

**RURAL MUNICIPALITY OF EAST ST. PAUL**

**By-Law No. 2019-09**

**BEING** a By-law to regulate the operating of snowmobiles within the limits of the Rural Municipality of East St. Paul.

**WHEREAS** "The Off-Road Vehicle Act" S.M. 1987-88 c. 64 Cap. 031 (the "Act") provides as follows:

- 32       (1)       No person shall operate an off-road vehicle;
- (a) on private 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 under another provision of this Act or under the regulations, 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; or
  - (d) on or across a sidewalk.
- 38       (1)       Notwithstanding any other provision of this Act, where a storm or blizzard renders a roadway impassable to vehicular traffic, a local authority may authorize, for a fixed period, the operation of designated off-road vehicles on the roadway or shoulder or designated portions thereof; and during that period, operators may operate off-road vehicles on the roadways or shoulders.
- (2)       For the purpose of subsection (1), "local authority" means;

- (a) the council of
    - (i) an incorporated city, town, village, or another municipality, and
    - (ii) a community or incorporated community, as defined in The Northern Affairs Act.
  - (b) the resident administrator and council of a local government district; or
  - (c) the Minister of Aboriginal and Northern Affairs with respect to Northern Manitoba
- 46 (l) Rules supplementary to, or in addition to, but not contrary to any other provision of this Act or the regulations made under this Act;
- (a) prescribing the periods of the day, or the year, during which designated off-road vehicles shall not be operated;
    - (a.1) prescribing the maximum speed above which off-road vehicles shall not be operated;
  - (b) prescribing areas in which the operation of designated off-road vehicles shall be permitted or prohibited; and
  - (c) fixing penalties for violation of by-laws passed under this section;
    - may be made
  - (d) in respect of a municipality, by the council thereof."

**AND WHEREAS** the Council of the Rural Municipality of East St. Paul deems it advisable to pass a By-law regulating the use of snowmobiles within the limits of the Rural Municipality of East St. Paul;

**NOW THEREFORE** the Council of the Rural Municipality of East St. Paul, in meeting duly assembled, enacts as follows:

1. **THAT** Unless the context specifically indicates otherwise, the meaning of the terms used in this By-law shall be as follows:

**Definitions**

- (a) 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 the 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;

- (b) Intersection means the 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;
- (c) Operate means to drive or to be in actual physical control of an off-road vehicle;
- (d) Operator means a person operating or driving an off-road vehicle or a person in actual physical control of an off-road vehicle;
- (e) Owner includes a person who has exclusive use of a vehicle under a lease or other agreement for a period of more than 30 days.;
- (f) Right-of-way means an area of land acquired for a public thoroughfare including any other facility incidental thereto;
- (g) Roadway 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;
- (h) Shoulder 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;
- (i) Sidewalk means footpath, whether or not paved or improved that is intended primarily for the use of pedestrians and that either
  - (i) forms part of that portion of a highway that lies between the curb line or if there is none, the lateral boundary line, of the roadway and
    - 1) the adjacent property line; or
    - 2) the straight production of the adjacent property lines to the curb line or if there is none, to the lateral boundary line, or an intersecting highway; or
  - (ii) although not part of a highway is a publicly maintained right of way, set aside for pedestrian traffic only and for the purpose of giving access to property adjacent thereto.
- (j) Snowmobile means a vehicle that has a gross vehicle weight not exceeding 454 kilograms, and;
  - (i) 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,

- (ii) is designed primarily for operating over snow or ice, and is used primarily for that purpose, and;
- (iii) is designed to be self-propelled.

2. **THAT** no person shall operate a snowmobile within the limits of the Rural Municipality of East St. Paul except as permitted in this By-law or under the Act.

3. **THAT** no person shall operate a snowmobile:

- (a) in a careless manner or without due care and attention; or
- (b) without reasonable consideration for other persons and property or in a manner likely to cause damage or injury to other persons and property,

4. **THAT** a snowmobile operator may, when reasonable snow conditions exist, operate a snowmobile in the Rural Municipality of East St. Paul only on the approved designated routes as set out in Appendix "A". These routes shall be used to provide access to and from the area outside of the limits of the Rural Municipality of East St. Paul.

5. **THAT** the municipality shall provide the necessary signs to mark the designated routes for the information of the operator of a snowmobile in compliance with "The Off-Road Vehicles Act".

6. **THAT** no person shall operate a snowmobile within the Rural Municipality of East St. Paul at a speed that is greater than 25 kilometers an hour when within 200 meters of residential development.

7. **THAT** where a snowmobile is being operated on a roadway or shoulder as permitted in this By-law the operator shall:

- (a) drive the snowmobile as close to the right-hand edge of the roadway or shoulder as possible; and
- (b) drive in single line with other snowmobiles.

8. **THAT** notwithstanding any other provisions of this By-law and the Act, as per Section 38(1) where a storm or blizzard renders a roadway impassable to vehicular traffic, the Mayor of the Rural Municipality of East St. Paul may authorize, for a fixed period, the operation of snowmobiles on the roadways within the Rural Municipality of East St. Paul. The authority will be granted by resolution of Council or through the declaration of a Local State of Emergency. East St. Paul will follow the Public Alerting System as set out in their Emergency Plan which provides for notification through the website, media and social media.

