



**Rural Municipality of Hanover**

**By-Law No. 2468-19**

**Off-Road Vehicles By-Law**

**Being a By-Law of the Rural Municipality of Hanover to regulate the operation of Off-Road Vehicles within the municipality.**

**WHEREAS** Section 232(1)(g) and 236(1) (iv) of *The Municipal Act* S.M. 1996, C.58 provides authority for the Municipality to pass a by-law respecting the operation of Off-Road Vehicles on public or private property;

“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;”

“236(1) Without limiting the generality of clause 232(1)(o) enforcement of by-laws and subject to subsection (3), a by-law passed under that clause may include provisions,

(iv) seizing, removing, impounding, confiscating and selling or otherwise disposing of plants, animals, vehicles, or other things related to a contravention;”

**AND WHEREAS** Section 45(1) and 46(1) of *The Off-Road Vehicles Act*, being Chapter 031 of Statutes of Manitoba, 1987 provides as follows:

“45(1) Subject to the subsections (2), (3) and (4), the traffic authority of a highway may make by-laws 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;
- (b) Permitting the operation of designated off-road vehicles upon a roadway or the shoulder of a roadway; and
- (c) 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:

- (a) Prescribing the periods of the day, or of the year, during which designated off-road vehicles shall not be operated;

- (b) Prescribing the maximum speed above which off-road vehicles shall not be operated;
- (c) Prescribing areas in which the operation of designated off-road vehicles shall be permitted or prohibited; and
- (d) Fixing penalties for violation of by-laws passed under this section may be made
- (e) In respect of a municipality, by the council thereof;

**AND WHEREAS** the Rural Municipality of Hanover is a traffic authority;

**NOW THEREFORE** the Council of the Rural Municipality of Hanover deems it expedient to enact a By-Law allowing the operation of and regulating the operation of off-road vehicles in the municipality as follows;

1. **DEFINITIONS:**

- **“All-terrain vehicle” or “ATV”** means an off-road vehicle that;
  - (a) operates or travels on three or more low pressure tires
  - (b) has a seat designed to be straddled by the operator of the vehicle; and
  - (c) has handlebars for steering the vehicle;
- **“Peace officer”** means;
  - (a) any member of the Royal Canadian Mounted Police Force and any other police officer, special constable, or other person employed for the preservation and maintenance of the public peace;
  - (b) any person lawfully authorized to direct or regulate traffic, or to enforce this Act or traffic by-laws or regulations; and
  - (c) any person appointed as a Natural Resources Officer, who functions under the working title of Conservation Officer, Park Ranger or Park Patrol Officer.
- **“R.M.”** means the Rural Municipality of Hanover
- **“Community”** means the urban centres of Blumenort, Grunthal, Mitchell, Kleefeld, New Bothwell and Sarto.
- **“Municipal Road”** means any place or way, including any structure forming part thereof which, or any part of which, the public is ordinarily entitled or permitted to use for the passage of vehicles, with or without fee or charge therefore, and includes all the space between the boundary lines thereof, and includes any area designated or intended and primarily used for the parking of vehicles and the necessary passage ways thereon;

- **“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,
  - (a) a snowmobile,
  - (b) an all-terrain vehicle,
  - (c) a mini-bike, dirt bike and trail bike,
  - (d) a miniature vehicle such as a dune or sport buggy,
  - (e) an off-road maintenance machine,
  - (f) and amphibious vehicle, and
  - (g) a four-wheel drive motor vehicle, motorcycle or snow vehicle that is being driven elsewhere than on a highway, whether or not it is registered under *The Off-Road Vehicles Act*,

but does not include an implement of husbandry, farm tractor, special mobile machine, garden tractor, lawn tractor or golf cart.

- **“Owner”** includes a person who has exclusive use of a vehicle under a lease or other agreement for a period of more than 30 days;
- **“Playground”** means an area owned by the R.M. which is primarily intended for outdoor recreation use by children;
- **“Private Property”** does not include unoccupied R.M. property;
- **“Shoulder”** means the portion of a roadway contiguous with the travelled way for accommodation of stopped vehicles for emergency use and for lateral support and surface courses;
- **“Sidewalk”** means “footpath”, whether improved or not that is intended primarily for use by pedestrians but does not include a sidewalk located on private property;
- **“Snow vehicle”** means a vehicle that has a gross vehicle weight exceeding 454 kilograms and
  - (a) is not equipped with wheels, but in place thereof is equipped with tractor treads alone or with tractor treads and skis, or with skis and a propeller, or is a toboggan equipped with tractor treads or a propeller,
  - (b) is designed primarily for operating over snow or ice, and is used primarily for that purpose, and
  - (c) is designed to be self-propelled;
  - (d) a snow vehicle and snowmobile are considered off-road vehicles under *The Off-Road Vehicles Act*.

