

THE RURAL MUNICIPALITY OF RITCHOT

By-law No. 5-2018

A by-law to regulate the operation of Off-Road Vehicles in the RM of Ritchot

WHEREAS:

- A. The *Off-Road Vehicles Act* authorizes a municipality to regulate, administer and enforce rules respecting the operation of off-road vehicles;
- B. The *Highway Traffic Act* authorizes a municipality to, by By-law, fix the maximum speed at which a vehicle may be driven on a highway of which the municipality is a traffic authority; and
- C. Council of the Municipality deems it advisable to pass a By-law regulating the use of off-road vehicles within the municipality

NOW THEREFORE the Council of the Rural Municipality of Ritchot enacts as a by-law the following:

1. **DEFINITIONS:**

- a) **“Off-Road Vehicle”** means any wheeled or tracked motorized vehicle designed or adapted for cross country travel on land, water, ice, snow, marsh, swampland or other natural terrain and includes, but is not limited to,
 - i. a snowmobile,
 - ii. an all-terrain vehicle
 - iii. a mini-bike, dirt bike and trail-bike,
 - iv. a miniature vehicle such as a dune or sport buggy,
 - v. an off-road maintenance machine,
 - vi. an amphibious vehicle, and
 - vii. a four-wheel drive motor vehicle, motorcycle or snow vehicle that is being driven elsewhere than on a highway, whether or not it is registered under the *Drivers and Vehicles Act*,
but does not include golf carts.
- b) Unless the context specifically indicates otherwise, the meaning of the terms used in this by-law shall be as set out in the *Off-Road Vehicles Act*.
- c) **“Urban Centres”** in the municipality include the urban areas of St. Adolphe, Ste Agathe, and Ile des Chênes.
- d) **“Enforcement Officer”** means:
 - a. a police officer as defined in *The Police Services Act*;
 - b. a member of the Royal Canadian Mounted Police;
 - c. subject to the regulations of *The Provincial Offences Act*, a person appointed or designated under an Act to enforce that Act;
 - d. in relation to a municipal offence, a person appointed or designated under *The Municipal Act* or *The City of Winnipeg Charter* to enforce municipal offences; or
 - e. any other person or class of persons designated in the regulations of *The Provincial Offences Act*.

2. EXCEPT IN ACCORDANCE WITH THIS BY-LAW:

- a) No person shall operate an off-road vehicle in the Municipality of Ritchot except as permitted in this By-law or under the *Off-Road Vehicles Act*.
- b) A person who is qualified under the *Off-Road Vehicles Act* to operate an off-road vehicle may operate an off-road vehicle within the Urban Centres of the municipality on the roadway or shoulder of the designated routes as set out in Schedules "A", "B", and "C" attached. These routes shall be used to access goods and services such as fuel, food and machine repairs, and areas outside the Urban Centres.
- c) A person who is qualified under the *Off-Road Vehicles Act* to operate an off-road vehicle and is ordinarily a resident of an Urban Centre of the municipality or owns or is related by marriage to the owner of a residence within an Urban Centre of the municipality is entitled to drive the off-road vehicle along the road or lane immediately adjacent to his or her residence or the residence of his or her relative to the nearest designated route.
- d) Every operator or owner of an off-road vehicle shall, on a signal from an enforcement officer requiring the operator or owner to do so, immediately bring the off-road vehicle to a stop or cause the off-road vehicle to be brought to a stop at a place directed by the enforcement officer and shall not proceed until so directed by the enforcement officer; and shall forthwith comply with an order of the enforcement officer as to moving the off-road vehicle from any place.
- e) The operator of an off-road vehicle shall give his or her correct identification to an enforcement officer on demand.
- f) No person shall operate an off-road vehicle at a speed greater than is reasonable and prudent, or in a manner that is not reasonable and prudent under the conditions and having regard to the actual and potential hazards then existing.
- g) No person shall operate an off-road vehicle in the RM of Ritchot within 30 metres of a dwelling between the hours of 11:00 p.m. and 7:00 a.m. unless the dwelling is located on the operator's own property or property under the operator's control or as an invited guest.
- h) No person shall operate on off-road vehicle in a careless manner or without due care and attention, or without reasonable consideration for other persons and property or in a manner likely to cause damage or injury to other persons and property.
- i) No person under the age of 14 years shall operate on off-road vehicle unless supervised and accompanied by and at all times within clear view of the person's parent or a person who has attained the age of 18 years and authorized by the parent and on property owned by either the owner of the off-road vehicle or parent of the child.
- j) An owner of an off-road vehicle shall not permit a person under the age of 14 years to operate an off-road vehicle, of which he or she is the owner, on a municipal road, road allowance, public reserve, park area, public parking lot, playground, pool area, recreation area, or private property other than the owner's.
- k) No person shall operate an off-road vehicle while carrying more passengers than the number for which the off-road vehicle was designed.
- l) No person shall ride on or operate an off-road vehicle unless the person is wearing on his or her head a properly adjusted and securely fastened helmet in compliance with the requirements contained in the regulations under *The Drivers and Vehicles Act*.

