

DISTRICT OF WELLS BYLAW NO. 153, 2017

A Bylaw to Govern the Use of All-Terrain Vehicles within the District of Wells

WHEREAS the Community Charter (BC) authorizes the District of Wells to regulate the use of all highways and public places within the District of Wells;

AND WHEREAS the Off-Road Vehicle Act (BC) authorizes the District to regulate, govern, or prohibit the operation of all-terrain vehicles within the District of Wells;

NOW THEREFORE the Municipal Council of the District of Wells, in the Province of British Columbia, duly assembled enacts as follows:

1. Citation

This Bylaw may be cited for all purposes as the District of Wells "Off-Highway Recreational Vehicle Regulation Bylaw, No. 153, 2017".

2. Definitions

"Certified Training Course" means a training course recognized by the **District** as providing education and training to operators, who must be at least 16 years of age, of **Off-Highway Recreational Vehicles** and provides the trainee with a certificate of completion.

"Controlled Access Highway" means means a highway designated as a controlled access highway under the Transportation Act (BC).

"Council" means the Council of the **District of Wells**.

"District" means the District of Wells.

"Driver's Licence" means a licence to operate a motor vehicle issued by a governmental body with the authority to regulate and administer vehicle licencing within its jurisdiction.

“Highway” means all public streets, roads, ways, lanes, bridges, and any other public way designed for and regularly used by motorized vehicles licenced by the Province of British Columbia.

“Licence Plate” means a decal or other identifying marker that is issued by the Insurance Corporation of British Columbia (ICBC) to be attached to the **Off-Highway Recreational Vehicle**.

“Motor Vehicle Act (BC)” means the Motor Vehicle Act of British Columbia and its regulations (as amended).

“Multi-Use Recreation Trail” means a trail or **Highway** designated by the **District** as a route for walking, hiking, biking, skiing, and **Off-Highway Recreational Vehicle** use as illustrated on “Schedule A” of this bylaw.

“Off-Highway Recreational Vehicle” means a motorized vehicle used for recreational purposes and includes as defined under the Off-Road Vehicle Act of British Columbia: a 4-wheeled all-terrain vehicle (also known as a quad or side-by-side); a 3-wheeled all-terrain vehicle, also known as an off-road vehicle; a motorcycle or a moped when used off-road; or any other motorized vehicle that does not comply with the **Motor Vehicle Act (BC)**; but does not include a 4x4 vehicle designed for and licensed for **Highway** use, or a snowmobile or motorized sled.

“Registered Owner” means the owner of a registered **Off-Highway Recreational Vehicle**.

“Unregistered Vehicle” means an Off-Highway Recreational Vehicle that is not registered.

3. Operation of Off-Highway Recreational Vehicles in the District of Wells

3.1 No person shall operate an **Off-Highway Recreational Vehicle** in the **District** except as authorized by this bylaw.

3.2 All Off-Road Recreational Vehicles crossing the Barkerville Highway (Highway #26) must adhere to all the Off-Road Vehicle Regulations as defined by the Off-Road Vehicle (ORV) Act (BC). The Barkerville Highway (Highway #26) is owned and administered by the Ministry of Transportation and Infrastructure (the Ministry) and subject to Off-Road Vehicle crossing policies approved by the Ministry.

3.3 No person shall operate an **Off-Highway Recreational Vehicle** on a street unless that street is part of a designated **Multi-Use Recreation Trail** except that a resident may operate an **Off-Highway Recreational Vehicle** on a street when it is the most direct route between their residence and the **Multi-Use Recreation Trail**. **Off-Highway Recreational Vehicles** operated on

a street, other than a street closed to traffic, must be in conformance with all Provincial regulations for operating on or crossing a **Highway**. **Off-Highway Recreational Vehicles** may only travel on a street between one 1/2 hour before sunrise and one 1/2 hour after sunset, and at a speed not to exceed 30 kilometres per hour; exceptions to this provision may be granted by the District of Wells or the RCMP (Wells Detachment).