- (b) “**Snowmobile**” means a vehicle that has a gross vehicle weight not exceeding 454 kilograms and
- (a) is not equipped with wheels, but in place thereof is equipped with tractor treads alone or with tractor treads and skis, or with skis and a propeller, or is a toboggan equipped with tractor treads or a propeller,
  - (b) is designed primarily for operating over snow or ice, and is used primarily for that purpose, and
  - (c) is designed to be self-propelled;

2. **EXCEPT IN ACCORDANCE WITH THIS BY-LAW**

- (a) No person shall operate an off-road vehicle in the municipality or in an LUD/Community except as permitted in this By-law or under the *Off-Road Vehicles Act*.
- (b) A person who is qualified under the *Off-Road Vehicle Act* to operate an off-road vehicle may operate an off-road vehicle within a community on the shoulder of the roadway to the most direct route to exit the boundaries of the community and restricted to the following routes as per individual communities:

LUD of Mitchell

No off-road vehicles may operate within the community of Mitchell, as per Schedule “A”.

LUD of Blumenort

Off-road vehicles may operate within the community of Blumenort on Penner Drive North and South to allow access to the service station. For the segment south of Rockridge Drive, operation must not be on the road shoulder of Penner Drive South. Operation of off-road vehicles must be in the ditch in the same direction as traffic, as per Schedule “B”.

LUD of Grunthal

Off-road vehicles may operate within the community of Grunthal on the east side of Cottonwood Road, then turn east in the south ditch of Main Street (PR205) up to Church Avenue. Operation of off-road vehicles is not allowed on the shoulder on PR205. Operation of off-road vehicles must be in the ditch in the same direction as traffic. The off-road vehicle may then continue east of Church Avenue up to Oak Avenue on the shoulder to allow access to the two service stations. Off-road vehicles may cross the PR205 at the Clearview Co-op driveway to access the service station. Traffic departing the community of Grunthal must travel west in the north ditch of PR205, around the curve, then travel north in the east ditch to 27120

PR216 where traffic may travel south across PR216 and continue travel along the west ditch of PR216 and Cottonwood Road, as per Schedule "C".

Community of Kleefeld

Operation of off-road vehicles is not allowed on the shoulder. Off-road vehicles may operate within the community of Kleefeld from the south using ditch of PR216 in the same direction as traffic up to the service station. Off-road vehicles are allowed to cross the roadway at the service station at the junction of Park Avenue and PR216, as per Schedule "D".

Community of New Bothwell

Off-road vehicles may operate within the community of New Bothwell on Crown Valley Road, east bound in the south ditch and west bound in the north ditch, to allow access to the service station, by crossing PR216, as per Schedule "E".

Community of Sarto

Off-road vehicles may operate within the community of Sarto from the east along the north side of PR205 up to the service station. Operation of off-road vehicles is not allowed on the shoulder and must be in the ditch in the same direction as traffic. Off-road vehicles are allowed to cross the roadway at the service station on the north side of PR205 crossing south at 31115 PR205, as per Schedule "F".

- (c) On permitted routes, every operator or owner must operate the off-road vehicle on the shoulder of the road. Operation of a wheel vehicle all sets of wheels must ride on the shoulder and in the case of a snowmobile, one (1) ski to be driven completely on the shoulder; and drive in a single line with other off-road vehicles.
- (d) Every operator or owner of an off-road vehicle shall, on a signal from a peace officer requiring the operator or owner to do so, immediately bring the off-road vehicle to a stop or cause the off-road vehicle to be brought to a stop at a place directed by the peace officer and shall not proceed until so directed by the peace officer and shall not proceed until so directed by the peace officer; and shall forthwith comply with an order of the peace officer as to moving the off-road vehicle from any place.
- (e) The operator of an off-road vehicle shall give his or her correct identification to a peace officer on demand.
- (f) No person shall operate an off-road vehicle at a speed greater than 25 kilometers per hour within the territorial boundaries of a Community
- (g) No person shall operate an off-road vehicle in a Community within 30 meters of a dwelling between the hours of 11:00 p.m. and 7:00 a.m. unless

the dwelling is located on the operator's own property or property under the operator's control or as an invited guest.

