



**VILLAGE OF SAYWARD
BYLAW NO. 446**

**A BYLAW TO REGULATE THE OPERATION OF OFF-ROAD VEHICLES IN
THE VILLAGE OF SAYWARD**

WHEREAS the Council for the Village of Sayward deems it necessary to regulate the use of off-road vehicles in the Village of Sayward.

NOW THEREFORE the Council of the Village of Sayward, in open meeting assembled, enacts as follows:

1. CITATION

This bylaw may be cited as “**Off-Road Vehicle Regulation Bylaw No. 446, 2019**”.

2. DEFINITIONS

BYLAW means this Bylaw.

BYLAW ENFORCEMENT OFFICER means the Bylaw Enforcement Officer for the Village or their appointed designate.

COUNCIL means the Council of the Village of Sayward.

DESIGNATED ROUTE means those routes in a public place designated by Council for use by Off-Road Vehicles.

DRIVERS LICENCE means a licence to operate a motor vehicle by a governmental body with the authority to regulate and administer vehicle licensing within its jurisdiction.

HIGHWAY has the same meaning as in the Motor Vehicle Act and includes all public streets, road, ways, lanes, bridges and any other public way designated for and regularly used by motorized vehicles licensed by the Province.

MOTOR VEHICLE ACT means the Motor Vehicle Act for the Province of British Columbia.

OFF-ROAD VEHICLE means an Off-Road Vehicle as defined in the Off-Road Vehicle Act for the Province of British Columbia.

OWNER means the registered Owner of an Off-Road Vehicle.

PEACE OFFICER means a police officer, police constable or RCMP member.

PROVINCE means the Province of British Columbia.

PUBLIC PLACE means property owned or occupied by the Village and includes all Designated Trails but does not include Highways and property owned by the Village but occupied by another person.

VILLAGE means the Village of Sayward.

3. OPERATION OF OFF-ROAD VEHICLES WITH THE VILLAGE

- a) No person shall operate an Off-Road Vehicle in the Village except as authorized by the Bylaw.
- b) No person shall operate an Off-Road vehicle in a Public Place other than on a Designated Route.
- c) A person operating an Off-Road Vehicle in the Village is permitted access between a Designated Route and a sanctioned Bed & Breakfast within the Village boundaries.
- d) The Owner of an Off-Road Vehicle operating on a Designated Route within the Village must:
 - i. carry proof of third-party liability insurance in the minimum amount of \$2 million per occurrence for the operation of the Off-Road Vehicle;
 - ii. carry proof of registration of the Off-Road Vehicle with the Insurance Corporation of British Columbia (ICBC), obtain a licence for its operation under this section and obtain for it an owner's certificate under the Insurance Vehicle Act of British Columbia; and
 - iii. display an ICBC number plate or sticker in a clearly visible location on the back of the Off-Road Vehicle.
- e) Every person operating an Off-Road Vehicle within the Village must:
 - i. only ride on a Designated Route as shown on the map attached to this Bylaw as **Schedule "A"**.
 - ii. provide proof of valid insurance and documentation required under this Bylaw when requested by a Bylaw Enforcement Officer;
 - iii. not operate an Off-Road Vehicle on any part of the Highway except in compliance with the requirements of the Motor Vehicle Act;
 - iv. exercise caution when crossing a Highway;
 - v. not ride on a Designated Route between the hours of 10:00 PM and 7:00 AM.
 - vi. except in the circumstances referred to in section 21(3) of the Off-Road Vehicle Regulation and except for off-road side-by-side vehicles, wear a safety helmet, and ensure that each passenger wears a safety helmet that meets the requirements of the Off-Road Vehicle Regulation, BC (Reg. 193/2015);
 - vii. not exceed a speed of 20 kilometers per hour;
 - viii. operate it on the right-hand side of a Designated Route;
 - ix. not to operate an Off-Road Vehicle in a careless, reckless, or negligent manner as to endanger or cause injury to a person, property or become a nuisance;
 - x. not operate an Off-Road vehicle in a manner as to harass, chase, injure or kill any domestic or wild animal;
 - xi. Not tamper with by removing or replacing any posted Designated Route signs or barricades;
 - xii. obey all traffic regulation signage; and
 - xiii. to cross only at designated Off-Road Vehicle locations.

4. EXEMPTIONS

- a) Sections 3 a) and 3 b) of this Bylaw do not apply to:
 - (i) police, fire, ambulance, search and rescue or other vehicles operated by emergency response personnel engaged in the execution of their emergency response duties;
 - (ii) persons acting at the request of emergency response personnel during an actual or apparent emergency event; and
 - (ii) Off-Road Vehicles owned and operated by local, provincial or federal governments if use is within the scope of their duties.

5. ENFORCEMENT

A Peace Officer or Bylaw Enforcement Officer is empowered to enforce any and all provisions of this Bylaw.

6. OFFENCES AND PENALTIES

- a) If any Person contravenes any provision of this Bylaw, or who suffers or permits any act or thing to be done in contravention of any provision of this Bylaw, or who neglects to do or refrains from doing anything required to be done by any provision of this Bylaw, commits an offence against this Bylaw and is subject to:
 - (i) a fine in accordance with the Village of Sayward "Ticketing Offence Bylaw", if the information respecting the infraction is laid by means of a ticket; or
 - (ii) upon summary conviction, a fine not exceeding \$2,000.00 and the costs of prosecution.

