

## **APPENDIX B**

### **DISTRICT OF ELKFORD BYLAWS**

Bylaw to Govern the Use of All Terrain Vehicles within the District of Elkford  
Bylaw to Amend the Municipal Ticket Information Utilization Bylaw

## DISTRICT OF ELKFORD

### BYLAW NO. 671

#### A Bylaw to Govern the Use of All-Terrain Vehicles Within the District of Elkford

**WHEREAS** sections 8(3)(b) and 62 of the *Community Charter* authorizes the District of Elkford to regulate the use of all highways and public places within the District of Elkford;

**AND WHEREAS** section 4(4) of the *Motor Vehicle (All-Terrain) Act* authorizes the District to regulate, govern, or prohibit the operation of all-terrain vehicles within the District of Elkford;

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

**1. Citation**

This Bylaw may be cited for all purposes as the “Off-highway Recreational Vehicle Regulation Bylaw, No. 671, 2006”.

**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 13 years of age, of **off-highway recreational vehicles** and provides the trainee with a certificate of completion.

“**Council**” means the Council of the **District**.

“**District**” means the District of Elkford.

“**Driver’s Licence**” means a licence to operate a motor vehicle issued by a governmental body with the authority to regulate and administer vehicle licensing within its jurisdiction.

“**Highway**” includes all public streets, roads, ways, lanes, bridges, and any other public way designed for and regularly used by motorized vehicles licensed by the Province.

“**Licence Plate**” means a decal or other identifying marker that is issued by the **District** to be attached to the **off-highway recreational vehicle**.

“**Multi-use Recreation Trail**” means a trail designed for and designated by the **District** as a recreational trail for walking, hiking, biking, skiing, and **off-highway recreational vehicle** use.

“**Off-highway Recreational Vehicle**” means a motorized vehicle used for recreational purposes and includes a snowmobile, as defined in the Snowmobile Regulations under the *Motor Vehicle (All Terrain) Act*, a 4-wheeled all-terrain vehicle (also known as a quad), a 3-wheeled all-terrain vehicle, a 2-wheeled mini-bike, a 2-wheeled dirt bike, motorcycles when used off road, dune-buggies, go-karts, and mopeds or any other motorized vehicle that does not comply with the Motor Vehicle Act; but does not include a 4x4 vehicle designed for **highway** use.

“**Registered Owner**” means the owner of the **off-highway recreational vehicle** as registered with the **District**.

“**Unregistered Vehicle**” means an **off-highway recreational vehicle** that was not registered with the **District**.

### 3. Operation of Off-highway Recreational Vehicles within the District

- 3.1 No person shall operate an **off-highway recreational vehicle** in the **District** except as authorized by this bylaw.
- 3.2 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) register the vehicle with the **District** and obtain the **licence plate** upon payment of the fee specified in Schedule "A" and showing proof of required insurance;
  - (c) exhibit a current **licence plate** on the vehicle in a clearly visible location, either front or back of the vehicle.
- 3.3 The **registered owner** or operator of an **off-highway recreational vehicle** within the **District** must:
- (a) hold a valid **driver's licence**, or if between 13 and 17 years of age hold a certificate of completion of a **certified training course** or be accompanied by an adult of at least 25 years of age who holds a valid **driver's licence**, or if under 13 years of age be accompanied by a parent who holds a valid **driver's licence** or 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 (c) of subsection 3.2;
  - (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 3.2;
  - (d) not operate the **off-highway recreational vehicle** anywhere within the **District**, except on a **multi-use recreation trail**;
  - (e) only use the **multi-use recreation trail** system for access to out of town trails;
  - (f) dismount the **off-highway recreational vehicle** to cross a **highway**, unless authorized to ride across the **highway** with a permit issued by the RCMP;
  - (g) yield the right of way to all other vehicles and persons on the **highway**;
  - (h) not exceed a speed of 20 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.
- 3.4 The operator of an **off-highway recreational vehicle** and all passengers must wear a safety helmet approved by the Canadian Standards Association.
- 3.5 The **District** hereby designates the trails indicated on Schedule "B" as **multi-use recreation trails**".
- ### 4. Penalty
- 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 13 day of November, 2006.

Read a second time this 13 day of November, 2006.

Read a third time this 13 day of November, 2006.

Adopted this 27 day of November, 2006.

