

BY-LAW No. 23-15

– of –

THE RURAL MUNICIPALITY OF SPRINGFIELD

Being a By-Law for the purpose of regulating the operation of ‘Off Road Vehicles’ within certain limits of the Rural Municipality of Springfield.

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WHEREAS subsection 232(1)(b) of The Municipal Act provides that a Council may pass By-Laws for municipal purposes respecting municipal roads;

AND WHEREAS Section 46 of the Off Road Vehicles Act authorizes the Rural Municipality of Springfield 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 day, or of the year, during which designated off road vehicles shall not be operated, prescribing areas in which the operation of designated off road vehicles shall be permitted or prohibited and fixing penalties for violations of Bylaws 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 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 prohibiting the operation of designated off road vehicles upon a designated right of way or a specified portion thereof;

AND WHEREAS the Rural Municipality of Springfield is the traffic authority;

AND WHEREAS subsection 249(1) of The Municipal Act provides, in part, that a person who contravenes a by-law of a municipality is guilty of an offence;

AND WHEREAS subsection 249(2) of The Municipal Act provides that where a contravention continues for more than one day, the person is guilty of a separate offence for each day it continues;

AND WHEREAS Manitoba Regulation 50/97 of March 9, 1997 provides that the maximum fine that a council may impose in respect of a contravention of a By-Law is One Thousand (\$1,000.00) Dollars;

AND WHEREAS S. 3(1) of the Municipal Bylaw Enforcement Act provides that a Municipality require administrative penalties to be paid in respect of the contravention of its by-laws.

AND WHEREAS the RM of Springfield has passed such a Bylaw being 19-18 the Municipal Bylaw Enforcement Act Bylaw

AND WHEREAS the 'Off-Road Vehicle Act' S.M. 1987-88, c. 64 (the 'Act') provides as follows:

32(1)

*No person shall operate an off-road vehicle*

*(a) on privately owned land without the express or implied consent of the owner or lawful occupier of the property; or*

*(b) on Crown land allocated by lease or permit, without the express or implied consent of the lawful occupier of the property, unless the operator is otherwise lawfully authorized to enter such land; or*

*(c) within 30 meters of a dwelling between the hours of twelve midnight and seven o'clock in the morning, unless the dwelling is located on the operator's own property or property under the operator's control or as an invited guest; or*

*(d) within 30 meters of a playground, or area set aside for other recreational use, unless the area is enclosed or fenced or unless the off-road vehicle is required for the maintenance or operation thereof.*

33(1)

*Except as may be authorized by subsection (4) or any other provision of this Act or regulation thereunder, no person shall operate an off-road vehicle*

*(a) upon or across a roadway or the shoulder thereof; or*

*(b) on or across the median of a divided highway; or*

*(c) on the right-of-way of an interchange.*

NOW THEREFORE, the Council of the Rural Municipality of Springfield enacts as a By-Law, here in after referred to as the Rural Municipality of Springfield Off Road Vehicle Bylaw as follows:

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 Off Road Vehicle Act of the Province of Manitoba
2. THAT Council from time to time, by resolution, may amend the schedule attached to this by-law.
3. The schedules to this by-law are part of the by-law and shall be identified by the signature of the Mayor and Council of The Rural Municipality of Springfield.

## DEFINITIONS

### 4. In this By-Law

- "Council"** means the Council of the RM of Springfield.
- "Designated Area"** means a portion of the RM of Springfield referred to herein in which the use of off road vehicles is subject to limitation as resolved by Council
- "Highway"** 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 therefor, and includes all the space between boundary lines thereof; but does not include any area designed or intended, and primarily used for the parking of vehicles and the necessary passage-ways thereon; ('road' and 'street' are synonyms for 'Highway' and shall have the same meaning)
- "Firefighter"** means a member of the Springfield Fire and Rescue Service (SFRS), including the Chief of the Springfield Fire and Rescue Service while they are conducting operations.
- "Intersection"** means an area embraced within the straight projection of the lateral boundary lines of two or more highways that join one another at an angle, whether or not one of the highways crosses another;
- "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, without limiting the generality of the foregoing includes:
- a) a four wheel drive motor vehicle, a motorcycle or a snow vehicle not registered under the Highway Traffic Act;
  - 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 amphibious vehicle; and
  - f) a snowmobile
- but does NOT include:
- g) an implement of husbandry;
  - h) a farm tractor;
  - i) a special mobile machine;

- j) a garden or lawn tractor; and
- k) a golf cart.

<b>“Operate”</b>	means to drive or be in actual physical control of an off road vehicle
<b>“Operator”</b>	means a person operating or driving an off road vehicle or a person in actual physical control of an off road vehicle
<b>“Owner”</b>	includes a person, in possession of an off road vehicle under a contract providing that the 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
<b>“Peace Officer”</b>	means a member of the Royal Canadian Mounted Police, the Springfield Police Service and any other police officer, police constable, or any other person employed in the preservation and/or maintenance of the public peace, including a By-Law Enforcement Officer.
<b>“Right of Way”</b>	means an area of land acquired for a public thoroughfare including any other facility incidental thereto
<b>"Roadway"</b>	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 shoulder; 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;
<b>"Shoulder"</b>	means the portion of a highway contiguous with the travelled way for accommodation of stopped vehicles for emergency use and for lateral support of base and surface courses;
<b>"Snowmobile"</b>	means a vehicle that has a gross vehicle weight not exceeding 454 kilograms and <ul style="list-style-type: none"><li>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</li><li>b) is designed primarily for operating over snow or ice, and is used primarily for that purpose; and</li><li>c) is designed to be self-propelled.</li></ul>

All 'snowmobiles' are 'Off Road Vehicles' for the purposes of this Bylaw.

