

VILLAGE OF ST-PIERRE-JOLYS

BY-LAW 2012-3

BEING A BY-LAW OF THE VILLAGE OF ST-PIERRE-JOLYS RESPECTING THE OPERATION OF OFF ROAD VEHICLES WITHIN THE VILLAGE LIMITS

WHEREAS Section 45(1) of *The Off-Road Vehicles Act* provides as follows:

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 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 Section 46(1) of *The Off-Road Vehicles Act* S.M. 1987-88, c.64 Capt 031(the "Act"), provides as follows:

Rules supplementary to, or in addition to, but not contrary to any other provision of this Act or the regulations made under this Act;

(a) prescribing the periods of the day, or the year, during which designated off road vehicles shall not be operated;

b) prescribing areas in which operation of designated off-road vehicles shall be permitted or prohibited; and

(c) fixing penalties for violation of by-laws passed under this section; may be made

(d) in respect of a municipality, by the council thereof.

AND WHEREAS Section 236(1) of *The Municipal Act* provides as follows;

Without limiting the generality of clause 232(1)(o) (enforcement of by-laws), a by-law passed under that clause may include provisions

(b) remedying contraventions of by-laws, including

(i) creating offenses;

(ii) subject the regulations, providing for fines and penalties, including the imposition of a penalty for an offense 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 offense, or related to enforcing this by-law;

AND WHEREAS *Regulation 50/97 of The Municipal Act* is as follows:

3) For the purpose of sub clause 236(1)(b)(ii) of the Act, the maximum fine that a council may impose in respect of a contravention of a by-law is \$1,000.

AND WHEREAS any person who violates, contravenes, or disobeys or refuses, omits, neglects or fails to obey, or comply with any by-law or regulation, is guilty of an offense and is liable on summary conviction to a fine of:

\$100 for 1st offense

\$300 for 2nd offense

\$1,000 for 3rd and subsequent offenses

or in default of payment thereof to imprisonment for a period not exceeding 30 days.

AND WHEREAS Section 232(1) of *The Municipal Act* provides in part that:
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 The Village of St-Pierre-Jolys deems it desirable to have a by-law respecting the operation of off-road vehicles within the Village limits;

NOW THEREFORE the Council of the Village of St-Pierre-Jolys in meeting duly assembled **ENACTS** as follows:

1. THAT an all terrain vehicle (ATV) shall mean 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;
- (c) has handlebars for steering the vehicle;
- (d) is designated to be motorized and/or self-propelled.

2. THAT a utility terrain vehicle (UTV) shall mean an off road vehicle that:

- (a) operates or travels on 4 or more low pressure tires;
- (b) has a seat or more designed to be sat in by the operator of the vehicle or passengers;
- (c) has a steering wheel for the vehicle;
- (d) is designed to be motorized and/or self-propelled.

2. THAT snowmobile or snow vehicle shall mean 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 tread and skis, or with skis and a 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 motorized and/or self-propelled.

3. THAT a mini bike, dirt bike and trail bike shall be prohibited from operating within the Village of St-Pierre-Jolys.

4. THAT it shall be lawful to operate an off-road vehicle within the village limits between the hours of 7:00 a.m. and 11:00 p.m. on the prescribed trail set out on the map hereto attached as Schedule "A".

5. THAT residents of the Village of St-Pierre-Jolys requiring access to the prescribed trail from their residence by off-road vehicle **MUST** use the most direct route possible to get in and out of the village to and from their place of residence.

Where an off-road vehicle is being operated on a roadway or shoulder as permitted in this by-law the operator shall:

- (a) drive the vehicle as close to the right- hand edge of the roadway and shoulder as possible; and
- (b) drive in single line with other off-road vehicles except when passing another vehicle.

6. The speed limit for the operation of off-road vehicles on the prescribed trail and or any roadway within the Village of St-Pierre-Jolys shall be to a maximum of 25 kilometers per hour (15 mph).

7. A peace officer may detain for not more than four (4) clear days an off-road vehicle with which an offense has been or is alleged to have been committed.

8. THAT the rules and enforcements as described in Schedule “B” shall be monitored by the ORV committee when it is formed and or an authorized peace officer.

9. THAT By-law 2001-7 be repealed.

Done and Passed in meeting duly assembled at the Village of St-Pierre-Jolys, in the Province of Manitoba, this 21st day of March, 2012.