- (h) No person shall operate an off-road vehicle in a careless manner or without due care and attention, or without reasonable consideration for other persons and property or in a manner likely to cause damage or injury to other persons property.
- (i) No person under the age of 14 years shall operate an off-road vehicle unless supervised and accompanied by and at all times within clear view of the person's parent or a person who has attained the age of 18 years and authorized by the parent and on property owned by either the owner of the off-road vehicle or parent of the child.
- (j) An owner of an off-road vehicle shall not permit a person under the age of 14 years to operate an off-road vehicle, of which he or she is the owner, on a municipal road, road allowance, public reserve, park area, public parking lot, playground, pool area, recreation area, or private property other than the owners.
- (k) No person shall operate an off-road vehicle while carrying more persons than the number for which the off-road vehicle was designed.
- (l) No person shall ride on or operate an off-road vehicle unless the person is wearing on his or her head a properly adjusted and securely fastened helmet in compliance with the requirements contained in the regulations under *The Drivers and Vehicles Act*.
- (m) Every operator or a passenger in an off-road vehicle in which a seat belt assembly is provided, shall wear a complete seat belt assembly in a properly adjusted and securely fastened manner.
- (n) Every operator of an off-road vehicle shall obey all traffic laws while operating on a municipal road allowance only where permitted, including but not limited to stop signs, crosswalks, school zones, etc.
- (o) No person shall operate an off-road vehicle when local circumstances make the use of an off-road vehicle a fire hazard. This will also pertain when the Province Manitoba or the RM declares a burning ban.
- (p) That notwithstanding any other provisions of this By-Law and the Act, where a storm or blizzard renders a roadway impassable to vehicular traffic, the CAO of the Municipality, after consultation with council, may authorize, for a fixed period, the operation of off-road vehicles.

### 3. **PENALTY:**

- (a) Any person who contravenes, disobeys, or violates, or refuses, omits, neglects or fails to observe, obey or comply with any provision on this By-Law is guilty of an offense punishable on summary conviction and is liable on conviction to a fine not exceeding \$1,000.00 for each offence together with costs of prosecution and in default of payment of such fine and costs is liable to imprisonment for a period not exceeding six (6) months.
- (b) Where an offence, consisting of a violation of any provision of this By-Law is committed by means of operation of an off-road vehicle, the owner of the off-road vehicle may be charged with the commission of the offense and, if the Judge or Justice before whom the charge is tried, is satisfied that that offence was committed, the owner is guilty of the offense and is liable on summary conviction to the penalty herein provided for that offense unless the owner satisfied the Judge or Justice that at the time of the violation, the off-road vehicle was in the possession of a person other than the owner or an immediate family member without the consent of the owner.

#### **4. DETENTION OF OFF-ROAD VEHICLE**

- (a) Where a peace officer has reason to believe that an offence has been committed by means of, or in relation to, an off-road vehicle, they may detain the vehicle for 5 clear days but the vehicle may be released sooner if security in an amount as determined by a Justice is provided on the first offence unless otherwise ordered by the Provincial Court.
- (b) Where a peace officer has detained an off-road vehicle, they shall provide to the owner a seizure notice in the form attached as Schedule "A".
- (c) Where an off-road vehicle has been detained it shall be subject to the fees and charges set as provided herein:
  - (a) storage charges as set out in the Highway Traffic Act
  - (b) hook-up
  - (c) flat deck
  - (d) towing charges plus per kilometer per call
  - (e) minimum call out plus per kilometer

#### **5. SEVERABILITY**

If any provision of this By-Law be contrary to any express provision of any applicable statute, such provision shall be read subject thereto and except as aforesaid this By-Law and all provisions thereof shall be valid and binding.

- 6. This By-Law may be cited as the "Off-Road Vehicles By-Law."

**DONE AND PASSED** as a By-law of the Rural Municipality of Hanover in Mitchell in the Province of Manitoba this 11<sup>th</sup> day of May, 2022.



