

RURAL MUNICIPALITY OF CORNWALLIS

By-law No. 1675/04/2018

BEING a by-law for the purpose of regulating the operation of off road vehicles within the limits of the Rural Municipality of Cornwallis.

WHEREAS *The Municipal Act* provides in part, as follows:

Sec. 232 (1) A council may pass by-laws for municipal purposes respecting the following matters:

- (g) the operation of off-road vehicles on public or private property;
- (m) local transportation systems;

WHEREAS *The Off Road Vehicles Act* (the Act) provides as follows:

Sec. 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.

AND WHEREAS the Council of the Rural Municipality of Cornwallis deems it advisable to pass a By-Law regulating the use of off-road vehicles within the community of Sprucewoods as identified on Schedule "A" within the limits of the Rural Municipality of Cornwallis,

NOW THEREFORE BE IT ENACTED AS FOLLOWS;

1. Definitions:

Unless the context specifically indicates otherwise, the meaning of the terms used in this By-Law shall be as follows:

- (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,
 - (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) 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) **Operate** means to drive or to be in actual physical control of an off-road vehicle;
 - (c) **Operator** means a person operating or driving an off-road vehicle or a person in actual physical control of an off-road vehicle;
 - (d) **Owner** includes a person, in possession of an off-road vehicle under contract providing that the ownership, title, and property therein is to vest in the person at a subsequent time upon payment of the whole or part of the price or the performance of any other condition;
 - (e) **Private Property** means property owned by a person, a group of individuals or a corporation;
 - (f) **Public Lands** means property owned by the Rural Municipality of Cornwallis.
2. Private property is off limits to ORV traffic unless permission to cross or use is sought by the ORV owner and granted by the land owner. The onus is on the ORV owner/operator to know where private land is situated.
 3. Nothing within the provisions of this by-law shall be deemed to contravene the statutes of the Province of Manitoba including the *Off-Road Vehicle Act*, the *Highway Traffic Act* and the regulations pertaining to those acts.
 4. No person shall operate an off-road vehicle within the limits the community of Sprucewoods as identified as Schedule "A" except as permitted in this By-Law
 - a. By employees or agents of the Rural Municipality of Cornwallis or of a public utility while the vehicle is engaged in work on behalf of the Rural Municipality or a public utility which requires the use of the off-road vehicle;
 - b. If the operator of the off-road vehicle either:
 - i. Owns or occupies the land on which the ORV is being operated; or
 - ii. Can provide evidence that he or she has been given the permission of the owner or occupant of the land to operate the ORV on the land on which it is being operated, and is operating it in compliance with any conditions imposed by the owner or occupant of the land;
 - iii. During the winter months for snow clearing purposes only, ORV operator can access the property to clear the snow via municipal right of way.
 - c. On property owned or occupied by the Rural Municipality of Cornwallis 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. Any person who violates, contravenes or disobeys or refuses, omits, neglects, or fails to observe, obey or comply with any provision of this By-Law is guilty of an offence and is liable, on summary conviction, to a fine of not less than \$100.00 or more than \$1,000.00 plus court costs.

DONE, PASSED AND ENACTED, in open Council duly assembled this 12th day of June A.D. 2018.

THE RURAL MUNICIPALITY OF CORNWALLIS



Reeve



Chief Administrative Officer

READ A FIRST TIME this 15th day of May, 2018.
READ A SECOND TIME this 12th day of June, 2018.
READ A THIRD TIME this 12th day of June, 2018.

