

THE TOWN OF GRANDVIEW

BY-LAW NO. 13 /97

A By-law of The Town of Grandview to prescribe an area where snowmobiles and all-terrain vehicles may be operated and to prevent otherwise their use upon highways within The Town of Grandview.

WHEREAS The Municipal Act (Cap.58. 1996) provides in part as follows:

“231 The power given to council under this Division to pass by-laws is stated in general terms

(a) to give broad authority to the council and to respect its right to govern the municipality in whatever way the council considers appropriate, within the jurisdiction given to it under this and other Acts; and

(b) to enhance the ability of the council to respond to present and future issues in the municipality.

AND WHEREAS The Municipal Act (Cap. 58 1996) provides as follows:

“232(1) A council may pass by-laws for municipal purposes respecting the following matters:

(a) the safety, health, protection and well-being of people, and the safety and protection of property;

AND WHEREAS “all-terrain vehicle” is defined in The Off-Road Vehicles Act,(c.O31 RSM) as”

“all-terrain vehicle” 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:

AND WHEREAS “snowmobile” is defined in the same Act as:

“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.

“traffic authority” in the same Act means:

(c) in the case of highways within municipalities, except those on privately owned land, the municipality within the limits of which the highway is situated.

AND WHEREAS the council has approved the use of snowmobiles and all-terrain vehicles on the official designated route which travels through a portion of The Town of Grandview as hereinafter defined.

AND WHEREAS the council has approved the use of snowmobiles and all-terrain vehicles in the back lanes of The Town of Grandview.

NOW THEREFORE be it enacted:

1. In this By-law:
 - (a) “all-terrain vehicle” means a vehicle as described under The Off-Road Vehicles Act.
 - (b) “snowmobile” has the same meaning as defined in The Off-Road Vehicles Act.
 - (c) “operate” means as defined in The Off-Road Vehicles Act.
 - (d) “operator and owner” as defined in The Off-Road Vehicles Act.
2. That snowmobiles and all-terrain vehicles may use the back lanes of The Town of Grandview.
3. That snowmobiles and all-terrain vehicles may only use the officially designated route which travels through a portion of the community as more particularly defined in Schedule “A” attached hereto.
4. Notwithstanding the provisions of sections 2 and 3 hereof, where any storm or blizzard renders a highway within the limits of The Town of Grandview impassable to regular vehicular traffic, the mayor may by proclamation, authorize, for a fixed period, the operation of snowmobiles or all-terrain vehicles within the limits of The Town of Grandview.
- 5(1) The owner and the operator of a snowmobile or an all-terrain vehicle who contravenes the provisions of this by-law is guilty of an offence and is liable on summary conviction to a fine:
 - (a) of not less than \$10.00 or more than \$50.00 and costs for a first offence;
 - (b) of not less than \$25.00 or more than \$200.00 and costs for a second offence, and
 - (c) in case of non-payment of a fine and costs imposed under this section to imprisonment for a period not exceeding 30 days.
- 5(2) Where it is alleged by a peace officer, or by any person appointed to enforce this by-law that any person has contravened a provision of this by-law, that person, on being notified of the allegation, may voluntarily consent

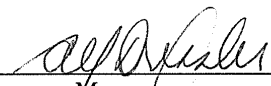
- (a) to appear before:
- (i) a justice; or
 - (ii) a peace officer; or
 - (iii) the secretary-treasurer of The Town of Grandview; and
- (b) where, without an information being laid or complaint or charge made or other formality, to admit the correctness of the allegation and pay the minimum fine fixed by subsection (1) hereof for the alleged offence.

5(3) Upon any person who has consented as provided in subsection (2) paying the fine fixed by subsection (1) he is not liable to prosecution for the contravention in respect of which the payment is made.

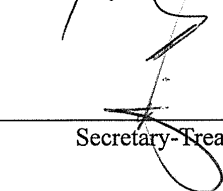
6. This by-law does not apply to the operation of an implement of husbandry operated by a farmer or his employee as permitted by The Highway Traffic Act.

7. *That By-Law 3-88 is hereby repealed.*

DONE AND PASSED by the Council of the Town of Grandview, assembled at the Council Chambers in the Town of Grandview, in the Province of Manitoba, this 25 day of June A.D. 1997.



Mayor



Secretary-Treasurer

Read a first time this 11 day of June, 1997
Read a second time this 11 day of June, 1997
Read a third time this 25 day of June, 1997