7. SEVERABILITY

If any section, subsection, sentence, clause or phrase of this bylaw is for any reason held to be invalid by the decision of any Court of competent jurisdiction, the decision shall not affect the validity of the remaining portions of this bylaw.

Read a first time on the 16th day of April 2019.

Read a second time on the 16th day of April 2019.

Public Hearing held on the 26th day of May 2019.

Amended at second reading on the 18th day of June 2019.

Read a third time on the 18th day of June 2019.

Adopted on the 11th day of July 2019.

Certified a true copy of Bylaw No. 446
this ___ day of _____, _____

Chief Administrative Officer
Village of Sayward

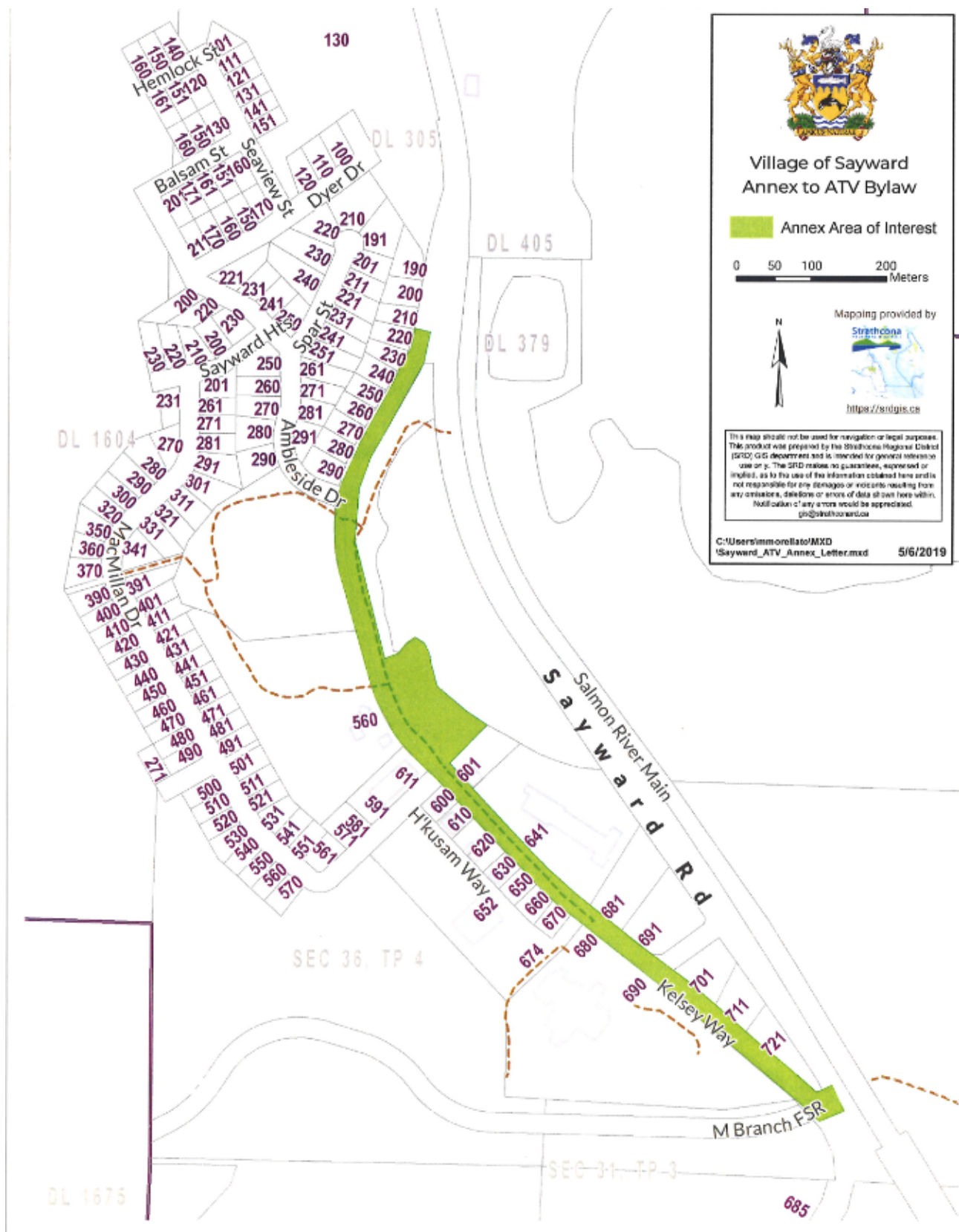

Original signed by "J. MacDonald"

Mayor

Original signed by "L. Clark"

Corporate Officer

Schedule "A"

**Village of Sayward
Annex to ATV Bylaw**

Annex Area of Interest

0 50 100 200 Meters

Mapping provided by
Strathcona
<https://srdgis.ca>

This map should not be used for navigation or legal purposes. This product was prepared by the Strathcona Regional District (SRD) GIS department and is intended for general reference use only. The SRD makes no guarantee, expressed or implied, as to the use of the information contained here and is not responsible for any damages or incidents resulting from any omissions, deletions or errors of data shown here within. Notification of any errors would be appreciated. gis@strathcona.ca

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