



THE RURAL MUNICIPALITY OF VICTORIA BEACH

BY-LAW NO. 1623

A By-Law of the Rural Municipality of Victoria Beach to prohibit the use of non-licensed motorized 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:

- (a) the safety, health, protection and well-being of people and the safety and protection of property;
- (b) people, activities and things in, on or near a public place or a place open to the public, including parks, municipal roads...;
- (g) the operation of off-road vehicles on public or private property;
- (o) the enforcement of by-laws;

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 prohibit the use of non-licensed motorized vehicles within the Municipality;

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

(1) THAT for the purposes of this By-Law:

- (a) "Non-licensed motorized 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) off-road vehicles defined under The Off-Road Vehicles Act, and
 - (ii) 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) "Non-licensed motorized vehicle" shall not include a motorized wheel chair or mobility aid which is specifically manufactured or modified for operation by a physically handicapped person and which has:
 - (i) a maximum speed capability of not more than 15 kilometres per hour,
 - (ii) a maximum width of not more than 81.2 centimetres, and
 - (iii) a maximum mass of not more than 226 kilograms;

- (c) "Operate" shall mean to drive or to be in actual physical control;
- (2) THAT no person shall operate a non-licensed motorized vehicle on municipal roads and public land within the territorial limits of the Municipality;
 - (3) THAT a peace officer may detain a non-licensed motorized vehicle where an offence has been committed by means of, or in relation to said vehicle pursuant to the enforcement provisions of a provincial statute and/or this By-Law;
 - (4) 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);
 - (5) 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;

DONE AND PASSED in Council assembled, in the City of Winnipeg, in the Province of Manitoba, this 20th day of July, A.D. 2021.

Penny McMorris – Mayor

Raymond Moreau – CAO

Read a first time this 6th day of July A.D. 2021.

Read a second time this 20th day of July A. D. 2021.

Read a third time this 20th day of July A.D. 2021.