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Mayor D. McKerracher

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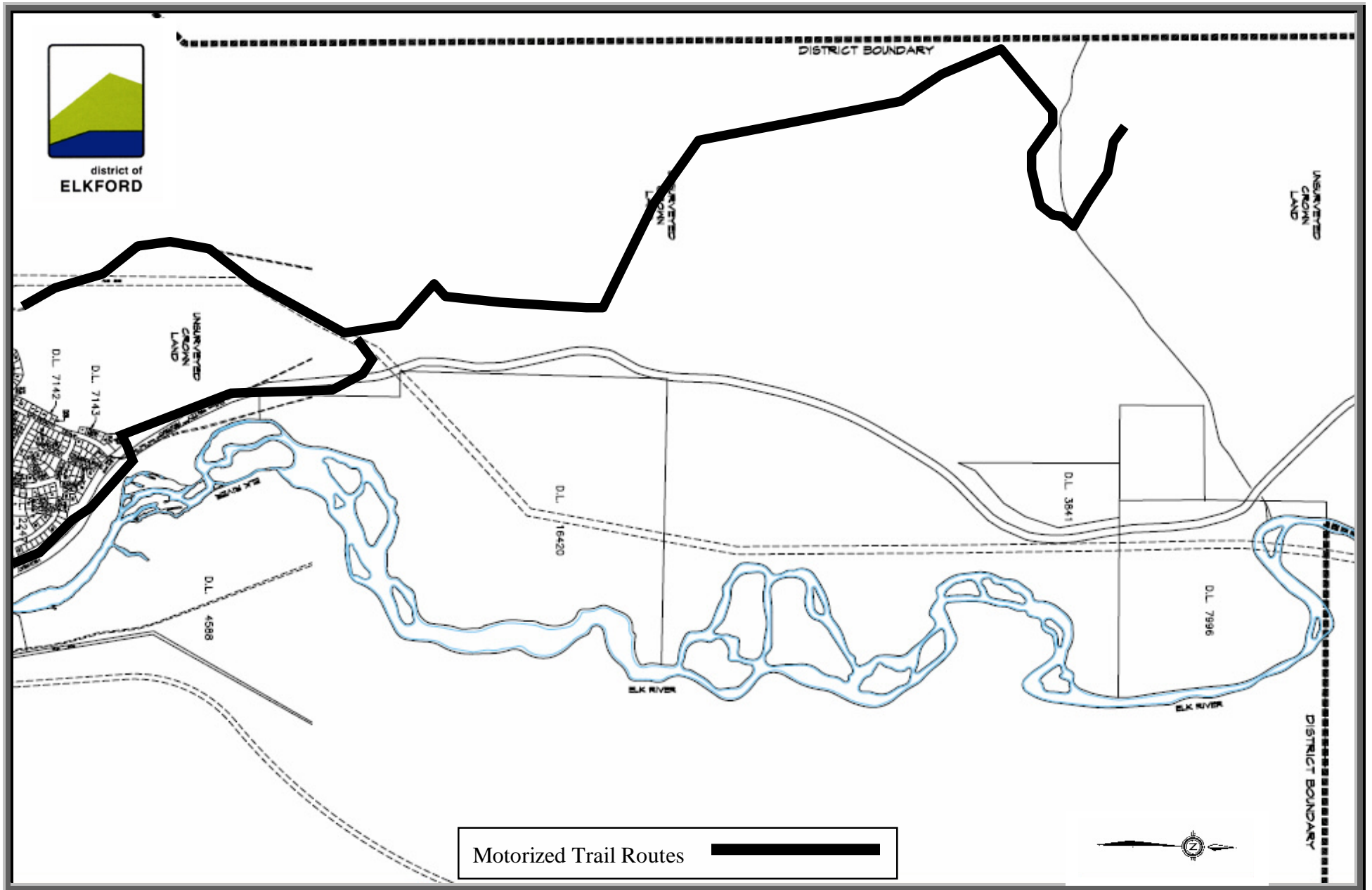
Norma Everett  
Director of Corporate Services