- m) Every operator of and passenger in an off-road vehicle in which a seat belt assembly is provided, shall wear a complete seat belt assembly in a properly adjusted and securely fastened manner.
- n) No person shall operate an off-road vehicle when local circumstances make the use of an off-road vehicle a fire hazard or when Manitoba or the Municipality declares fires are not permitted.

3. PENALTY:

Any person who contravenes, or disobeys or refuses, omits, or neglects, or fails to observe, obey or comply with any provision of this By-law is guilty of an offence and liable to a fine as set out in the *Preset Fines and Offence Descriptions Regulation 96/2017 of The Provincial Offences Act*, or detention of the off-road vehicle per section 4 of this by-law.

4. DETENTION OF OFF-ROAD VEHICLES:

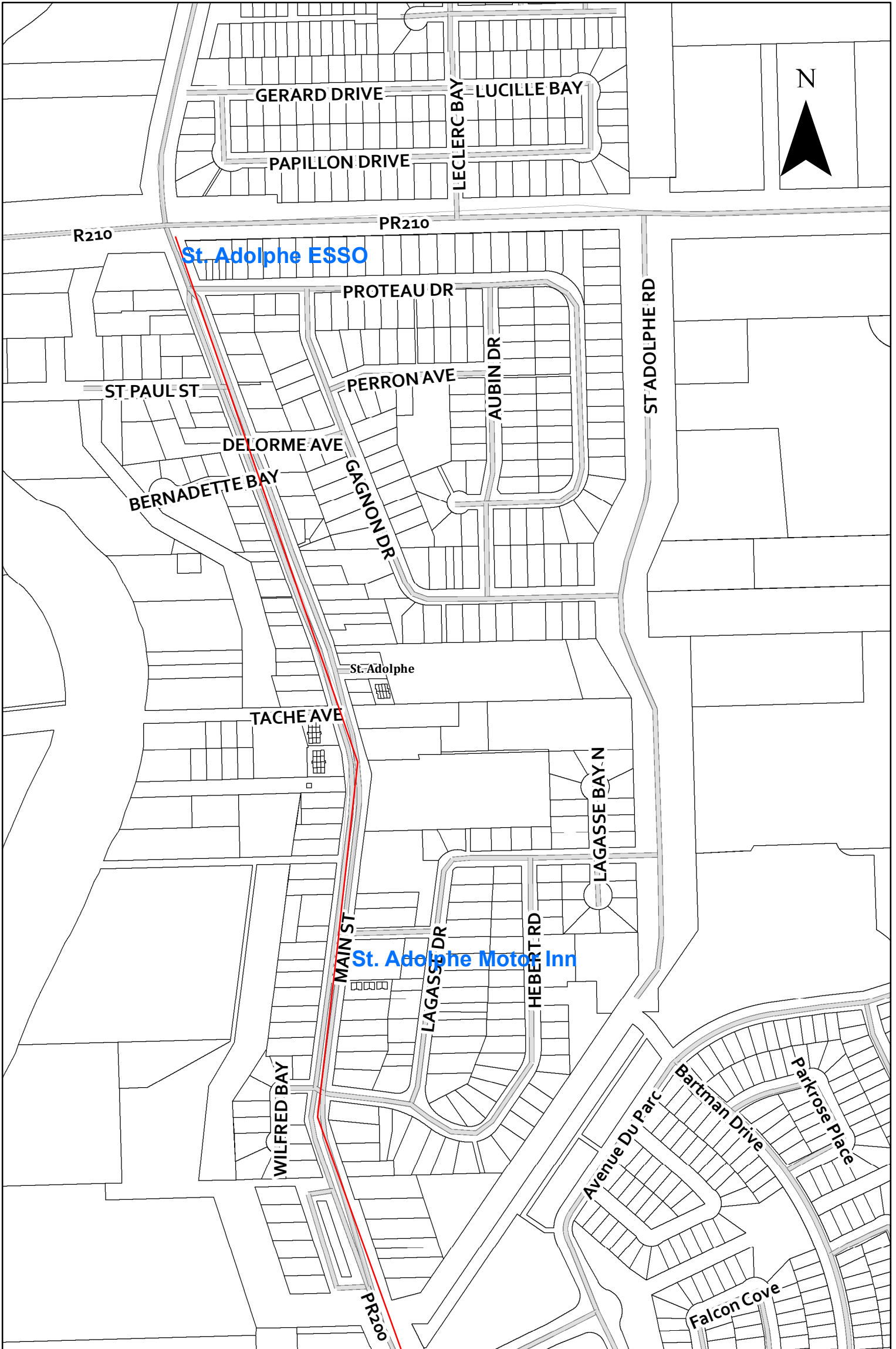
- a) Where an enforcement officer has reason to believe that an offence has been committed by means of, or in relation to, an off-road vehicle, he may detain the vehicle for 5 clear days but the vehicle may be released sooner if security in an amount as determined by a Justice is provided on the first offence unless ordered by the Provincial Court.
- b) Where an enforcement officer has detained an off-road vehicle, he shall provide to the owner a seizure notice in the form attached as Schedule "D".
- c) Where an off-road vehicle has been detained it shall be subject to the fees and charges set out below:
 - a. Storage charges;
 - b. Hook-up fees; and
 - c. Towing charges plus fees per loaded kilometre