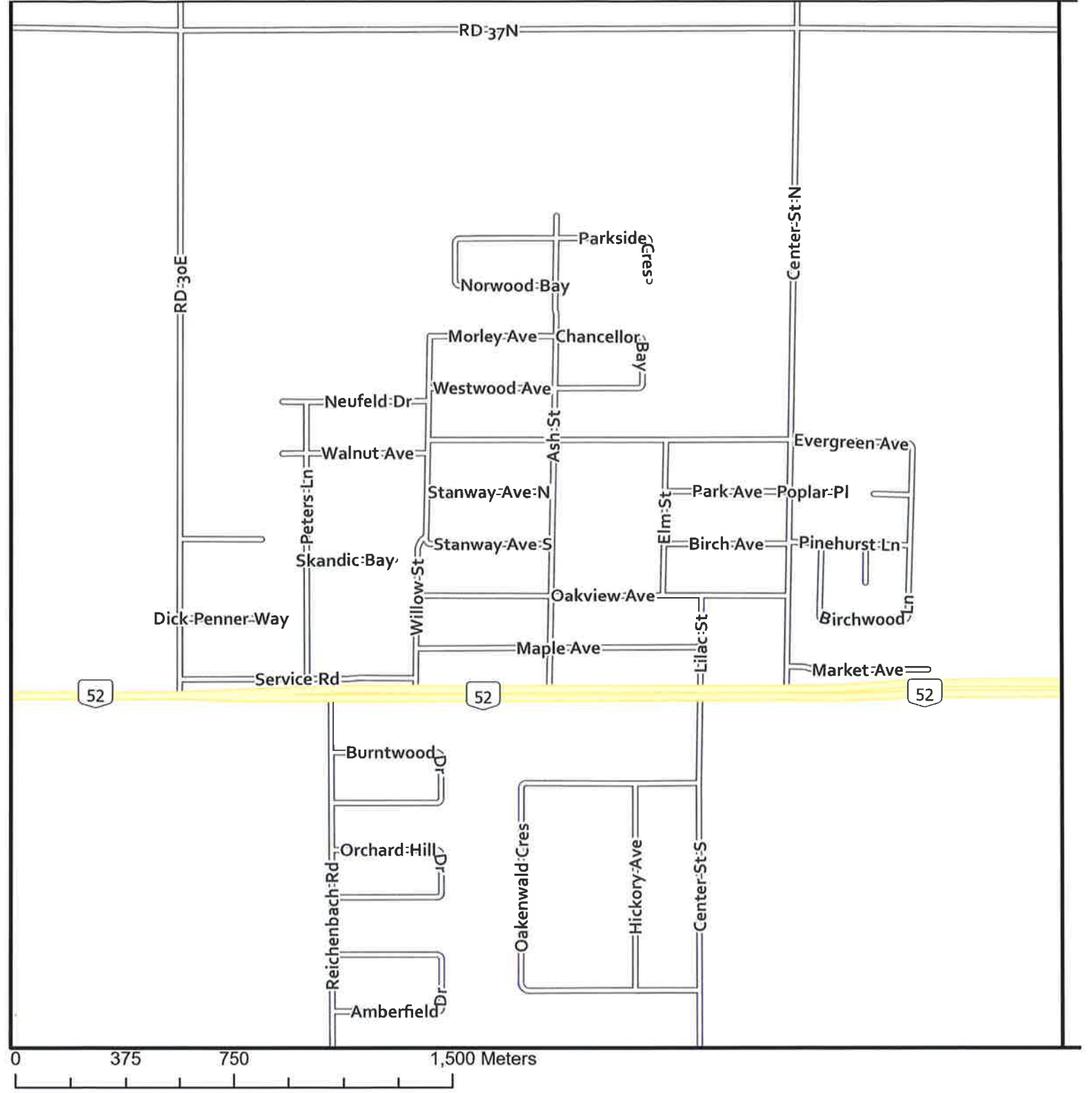
Reeve



Chief Administrative Officer

Read a first time this 9<sup>th</sup> day of September, 2020  
Read a second time this 23<sup>rd</sup> day of September, 2020  
Read a third time this 11<sup>th</sup> day of May, 2022



