

**THE CORPORATION OF THE VILLAGE OF ZEBALLOS**  
**BYLAW #523-2019**  
**OFF-ROAD VEHICLE BYLAW**

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A bylaw to regulate the operation of off-road vehicles within the Village of Zeballos.

WHEREAS it is in the interest of public safety for off-road vehicles to be operated safely within the municipality; and

WHEREAS under Section 36 of the *Community Charter*, Council has the authority to regulate and prohibit in relation to all uses involving a highway;

NOW THEREFORE, The Council of the Village of Zeballos, in open meeting assembled, ENACTS AS FOLLOWS:

**1. Citation**

This bylaw may be cited for all intents and purposes as “Village of Zeballos Off-Road Vehicle Bylaw #523-2019”.

**2. Definitions**

<b>“Bylaw Enforcement Officer”</b>	means a municipal employee, officer or agent designated by the council as a Bylaw Enforcement Officer; or a peace officer.
<b>“Council”</b>	means Village of Zeballos Council.
<b>“Designated Trail”</b>	means those trails in a public place designated for use by Off-Road Vehicles.
<b>“Drivers Licence”</b>	means a licence issued under the <i>Motor Vehicle Act</i> (RSBC 1996, c. 318) or a licence issued by another jurisdiction and accepted by ICBC as equivalent to a licence issued under the <i>Motor Vehicle Act</i> .
<b>“Highway”</b>	has the same meaning as in the <i>Motor Vehicle Act</i> .
<b>“ICBC”</b>	means the Insurance Corporation of British Columbia.

<b>“Off-road side-by-side vehicle”</b>	has the same meaning as in the <i>Off-Road Vehicle Regulation</i> (B.C. 193/2015)
<b>“Off-Road Vehicle”</b>	has the same meaning as in the <i>Off-Road Vehicle Act</i> (SBC 2014, c.5).
<b>“Public Place”</b>	means real property owned or occupied by the Village and includes all designated trails.
<b>“Village”</b>	means the Village of Zeballos.

### 3. Operation of Off-Road Vehicles Within the Village

- 3.1 No person shall operate an Off-Road Vehicle in the Village except as authorized by this Bylaw.
- 3.2 No person shall operate an Off-Road Vehicle in a Public Place other than on a roadway or Designated Trail.
- 3.3 The owner of an Off-Road Vehicle operating on a roadway or Designated Trail within the Village must:
  - a) carry proof of third party liability insurance coverage of at least \$2 million for the operation of the Off-Road Vehicle;
  - b) carry proof of registration of the Off-Road Vehicle with ICBC, or registration with an extra-provincial jurisdiction that satisfies the requirements of the motor vehicle laws of British Columbia;
  - c) carry an owner’s certificate under the *Insurance (Vehicle) Act* (RSBC 1996, c.231), or an owner’s certificate issued by an extra-provincial jurisdiction that satisfies the requirements of the motor vehicle laws of British Columbia;
  - d) display an ICBC-issued number plate, decal or sticker in the manner required by ICBC, or display a number plate, decal or sticker issued by another jurisdiction issued by an extra-provincial jurisdiction that satisfies the requirements of the motor vehicle laws of British Columbia; and
  - e) have and carry a valid Driver’s Licence.

- 3.4 Every person operating an Off-Road Vehicle within the Village or on a Designated Trail must:
- a) produce any documentation required to be carried under this Bylaw when requested by a Bylaw Enforcement Officer;
  - b) not operate an Off-Road Vehicle on any part of a Highway except in compliance with the requirements of the *Motor Vehicle Act*;
  - c) 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*, B.C. Reg. 193/2015;
  - d) wear a seat belt, and ensure that each passenger wears a seatbelt, if one is installed by the manufacturer;
  - e) utilize headlights, tail lights, and brake or stop lights in the circumstances referred to in section 24 of the *Off-Road Vehicle Regulation*, B.C. Reg. 193/2015;
  - f) not exceed a speed of 20 kilometers per hour;
  - g) operate it on the right hand side of the roadway or trail ;
  - h) yield the right-of-way to all other vehicles and persons;
  - i) not operate it 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;
  - j) not operate it in such as manner as to harass, run over, injure or kill wildlife, livestock or a domestic animal; and
  - k) not tamper with by removing or replacing any posted signs or barricades.
- 3.5 Nothing in this Bylaw relieves the operator of an Off-Road Vehicle from complying with the motor vehicle laws of British Columbia, including but not limited to the requirement for an operation permit for the operation of the Off-Road Vehicle on a Highway, under section 24.09 of the *Motor Vehicle Act Regulations*.

#### **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 event;
- c) Off-Road Vehicles owned and operated by local, provincial or federal governments if use is within the scope of their duties.

#### **5. Penalties**

Every person who violates any of the provisions of this bylaw or permits, suffers or allow any act or things to be done in contravention or in violation of any of the provisions of this bylaw is guilty of an offence and is liable to pay a fine in accordance with Fees and Charges Bylaw #500-15, as amended.

#### **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**

This Bylaw comes into effect upon adoption.

READ A FIRST time this 26<sup>th</sup> day of February, 2019.

READ A SECOND time this 26<sup>th</sup> day of February, 2019.

READ A THIRD time this 26<sup>th</sup> day of March, 2019.

RECONSIDERED AND FINALLY ADOPTED this \_\_\_\_ day of \_\_\_\_\_, 20\_\_.

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Mayor

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Corporate Officer

**CERTIFIED** a true and correct copy of  
"Village of Zeballos Off-Road Vehicle  
Bylaw #523-2019".

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Corporate Officer