ENACTED by the Rural Municipality of Ritchot, in Council assembled at St. Adolphe, Manitoba this 22 day of August, 2018.

Chris Ewen, Mayor

Mitch Duval, Chief Administrative Officer

Read a first time this 8th day of August, 2018.
Read a second time this 22 day of August, 2018.
Read a third time this 22 day of August, 2018



MUNICIPALITÉ
RITCHOT
MUNICIPALITY

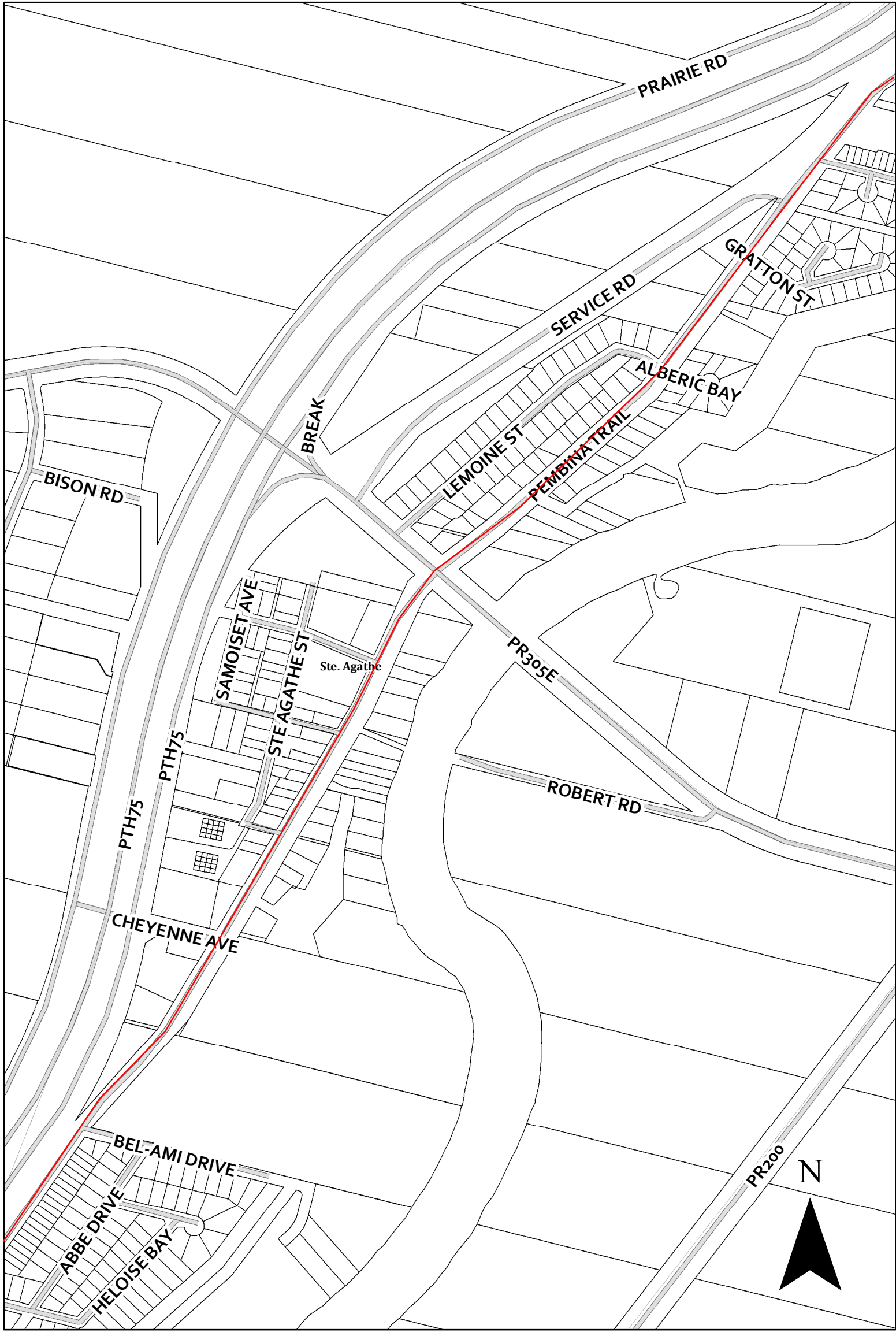
— Designated Route

□ Parcel Lines

0 95 190 Meters

Schedule "A"
St. Adolphe
Off Road Vehicle
Designated Routes

Document Path: P:\BY-LAWS\2018\By Law 5-2018 - Off Road Vehicles\St Agathe Map Designated Routes.mxd

