

Town of Souris By-laws

BY-LAW No. 2004-08

OFF-HIGHWAY VEHICLE BY-LAW

BE IT ENACTED BY THE TOWN COUNCIL OF THE TOWN OF SOURIS
PURSUANT TO THE MUNICIPALITIES ACT. R.S.P.E.I.

PART I: TITLE

1. 1.1 This by-law shall be cited as the Off-Highway Vehicle By-law.

PART II: SCOPE

2. 2.1 This By-law shall apply to all property within the boundaries of the Town of Souris.

PART III: DEFINITIONS

3. In this By-law:

3.1 “All Terrain Vehicle” means a wheeled or tracked motor vehicle designed for travel primarily on unprepared surfaces such as open country and marshland, but does not include a snow vehicle, implement of husbandry or construction machinery;

3.2 “Enforcement Officer” means a person(s) duly authorized to act on behalf of the Town of Souris, including the Royal Canadian Mounted Police.

3.3 “Confederation Trail” means the trail designated as the Confederation Trail under the Trails Act R.S.P.E.I. 1988, Cap. T- 4.1;

3.6 “Miniature Motor Vehicle” means a motor vehicle other than a motor cycle, having specifications prescribed by the regulations under the Off-Highway Vehicles Act

3.7 “Minibike” means a motor cycle having specifications as prescribed by the regulations under the Off-Highway Vehicles Act.

3.8 “Motorcycle” means a motor vehicle as defined in the Highway Traffic Act.

3.9 “Motor Vehicle” means a motor vehicle as defined in the Highway Traffic Act.

3.10 “Off-Highway Vehicle” means any motorized vehicle designed for cross-country travel on land, water, snow, ice, marsh, or swampland or on any other natural terrain and without limiting the generality of the foregoing includes, when designed for such travel;

- (a) four wheel drive or low pressure tire vehicles;
- (b) power motor cycles and related two wheeled vehicles;
- (c) amphibious machines;
- (d) all terrain vehicles;
- (e) miniature motor vehicles;
- (f) snow vehicles;
- (g) minibikes, and
- (h) any other means of transportation which is propelled by any power other than muscular power or wind, but does not include;
- (i) motor boats, or
- (j) any other vehicles exempted from all the provisions of this By-law.

3.11 “Operator” means a person who drives or is in actual physical control of a vehicle;

3.12 “Owner” includes a person renting an off-highway vehicle, or having the exclusive use thereof under a lease or otherwise for a period of more than (30) thirty-days;

3.13 “Power Motor Cycle” means a motor vehicle mounted on two or three wheels and includes those motor vehicles known to the trade as scooters and power bicycles, but does not include motor cycles;

3.15 “Snow Vehicle” means a motor vehicle designed or intended to be driven exclusively or chiefly upon snow or ice or both, and includes motor vehicles known to the trade as snowmobiles;

3.16 “Permit” means a permit issued for the exclusive use of that portion of the Confederation Trail for which a lease authorizing the holder of such lease to operate Off-Highway vehicles on the Confederation Trail, or other Town sanctioned events.

3.17 “Town” means any area contained within the boundaries of the Town of Souris.

PART IV: GENERAL PROVISIONS

4. 4.1 Subject to a permit that may be issued, no person shall operate an off-highway vehicle in the Town, between the hours of 10:00 PM and 7:00 AM on the next succeeding.

4.2 No person under the age of fourteen (14) years of age shall, within the Town, operate an off-highway vehicle in a public place unless accompanied by an adult person in possession of a valid drivers license, such person shall be seated next to him/her on the off-highway vehicle, or otherwise in close proximity, while giving instructions, if that instruction is not given on a highway.

4.3 No person shall, within the Town, operate an off-highway vehicle without displaying a valid registration for that off-highway vehicle.

4.4 No person shall, within the Town, operate an off-highway vehicle at a speed greater than twenty (20) kilometres per hour within the Town, unless a special permit is issued to an Off-Highway Vehicle Club to hold races or rallies at a designated place and time by the Town.

4.5 No person shall, within the Town, operate an off-highway vehicle without the use of a CSA approved safety helmet.

4.6 Section 4.1 and section 4.4 does not apply to an Officer while engaged in the enforcement of this By-law.

4.7 No person shall, within the Town, operate an off-highway vehicle on private property other than their own without the expressed or written permission of the owner of that property.

4.8 No person shall operate an off-highway vehicle on any park or playfield or other prohibited areas within the Town.

4.9 No person shall operate an off-highway vehicle on any highway or road within the Town except.

(a) An off-highway vehicle may cross any highway, roadway, lane, or sidewalk portion thereof if;

(i) the operator stops the off-highway vehicle before entering onto the highway or portion thereof to be crossed;

(ii) the operator yields the right of way to all other vehicles and person(s) on the highway: and

(iii) the operator crosses at right angle the portion of highway to be crossed;

4.10 No person shall, within the Town, operate an off-highway vehicle without due care and attention; or without reasonable consideration for other persons or property.

4.11 No person shall, within the Town, tow behind an off-highway vehicle any trailer, sleigh, or other vehicle unless a hitch or attachment is employed; and

(a) is so designed as to control the vehicle being towed so that it will substantially follow in the tracks of the towing vehicle;

(b) is of sufficient strength to safely control the vehicle being towed;

(c) does not exceed one (1) metre in length; and

(d) adequately prevents the towed vehicle from colliding with the towing vehicle in the case of downhill travel or a stop.

4.12 No person shall, within the Town, operate an off-highway vehicle without a valid drivers license unless on the owners property.

4.13 The onus will be on the operator of the off-highway vehicle to prove he/she is on their own property.

PART V: INTERPRETATION

5. 5.1 In this By-law words importing the singular shall include the plural and words importing the masculine gender shall include the female gender and Vice versa.

PART VI: SEVERABILITY

6. 6.1 It is the intention of the Town Council that each separate provision of this By-law shall be deemed independent from all other provisions of this By-law, such that, if any provision of this By-law is declared invalid, all other provisions of this By-law shall remain valid and enforceable.

PART VII: PENALTY

7. 7.1 Every person who contravenes any provision of this By-law is guilty of an offence and liable on summary conviction;

(a) for first offence, to a fine of not less than Fifty dollars (\$50.00), and not more than One-hundred dollars (\$100.00); and

(b) for a second or subsequent offence, to a fine of not less than One hundred dollars (\$100.00), and not more than Two-hundred dollars (\$200.00).

PART VIII: REPEAL

8. 8.1 All previous By-laws of the Town of Souris pertaining to Off-Highway Vehicles are hereby repealed.

Read for the first time on June 12, 2004, Town Council Meeting
Read a second time on June 29, 2004, Town Council Meeting

MAYOR Joe O'Keefe
ADMINISTRATOR Mildred Ehler