

# TOWN OF STE. ANNE

## BY-LAW NO. 9-2001

Being a by-law of the Town of Ste. Anne for the purpose of regulating the operation of snowmobiles and off-road vehicles within the limits of the Town of Ste. Anne.

Whereas, the « Off-Road Vehicle Act, C.C.S.M. Cap 031( The Act ) » provides as follows :

Section 33(4) The Minister may authorize a traffic authority to make by-laws to permit the operation of an off-road vehicle upon a roadway or the shoulder thereof;

And Whereas, the Council of the Town of Ste. Anne deems it advisable to pass a by-law regulating the use of off-road vehicles within the limits of the Town of Ste. Anne;

NOW THEREFORE, BE IT ENACTED AS FOLLOWS :

### ***1. DEFINITIONS :***

Unless the context specifically indicates otherwise, the meaning of the terms used in this By-law shall be as follows :

- (a) **operate** means to drive or to be in actual physical control of an off-road vehicle;
  - (b) **operator** means a person operating or driving an off-road vehicle or a person in actual physical control of an off-road vehicle;
  - (c) **owner** includes a person who has exclusive use of an off-road vehicle under a lease or other agreement for a period of more than 30 days;
  - (d) **off-road vehicle** as defined under « The Off-Road Vehicle Act »;
  - (e) **roadway** means the portion of a highway that is improved, designed or ordinarily used for vehicular traffic, and includes that portion thereof that, but for the presence of a safety zone, would be ordinarily so used, but does not include the shoulders; and where a highway includes two or more separate roadways, the term roadway refers to any one roadway separately and not all the roadways collectively;
2. No person shall operate an off-road vehicle within the limits of the Town of Ste. Anne except as permitted in this By-law.
  3. No person shall operate an off-road vehicle :
    - (a) in a careless manner or without due care and attention;
    - (b) without reasonable consideration for other persons and property or in a manner likely to cause damage or injury to other persons or property.
  4. A person who is qualified, ( licensed and insured ), under the Act may operate an off-road vehicle within the Town of Ste. Anne or any street or roadway, **unless otherwise restricted in this By-law**, for the purpose of taking the most direct route in or out of the Town of Ste. Anne to or from his or her place or residence within the Town of Ste. Anne, and shall proceed to the nearest designated route.
  5. No person shall operate an off-road vehicle within the Town of Ste. Anne at a speed that is greater than 20 kilometers per hour, **unless otherwise posted**.
  6. No person shall operate an off-road vehicle within the Town of Ste. Anne on any school playground, public parks or cemetery.

7. Where an off-road vehicle is being operated on a roadway or shoulder as permitted in this By-law, the operator shall :
  - (a) possess a valid driver's license of a class other than a class 7, and possess valid registration and liability insurance;
  - (b) drive the snowmobile as close to the right hand edge of the roadway and shoulder as possible;
  - (c) drive in a single line with other off-road vehicles;
  - (d) yield the right of way to pedestrians and any vehicular traffic;
8. No person shall operate an off-road vehicle on private owned land without the expressed or implied consent of the owner or lawful occupier of the property.
9. No person shall operate an off-road vehicle within the Town of Ste. Anne between the hours of 23 :30 hours and 07 :00 hours daily, except to return to his or her place of residence, in a manner which shall not disturb homeowners.
10. Where a storm or blizzard renders a roadway impassable to vehicular traffic, the Council of the Town of Ste. Anne may authorize for a fixed period the operation of off-road vehicles on the roadways within the Town of Ste. Anne.
11. Operators who are not residents of the Town of Ste. Anne and who are qualified under the Act to operate an off-road vehicle may operate an off-road vehicle in the Town of Ste. Anne only on designated routes as set out hereafter :
  - (a) entering the Town of Ste. Anne, an operator must follow the west ditch of Traverse Road crossing over Central Avenue;
  - (b) entering the Town of Ste. Anne from the west or east, must follow the Seine River when conditions exist;
  - (c) designated routes as approved by the snowmobile club and attached to this By-law shown as « **Appendix A** »..
- 12.1 Where an offence resulting from the violation of any provision of this By-law :
  - (a) is committed by means of, or with respect to an off-road vehicle, or;
  - (b) occurs by reason of, or with respect to the ownership, use, or operation of an off-road vehicle;the owner of the off-road vehicle may be charged with the commission of the offence and, if the Judge or Justice before whom the charge is tried is satisfied that the offence was committed, the owner is guilty of the offence and is liable on summary conviction to the penalty herein provided, unless the owner satisfies the Judge or Justice that at the time of violation, the off-road vehicle was in the possession of a person without the consent of the owner.
- 12.2 Nothing in subsection (1) relieves the operator of an off-road vehicle from any liability for an offence or violation of any provision of this By-law.
13. 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 is liable, on summary conviction to a fine of not less than \$ 25.00 and no more than \$ 1,000.00 or in default of payment thereof, to imprisonment for a term of not more than 30 days.
14. Nothing within the provisions of this By-law shall be deemed to 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.