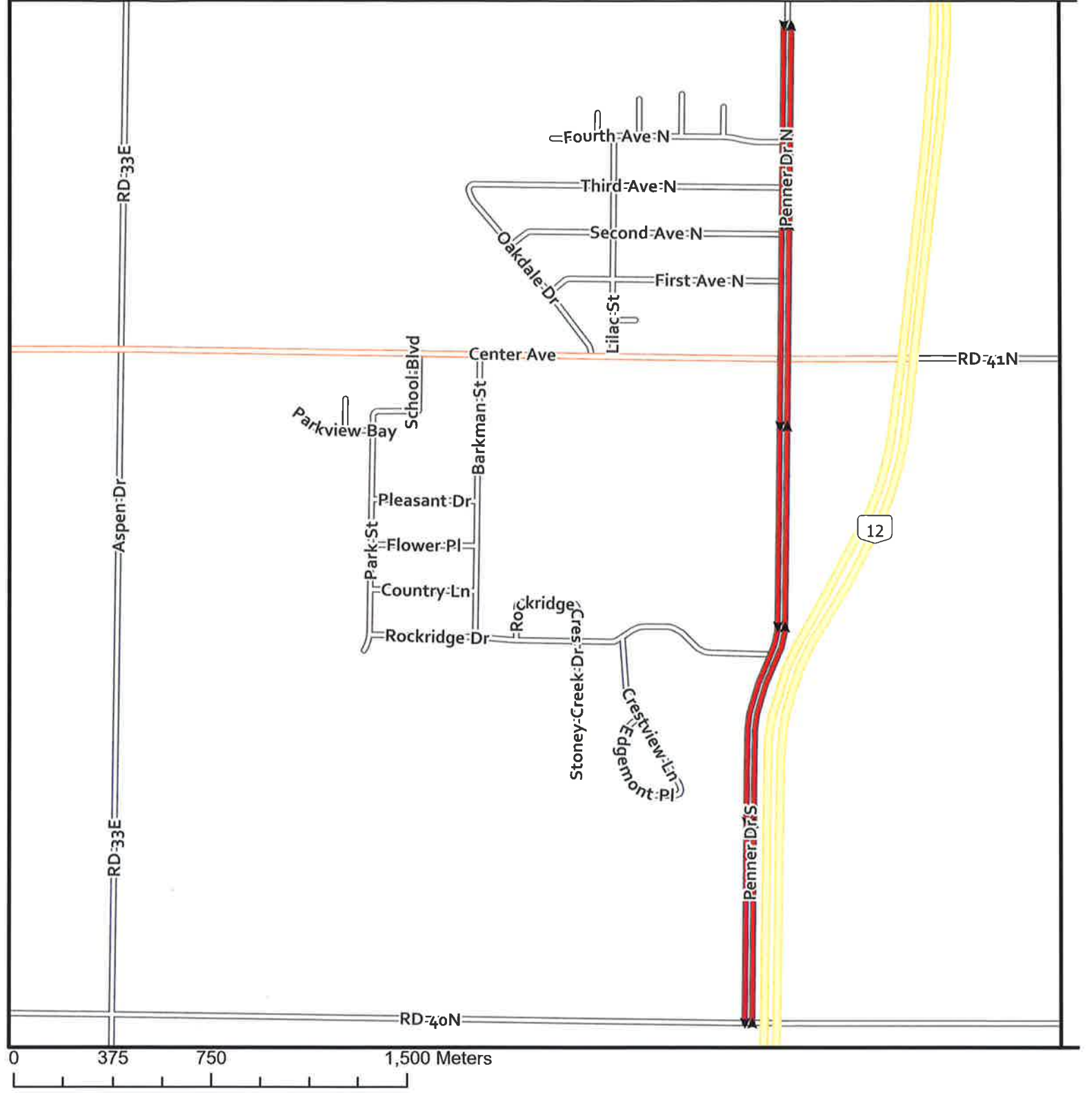


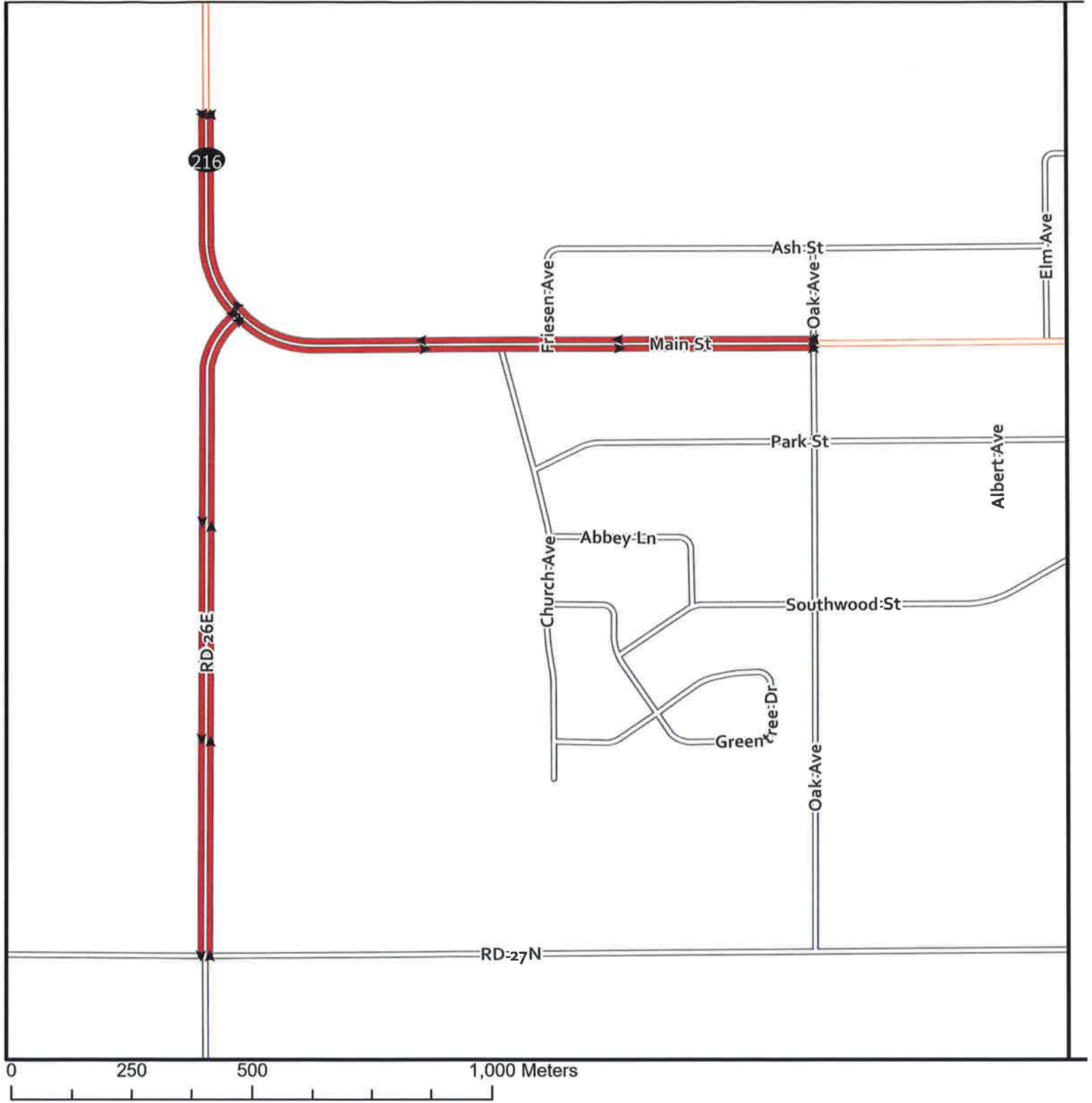
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