



# **THE RURAL MUNICIPALITY OF VICTORIA BEACH**

## **BY-LAW NO. 1643**

A By-Law of The Rural Municipality of Victoria Beach to regulate the use of Designated Off-Road Vehicles (ORVs) within the Municipality.  
*(Repeals By-Law No 1614)*

### **1. INTENT OF BYLAW 1643**

- a. To permit seasonal area-restricted operation of snowmobiles and ATVs (October until May) on municipal roads in defined areas of the municipality starting Tuesday after Thanksgiving until Friday before Victoria Day between 08:00AM and 10:00PM on days permitted:
  - i. To permit - with approved municipal registration - seasonal use of snowmobiles owned by residents of the Vehicle Restricted Area (VRA) on local municipal roads for egress and ingress purposes only;
  - ii. To Permit seasonal use of snowmobiles and ATVs owned by residents outside of the VRA on local municipal roads for egress and ingress purposes only;
  - iii. To Permit seasonal use of snowmobiles on municipal roads “Rue Girard”;
  - iv. To Permit annual use of ATVs and snowmobiles on “Saffie Road”;
  - v. To Permit seasonal use of snowmobiles and ATVs on AB2VB Trail;

### **2. PREAMBLE**

WHEREAS the Municipal Act provides in Sec. 232(1) that a council may pass by-laws for municipal purposes respecting the operation of Off-Road Vehicles on public or private property and Local transportation systems (Local Traffic Authority);

AND WHEREAS the municipality is a Local Traffic Authority;

AND WHEREAS The Off-Road Vehicle Act provides in Sec. 45(1) the Traffic Authority of a highway may make by-laws permitting the operation of designated Off-Road vehicles upon a roadway or the shoulder of a roadway; and by Sec. 46(1) can prescribe the periods of the day, or of the year, during which designated off-road vehicles shall not be operated, prescribe the maximum speed above which off-road vehicles shall not be operated, prescribe areas in which the operation of designated off-road vehicles shall be permitted or prohibited, and fix penalties for violation of by-laws passed under this section;

AND WHEREAS Council deems it necessary to allow municipal residents access to the safe use of municipal roads within the municipality to access designated ORV trails outside of the municipality, community centres and the lake for work and outdoor winter recreation activities;

AND WHEREAS Council acknowledges the unique historical character of the Vehicle Restricted Area of the RMVB.

AND WHEREAS the Rural Municipality of Victoria Beach is located on the ancestral lands of First Nations Peoples and within the homeland of the Red River Métis, and Council does not want to restrict the harvesting and gathering rights of Indigenous Peoples.



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### **3. NOW THEREFORE the Council of the Rural Municipality of Victoria Beach in session assembled hereby enacts as follows:**

- a. THAT unless expressly provided in this By-Law, or unless the context otherwise requires, words, definitions 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.

### **4. OPERATION OF OFF-ROAD VEHICLES ON MUNICIPAL ROADS & PROPERTY**

- a. Except as provided in 4(b), no person shall operate an Off-Road Vehicle on municipal land at any time on all public reserve lands, trails, or beaches within the Municipality's territorial limits, except where operation is permitted by this By-Law on municipal roads, road allowances and the AB2VB Trail (See Schedule A):
- b. Nothing in this by-law shall restrict the right of First Nations, Inuit, or Metis people to operate a snowmobile or an ATV for harvesting or gathering within the municipality or travelling through the municipality for the purpose of harvesting or gathering elsewhere.
- c. THAT between the hours of 8:00am and 10:00pm between the Tuesday after the October long weekend until the Friday before May long weekend of the following year ORV access to VRA municipal roads is limited to snowmobiles owned by residents of the VRA and only for egress and ingress. VRA residents shall apply for a permit (Appendix 1) and sticker which shall be displayed on their machine(s) at all times while driving their ORV in the VRA. The stickers to be renewed every year. ATV's are not allowed in the VRA. (Schedule B).
- d. THAT between the hours of 8:00am and 10:00pm between the Tuesday after the October long weekend until the Friday before May long weekend of the following year only residents of the municipality outside of the VRA may operate snowmobiles and ATVs owned by residents on municipal roads outside of the VRA for the purpose of egress and ingress from and to operator's property and designated snowmobile trails or the lake by taking the most direct route possible (See Schedule B).
- e. THAT between the hours of 8:00am and 10:00pm all snowmobiles are permitted on Rue Girard between the Tuesday after the October long weekend until the Friday before May long weekend of the following year (See Schedule C).
- f. THAT between the hours of 8:00am and 10:00pm all snowmobiles and ATVs are permitted on Saffie Road all year. (See Schedule C).



