

RURAL MUNICIPALITY OF MORELL

OFF-HIGHWAY VEHICLE BYLAW

BYLAW NO. 2020-13

This Bylaw is made under the authority of the Municipalities act, R.S.P.E.I. and the Off-Highway Vehicle Act, R.E. P.E.I.

**WHEREAS**, the Council deems it necessary, for the protection of the Municipality owned lands as a resource for the benefit of all Municipal residents, and based upon Council's concern for public safety, protection of Municipal properties and the Municipal own legal liability, to minimize and control all, except where Council deems it necessary on a case by case basis, off-highway vehicle use on land owned by the Rural Municipality of Morell.

**BE IT ENACTED** BY THE COUNCIL OF THE Rural Municipality of Morell follows:

**1.0 TITLE**

This Bylaw shall be known as and may be cited as the **OFF-Highway Vehicle Bylaw**.

**2.0 SCOPE**

2.1 This Bylaw applies to all property within the boundaries of the Rural Municipality of Morell.

2.2 This Bylaw is intended to add to, and not conflict with or subtract from, the requirements contained in valid provincial statutes and regulations in force from time to time concerning the ownership, possession, registration or use of off-highway vehicles and shall be interpreted accordingly.

2.3 This Bylaw does not apply to:

- i. Emergency response personnel engaged in the execution of their emergency responsible duties; or
- ii. Persons acting at the request of emergency response personnel during an actual or apparent emergency condition.

**3.0 DEFINITIONS**

**"Enforcement Officer"** means a person(s) duly authorized to act on behalf of the Rural Municipality of Morell, and the Royal Canadian Mounted Police.

**"Highway"** means a highway as defined in the Highway Traffic Act.

**"Off-Highway Vehicle"** means any motor vehicle designed for or capable of cross-country Travel on or immediately over land, water, sand, snow, ice, marsh, swampland, or other

Natural terrain, and, without limiting the generality of the forgoing, includes, when designed  
For such travel,

- i. Four-wheel drive or low pressure tire vehicles,
- ii. Power motor cycles and related two-wheel vehicles,
- iii. Amphipious vehicles,
- iv. All terrain vehicles,
- v. Snow vehicles,
- vi. Minibikes,

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

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

**“Roadway”** means a roadway as defined in the Highway Traffic Act.

**“Town”** means any area contained within the boundaries of the Rural Municipality of Morell.

#### 4.0

#### **GENERAL PROVISIONS**

- 4.1 No person under the age of fourteen (14) years of age shall, within the Municipality,  
Operate an off-highway vehicle in a public place unless accompanied by an adult person  
In possession of a valid drivers licence, such person shall be seated next to him/her on the  
Off-highway vehicle, or otherwise in close proximity, while giving instructions, if that is  
Not given on a highway.
- 4.2 No person shall, within the Municipality, operate an off-highway vehicle without  
Displaying a valid registration for the off-highway vehicle.
- 4.3 No person shall, within the Municipality, operate on off-highway vehicle at a speed  
Greater than twenty (20) kilometers per hour.
- 4.4 Section 4.4 shall not apply to an enforcement officer while engaged in the enforcement  
Of this bylaw.
- 4.5 No person shall, within the Municipality operate an off-highway vehicle without the use  
Of a CSA approved safety helmet.
- 4.6 No person shall, within the Municipality, operate an off-highway vehicle on private  
Property other than their own without the expressed or written permission of the

Owner of that property.

- 4.7 On person shall operate on off-highway vehicle on any park or playfield or other Prohibited areas within the Municipality.
- 4.8 No person shall operate an off-highway vehicle within one-hundred (100) meters Of a Senior Citizens Complex within the Municipality.
- 4.9 No person shall operate an off-highway vehicle on any highway, road, or sidewalk Within the Municipality without the expressed or written permission of the Council:
- (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 a right angle to the portion of highway to be Crossed.
- 4.10 No person shall, within the Municipality operate an off-highway vehicle without Due care and attention; or without reasonable consideration for other persons Or property.
- 4.11 No person shall operate an off-highway vehicle without a valid drivers licence unless On the owners property.
- 4.12 The onus will be on the operator of the off-highway vehicle to prove he/she is on their Own property.

## **5.0 INTERPRETATION**

- 5.1 In the Bylaw words purporting the singular shall include the plural and words purposing The masculine gender shall include the female gender and vice versa.

## **6.0 SEVERABILITY**

- 6.1 It is the intention of the Municipal Council that each separate provision of this Bylaw Shall be deemed independent from all other provisions of the Bylaw, such that, if any Provision of the Bylaw is declared invalid, all other provisions of this Bylaw shall remain

Valid and enforceable.

**7.0 PENALTY**

7.1 Every person who contravenes any provision of this Bylaw is guilty of an offence

And liable on summary conviction;

(a) For a first offence, to a fine of not less than Fifty (50) dollars, and not more Than One-hundred (100) dollars; and

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

**8.0 REPEAL**

8.1 All previous Bylaws of the Rural Municipality of Morell pertaining to Off-Highway Vehicles are hereby repealed.

EFFECTIVE DATE

The effective date of the Off-Highway Vehicle Bylaw is the date on which the Bylaw was adopted by the Rural Municipality of Morell.

FIRST READING

This Bylaw was read a first time by the majority of Councillors at the Council Meeting held on the 17<sup>th</sup> Day of August, 2020.

This Bylaw was approved by the majority of Councillors present at the Council Meeting held on the 17<sup>th</sup> August, 2020.

SECOND READING

This Bylaw was read a second time by the majority of Councillors present at the Council Meeting held on the 21th day of September, 2020.

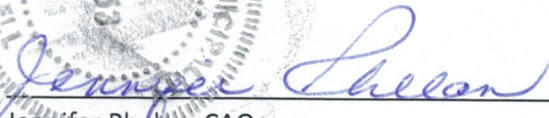
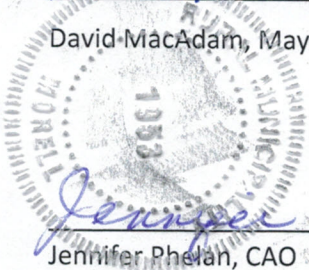
This Bylaw was approved by the majority of Council present at the Council Meeting held on the 21th day Of September, 2020.

ADOPTION AND APPROVAL

This Bylaw was adopted and approved by the majority of the Councillors present at the Council meeting held on the 21th day of September 2020.



David MacAdam, Mayor



Jennifer Phelan, CAO

Filed on behalf of the Minister of Fisheries  
and Communities in accordance with s.129  
of the *Municipal Government Act*.