9. **THAT** where an offence, resulting from the violation of any provision of this By-law;

(a) is committed by means of, or with respect to, a snowmobile; or

(b) occurs by reason of, or with respect to, the ownership, use, or operation of a snowmobile:

the owner of the snowmobile may be charged with the commission of the offence and if the judge or justice before whom the charge is tried, is satisfied that the offence was committed, the owner is guilty of the offence and is liable, on summary conviction, to the penalty herein provided, unless the owner satisfies the judge or justice that, at the time of the violation, the snowmobile was in the possession of a person without the consent of the owner.

10. **THAT** nothing in subsection (9) relieves the operator of a snowmobile from any liability for any offence or violation of any provision of this By-law.

11. **THAT** any person who violates, contravenes, or disobeys or refuses, omits, neglects, or fails to observe, obey or comply with any provision of this By-law is guilty of an offence and liable, on summary conviction, to a fine up to a maximum of \$1000.00

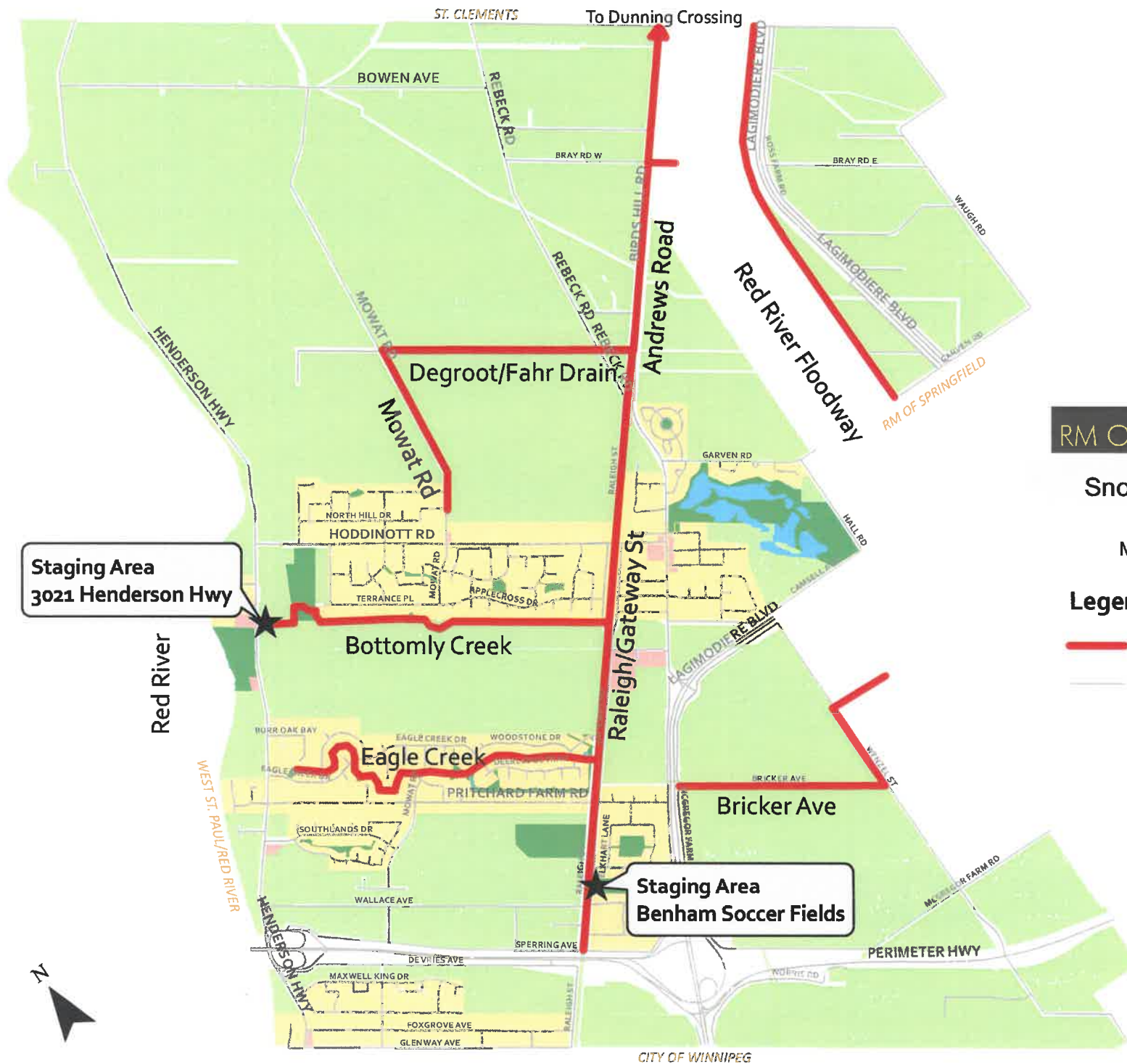
12. **THAT** By-Law No. 2015-08 and 2008-26 be hereby repealed.

DONE AND PASSED as a by-law of the Rural Municipality of East St. Paul, at East St. Paul, in Manitoba, this 13<sup>th</sup> day of January, 2020.

**Mayor**

**Chief Administrative Officer**

Read a first time this	10 <sup>th</sup>	day of	December, 2019	A.D.
Read a second time	13 <sup>th</sup>	day of	January, 2020	A.D.
Read a third time	13 <sup>th</sup>	day of	January, 2020	A.D.



**Snowmobile Trails**

Appendix "A"  
Map Revised 2019

**Legend**

- Snowmobile Trails
- Streets & Roads

Staging Area  
3021 Henderson Hwy

Staging Area  
Benham Soccer Fields

