



THE RURAL MUNICIPALITY OF VICTORIA BEACH

BY-LAW NO. 1614

A By-Law of the Rural Municipality of Victoria Beach to regulate the use of off-road vehicles within the Municipality.

WHEREAS Subsection 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 Subsection 236(1) of The Municipal Act provides, in part, as follows:

236(1) Without limiting the generality of clause 232(1)(o) (enforcement of by-laws), a by-law passed under that clause may include provisions

- (a) remedying contraventions of by-laws, including
 - (i) creating offences,
 - (ii) subject to the 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,

AND WHEREAS the Council of the Rural Municipality of Victoria Beach deems it necessary to pass a by-law to regulate the use of off-road vehicles within the Municipality;

NOW THEREFORE the Council of the Rural Municipality of Victoria Beach, in council duly assembled, enacts as follows:

- (1) THAT unless expressly provided in this By-Law, 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 Off-Road Vehicles Act. The provisions of the Act and all other applicable provincial statutes shall apply with respect to interpretation of this By-Law.
- (2) THAT for the purposes of this By-Law:
 - (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,
 - (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,
 - (vi) an amphibious vehicle, and
 - (vii) a four-wheel drive motor vehicle or motorcycle that is being driven elsewhere than on a highway, whether or not it is registered under *The Drivers and Vehicles Act*,
 - (b) "Operate" shall mean to drive or to be in actual physical control
- (3) THAT no person shall operate an Off-Road Vehicle on municipal land within the territorial limits of the Municipality except as outlined on Schedule A attached hereto;

- (i) At any time on all public reserve lands, beaches and abandoned CNR ROW Plan 2509 west of Provincial Trunk Highway 59;
 - (ii) On the Friday before Victoria Day until the Tuesday after Thanksgiving Day on the land shaded in green being that portion of abandoned CNR ROW Plan 2509 east of Provincial Trunk Highway 59, commonly known as the AB2VB Trail;
- (4) THAT during the time of year Off-Road Vehicles are permitted on abandoned CNR ROW Plan 2509 east of Provincial Trunk Highway 59, commonly known as the AB2VB Trail, the maximum speed limit shall be set at 20 km/hour;
- (5) THAT during the time of year Off-Road Vehicles are permitted on abandoned CNR ROW Plan 2509 east of Provincial Trunk Highway 59, commonly known as the AB2VB Trail, an Off-Road Vehicle operator shall be required to come to a complete stop when meeting all other trail users including but not limited to walkers, joggers and cyclists and shall remain completely stopped until said oncoming trail users have safely passed said operator;
- (6) THAT a peace officer may detain an Off-Road Vehicle where an offence has been committed by means of, or in relation to, an Off-Road Vehicle pursuant to the enforcement provisions of The Off-Road Vehicles Act and/or this By-Law;
- (7) THAT notwithstanding the provisions of this By-Law where a storm or blizzard or natural disaster renders a roadway impassable to vehicular traffic, and where the use of Off-Road Vehicles is necessary to protect property or a matter of public safety, the operation of Off-Road Vehicles by authorized personnel on municipal roadways or road allowances shall be permitted for the duration of the emergency as determined by the Municipality;
- (8) THAT the use of Off-Road Vehicles shall be prohibited during the imposition of a fire ban by the Municipality for the entire duration of the fire ban;
- (9) THAT any person who contravenes or refuses, neglects, omits or fails to obey any provision of this By-law shall be liable to a fine not exceeding One Thousand Dollars (\$1,000.00);
- (10) THAT any applicable fines, costs and charges remaining outstanding after the expiration of thirty (30) days from the date of issue of the offence notice shall be added to the owner's property tax account, if applicable, to be collected in the same manner as a tax may be collected under The Municipal Act;
- (11) That By-Law 1582 be and the same is hereby repealed.

DONE AND PASSED in Council assembled, in the City of Winnipeg, in the Province of Manitoba, this 16th day of February, A.D. 2021.