3.4 The owner of an **Off-Highway Recreational Vehicle** operating within the **District** must:

- a) carry third party liability insurance coverage of at least \$1,000,000 for the vehicle and rider;
- b) exhibit a valid **licence plate** on the vehicle that is placed in a clearly visible location, either on the front or back of the vehicle.

3.5 The **registered owner** or operator of an **Off-Highway Recreational Vehicle** within the **District** must:

- a) hold a valid **Driver's Licence**, or if 16 years of age or older hold a certificate of completion of a certified training course and be accompanied by an adult of at least 25 years of age who holds a valid **Driver's Licence**;
- b) ensure that the vehicle exhibits the **Licence Plate** in a clearly visible location as required pursuant to clause (b) of subsection 3.3 of this bylaw;
- c) not operate the **Off-Highway Recreational Vehicle** unless insured and proof of insurance is with the operator, in accordance with clause (a) of subsection 3.3 of this bylaw;
- d) not operate the **Off-Highway Recreational Vehicle** anywhere within the **District**, except on a **Multi-Use Recreation Trail** with the further exception that a resident may operate an **Off-Highway Recreational Vehicle** on a street when it is the most direct route between their residence and the **Multi-Use Recreation Trail**;
- e) only use the **Multi-Use Recreation Trail** system for access to out of town trails;
- f) stop the **Off-Highway Recreational Vehicle** before crossing a **Controlled Access Highway** at any designated **Off-Highway Recreation Vehicle** crossing;
- g) yield the right of way to all other vehicles and persons on a **highway**;
- h) not exceed a speed of 30 kilometres per hour on a **Multi-Use Recreational Trail**;
- i) operate the vehicle on the right-hand side of any **Multi-Use Recreational Trail**; and
- j) not operate the **Off-Highway Recreational Vehicle** in a careless, reckless, or negligent manner so as to endanger or cause injury to a person or property or so as to cause a nuisance.

3.6 The operator of an **Off-Highway Recreational Vehicle** and all passengers must wear a safety helmet that is designated in the Provincial regulations as an approved off-road vehicle safety helmet, or meets the prescribed standards and specifications for **Off-Highway Recreational Vehicle** safety helmets.

3.7 The **District** hereby designates the trails indicated on Schedule “A” as Multi-Use Recreation Trails”.

4. Penalty/ies

4.1 Any person that violates any provision of this Bylaw or who fails to do anything required under this Bylaw commits an offence and shall be liable to the penalties as may be imposed under the Offence Act, RSBC 1996 c.338. Each day that a violation is caused or continues shall be deemed to be a separate offence. Any person that violates any provision of this Bylaw or who fails to do anything required under this Bylaw may have the **Off-Highway Recreational Vehicle** impounded.

4.2 The owner of an **Off-Highway Recreational Vehicle** is responsible for an **Off-Highway Recreational Vehicle** being operated contrary to this bylaw.

READ A FIRST TIME this	11 th day of July, 2017.
READ A SECOND TIME this	11 th day of July, 2017.
PUBLIC CONSULTATION HELD this	1 st day of August, 2017.
AMENDED AND READ A THIRD TIME this	1 st day of August, 2017.
FINALLY READ AND ADOPTED this	8 th day of August, 2017.

