

RURAL MUNICIPALITY OF HEADINGLEY
Consolidated Version of BY-LAW NO. 5-2020 & 8-2020

Being a By-law of the Rural Municipality of Headingley to regulate the operation of off-road vehicles in the municipality.

WHEREAS *The Off-Road Vehicle Act* provides, in part, as follows:

Rules respecting the operation of off-road vehicles

45(1)

Subject to subsections (2), (3) and (4), the traffic authority of a highway may make by-laws and the minister may make rules supplementary to, or in addition to, but not contrary to any provision of this Act or the regulations made under this Act

- (a) permitting or prohibiting the operation of designated off-road vehicles across a roadway and shoulder at any place or at a designated place along the highway or on any portion thereof;
- (a.1) permitting the operation of designated off-road vehicles upon a roadway or the shoulder of a roadway; and
- (b) prohibiting the operation of designated off-road vehicles upon a designated right-of-way or a specified portion thereof.

By-laws respecting the operation of off-road vehicles in other areas

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;
- (a.1) prescribing the maximum speed above which 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;

Use of roadways in emergencies

38(1)

Notwithstanding any other provision of this 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 the roadway or shoulder or designated portions thereof; and during that period, operators may operate off-road vehicles on the roadways or shoulders.

AND WHEREAS the Rural Municipality of Headingley deems it advisable and in the best interest of the municipality to regulate the operation of off-road vehicles within the Rural Municipality of Headingley.

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

1. Short title

This By-law may be cited as the **Off-Road Vehicles By-law**.

2. Definitions

In this By-law

"**all-terrain vehicle**" means an off-road vehicle that

- (a) operates or travels on three or more low-pressure tires,
- (b) has a seat designed to be straddled by the operator of the vehicle, and
- (c) has handlebars for steering the vehicle;

"**CAO**" means the Chief Administrative Officer of the Rural Municipality of Headingley or his or her designate;

“Municipal Road Allowance” means any road allowance that is under the jurisdiction of the Rural Municipality of Headingley whether developed as a roadway or undeveloped;

“Municipal Roadway” means a roadway constructed within a Municipal Road Allowance and includes the shoulders of such roadways;

"off-road vehicle" means any wheeled or tracked motorized vehicle designed or adapted for cross-country travel on land, water, ice, snow, marsh, swamp land or other natural terrain and includes, but is not limited to,

- (a) a snowmobile,
- (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 off-road maintenance machine,
- (f) an amphibious vehicle, and
- (g) any motor vehicle, 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 an implement of husbandry, farm tractor, special mobile machine, garden tractor, lawn tractor or golf cart;

“public utility” means a company supplying electric power, natural gas or telecommunications services to the public.

“Restricted Area” means any lands dedicated as Public Reserve and the following areas: Headingley Community Centre, Phoenix Community Centre, the Grand Trunk Trail from the eastern limit of the Municipality to the western limit of the municipality including all of the station grounds property between the CPR Glenboro Subdivision and Wescana St.;

"snowmobile" means a vehicle that has a gross vehicle weight not exceeding 454 kilograms and

- (a) is not equipped with wheels, but in place thereof is equipped with tractor treads alone or with tractor treads and skis, or with skis and a propeller, or is a toboggan equipped with tractor treads or a propeller,
- (b) is designed primarily for operating over snow or ice, and is used primarily for that purpose, and
- (c) is designed to be self-propelled;

3. Operation of off-road vehicles banned within Restricted Areas

Subject to section 4, no person shall operate an off-road vehicle anywhere within 30 meters of the boundaries of any Restricted Area within the Rural Municipality of Headingley;

4. Exceptions to ban within Restricted Areas

Section 3 does not apply to the operation of an off-road vehicle

- (a) by the RCMP or any other Peace Officer;
- (b) by employees or agents of the Rural Municipality of Headingley or of a public utility while the vehicle is engaged in work on behalf of the Rural Municipality of Headingley or a public utility which requires the use of the off-road vehicle;
- (c) in accordance with a declaration regarding the operation of snowmobiles as part of a snow emergency declared by the municipality;
- (d) on property owned or occupied by the Municipality if the operator can provide evidence that the Chief Administrative Officer has authorized the operation and the operation is in compliance with that authorization.

5. Operation of ORV's on Municipal Roadways

Subject to Section 6 of this By-Law, off-road vehicles may be operated upon Municipal Roadways within the Rural Municipality of Headingley

6. Conditions for operation of ORV's on Municipal Roadways:

Operation of ORV's on Municipal Roadways shall be subject to the following conditions:

- (a) it is the most direct route to and from a residence or other place of origin and the destination residence or other destination within the limits of the Municipality; and
- (b) does not exceed a speed of 30 kilometers per hour, and
- (c) is operated by a person over the age of 16 years, and the off-road vehicle is licensed and registered under *The Off Road Vehicle Act*, and

- (d) is operated by a person wearing on his head a properly adjusted and securely fastened helmet in compliance with the requirements contained in the regulations under *The Off-Road Vehicle Act*, and
- (e) is not operated in a careless manner or without due care and attention, and
- (f) is not operated without reasonable consideration for other persons and property or in a manner likely to cause damage or injury to other persons and property

7. CAO may permit ORV operation on Municipal land

The Chief Administrative Officer is empowered to authorize the operation of off-road vehicles on Recreational Lands within the Rural Municipality of Headingley after taking into account

- (a) the risks to people and wildlife posed by the operation of the off-road vehicle on the land; and
- (b) the likelihood that the operation of the off-road vehicle on the land will prove to be a cause of annoyance or inconvenience to residents and others.

8. Conditions on CAO permit

The authorization given by the CAO under subsection (7) may be qualified or conditional and, without restricting the generality of the foregoing, may be granted

- (a) to all off-road vehicles, specific types of off-road vehicles, or specific off-road vehicles;
- (b) to specific types of operators of off-road vehicles or particular individual operators of off-road vehicles;
- (c) for specific times of day or specific times of the year;
- (d) on condition that the operator take steps to minimize the risks of harm or annoyance resulting from the operation of the off-road vehicle;
- (e) on condition that the operator obtain liability insurance of a type and in an amount sufficient, in the opinion of the Chief Administrative Officer, to protect the operator, the Municipality and others from any harm or damage resulting from the operation of the off-road vehicle; or
- (f) on condition that the operator provide the Municipality with an indemnity, sufficient in the opinion of the Chief Administrative Officer to save the Rural Municipality of Headingley harmless from any harm or damage resulting from the operation of the off-road vehicle.

9. Fines for contravention

Any person who contravenes a provision of this By-law is guilty of an offence punishable upon summary conviction by a fine of no less than \$250.00 plus court costs and surcharges as may be imposed by the Province of Manitoba.

DONE AND PASSED as a by-law of The Rural Municipality of Headingley, at Headingley in Manitoba this day of , 2020.

Mayor

Chief Administrative Officer

Read the First time this day of , 2020

Read the Second time this day of , 2020

Read the Third time this day of , 2020