

**TOWN OF ARBORG
BY-LAW NO. 8-2009**

**Being a By-law of the Town of Arborg to Restrict and to Regulate the
Operation of Off-Roadway Vehicles in the Town of Arborg**

WHEREAS Section 232(1) of *The Municipal Act* provides in part as follows:

- 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;
 - (o) the enforcement of by-laws.

AND WHEREAS Section 236(1) of *The Municipal Act* provides a by-law passed under Section 232(1) (o) may include provisions for remedying a contravention of by-laws, including:

- (b) remedying contravention of by-laws, including
 - (i) creating offences;
 - (ii) Subject to Regulations, providing for fines and penalties, including the imposition of a penalty for an offence that is in addition to a fine or imprisonment, so long as the penalty relates to a fee, rate, toll, charge or cost that is associated with the conduct that gives rise to the offence, or related to enforcing the By-law;
 - (iii) providing that an amount owing under sub-clause (ii) may be collected in any manner in which a tax may be collected or enforced under the Act;
 - (iv) seizing, removing, impounding, confiscating and selling or otherwise disposing of the vehicles related to a contravention;
 - (v) charging and collecting costs incurred in respect of acting under sub-clause (iv);
 - (vi) impounding a sentence of imprisonment for not more than six months for the commission of offences or non-payment of fines.

AND WHEREAS Section 45 of *The Off-Road Vehicles Act* provides, subject to the *Act*, a Traffic Authority may pass by-laws respecting the operation of off-road vehicles;

AND WHEREAS *The Highway Traffic Act* S.M. 1985-86, c.3 – Cap. H60, provides, as the Traffic Authority, the Town of Arborg may pass by-laws for the control and regulation of traffic and vehicles;

AND WHEREAS the Council of the Town of Arborg considers it desirable to restrict and to regulate the operation of Off-Road Vehicles within the Town of Arborg;

NOW THEREFORE BE IT HEREBY ENACTED as follows:

1. **Title**
This By-law may be referred to as the “**Off-Road Vehicle By-law**” of the Town of Arborg;

2. **Definitions**

In this By-law:

“**Council**” means the Council of the Town of Arborg;

“**Off-Road Vehicle**” means a vehicle as defined in the *Off-Road Vehicles Act* and for ease of reference 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;
- (f) A snowmobile;
- (g) An off-road maintenance machine; and
- (h) A “pocket” motorcycle

but does not include:

- (i) an implement of husbandry
- (j) a farm tractor
- (k) a special mobile machine
- (l) a garden or lawn tractor; and
- (m) a golf cart

“Person” includes an individual, partnership, firm and/or corporation;

“Private Property” means any real property which is not owned or under the control and management of the Town of Arborg;

“Public Property” means any real property owned or under the control and management of the Town of Arborg;

“Street” means a highway, alley or other road designed and intended for or used by the general public for the passage of vehicles and includes all the space between the boundary lines thereof, but does not include any privately or publicly owned area primarily intended to be used for the parking of vehicles and the necessary passageways on that area;

“Town” means the Town of Arborg

3. Off-Road Vehicles

- (1) The following designated Off-Road Vehicles **may be operated** upon a street within the Town of Arborg, with the exception of:
 - the streets or portion thereof under the authority of the Province of Manitoba being:
 - P.R. No. 326 - from PTH No. 68 to River Road; and River Road east to Arborg Avenue; and
 - Main Street from River Road to Third Avenue,
 which are shown on the Map attached hereto as Schedule “A”, provided the designated off-road vehicles are operated in compliance with subsection (3):
 - (a) Snowmobiles;
 - (b) All Terrain vehicles;
 - (c) A mini-bike, dirt bike, trail-bike and a “pocket” motorcycle or dirt bike.
- (2) The following designated Off-Road Vehicles are **not permitted to be operated** upon a **street** or any **other public property** within the Town:
 - (a) A four-wheel drive motor vehicle, a motorcycle or a snow vehicle not registered and licensed under *The Highway Traffic Act* or any other Act of the Legislature passed and enacted to govern the registration of vehicles;
 - (b) A miniature vehicle such as a dune or sport buggy;
 - (c) An off-road maintenance vehicle; and
 - (d) An amphibious vehicle.
- (3) The Off-Road Vehicles designated in subsection (1) (a), (b) and (c) are permitted to operate upon a street within the Town provided the operation of the designated off-road vehicle:
 - (a) Is the most direct route to and from a residence or other place of origination and the limits of the Town; 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.
- (4) No person shall operate a designated off-road vehicle:
- (a) On private property without the express or implied consent of the owner or lawful occupier of the property;
 - (b) Within **30 meters** of a dwelling between the hours of **12:00 AM and 7:00 AM**, unless the dwelling is located on the operator's own property or property under the operator's control or as an invited guest; or
 - (c) Within **30 meters** of a playground, or area set aside for other recreational uses, unless the area is enclosed or fenced.

