

VILLAGE OF DUNNOTTAR

BY-LAW NO. 953/18

Being a By-Law of the Village of Dunnottar to regulate the operation of Off-Road Vehicles within the Village of Dunnottar.

WHEREAS The Municipal Act, S.M. 1996, c. 58 provides, in part, as follows:

- 232(1) A council may pass by-laws for municipal purposes respecting the following matters:
- a) the safety, health, protection and well-being of people, and the safety and protection of property;
 - b) people, activities and things in, on or near a public place or a place open to the public, including parks, municipal roads, recreation centres, restaurants, facilities, retail stores, malls, and private clubs and facilities that are exempt from municipal taxation;
 - g) the operation of off-road vehicles on public or private property;
 - m) local transportation systems;
 - o) the enforcement of by-laws.
- 232(2) Without limiting the generality of subsection (1), a council may in a by-law passed under this Division:
- a) regulate or prohibit;
 - c) except where a right of appeal is already provided in this or any other Act, provide for an appeal and the body that is to decide the appeal, and related matters;

WHEREAS The Off-Road vehicles Act, C.C.S.M. c. 031 provides, in part, as follows:

- 45(1) Subject to subsection (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 should 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 should of a roadway; and
 - b) prohibiting the operation of designated off-road vehicles upon a designated right-of-way or specified portion thereof.
- 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
- d) 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;
 - e) prescribing areas in which the operation of designated off-road vehicles shall be permitted or prohibited; and
 - f) fixing penalties for violation of by-laws passed under this section; may be made
 - g) in respect of a municipality, by the council thereof;
- 46(2) Rules made under subsection (1) shall be made
- b) where the rule-making authority is a municipal council, the resident administrator of a local government district, or the community council of a community in Northern Manitoba, by by-law;

AND WHEREAS the Council of the Village of Dunnottar deems it advisable and in the best interest of the Village to provide for the regulation of the operation of off-road vehicles within the Village.

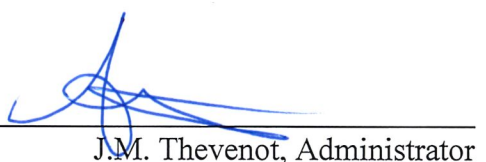
NOW THEREFORE the Council of the Village of Dunnottar in regular session assembled, enacts as follows:

- 1) Where used in this By-Law, unless the context otherwise requires:
 - a) **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:
 - 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 an implement of husbandry, farm tractor, special mobile machine, garden tractor, lawn tractor or golf cart.
 - b) **Operator** means a person operating or driving an off-road vehicle or a person in actual physical control of an off-road vehicle;
 - c) **Owner** means owner as defined in *The Drivers and Vehicles Act*;
 - d) **Snowmobile** means a vehicle that has a gross vehicle weight not exceeding 454 kilograms and;
 - i) 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;
 - ii) is designed primarily for operating over snow or ice, and is used primarily for that purpose; and
 - iii) is designed to be self-propelled.
 - e) **Snow Vehicle** means a vehicle that has a gross vehicle weight exceeding 454 kilograms and;
 - i) 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;
 - ii) is designed primarily for operating over snow or ice, and is used primarily for that purpose; and
 - iii) is designed to be self-propelled.
 - f) **Traffic authority** means;
 - i) in the case of departmental roads, the minister;
 - ii) in the case of inter-municipal highways, a municipality acting with the approval of the Minister of Local Government;
 - iii) in the case of highways within municipalities, except those on privately owned lands, the municipality within the limits of which the highway is situated.
 - g) **Utility Vehicle** means an off-road vehicle which is equipped with a trailer or utility box and utilized for gardening or yard work;
 - h) **Village** means the Village of Dunnottar.
- 2) Unless otherwise defined in this By-Law, terms used in this By-law have the same meaning as in *The Off-Road Vehicles Act*, C.C.S.M. c. O31.
- 3) Offence 953-1: No person shall operate a four-wheel drive motor vehicle, motorcycle or snow vehicle which has been or may be registered and licensed under the Highway Traffic Act of Manitoba, other than upon a roadway, shoulder, or any area designed or intended, and primarily used for the parking of vehicles and the necessary passage ways thereon, within the limits of the Village of Dunnottar.

- 4) Offence 953-2: No person shall operate an off-road vehicle in or upon any land within the territorial limits of the Village except:
- a) the most direct route to outside the boundaries of the Village;
 - b) when used as a utility vehicle;
 - c) at a maximum speed of 15 kilometres per hour;
 - d) between the hours of 7:00 a.m. and 10:00 p.m. in each day;
 - e) at his or her own risk; and
 - f) in compliance with any and all provision, restrictions or regulation imposed by this By-Law and *The Off-Road Vehicles Act*.
- 5) Offence 953-3: No person shall operate a snowmobile in or upon any land within the territorial limits of the Village except:
- a) the most direct route to outside the boundaries of the Village,
 - b) at a maximum speed of 15 kilometres per hour,
 - c) between November 01 and March 31 in each year, both dates inclusive,
 - d) between the hours of 7:00 a.m. and 10:00 p.m. in each day,
 - e) at his or her own risk, and
 - f) in compliance with any and all provisions, restrictions or regulations imposed by this By-Law and *The Off-Road Vehicles Act*.
- 6) This by-law does not apply to:
- a) Police when engaged in duties related to enforcement of this or any other by-law or any statute of Manitoba or Canada; or
 - b) Operator of off-road vehicles when acting under direction and coordination of authorities in the event of a declared emergency when conventional vehicles are inoperable, such as during a major snowstorm; or
 - c) Any event sanctioned and approved by the Council of the Village of Dunnottar.
- 7) Where any person violates, contravenes or disobeys or refuses, omits, neglects, or fails to observe, obey or comply with any provision of this By-Law, unless another penalty is prescribed therefor under *The Off-Road Vehicles Act*, is guilty of an offence and is liable to a fine not less than \$100.00 and not exceeding \$1,000.00.
- 9) By-Law No. 646 and By-Law No. 660 of the Village of Dunnottar are hereby repealed.
- 10) This By-Law shall come into force and effect on and from the date of its enactment.

DONE AND PASSED by the Council of the Village of Dunnottar, in Council duly assembled, at Dunnottar, in Manitoba, this 18th day of December, 2019.


Richard Gamble, Mayor


J.M. Thevenot, Administrator

Read a first time this	21 st	day of	November	A.D. 2018.
Read a second time this	20 th	day of	November	A.D. 2019.
Read a third time this	18 th	day of	December	A.D. 2019.