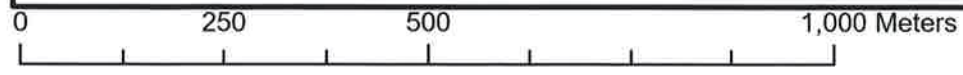
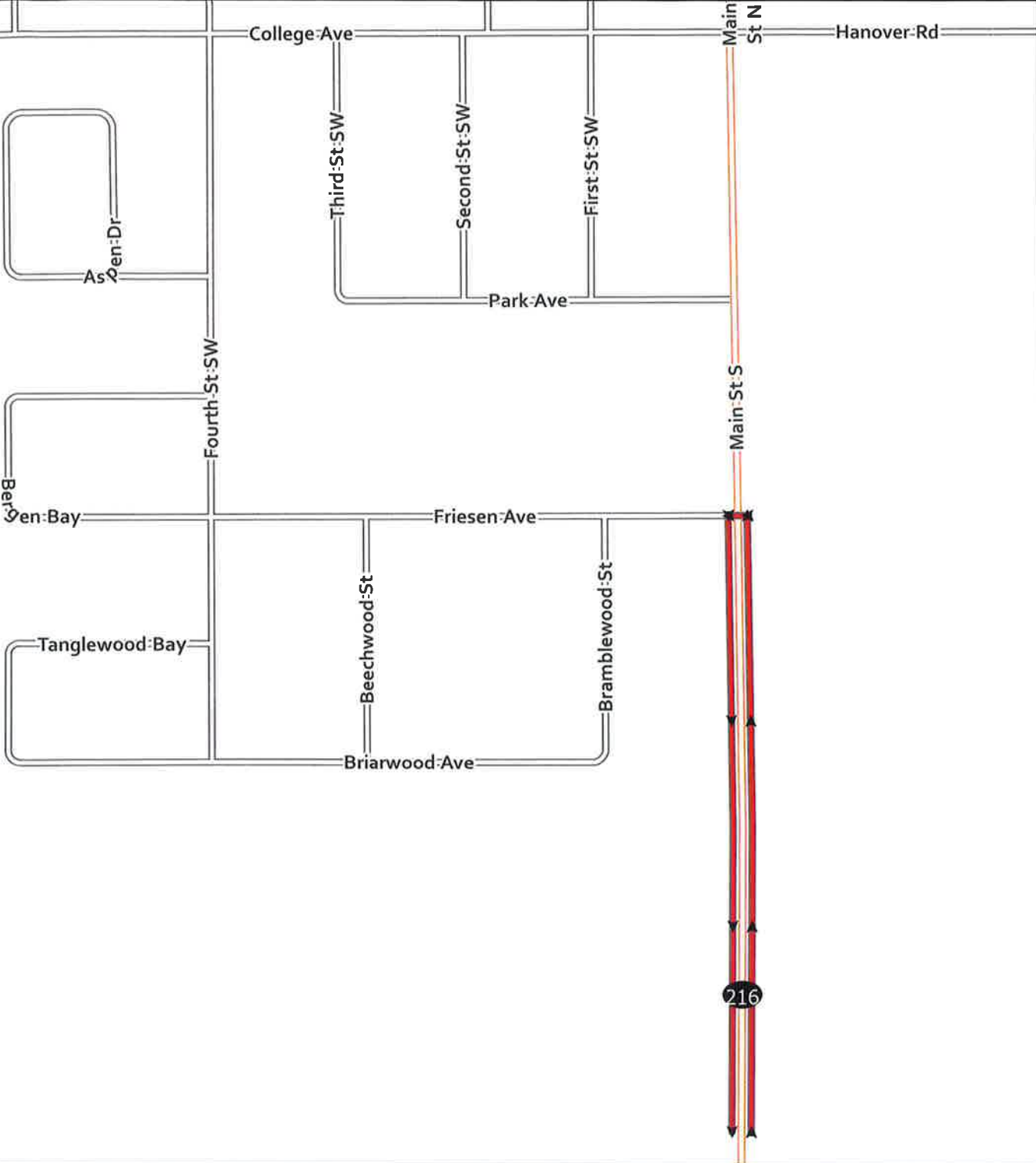
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