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- g. THAT all snowmobiles and ATVs are permitted on AB2VB Trail between the Tuesday after the October long weekend until the Friday before May long weekend of the following year (See Schedule C).
- h. Snowmobiles are permitted on current routes operated by Snoman (Snowmobilers Of Manitoba) Inc.

### **5. RULES GOVERNING THE OPERATION OF PERMITTED OFF-ROAD VEHICLES**

- a. THAT during the time of year snowmobiles and ATVs are permitted on municipal roads all traffic signs must be recognized and obeyed and unless otherwise posted the maximum speed limit shall be set at 20 km/hour;
- b. THAT a snowmobile or ATV 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;
- c. 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;
- d. 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;
- e. THAT the authority of a peace officer operating an off-road vehicle in an emergency situation or in pursuit of an actual or suspected violator of the law may
  - i. exceed the speed limit;
  - ii. proceed past a traffic control signal showing a red light or a signal without stopping;
  - iii. disregard rules and traffic control devices governing the movement of traffic; or
  - iv. stop or stand.

### **6. OFFENCE AND PENALTIES**

- a. 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);
- b. 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



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- 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;
- c. 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 By-law No. 1614 be hereby repealed.
8. DONE AND PASSED in Council duly assembled in the Rural Municipality of Victoria Beach in the Province of Manitoba, this 21<sup>st</sup> day of March, 2023.

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Penny McMorris – Mayor

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Lon Turner – CAO

Read a FIRST time this 07<sup>th</sup> day of February, 2023

Read a SECOND time as amended this 07<sup>th</sup> day of March, 2023

Read a THIRD time this as amended this 21<sup>st</sup> day of March, 2023



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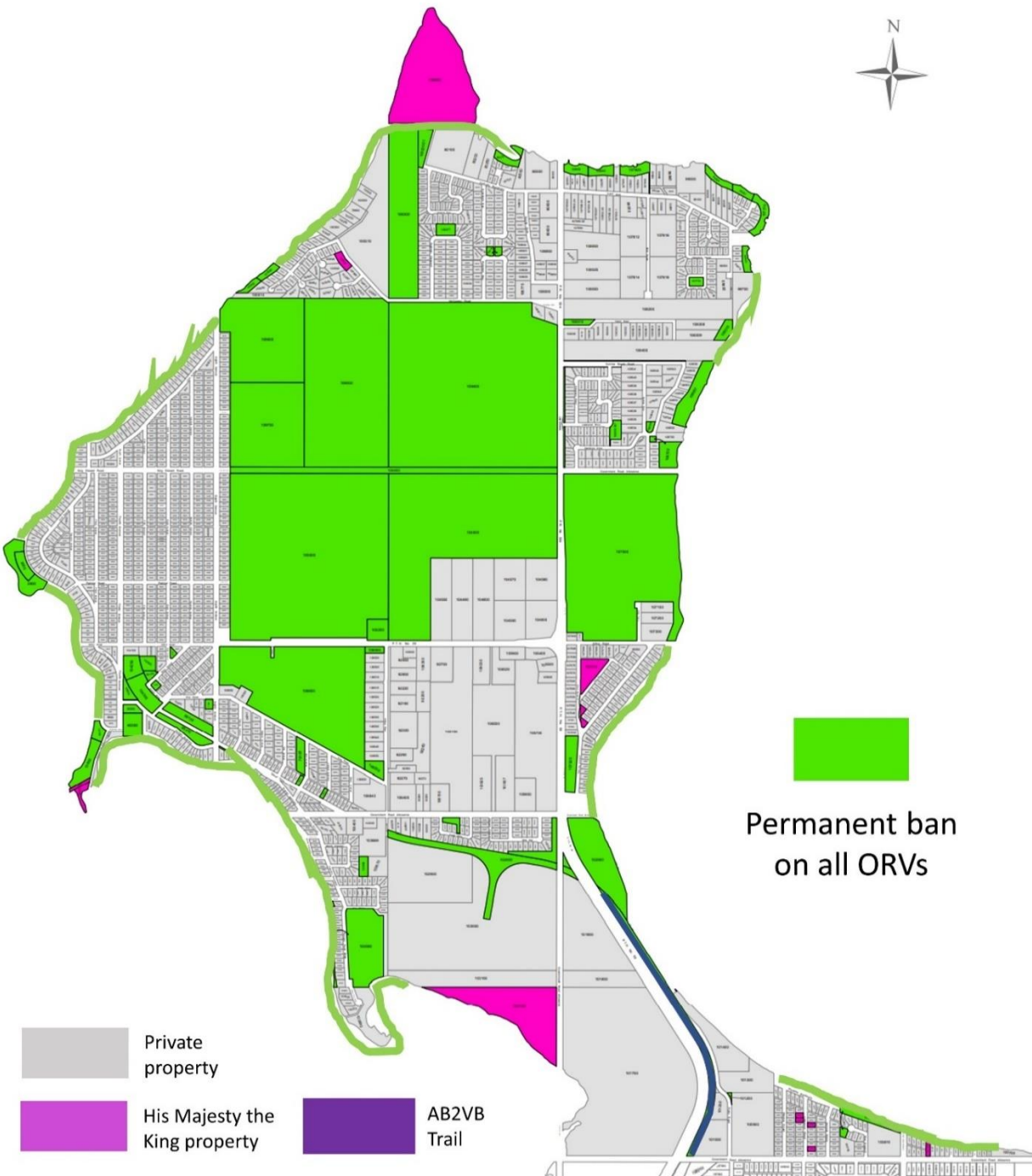
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### Schedule A