VILLAGE DE /OF ST-PIERRE-JOLYS

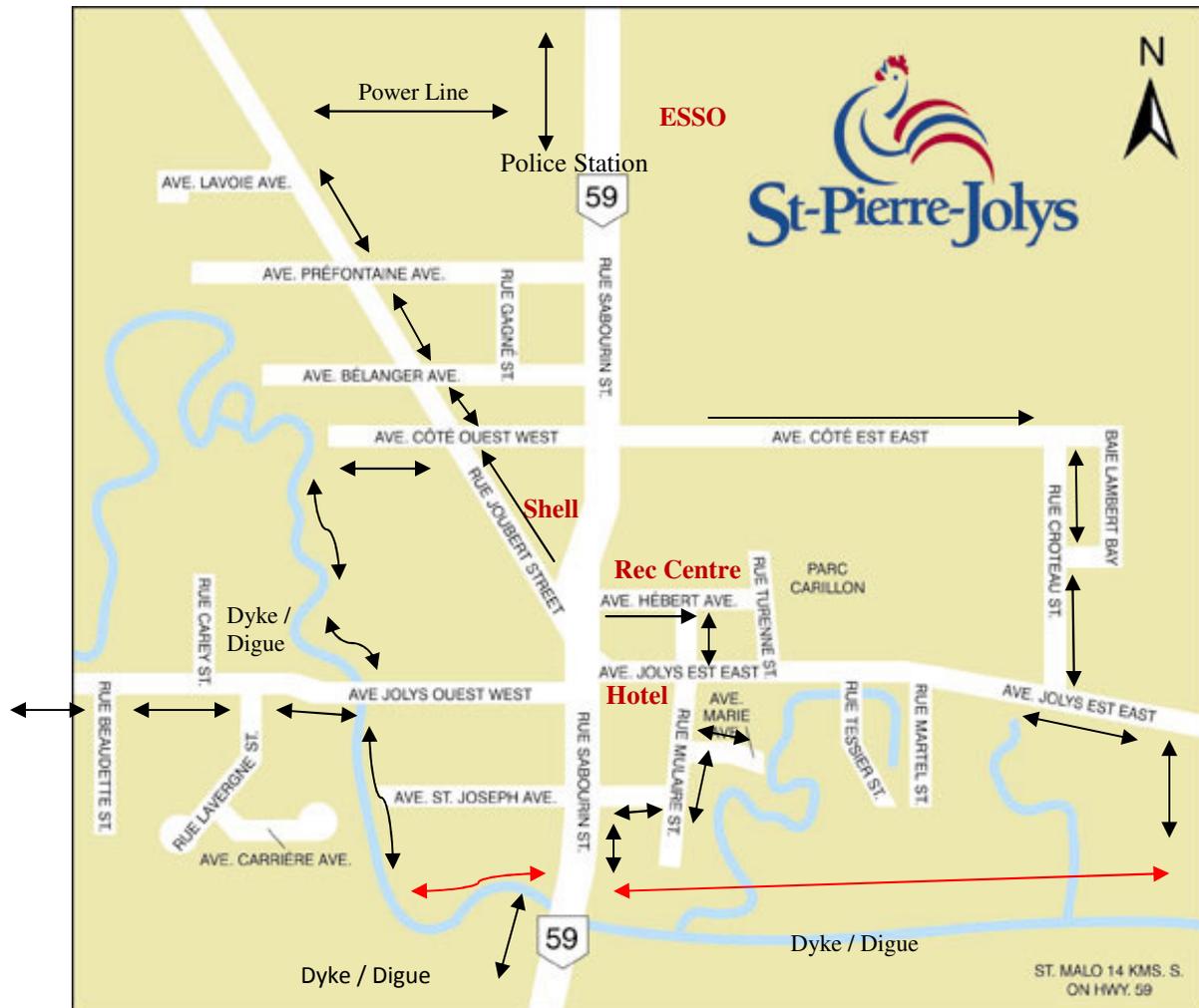
MAYOR

Chief Administrative Officer

Read a first time this 7th day of March, 2012
Read a second time this 21st day of March, 2012
Read a third time this 21st day of March, 2012

SCHEDULE "A"

Village de/of St-Pierre-Jolys
ORV TRAIL (Off Road Vehicle)
Sentier VCNR (Véhicules à caractères non routier)
Speed Limit 25 Km/h (15 mph)
Vitesse maximale 25 Km/h (15 mi/h)



- Le seul point de traversée de la route 59 est à la digue au sud du Village de St-Pierre-Jolys.
- S.V.P. respectez ce règlement qui a été crée afin de permettre les VTT accès à l'intérieur et à la sortie des frontières du Village de St-Pierre-Jolys seulement.
- Aucun VTT n'est permis à l'intérieur du Parc Carillon.
- La limite de vitesse pour les VTT à l'intérieur du Village est de 25 km/h (15 miles/h)
- The only crossing across Highway 59 is at the dyke south of St-Pierre-Jolys.
- Please respect that this ORV By-Law 2001-7 has been created to allow the ORVs to have access in and out of the Village limits only.
- Absolutely no ORVs allowed within the Parc Carillon.
- Speed limit 25 km/h (15mph)

SCHEDULE "B"

ORV RULES AND ENFORCEMENTS

1. ORV (Off Road Vehicles) as defined by By-Law 2012-3 (Helmets, licences, age) and *The Off Road Vehicle Act*.
2. Helmets must be worn at all times in accordance with the Highway Traffic Act
3. Age requirements have to be met at all times.
4. No unlicensed vehicles allowed on trail or within village limits.
5. Radios to be at a reasonable volume.
6. Speed limits: Maximum of 25 kilo meters per hour (15 mph) on trail or within village limits.
7. Crossing on Highway 59 South *only* as indicated on the map.
8. Residents of Village of St-Pierre-Jolys requiring access to prescribed trail from their residence by all ORVs , **MUST** use the most direct route.
9. When meeting people on trail - you must slow down and or stop if required.
10. Common courtesy should prevail at all times. Pedestrians *always* have the right of way.
10. Single file on trail at all times.
11. When an ORV Committee is formed it will record offenses and bring them to the attention of the RCMP, who can issue offense notices on behalf of the committee.
12. Subject to all guidelines under By-Law 2012-3.
13. When an ORV Committee is formed - Must meet with village council as necessary - time lapse maximum of 2 months.