DONE AND PASSED in Council at the Town of Ste. Anne, this 11 day of

DECEMBER A.D. 2001

READ FOR THE FIRST TIME ON NOVEMBER 13<sup>TH</sup>, 2001

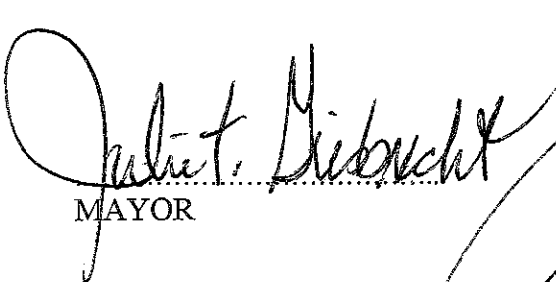
RES # 403-01

READ FOR THE SECOND TIME ON DEC 11, 2001

RES # 401-01

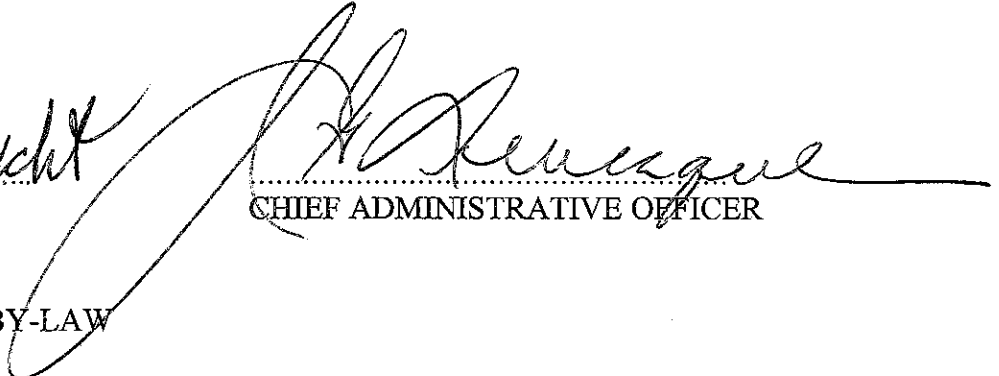
READ FOR THE THIRD TIME ON DEC 11, 2001

RES # 402-01



MAYOR

OFF-ROAD VEHICLE BY-LAW