#### OPERATION OF OFF-ROAD VEHICLES ON MUNICIPAL ROADS & PROPERTY

4a) Except as provided in 4(b), no person shall operate an Off-Road Vehicle on municipal land at any time on all public reserve lands, trails, or beaches within the Municipality's territorial limits, except where operation is permitted by this By-Law on municipal roads, road allowances and the AB2VB Trail (See Schedule A):

4b) Nothing in this by-law shall restrict the right of First Nations, Inuit, or Metis people to operate a snowmobile or an ATV for harvesting or gathering within the municipality or travelling through the municipality for the purpose of harvesting or gathering elsewhere.





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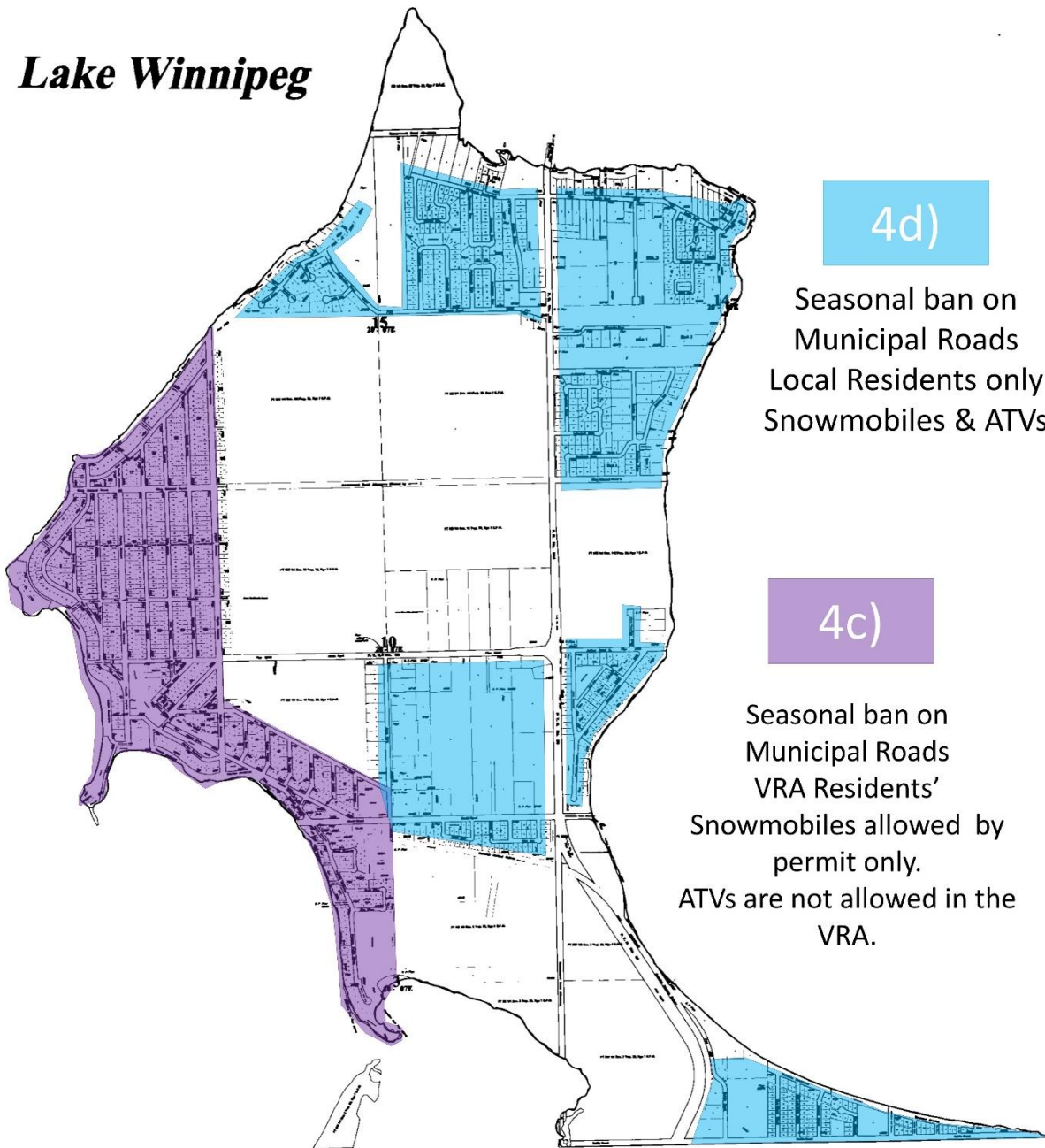
### Schedule B

