

**Town of Princeton**

**Off-Road Vehicle Bylaw No. 925, 2016**

A bylaw to regulate the operation of Off-Road Vehicles within the Town of Princeton

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**WHEREAS**, pursuant to s. 8(3)(b) and s. 62 of the *Community Charter*, SBC 2003 c. 26, Council has authority to regulate, prohibit and impose requirements with respect to persons, property, things, and activities that are in, on or near public places;

**AND WHEREAS**, pursuant to s. 36 of the *Community Charter*, Council has authority to regulate and prohibit in relation to all uses involving a highway;

**AND WHEREAS**, pursuant to s. 15(2)(b) of the *Community Charter*, Council has authority to adopt a standard, code, or rule enacted under a law of British Columbia or another jurisdiction, with any changes considered appropriate;

The Council of the Town of Princeton in open meeting assembled, enacts as follows:

**1. Title**

This Bylaw may be cited for all purposes as "Off-Road Vehicle Bylaw No. 925, 2016".

**2. Definitions**

In this bylaw:

"Bylaw Enforcement Officer" means a person appointed by Council to enforce Town bylaws, and includes the RCMP;

"Child" means an individual who is 15 years of age or younger;

"Council" means the Council of the Town of Princeton;

"Designated Trail" means those trails in a Public Place designed for use by Off-Road vehicles and designated in Schedule B, attached to and forming part of this Bylaw;

"Town" means the Town of Princeton;

"Driver's Licence" means one of the following:

- i. a licence issued under the *Motor Vehicle Act* authorizing the holder of a licence of a designated class to drive or operate a vehicle of the category designated for that class;
- ii. a licence issued by another jurisdiction and accepted by the ICBC as equivalent to a licence issued under the *Motor Vehicle Act*;

"Highway" includes a street, road, lane, bridge, viaduct and any other way open to public use, other than a private right of way on private property;

"ICBC" means the Insurance Corporation of British Columbia;

"Licence Plate" means one of the following:

- i. a distinctive number plate, decal or sticker issued by the Insurance Corporation of British Columbia;
- ii. a distinctive number plate, decal or sticker issued by another jurisdiction in respect of the registration or licensing of off-road vehicles;

"Off-Road Vehicle" means an Off Road Vehicle as defined in Section 1 of the *Off Road Vehicle Act*.

"Public Place" means real property owned or occupied by the Town and includes all designated trails but does not include highways;

"Vehicle" means a self-propelled device in, on, or by which a person or thing is or may be transported or drawn on land but does not include:

- i. a device designed to be moved only by human power;
- ii. a device used exclusively on stationary rails or tracks;
- iii. mobile equipment as defined in the *Motor Vehicle Act*; or
- iv. motor assisted cycle as defined in the *Motor Vehicle Act*.

### **3. Operation of Off-Road-Vehicles within the Town**

- 3.1 No person shall operate an Off-Road Vehicle in the Town except as authorized by this Bylaw.
- 3.2 No person shall operate an Off-Road Vehicle in a Public Place other than on a Designated Trail.
- 3.3 The owner of an Off-Road Vehicle operating on a Designated Trail must:
  - a) carry third party liability insurance coverage of at least \$2 million;
  - b) register the Off-Road Vehicle with ICBC or the appropriate jurisdiction outside of British Columbia and carry the certificate of registration or copy thereof issued by ICBC, or if applicable:
    - i. carry the documentation issued by the applicable jurisdiction outside of British Columbia; or
    - ii. carry proof of ownership documents if from a jurisdiction where registration or licensing is not available;

- c) obtain and carry an owner's certificate under the *Insurance (Vehicle) Act* or the appropriate jurisdiction outside of British Columbia;
- d) display a Licence Plate:
  - i. issued by ICBC, in a clearly visible location on the front, back or left exterior of the Off-Road Vehicle; or
  - ii. in the manner prescribed by the jurisdiction in which the Off-Road Vehicle is registered or licensed.