Robin Sharpe, Mayor

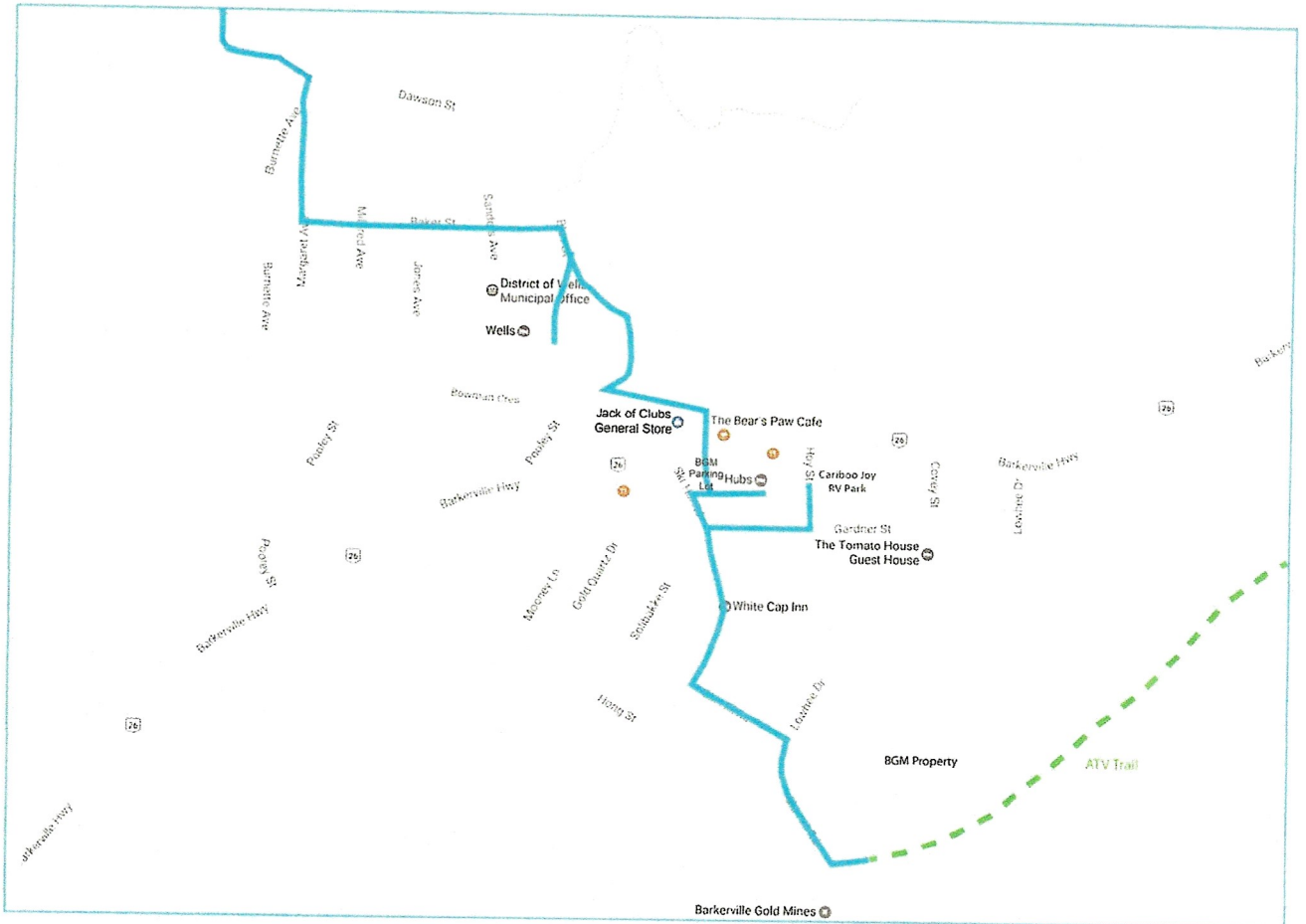
Andrew Young, CAO

APPROVED BY _____, DISTRICT MANAGER ON BEHALF OF
THE MINISTRY OF TRANSPORTATION AND INFRASTRUCTURE this ___ day of ___, 2017.

Certified that this is a true and correct copy of District of Wells “Off-Highway Recreational Vehicle Regulation Bylaw, No. 153, 2017 as adopted by Council Resolution # ___ dated the ___ day of ___, 2017.

District of Wells "Off-Highway Recreational Vehicle Regulation Bylaw, No. 153, 2017

Schedule A: Designated Multi-Use Recreation Trail/s permitting Off-Road Recreational Vehicles



Legend:

- Multi-Use Recreation Trail permitting Off-Road Recreational Vehicles in Wells town site
- - - Multi-Use Recreation Trail permitting Off-Road Recreational Vehicles on BGM property