

TOWN OF NEW GLASGOW

OFF-HIGHWAY VEHICLES BY-LAW

BE IT RESOLVED that this By-Law, known as the Off-Highway Vehicles By-Law for the Town of New Glasgow be enacted effective this 17th day of September , 2013.

TITLE

1. This By-Law may be cited as the "Off-Highway Vehicles By-Law".

DEFINITIONS AND INTERPRETATION

2. In this By-Law:

- (a) "**Council**" means the Council of the Town of New Glasgow;
- (b) "**CAO**" has the same meaning as in the *Municipal Government Act*, S.N.S. 1998 c. 18, of the Province of Nova Scotia or successor legislation as may be enacted from time to time;
- (c) "**Emergency Response Personnel**" includes personnel of police departments or forces, fire departments or brigades, registered emergency service providers, search and rescue organizations, provincial, regional or municipal emergency measures organizations, ambulance or emergency health services providers and includes volunteer or military personnel responding to an apparent condition of emergency;
- (d) "**Off-Highway Vehicle**" means a snow vehicle, all-terrain vehicle, motorcycle, mini bike, four-wheel-drive or low-tire-pressure vehicle, dune buggy, whether it is a Registered Vehicle or unregistered Vehicle pursuant to the *Motor Vehicle Act*, R.S., c. 293 or the *Off-Highway Vehicles Act*, R.S., c. 323;
- (e) "**Occupier**" has the same meaning as in the *Off-Highway Vehicles Act*, R.S., c. 323, of the Province of Nova Scotia or successor legislation as may be enacted from time to time;
- (f) "**Peace Officer**" means a member of the Provincial Police as defined in the *Police Act*, S.N.S. 2004, c. 31;
- (g) "**Person**" means a body corporate or politic, or party;
- (h) "**Registered Vehicle**" means an Off-Highway Vehicle or a Vehicle that is registered with the Registrar pursuant to the *Motor Vehicle Act*, R.S., c. 293 or the *Off-Highway Vehicles Act*, R.S., c. 323;

- (i) **"Registrar"** means the Registrar of Motor Vehicles;
- (j) **"Town"** means the Town of New Glasgow; and
- (k) **"Vehicle"** has the same meaning as in the *Motor Vehicle Act*, R.S. c. 293 of the Province of Nova Scotia or successor legislation as may be enacted from time to time, regardless of whether it is a Registered Vehicle.

APPLICATION

- 3. This By-Law is enacted pursuant to Section 172 of the *Municipal Government Act*, S.N.S. 1998, c. 18, and applies to Off-Highway Vehicles operated within the Town.
- 4. This By-Law is intended to add to, and not to conflict with or subtract from, the requirements contained in valid provincial or federal legislation and regulations in force from time to time and shall be interpreted accordingly.
- 5. This By-Law does not apply to:
 - (a) Employees or agents of the Town, the Province of Nova Scotia, the Government of Canada, public utilities as defined by the *Public Utilities Act*, R.S.N.S. 1989, c. 380, while performing their duties;
 - (b) A Person or a corporation, or an agent or employee of such Person or corporation, reasonably performing work at the request of any party described in section 5(a);
 - (c) Off-Highway Vehicles used in snow removal or snow clearing operations;
 - (d) Off-Highway Vehicles used by Emergency Response Personnel;
 - (e) Off-Highway Vehicles used for maintenance of Town-owned or Town-maintained athletic or recreation fields, park areas or school grounds.

GENERAL

Public Property

- 6. Subject to section 7, no Person shall operate an Off-Highway Vehicle on Town or public property, excepting:
 - (a) crossing a sidewalk to leave or enter a permanent driveway;
 - (b) lawful parking, loading or unloading; or
 - (c) authorized construction or maintenance.

Private Property

7. No Person shall operate an Off-Highway Vehicle on private property, excepting operation by the land owner or an Occupier or any Person with the written permission of the land owner or Occupier.

OFFENCE ENFORCEMENT AND PENALTY

8. No Person shall contravene or fail to comply with any provision of this By-Law.
9. This By-Law may be enforced by any Peace Officer or Police Officer, in accordance with the procedures set out in the *Municipal Government Act* or by means of a Summary Offence Ticket under the *Municipal Government Act* or *Summary Proceedings Act*.
10. The *Summary Proceedings Act*, where applicable, shall apply to proceedings under this By-Law.
11. Except as otherwise provided in this By-Law, any Person who violates any of the provisions of the By-Law or who suffers or permits any act or thing to be done in contravention of this By-Law, or who refuses, omits, fails to comply with or neglects to fulfill, observe, carry out or perform any duty or obligation imposed by this By-Law, shall be liable upon summary conviction:
 - (a) for the first offence to a penalty of not less than One Hundred Dollars (\$100.00) and of not more than Ten Thousand Dollars (\$10,000.00) or imprisonment for a period of not more than six (6) months or both;
 - (b) for the second offence to a penalty of not less than Three Hundred Dollars (\$300.00) and of not more than Ten Thousand Dollars (\$10,000.00) or imprisonment for a period of not more than six (6) months or both;
 - (c) for the third or subsequent offence to a penalty of not less than Five Hundred Dollars (\$500.00) and of not more than Ten Thousand Dollars (\$10,000.00) or imprisonment for a period of not more than six (6) months or both.

CAO ANNOTATION

Date of First Reading: June 17, 2013

Date of advertisement of Notice of Intent to Consider: September 6, 2013

Date of Second Reading: September 16, 2013

Date of advertisement of Passage of By-Law: September 21, 2013

Date of mailing to Minister a certified copy of By-Law: September 23, 2013

I certify that the above OFF-HIGHWAY VEHICLES BY-LAW was duly adopted by New Glasgow Town Council at duly called meetings and was published as indicated above.



Chief Administrative Officer