3.4 Every person operating an Off-Road Vehicle on a Designated Trail must comply with the following:

- a) carry a valid Driver's Licence;
- b) produce any documentation required by this Bylaw or the *Off-Road Vehicle Act* upon request by a Bylaw Enforcement Officer;
- c) along with any passengers, wear an Off-Road Vehicle safety helmet that meets the standards set by the *Off-Road Vehicle Act*;
- d) use lights in low-visibility conditions in accordance with the *Off-Road Vehicle Act*;
- e) wear seatbelts, where installed by the manufacturer;
- f) not exceed a speed of 20 kilometers per hour;
- g) operate the vehicle on the right hand side of a Designated Trail;
- h) yield the right-of-way to all other vehicles and persons;
- i) only cross a Highway in accordance with the *Motor Vehicle Act Regulations 26/58*.
- j) not use or operate an Off-Road Vehicle with a passenger, unless the Off-Road Vehicle is designed to carry a passenger;
- k) not use or operate an Off-Road vehicle with a Child as a passenger, unless the Off-Road Vehicle is designed to carry a passenger and the Child is of an age, height and weight that meets the manufacturer's recommendations for that Off-Road Vehicle;
- l) not operate the Off-Road Vehicle in a careless, reckless, or negligent manner that may endanger or cause injury to a person or damage property, or so as to cause a nuisance;
- m) not operate the Off-Road Vehicle in such a manner as to harass, run over, injure or kill wildlife, livestock or a domestic animal;
- n) not tamper with, remove or replace any posted Designated Trail signs or barricades.

#### 4. Exemptions

- 4.1 Sections 3.1 and 3.2 of this Bylaw do not apply to:
- a) police, fire, ambulance, search and rescue or other emergency vehicles operated by emergency response personnel engaged in the execution of their emergency response duties;
  - b) persons acting at the request of emergency response personnel during an actual or apparent emergency condition;
  - c) Off-Road Vehicles owned and operated by local, provincial or federal governments if use is within the scope of their duties;
  - d) a community event, program or project exempted in writing by Council, notwithstanding the requirements of the Transportation Act and required permits for use on highways.

#### 5. Penalty

- 5.1 Any person who 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 punishable on summary conviction and is subject to a fine not less than \$250 and not more than \$10,000.
- 5.2 Each day that a violation exists or is permitted to exist is deemed to be a separate offence against this Bylaw.
- 5.3 This Bylaw may be enforced by means of a ticket in the form prescribed for the purpose of section 264 of the *Community Charter*.
- 5.4 Pursuant to section 264(1)(b) of the *Community Charter*, the Town Administrator, the Town's Bylaw Enforcement Officers, and members of the Royal Canadian Mounted Police are designated to enforce this Bylaw.
- 5.5 Pursuant to section 264(1)(c) of the *Community Charter*, the words or expression in Column 1 of Schedule "A" to this Bylaw designate the offence committed under the Bylaw section number appearing in Column 2 opposite the respective words or expression.
- 5.6 Pursuant to section 265(1)(a) of the *Community Charter*, the fine amount in Column 3 of Schedule "A" to this Bylaw is the fine amount that corresponds to the section number and words or expression set out in Columns 2 and 1 opposite the fine amount.
- 5.7 Council hereby delegates to the Town's Chief Administrative Officer the authority to refer any disputed tickets to the Provincial Court.

**6. Severability**

If any section, subsection, paragraph, subparagraph or clause of this Bylaw is for any reason held to be invalid by the decision of any court of competent jurisdiction, such decision does not affect the validity of the remaining portions of the Bylaw.

**7. Effective Date**


The Off-Road-Vehicle Bylaw comes into effect upon adoption.


READ a first time this 15<sup>th</sup> day of August, 2016.

READ a second time 15<sup>th</sup> day of August, 2016.

READ a third time this 15<sup>th</sup> day of August, 2016.

ADOPTED this 6<sup>th</sup> day of September, 2016.

  
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Mayor

  
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Chief Administrative Officer

**SCHEDULE "A"**  
**OFF-ROAD VEHICLE REGULATIONS BYLAW**  
**OFFENCE, SECTION AND PENALTY**

<b>BYLAW OFFENCE</b>	<b>SECTION</b>	<b>PENALTY</b>
<b>First offence in calendar year:</b> Operate an Off-Road vehicle in the Town of Princeton public place	<b>3.2</b>	<b>\$250.00</b>
<b>Second offence in calendar year:</b> Operate an Off-Road vehicle in the Town of Princeton public place	<b>3.2</b>	<b>\$500.00</b>
<b>Third or more Offences in calendar year:</b> Operate an Off-Road vehicle in the Town of Princeton public place	<b>3.2</b>	<b>\$500 per offence</b>
Tamper with, remove or replace any posted Designated Trail signs or barricades	<b>3.4.n</b>	<b>\$250.00</b>

**SCHEDULE "B"**  
**DESIGNATED TRAILS**