

TOWN OF STEINBACH

By-Law 961

BEING A By-Law to prohibit the operation of off-road vehicles within the Town of Steinbach.

WHEREAS Section 86(1) of The Highway Traffic Act provides as follows:

“86(1) A traffic authority may classify vehicles according to dimensions, design, weight, kind of weight carried or otherwise, for any class or all classes of vehicles, and may make rules or by-laws supplementary to, or in addition to, but not contrary to, any provision of this Act or regulations made thereunder and applicable on highways over which the traffic authority has jurisdiction, with respect to:

- (b) prohibiting the operation of such off-road vehicles as may be specified in the rule or by-law, as the case may be, within seventy (70) meters of a place of residence or in such other places as may be specified in the rule or by-law.”

AND WHEREAS it is deemed advisable and expedient to prohibit the operation of off-road vehicles within the territorial limits of the Town of Steinbach.

NOW THEREFORE the Council of the Town of Steinbach in session assembled, enacts as follows:

1. THAT this by-law may be referred to as the “Off-Road Vehicle By-Law”.

INTERPRETATION

2. (1) Unless otherwise expressly provided or unless the context otherwise requires, words and expressions in this By-Law have the same meaning as the same words and expressions in The Highway Traffic Act of the Province of Manitoba.

- (2) In this By-Law:

- (a) “dealer” means a person who, with or without remuneration of any kind, in the course of his/her business, buys, sells, exchanges, advertises, exhibits, or offers for sale, or acts as a broker or commission agent in respect of, new or used off-road vehicles.
- (b) “moped” means a motor vehicle which
 - (i) has 2 tandem wheels, or 3 wheels, each of which is more than 410 millimeters in diameter.
 - (ii) Has a seat or saddle having a minimum unladen height of 700 millimeters when measured from the ground level to the top of the forwardmost part of the seat or saddle.
 - (iii) Is capable of being driven at all times by pedals only, by motor only, or both, and the motor has a piston displacement of not more than 50 cubic centimeters, or is an electric motor neither of which is capable of enabling the moped to attain a speed greater than 50 kilometers per hour;
- (c) “motorcycle” means a motor vehicle, other than a tractor, which
 - (i) is designed to travel on not more than three wheels in contact with the ground; and
 - (ii) has a seat or saddle for the use of the rider sitting astride thereof and is capable of attaining a speed of 50 kilometers per hour or more, and includes a bicycle with a motor attached by which it is driven, and a motor scooter.

- (d) “motor vehicle” means a vehicle not run upon rails that is designed to be self-propelled or propelled by electric power obtained from overhead trolley wires, but does not include a farm tractor, a self-propelled implement of husbandry, a special mobile machine, or a snowmobile.
- (e) “off-road vehicle” means any moped, motorcycle, snowmobile or other motor vehicle that is designed for off-road use and is not registrable under The Highway Traffic Act.
- (f) “snowmobile” means a vehicle other than a vehicle registered under The Highway Traffic Act that
 - (i) is designed to be self-propelled;
 - (ii) 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 propellor, or as a toboggan equipped with tractor treads or a propellor; and
 - (iii) is designed primarily for operating over snow and ice, and is used primarily for that purpose;
 and includes a motorcycle that has three wheels and that is not registered under The Highway Traffic Act.

OFF ROAD VEHICLES PROHIBITED

- 3. (1) Subject to subsection (2), no person shall operate an off-road vehicle or any moped or motorcycle not registered under The Highway Traffic Act:
 - (a) on land over which the Council of the Town of Steinbach, as traffic authority for the Town of Steinbach, has authority, or
 - (b) within seventy (70) metres of a place of residence other than a residence on his own property or property under his control or a residence on property where he is an invited guest.
- (2) Subsection (1) does not apply to (a) a peace officer while in the course of his/her duties; or (b) a dealer; or (c) a farmer, in the course of operating a farm; or (d) a person engaged in business, while on the business premises; or (e) such special events, or uses, as the Council of the Town of Steinbach may permit.

PERMIT

- 4. THAT any peace officer shall have power to summon and take before any competent court within the Town of Steinbach, any person or persons who shall be found violating any of the provisions of this By-law, or the rules and regulations made pursuant thereto, or whom such peace officer has reasonable grounds to believe has or is violating any of such provisions or rules or regulations.
- 5. THAT a peace officer may seize and detain the off-road vehicle with which an offense has been, or is alleged to have been, committed under this by-law, until the final disposition or any prosecution under this by-law but the vehicle may be released if security for its production is given to the satisfaction of a Justice of the Peace.
- 6. THAT any person who contravenes or fails to comply with any of the provisions of this By-Law is guilty of any offence and liable on summary conviction to a fine of not less than \$25.00, or more than \$100.00, or in default, to imprisonment for a period not exceeding thirty (30) days.

DONE AND PASSED in Council duly assembled, this 2nd day of May, 1988.

Mayor

Secretary-Treasurer