

TOWN OF TEULON

BY-LAW #4/05

Being a By-Law of the Town of Teulon to restrict and to regulate the operation of Off-Road Vehicles in the Town of Teulon.

WHEREAS The Municipal act (Cap.58.1996) provides in part as follows:

“231 The power given to Council under this division to pass by-laws is stated in general terms

- (a) to give broad authority to the council and to respect its right to govern the municipality in whatever way the council considers appropriate, within the jurisdiction given to it under this and other Acts; and
- (b) to enhance the ability of the council to respond to present and future issues in the municipality.”

AND WHEREAS the Municipal Act (Cap.58 1996) provides 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 safety and protection of property;”

AND WHEREAS “Off-Road Vehicle” is defined in The Off-Road Vehicles Act, (c.031 RSM) as ;

“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”; and

“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,” and

“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 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.

“traffic authority” in the same Act means:

“in the case of highways within municipalities, except those on privately owned land, the municipality within the limits of which the highway is situated.

NOW THEREFORE BE IT ENACTED as follows:

1. In this By-Law:

- (a) “Off-Road Vehicle” means a vehicle as described under The Off-Road Vehicles act.
- (b) “All-terrain vehicle” means a vehicle as described under The Off-Road Vehicles Act.
- (c) “Snowmobile” has the same meaning as defined in The Off-Road Vehicles Act.
- (d) “Operate” means as defined in The Off-Road Vehicles Act.
- (e) “Operator and owner” as defined in The Off-Road Vehicles Act.

2. Snowmobiles may only use the officially designated route which travels through a portion of the community as described under separate by-law of the Town of Teulon.

3. Subject to Section 2, no person shall operate an “off-road vehicle” within The Town of Teulon in or upon any of the following places:

- (a) a highway or shoulder thereof, an intersection, sidewalk, boulevard or public park
- (b) any land owned, leased or under the jurisdiction, possession or control of the Town of Teulon
- (c) any private property or other place.

#### EXEMPTIONS

4. Section 3 does not apply to a person licenced or authorized under the Off-Road Vehicles Act and who operates an off-road vehicle registered under the said Act that is:

- (i) owned or operated on behalf of or upon authority of the Government of Canada, the Government of Manitoba, A Crown Corporation, a public utility, the Town of Teulon, or any other local authority or agency where such person is actually engaged in work requiring the use of the off-road vehicle;
- (ii) owned by or operated upon the land or premises used by a dealer in connection with sale or repair of an off-road vehicle; or
- (iii) where a storm or blizzard has rendered a roadway impassable to vehicular traffic and the Council of the Town of Teulon has authorized, for a fixed period, the operation of designated off-road vehicles on the roadway or shoulder or any designated portions thereof, and vehicle is operated during the said period upon the designated area.

## SPECIAL EVENTS

5. Notwithstanding any other provisions of this By-Law the Council may grant permission authorizing the operation of off-road vehicles in or on a park or a portion thereof, or in or on a portion of land owned, leased, or under the jurisdiction, possession or control of the Town of Teulon

In granting permission under this Section, Council may impose such conditions or restrictions as in its opinion are necessary or required to ensure the safety of person or property; and any person so operating an off-road vehicle shall comply with the conditions or restrictions imposed.

Where under this Section permission is sought to:

- (a) conduct off-road vehicle rides or races;
- (b) give any off-road vehicle demonstration;
- (c) permit the operation of an off-road vehicle under any sales promotion scheme;

the person applying for such permission shall submit with his application to the council

- (i) Evidence satisfactory to Council that there is in force for the period the off-road vehicle rides or demonstrations are to be conducted a third party liability insurance policy for a minimum of such amount and in such parties named as insured as Council deems reasonable.
- (ii) Evidence satisfactory to the Council that requirements under the Off-Road Vehicles Act, The Highway Traffic Act or any other relevant legislation have been complied with,
- (iii) Plans for the protection of spectators,
- (iv) Specification of the area to be used for the rides, races, demonstrations, or the display,
- (v) Such other information as may be required by the Council

## OFFENCE AND PENALTIES

6.

(1) The owner and the operator of an off-road vehicle who contravenes the provisions of this by-law is guilty of an offence and is liable on summary conviction to a fine;

- (a) of not less than \$250.00 or more than \$500.00 and costs for a first offence;
- (b) of not less than \$500.00 or more than \$1,000.00 and costs for a second offence, and
- (c) in case of non-payment of a fine and costs imposed under this section to imprisonment for a period not exceeding 30 days.

(2) Where it is alleged by a peace officer, or by any person appointed to enforce this by-law that any person has contravened a provision of this by-law, that person, on being notified of the allegation, may voluntarily consent

- (a) to appear before;
  - (i) a justice; or
  - (ii) a peace officer; or
  - (iii) the Chief Administrative Officer of the Town of Teulon, and
- (b) where, without an information being laid or complaint or charge made or other formality, to admit the correctness of the allegation and pay the minimum fine fixed by subsection (1) hereof for the alleged offence. Upon any person who has consented as provided in subsection (2) paying the fine fixed by subsection (1) he is not liable to prosecution for the contravention in respect of which the payment is made.

DONE AND PASSED by the Council of the Town of Teulon assembled at the Council Chambers in the Town of Teulon, in the Province of Manitoba this \_\_\_\_\_ day of \_\_\_\_\_ A.D., 2005.

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Mayor

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Chief Administrative Officer

Read a first time this \_\_\_\_\_ day of \_\_\_\_\_, 2005.

Read a second time this \_\_\_\_\_ day of \_\_\_\_\_, 2005.

Read a third time this \_\_\_\_\_ day of \_\_\_\_\_, 2005.