



**THE RURAL MUNICIPALITY OF ALEXANDER
BY-LAW NO. 12/22**

BEING A BY-LAW to regulate the operation of all terrain/off road vehicles in the Rural Municipality of Alexander.

WHEREAS Section 232(1)(g) and 236 (1) of *The Municipal Act*, S.M. 1996 C.58 provides authority for the Municipality to pass by-laws respecting the operation of Off-Road Vehicles on public or private property;

AND WHEREAS the recent increase in use of Off-Road Vehicles for short distance driving within the Municipality has become an issue;

AND WHEREAS Section 46 of *The Off-Road Vehicles Act*, S.M. 1987-88 C.64 (the “ORV Act”) authorizes the Municipality to make rules by by-law supplementary to or in addition to, but not contrary to any other provision of the said Act or regulations made thereunder prescribing the periods of the day, or of the year, during which designated Off-Road Vehicles shall not be operated, prescribing areas in which the operation of designated Off-Road Vehicles shall be permitted or prohibited and fixing penalties for violations of by-laws passed under that section;

AND WHEREAS Section 45 of the ORV Act authorizes a traffic authority of a municipal road to make by-laws supplementary to or in addition to, but not contrary to any provision of that Act or regulations made thereunder 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 and prohibiting the operation of designated Off-Road Vehicles upon a designated right of way or a specified portion thereof;

AND WHEREAS the Municipality is a traffic authority;

AND WHEREAS the Municipality deems it reasonable to enact a by-law regulating the operation of Off-Road Vehicles within the Municipality;

NOW THEREFORE Council of the Rural Municipality of Alexander duly assembled enacts as follows:

Short Title

- 1 This By-Law may be referred to as the Rural Municipality of Alexander Off Road Vehicles By-law.

Definitions

- 2 Unless otherwise expressly provided or unless the context otherwise requires, words and expressions in this By-Law have the same meaning as the same words and expressions in *The Municipal Act* or *The Off-Road Vehicles Act* and the following words are defined as follows:
 - (a) "All-Terrain Vehicle" (ATV) means an off-road vehicle that:
 - (i) operates or travels on three or more low-pressure tires;
 - (ii) has a seat designed to be straddled by the operator of the vehicle; and
 - (iii) has handlebars for steering the vehicle;
 - (b) “Municipal Road” means any place or way, including any structure forming part

thereof which, or any part of which, the public is ordinarily entitled or permitted to use for the passage of vehicles, with or without fee or charge therefore, and includes all the space between the boundary lines thereof, and includes any area designated or intended and primarily used for the parking of vehicles and the necessary passageways thereon;

- (c) “Municipality” means the Rural Municipality of Alexander;
- (d) "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, other than off-road maintenance machines owned or operated by or on behalf of the Municipality for municipal purposes;
 - (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 it is registered under *The Drivers and Vehicles Act*, but does not include an implement of husbandry, farm tractor, special mobile machine, garden tractor or lawn tractor;
- (e) “Owner” means the owner of an Off-Road Vehicle and includes a person in possession of an Off-Road Vehicle under a 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;
- (f) “Playground” means an area owned by the Municipality which is primarily intended for outdoor recreation use by children;
- (g) “Private Property” does not include unoccupied property owned by the Municipality;
- (h) “Sidewalk” means “footpath,” whether improved or not that is intended primarily for use by pedestrians but does not include a sidewalk located on private property;
- (i) "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;
- (j) "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;

Operation of Off-Road Vehicles

3 Off-Road Vehicles may be operated upon any municipal road and trail within the territorial boundaries of the Municipality, other than on the municipal roads and trails identified on the maps attached as Schedule “A” and excluding private property unless with the express consent of the owner or other person having lawful possession or control of the property.

3(1) Except in accordance with this By-law:

- (a) no person shall operate an Off-Road Vehicle on the shoulder of municipal roads or in ditches that run alongside municipal roads;
- (b) no person shall operate an Off-Road Vehicle at a speed greater than the posted speed limit when operating on municipal roads, or in a manner that is not reasonable and prudent under the conditions with regard to the existing, actual and potential hazards;
- (c) no person shall operate an 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;
- (d) no person shall operate an Off-Road Vehicle within 30 metres of a dwelling between the hours of 10:00 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;
- (e) no person under the age of 14 years shall operate an 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;
- (f) an owner of an Off-Road Vehicle shall not permit a person under the age of 14 years to operate an all-terrain 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;
- (g) no person shall operate an Off-Road Vehicle while carrying more persons than the number for which the Off-Road Vehicle was designed;
- (h) no person shall ride on or operate an ATV unless the person is wearing a properly adjusted, and securely fastened helmet on his or her head or equipped with a factory installed roll bar, and seat belts must be worn in compliance with the requirements contained in the regulations under The Drivers and Vehicles Act;
- (i) no person shall operate an Off-Road Vehicle when local circumstances make the use of an off-road vehicle a fire hazard in accordance with the Municipality’s Burning By-law No. 05-21, as amended from time to time, or when Manitoba declares fires are not permitted.

Enforcement, Contravention and Fines

- 4(1) This by-law shall be enforced pursuant to the Municipality’s General Enforcement By-law, as amended from time to time.
- 4(2) Any person may allege a violation of this by-law by filing a written complaint with a by-law enforcement officer in such form and with such particulars as the by-law enforcement officer may from time to time require, and/or the by-law enforcement officer may investigate based on his/her regular patrol of the Municipality.
- 4(3) Where a by-law enforcement officer determines that a contravention of any provision of this by-law has occurred, the by-law enforcement officer may commence enforcement proceedings and issue and serve a notice of contravention and, if required, an order to remedy a contravention pursuant to the Municipality’s General Enforcement By-law, as amended from time to time, and the Municipality’s enforcement policy and procedures.
- 4(4) A person who receives an order to remedy a contravention may appeal such order in accordance with the Municipality’s General Enforcement By-law, as amended from time to time, and the Municipality’s enforcement policy and procedures. Council’s decision on the issue is final and not subject to further appeal.
- 4(5) The Municipality and/or the by-law enforcement officer may take whatever action or measures are necessary to remedy a contravention of this by-law in accordance with the Municipality’s General Enforcement By-law, as amended from time to time, and the Municipality’s enforcement policy and procedures.
- 4(6) Any person who contravenes, disobeys, or refuses or neglects to obey or comply with any provision of this by-law or any order made under this by-law and/or the Municipality’s General Enforcement By-law, as amended from time to time, is guilty of an offence and is liable to fines and penalties as set out in the Municipality’s General Enforcement By-law, as amended from time to time.

General Provisions

- 5(1) By-Law No. 13/11 of the Municipality and any amendments thereto are hereby repealed and shall hereafter cease to have effect.
- 5(2) This By-Law shall come into force and effect on the day it receives third and final reading by Council.

DONE AND PASSED by the Council of the Rural Municipality of Alexander, in Council duly assembled, this 27 day of September, 2022.

RURAL MUNICIPALITY OF ALEXANDER

Original Signed By:
Mayor Jack Brisco

Original Signed By:
CAO Gisèle Smith

Read a First Time this 13 th day of September A.D. 2022	Resolution: 2022 399
Read a Second Time this 27 th day of September A.D. 2022	Resolution: 2022 427
Read a Third Time this 27 th day of September A.D. 2022	Resolution: 2022 428



SCHEDULE “A” to By-Law NO. 12-22

No prohibited municipal roads or trails.