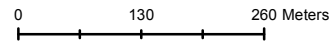


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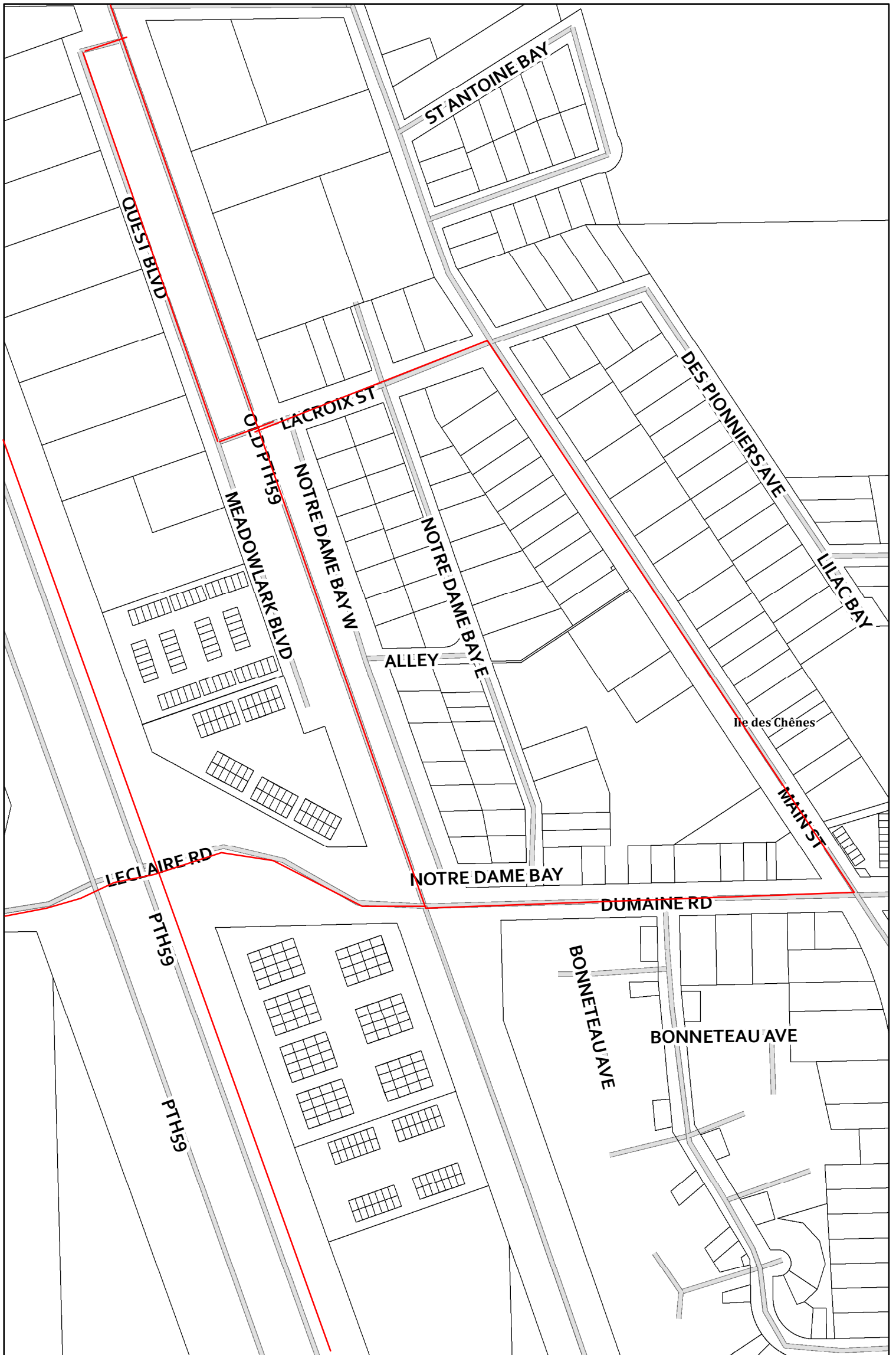
→ Designated Route

Schedule "B"
Ste Agathe
Off Road Vehicles
Designated Routes

Date: 6/21/2018



□ Parcel Lines

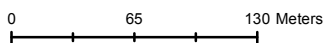


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— Designated Route

Schedule "C"
Ile des Chenes
Off Road Vehicle
Designated Routes

Date: 8/23/2018



□ Parcel Lines



**SCHEDULE D
NOTICE OF SEIZURE AND IMPOUNDMENT OF OFF ROAD VEHICLE**

Driver Information _____

Name: _____ DOB: _____

Address: _____

DL#: _____ PH#: _____

OTH#: _____ Province: _____ Postal code: _____

____ 1st Offence seizure 5 days Pursuant to RM of Ritchot Off Road Vehicle BY-LAW

____ 2nd Offence seizure 5 days Pursuant to RM of Ritchot Off Road Vehicle BY-LAW

Vehicle Information: _____

Vehicle Plate#: _____ Prov: _____

Make: _____

Model: _____

Vehicle Year: _____ Color: _____

Serial#: _____

Owner Information: ____ Same As Above Owner Present ____ YES ____ NO

Name: _____

Address: _____

Ph# _____ Oth# _____

Time and Date of OFFENCE _____

Time and Date of SEIZURE _____

Date to Redeem Vehicle _____

The undersigned Enforcement Officer has reason to believe that the above noted driver was operating the above noted Off Road Vehicle contrary to the Rural Municipality of Ritchot Off Road Vehicle By-Law and has therefore seized the Off Road Vehicle and impounded it.

The Off Road Vehicle is impounded at _____
Address _____ Ph# _____

(By-Law Enforcement Officer) (Detachment/Force)