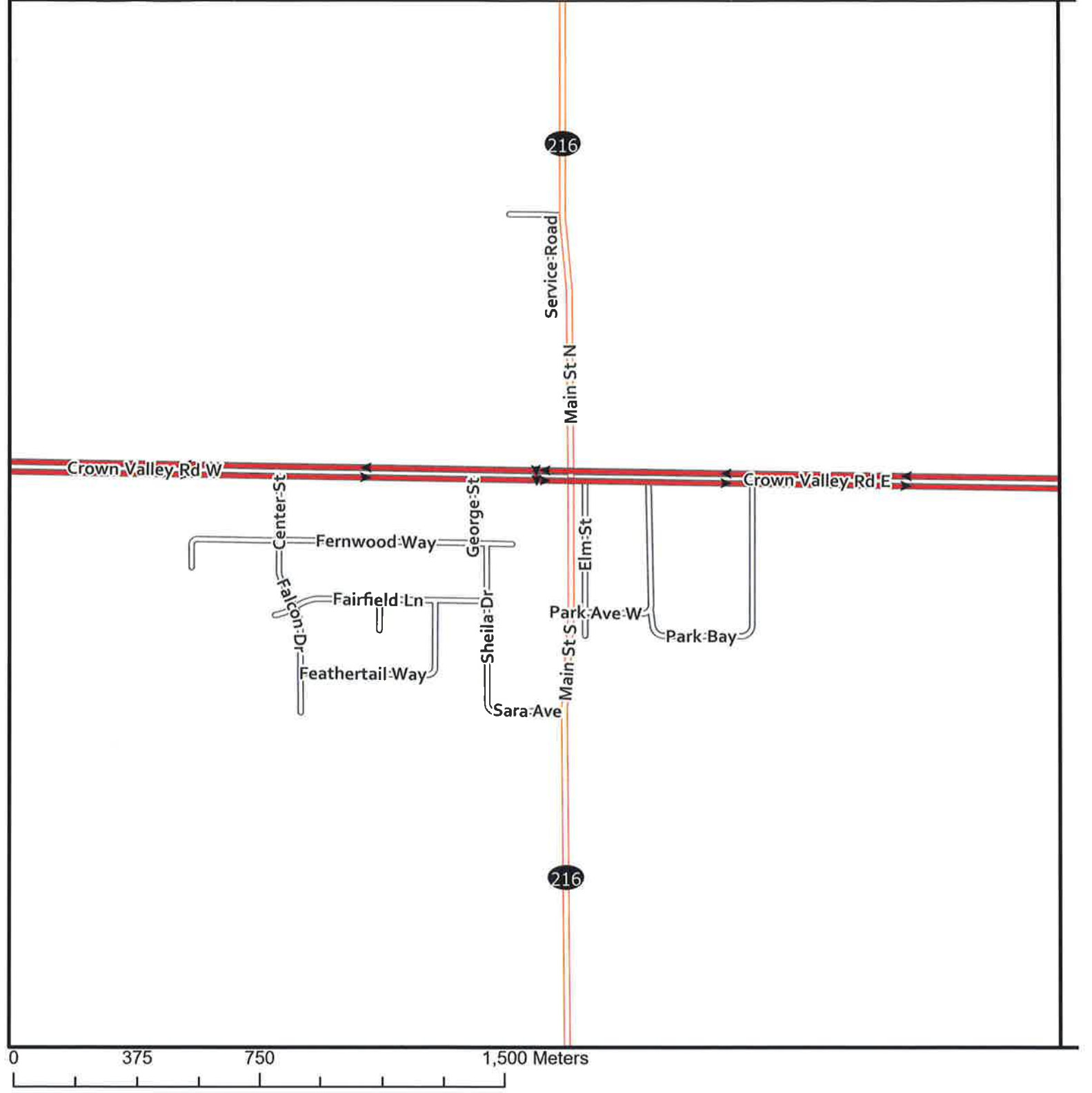
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0 375 750 1,500 Meters









