## THE TOWN OF BEAUSEJOUR BY-LAW NO. 1667/11

## BEING A BY-LAW OF THE TOWN OF BEAUSEJOUR TO REGULATE THE OPERATION OF SNOWMOBILE AND ALL TERRAIN VEHICLES WITHIN THE TOWN OF BEAUSEJOUR

WHEREAS Section 45(1) and 46(1) of the Off-Roads Vehicle Act, being Chapter 31 of Statutes of Manitoba, 1987 provides as follows:

- 45(1) Subject to subsections (2), (3), (4), the traffic authority of a highway may make bylaws and the minister may make rules supplementary to, or in addition to, but not contrary to any provision of this Act or the regulations made 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; and (b) prohibiting the operation of designated off-road vehicles upon a designated right-of-way or a specified portion thereof.
- 46(1) Rules supplementary to, or in addition to, but not contrary to any other provision of this Act, or the regulations made under this act, (b) prescribing areas in which the operation of designated off-road vehicles shall be permitted or prohibited; and (d) in respect of a Municipality; by the Council.

AND WHEREAS Council feels it is in the best interest of the residents of the Town of Beausejour to regulate "Snowmobile and All Terrain Vehicles" traffic within the Town of Beausejour.

THEREFORE it is hereby enacted as a by-law of the Town of Beausejour as follows:

- 1. DEFINITIONS, where used in this by-law:
  - (A) <u>Public Route:</u> designates routes which allow Snowmobile and All Terrain vehicles access/travel to designated areas of Townsite and are recorded on a plan retained in the Office of the Town of Beausejour and shown outlined on Appendix "A" attached.
  - (B) Words or expressions used in this By-Law and not defined in this By-Law have the same meanings as assigned to them in the Manitoba Off-Road Vehicles Act and the Manitoba Highway Traffic Act.
  - (C) All-Terrain Vehicle means an off-road vehicle that operates or travels on four low-pressure tires; has a seat designed to be straddled by the operator of the vehicle and has handlebars for steering the vehicle.
- 2. No person shall, subject to the provisions of the by-law, operate a Snowmobile and All Terrain Vehicle in or upon any land within the Town of Beausejour.
- 3. Nothing within the provisions of this by-law shall be deemed to be contravene the statutes of the Province of Manitoba including the Off-Roads Vehicle Act, the Highway Traffic Act and the regulations pertaining to those acts.

- 4. Any person who is qualified to operate a snowmobile or an all terrain vehicle may, during the period from October 15th of one year to April 15th of the next following year, operate a snowmobile or an all terrain vehicle within the limits of Beausejour on the designated route attached as Appendix "A" hereto provided said designated route are snow covered.
- 5. The speed limit on the route, within the Town of Beausejour shall be the same as set under the HIGHWAY TRAFFIC ACT for motor vehicle traffic.
- 6. No person shall operate a snowmobile or an all terrain vehicle within the community of Beausejour between the hours of 11:00 o'clock P.M. in the afternoon of one day and 7:00 o'clock in the forenoon of the next day.
- 7. Notwithstanding the provisions of Section 3 of this by-law, the Town of Beausejour may waive any or all provisions of this by-law when a state of emergency is declared to exist.
- 8. An officer, as defined for purposes of this act shall have the power to require any person or persons found in contravention of the provisions of this by-law to cease and desist said action and/or summon said person before any competent court in the Province of Manitoba.
- 9. Nothing herein relieves the operator of a snowmobile vehicle or an all terrain vehicle from any liability for any offence or violation of any provision of this by-law.
- 10. Any person who violates, contravenes, or disobeys, or refuses, omits, neglects, or fails to observe, obey or comply with any provision of this by-law, is guilty of an offence and liable, on summary conviction, to a fine of not less than One Hundred (\$100.00) Dollars and not greater than Five Hundred (\$500.00) Dollars.
- 11. That By-Law No. 1527/03 and all amendments thereto be hereby repealed.

DONE AND PASSED in Council at the Town of Beausejour, this day of A.D., 2011.

		THE TOWN OF BEAUSEJOUR  MAYOR  CHIEF ADMINISTRATIVE OFFICER
Read a First time on the Read a Second time on the	day of day of	, A.D. 2011 , A.D. 2011
Read a Third time on the	day of	, A.D. 2011

