3 The seizure and impoundment fees set out in Schedule A and the costs of any sale are a debt owing to the Town.

5.4 A person who contravenes this bylaw is guilty of an offence and is liable on summary conviction to a fine of not more than \$1,000.00 or to imprisonment for not more than 3 months, or both. In addition to a fine or imprisonment, a person is liable to a penalty representing the costs incurred by the Town related to the enforcement and prosecution of this by-law.

Section 6 – Repeal

6.1 By-Law 578/94 is repealed.

DONE AND ENACTED at Churchill, in the Province of Manitoba, this 19th day of August, 2004.



Michael Spence
Mayor



Darren Ottaway
Chief Executive Officer

Read a first time this 27th day of July, A.D., 2004
Read a second time this 27th day of July, A.D., 2004
Read a third time this 19th day of August, A.D., 2004