**DISTRICT OF ELKFORD**

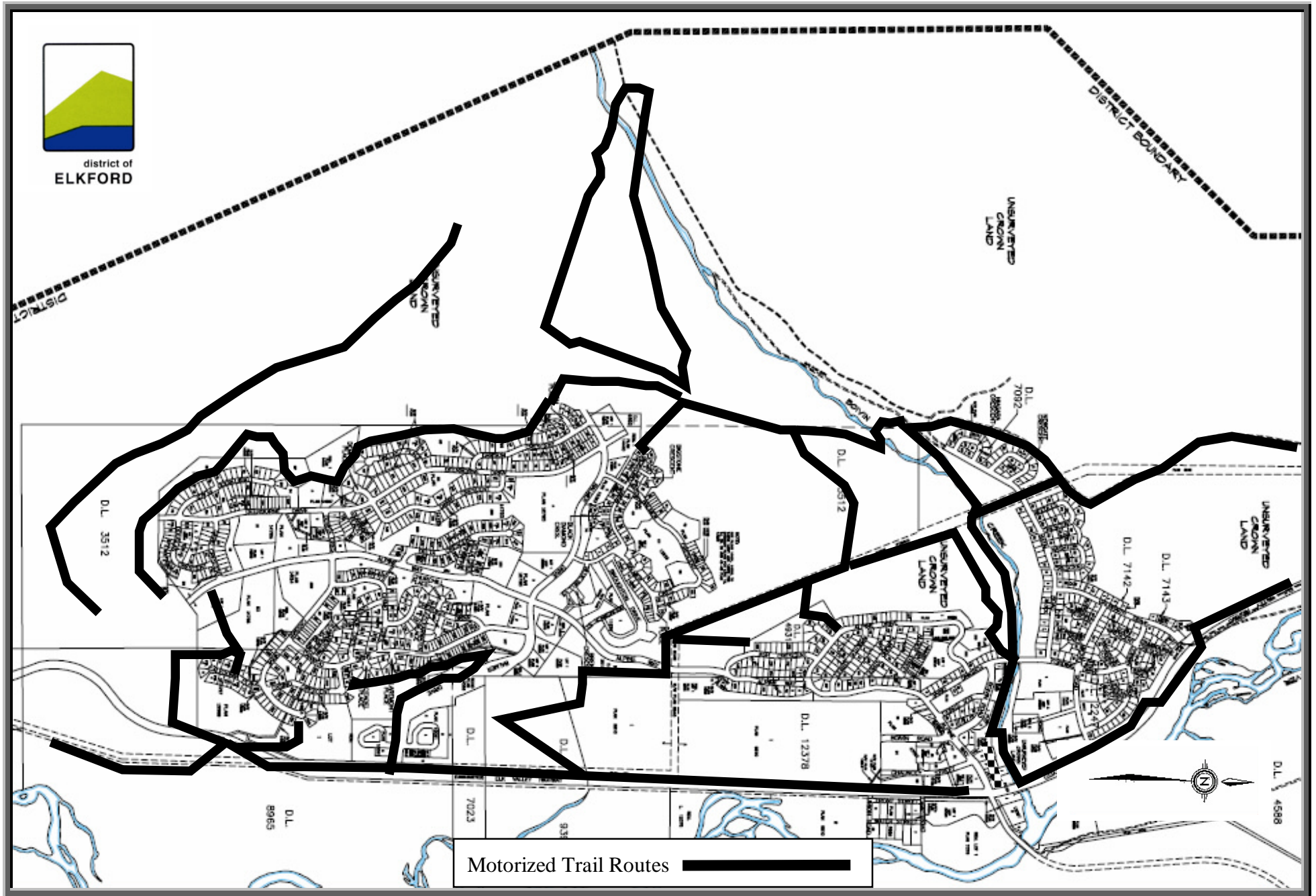
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**Schedule A**