CHIEF ADMINISTRATIVE OFFICER

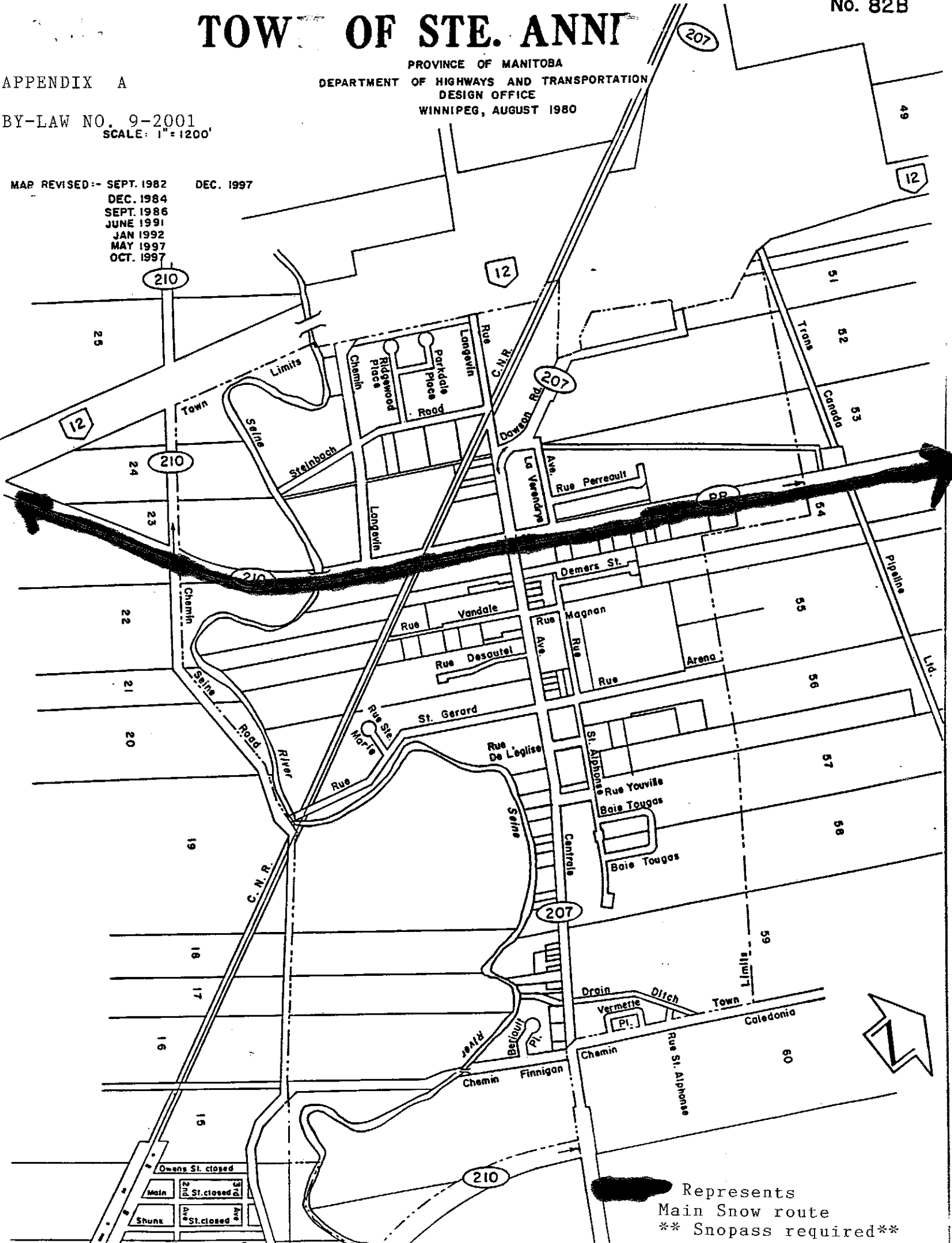
# TOWN OF STE. ANNE

PROVINCE OF MANITOBA  
DEPARTMENT OF HIGHWAYS AND TRANSPORTATION  
DESIGN OFFICE  
WINNIPEG, AUGUST 1980

APPENDIX A

BY-LAW NO. 9-2001  
SCALE: 1" = 1200'

MAP REVISED -- SEPT. 1982    DEC. 1997  
DEC. 1984  
SEPT. 1986  
JUNE 1991  
JAN 1992  
MAY 1997  
OCT. 1997



Represents  
Main Snow route  
\*\* Snopass required\*\*