**"Snowmobile Season"** means the period of time beginning from Oct 15<sup>th</sup> of one year until April 15<sup>th</sup> of the following year

### **OPERATION OF OFF ROAD VEHICLES IN DESIGNATED AREAS**

5. No person shall operate an off road vehicle (including snowmobile) in a 'Designated Area' except as permitted in this Bylaw or under the Off Road Vehicle Act.
6. At all times a person may operate an off road vehicle except a Snowmobile in a 'Designated Area' along the lane adjacent to residences or when no such lane exists, on the right hand shoulder of a Highway in order to proceed directly to:
  - a) His or her place of residence or the storage location for the off road vehicle;
  - b) a refueling or maintenance site; and
  - c) a lane, public reserve or designated route.
7. During 'Snowmobile Season,' provided the routes are snow covered a person may operate a snowmobile in a Designated Area' along the lane adjacent to residences or when no such lane exists, on the right hand shoulder of a Highway in order to proceed directly to:
  - (a) His or her place of residence or the storage location for the snowmobile.
  - (b) a refueling or maintenance site; and
  - (c) a lane, public reserve or designated route.
8. No person may operate an off-road vehicle within a 'Designated Area' at a speed that is greater than 30 kilometers per hour (30kph).
9. No person shall operate an off-road vehicle within a 'Designated Area' between 2300 hours and 0700 hours the next day.

### **DESIGNATED AREAS**

10. The following are considered 'Designated Areas' in which the operation of Off Road Vehicles is restricted by the above sections:

- a) the town known as 'Oakbank', bounded to the North by Oakwood Road (64N), to the East by Spruce Road (28E), to the South by Springfield Road (63N) and to the West by Vernon Road (26E);
- b) the town known as 'Dugald', bounded to the North by the CN Rail-line, to the East by Spruce Road (28E), to the South by the Southern Boundary of the Wheatland Dr subdivision; and to the West by the Westernmost edge of Jaffray Street;
- c) the town known as 'Anola' bounded to the North by Maplewood Dr, to the East by Eastdale Road (37E), to the South by Weiser Cr/ Gass Ave and to the West by Stoneridge Road; and
- d) the town known as 'Hazelridge' bounded to the North by PR 213 (Garven Road), to the East by Scott Street, to the South by Hazelridge Road (65N) and to the West by the Westernmost edge of Memorial Blvd.

### **EXCEPTIONS TO OPERATION OF OFF ROAD VEHICLE USE**

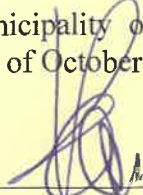
- 11. Provisions of this bylaw does not apply to the following:
  - a) peace officers or firefighters engaging in the lawful execution of their duties;
  - b) RM employees and/or designates conducting duties on behalf of the RM;
  - c) Farmers or agriculture producers engaged in their trade; and
  - d) provincial government employees or designates conducting duties on behalf of the Province of Manitoba.

### **ADMINISTRATIVE PROVISIONS**

- 12. The owner of an off-road vehicle that is involved in a contravention of this Bylaw may be charged with an offence with which, in similar circumstances, the operator of the off road vehicle or the person having care, charge or control of one may be charged.
- 13. Nothing in clause 12 hereof relieves the operator of an off road vehicle from any liability of any offence or violation of any provision of this bylaw.
- 14. Where any offence continues for more than one day, the person is guilty of a separate offence for each day the offence continues.
- 15. Pursuant to the *Manitoba Bylaw Enforcement Act* and the Municipalities corresponding Bylaw, offences covered by this Bylaw shall be enforced via administrative Penalty Notice. Attached as a schedule to this Bylaw is the designated offence wording for specific offences and the set fine amount.

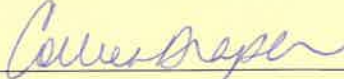
16. That By-Laws No. 93-26 is repealed and no longer has any force or effect on the date of final passage of this By-Law.

DONE AND PASSED by the Council of the Rural Municipality of Springfield, in Council duly assembled, in Oakbank, Manitoba, this 17<sup>th</sup> day of October, A.D. 2023.



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Patrick Therrien  
Mayor



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Colleen Draper  
Chief Administrative Officer

READ a First time this 3<sup>rd</sup> day of October, A.D 2023.

READ a Second time this 17<sup>th</sup> day of October, A.D 2023.

READ a Third time 17<sup>th</sup> day of October, A.D 2023.

**SCHEDULE 'A' to RM of Springfield BY-LAW No. 23-15 otherwise known as the Off Road Vehicle Bylaw**

<b>Designated Offence Wording</b>	<b>Section</b>	<b>Fine Amount</b>
Operate ORV in a Designated Area	S. 5	\$100.00
Operate Snowmobile in a Designated Area	S. 7	\$100.00
Operate ORV over 30 kph in a Designated Area	S. 8	\$100.00
Operate ORV between 2300 hrs and 0700 hrs in a Designated Area	S. 9	\$100.00