License Plate Fee	\$10.00
Annual Registration Fee	\$ 2.00

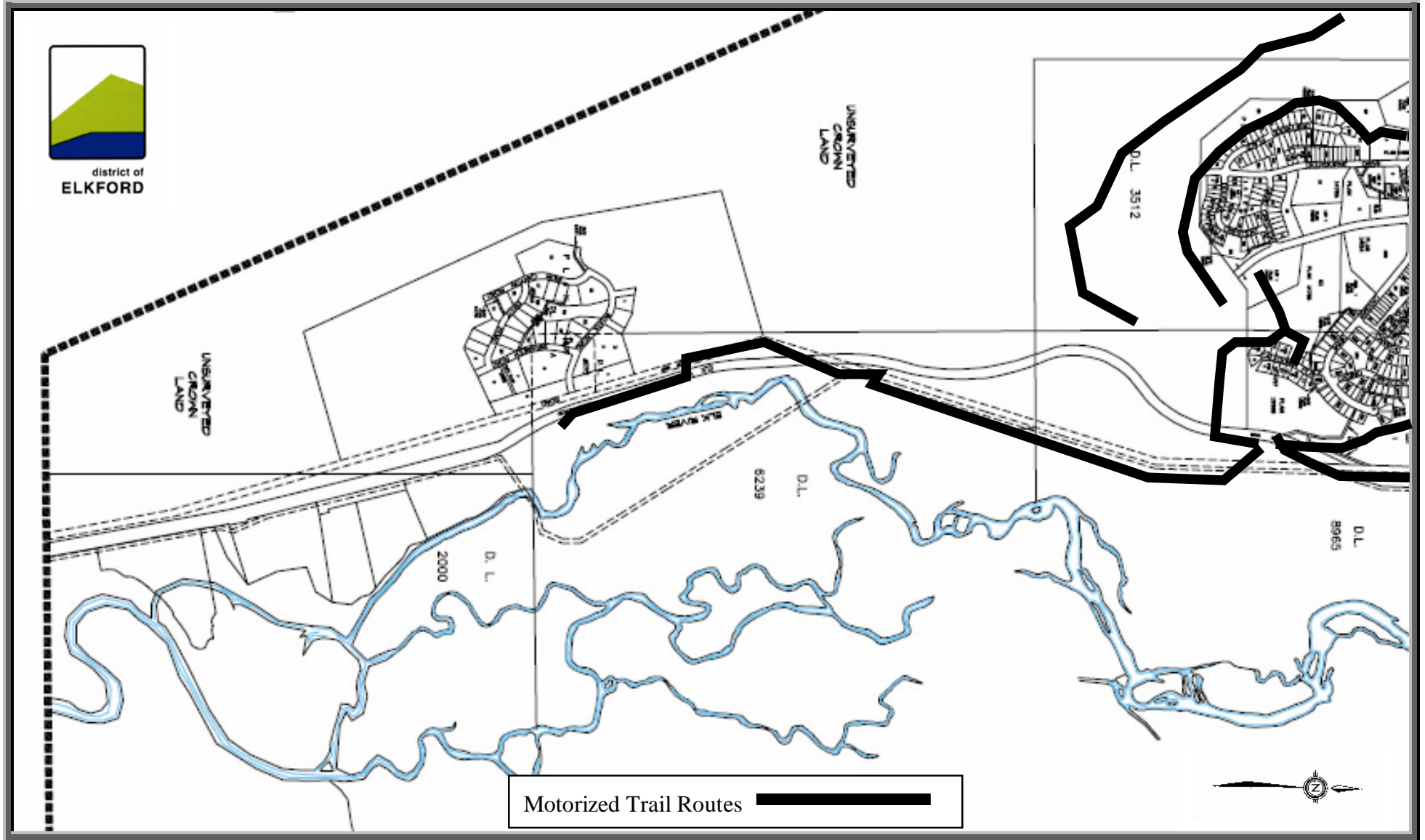


**District of Elkford  
Bylaw No. 671  
Schedule B**



District of Elkford

**Bylaw No. 671  
Schedule B**



**District of Elkford  
Bylaw No. 671  
Schedule B**



**District of Elkford  
Bylaw No. 672**

**A Bylaw to Amend the Municipal Ticket Information Utilization Bylaw**

The Council of the District of Elkford, in open meeting assembled, enacts as follows:

- Schedule 1 to District of Elkford Ticket Information Utilization Bylaw No. 626, 2001 is amended by adding the following:

**Designated Bylaw**

Off-Highway Recreational Vehicle  
Regulation Bylaw No. 671, 2006

**Designated Bylaw Enforcement Officers**

Bylaw Enforcement Officer  
Royal Canadian Mounted Police

- District of Elkford Ticket Information Utilization Bylaw No. 626, 2001 is amended by adding the following Schedule:

<b>Schedule 9</b>		
Off-Highway Recreational Vehicle Regulation Bylaw No. 671, 2006 and all amendments thereto:		
<b>Offence</b>	<b>Section</b>	<b>Fine</b>
Failure to carry third party liability insurance of at least \$1,000,000 for the vehicle and rider	3.2(a) 3.3(c)	\$200
Operating an unregistered off-highway recreational vehicle	3.2(b)	\$50
Failure to exhibit District licence plate	3.2(c) 3.3(b)	\$50
Operating off-highway recreational vehicle without valid driver's licence or if between 13 and 17 years of age without a certificate of completion of a certified training course or without being accompanied by an adult of at least 25 years of age who holds a valid driver's licence, or if under 13 years of age without being accompanied by a parent who holds a valid driver's licence or an adult of at least 25 years of age who holds a valid driver's licence	3.3(a)	\$75
Operating off-highway recreation vehicle on non-authorized multi-use recreation trail	3.3(d)	\$100
Failure to utilize the trail system to access out of town trails only	3.3(e)	\$75
Failure to stop and dismount off-highway recreational vehicle before entering highway	3.3(f)	\$75
Failure to yield right of way to other vehicle and person on the highway	3.3(g)	\$50
Exceed a speed of 20 kilometers per hour on a multi-use recreational trail.	3.3(h)	\$75
Failure to operate the vehicle on the right-hand side of any multi-use recreational trail	3.3(i)	\$50
Operating off-highway recreational vehicle in careless, reckless, or negligent manner so as to endanger or cause injury to a person or property or so as to cause a nuisance	3.3(j)	\$100
Failure to wear CSA-approved helmet while riding off-highway recreational vehicle	3.4	\$75

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3. This Bylaw may be cited as “The District of Elkford Ticket Information Utilization Amendment Bylaw No. 672, 2006”.

Read a first time this 13 day of November, 2006.

Read a second time this 13 day of November, 2006.

Read a third time this 13 day of November, 2006.

Adopted on this 27 day of November, 2006.

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Mayor D. McKerracher

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Norma Everett, DCS