#### OPERATION OF OFF-ROAD VEHICLES ON MUNICIPAL ROADS & PROPERTY

4c) THAT between the hours of 8:00am and 10:00pm between the Tuesday after the October long weekend until the Friday before May long weekend of following year ORV access to VRA municipal roads is limited to snowmobiles owned by residents of the VRA and only for egress and ingress. VRA residents shall apply for a permit (Appendix 1) and sticker which shall be displayed on their machine(s) at all times while driving their ORV in the VRA. The stickers to be renewed every year. ATV's are excluded from the VRA. (Schedule B).

4d) THAT between the hours of 8:00am and 10:00pm between the Tuesday after the October long weekend until the Friday before May long weekend of the following year only residents of the municipality outside of the VRA may operate snowmobiles and ATVs on municipal roads outside of the VRA for the purpose of egress and ingress from and to operator's property and designated snowmobile trails or the lake by taking the most direct route possible.

### Lake Winnipeg





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### Schedule C

#### OPERATION OF OFF-ROAD VEHICLES ON MUNICIPAL ROADS & PROPERTY

4e) THAT between the hours of 8:00am and 10:00pm all snowmobiles are permitted on Rue Girard between the Tuesday after the October long weekend until the Friday before May long weekend of the following year.

4f) THAT between the hours of 8:00am and 10:00pm all snowmobiles and ATVs are permitted on Saffie Road all year.

4g) THAT all snowmobiles and ATVs are permitted on AB2VB Trail between the Tuesday after the October long weekend until the Friday before May long weekend of the following year.





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### APPENDIX 1: ORV Permission Application Form

#### for VRA Residents in the VRA ONLY

Date of application: \_\_\_\_\_

Name of Operator: \_\_\_\_\_

Age of Operator: \_\_\_\_\_ Drivers License #: \_\_\_\_\_

Name of Owner: \_\_\_\_\_

VRA home address: \_\_\_\_\_

Permanent address on ORV registration (if different from above)

\_\_\_\_\_

Plate # of ORV(s): \_\_\_\_\_ Prov/St: \_\_\_\_\_

ORV(s) Description: \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

Signature of Owner: \_\_\_\_\_

An approved applicant will be given a **“VRA-ORV sticker”** to place on license plate of ORV that is being registered under this application.

RMVB Authorizing Signature: \_\_\_\_\_ (VB Police Chief)

(Application to be filed with RM office, RMVB Police and an approved copy mailed to applicant)