

BY-LAW #11/18

OF THE

RURAL MUNICIPALITY OF ROCKWOOD

Being a By-Law of the Rural Municipality of Rockwood to regulate the operation of All-Terrain Vehicles in the Rural Municipality of Rockwood.

WHEREAS Section 232(1)(g) and 236(1) of *The Municipal Act*, S.M. 1996 C.58 provides authority for the Municipality to pass a By-Law respecting the operation of all-terrain vehicles on public or private property;

AND WHEREAS Section 46 of *The Off-Road Vehicles Act* authorizes the Rural Municipality of Rockwood to make rules by By-Law supplementary to or in addition to, but not contrary to any other provision of the said Act or Regulations made thereunder prescribing the periods of the date, or the year, during which designated all-terrain vehicles shall be permitted or prohibited and fixing penalties for violations of By-Laws passed under that Section;

AND WHEREAS Section 45 of *The Off Road Vehicles Act* authorizes a traffic authority of a municipal road to make By-Laws supplementary to or in addition to, but not contrary to any provision of that Act or Regulations made thereunder permitting or prohibiting the operation of designated all-terrain vehicles across a roadway and shoulder at any place or at a designated place along the highway or any other portion thereof and prohibiting the operation of designated all-terrain vehicles upon a designated right-of-way or a specified portion thereof;

AND WHEREAS the Rural Municipality of Rockwood is a traffic authority;

AND WHEREAS the Rural Municipality of Rockwood deems it expedient to enact a By-Law regulating the operation of all-terrain vehicles in the Rural Municipality of Rockwood;

NOW THEREFORE the Council of the Rural Municipality of Rockwood enacts as follows:

1. **DEFINITIONS:**

- a) **"All-Terrain Vehicles"** shall mean motorized dirt bikes, snowmobiles, motorized trikes, quads
- b) **"R.M."** shall mean the Rural Municipality of Rockwood.
- c) **"Municipal Road"** shall mean 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 included any area designated or intended and primarily used for the parking of vehicles and the necessary passage ways thereon.
- d) **"Owner"** shall include a person, in possession of an all-terrain vehicle under a contract providing that ownership, title, and property therein is to vest in the person at a subsequent time upon payment of the whole or part of the price or the performance of any other condition.
- e) **"Playground"** shall mean an area owned by the R.M. which is primarily intended for outdoor recreation used by children.
- f) **"Private Property"** does not include unoccupied R.M. property.

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- g) “Sidewalk” shall mean “footpath”, whether improved or not, that is intended primarily for use by pedestrians but does not include a sidewalk located on private property.
- h) “Municipal Road”, “all-terrain vehicle”, “peace officer”, “roadway”, “shoulder”, “snowmobile and/or snow vehicle” have the same respective meanings attributed to those terms in *The All-Terrain Vehicle Act*.

2. No person shall operate an all-terrain vehicle upon public reserves (where posted), park areas, public parking lots, play grounds, pool areas, sports fields and sidewalks/footpaths, unless authorized by the Rural Municipality of Rockwood.

3. **PENALTY:**

- a) Any person who contravenes, disobeys, or violates, or refuses, omits, neglects or fails to observe, obey or comply with any provision of this By-Law is guilty of an offense punishable upon summary conviction and is liable to a fine not exceeding One Thousand Dollars (\$1,000.00) for each offense together with costs of prosecution and, in default of payment of such fine and costs.
- b) Where an offense, consisting of a violation of any provision of this By-Law is committed by means of operation of an all-terrain vehicle, the owner of the all-terrain 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 the offense was committed, the owner is guilty of the offense and is liable, upon summary conviction, to the penalty herein provided for that offense unless the owner satisfied the Judge of Justice that, at the time of the violation, the all-terrain vehicle was in the possession of a person other than the owner or an immediate family member without the consent of the owner.

9. **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.

10. This By-Law, #11/18, may be cited as the “All-Terrain Vehicles” By-Law.

DONE AND PASSED in Council, assembled in the Town of Stonewall, in the Province of Manitoba, this 13th day of September, A.D., 2023.

THE RURAL MUNICIPALITY OF ROCKWOOD

J. WESLEY TAPLIN, REEVE

CHRIS LUELLEMAN, CAO

GIVEN First Reading this 8th day of August, A.D., 2018.
 GIVEN Second Reading this 12th day of September, A.D., 2018.
 GIVEN Third Reading this 13th day of September, A.D., 2023.