Penny McMorris – Mayor

Raymond Moreau – CAO

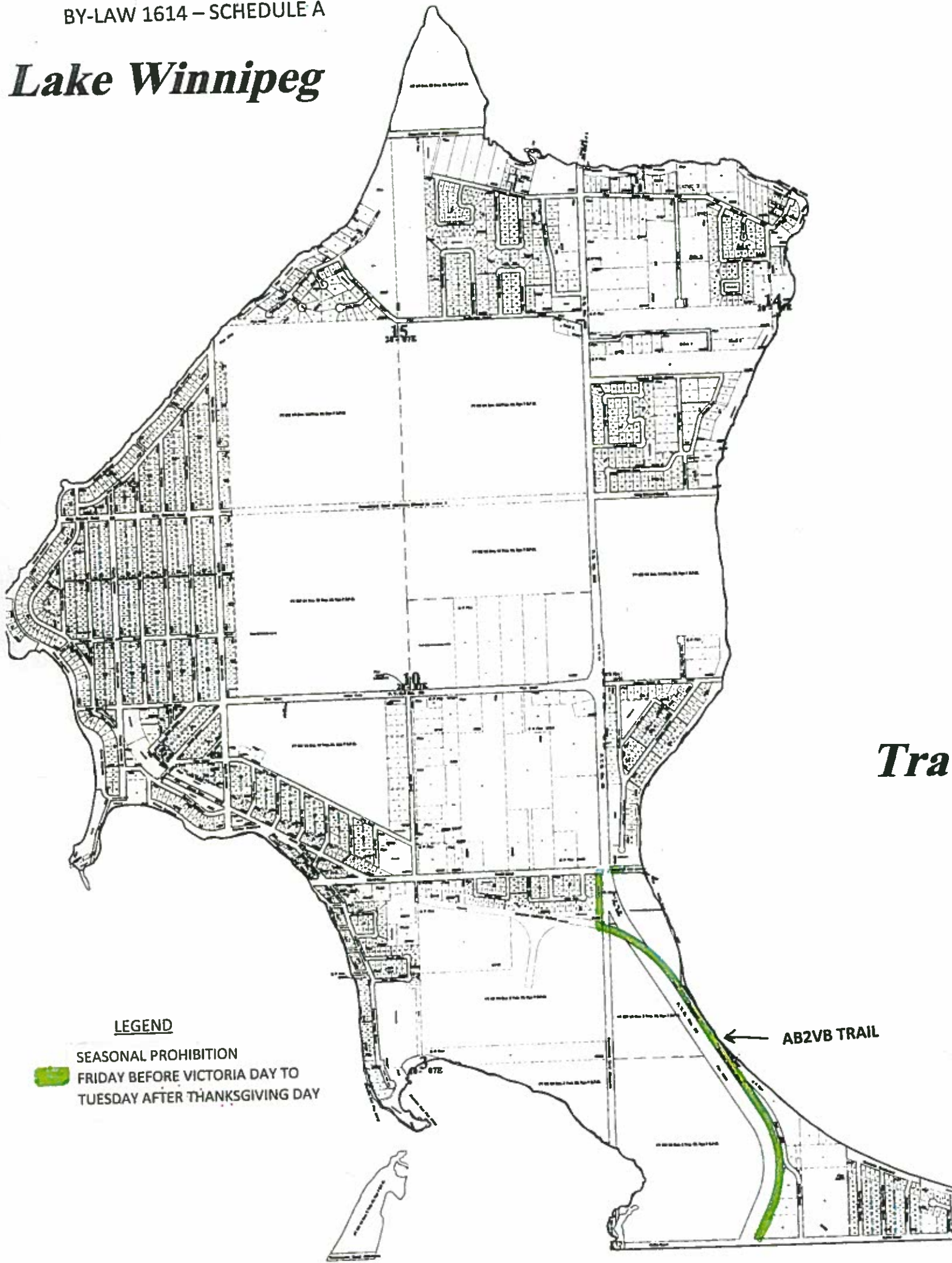
Read a first time this 2nd day of February, A.D. 2021.

Read a second time this 16th day of February, A. D. 2021.

Read a third time this 16th day of February, A.D. 2021.


Clause (3) and Schedule A amended on second reading of this By-Law.

Lake Winnipeg



Tra

LEGEND

 SEASONAL PROHIBITION
 FRIDAY BEFORE VICTORIA DAY TO
 TUESDAY AFTER THANKSGIVING DAY

AB2VB TRAIL

RM of Victoria Beach

Legal Description Map
Twp 20, Rge. 7E

Legend:

 Municipality boundary



Ma
INTERGC