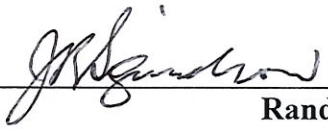
4. Offence And Penalties

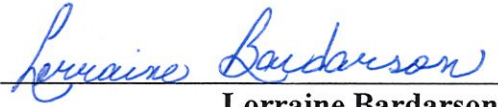
Any person who contravenes a provision of this By-law is guilty of an offence and upon conviction is liable to a fine up to a maximum of **Five Hundred Dollars (\$500.00)**.

5. Repeal And Enactment

- (1) By-law No. 2-89 is hereby repealed.
- (2) This by-law shall come into full force and take effect upon passage thereof.

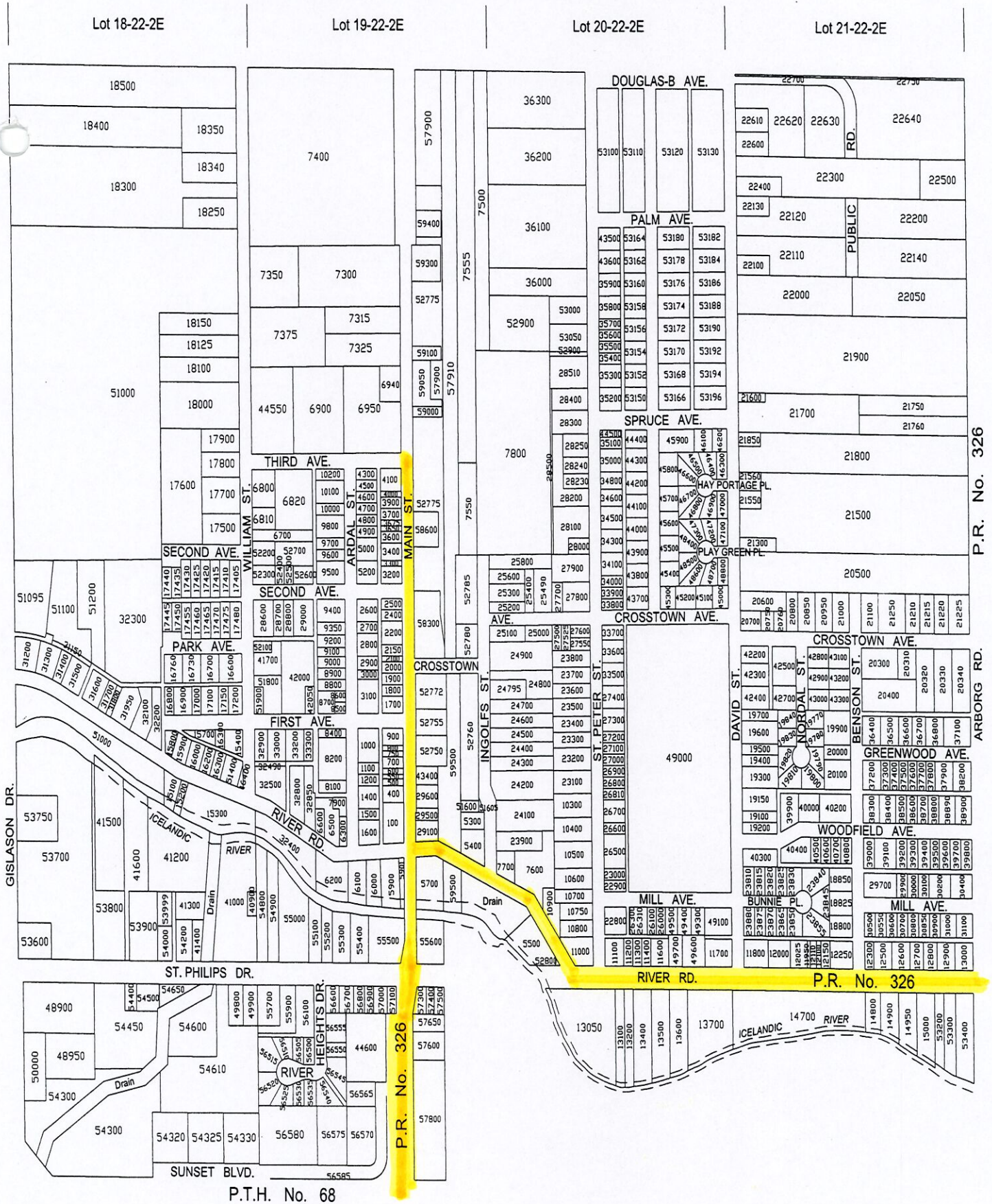
DONE AND PASSED by the Council of the Town of Arborg, in Council duly assembled at Arborg, Manitoba this **14th** day of **October A.D. 2009**.


 Randy Sigurdson
 Mayor


 Lorraine Bardarson
 Chief Administrative Officer

Read a first time this	23 rd	day of	September	A.D.	2009
Read a second time this	23 rd	day of	September	A.D.	2009
Read a third time this	14 th	day of	October	A.D.	2009

Schedule "A"



Town of Arborg

Roll Entry Map

Date - Sept., 2009

Manitoba
Intergovernmental Affairs
Community Planning Services