Crown Valley Rd:W

Center St  
Falcon Dr

Fernwood Way  
Fairfield Ln  
Feathertail Way

George St  
George St  
Sheila Dr  
Sara Ave

216

Service:Road  
Main:St:N

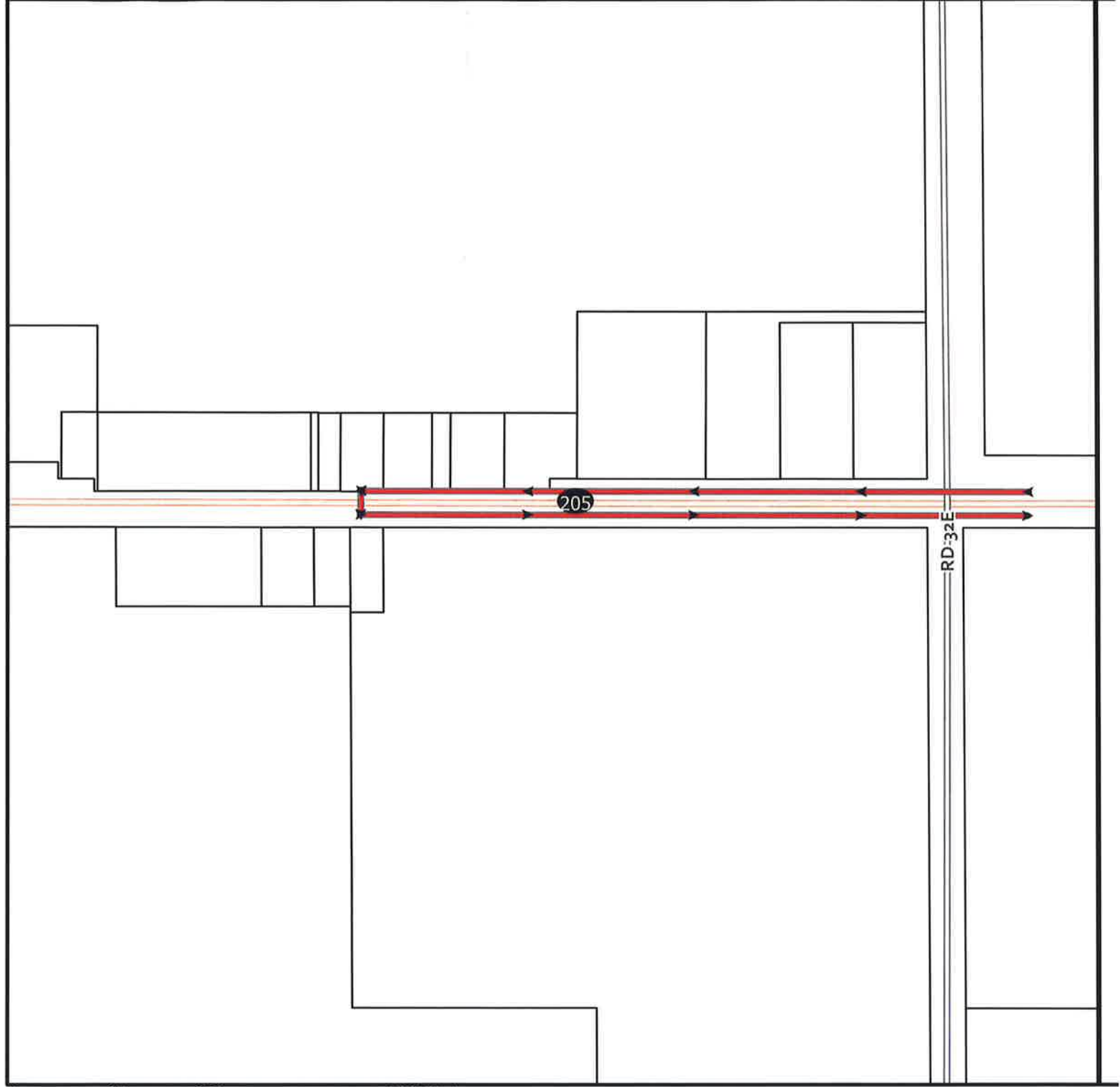
Elm St  
Park:Ave:W

Park:Bay

Crown Valley Rd:E

216

0 375 750 1,500 Meters



0 125 250 500 Meters