

DISTRICT OF MACKENZIE

BYLAW NO. 1168

**A Bylaw to regulate the operation of snowmobiles
And All Terrain Vehicles within the District of Mackenzie**

WHEREAS pursuant to Section 4.(4) of the Motor Vehicle (All Terrain) Act, Council is authorized to regulate or prohibit the use of All Terrain Vehicles within the District of Mackenzie.

NOW THEREFORE the Council of the District of Mackenzie, in open meeting assembled, **ENACT AS FOLLOWS:**

1.0 Interpretation

1.1 In this bylaw:

“All Terrain Vehicle” has the meaning assigned to it under the Provincial Motor Vehicle (All Terrain) Act and includes a snowmobile as defined in the snowmobile Regulation under the Provincial Motor Vehicle (All Terrain) Act.

“Airport lands” means land that is set apart for airport activity and is identified on “Appendix A” attached hereto and forming part of this bylaw.

“Cemetery” means land that is set apart or used as a place of interment and is identified on Appendix “A” attached hereto and forming part of this bylaw.

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

“Gantahaz Park” means land that is set apart and used as a park in the Gantahaz Subdivision.

“Highway” includes all public streets, roads, ways, trails, lanes, bridges, trestles and any other public way.

“John Dahl Park Visitor Access Trail” means the snowmobile trail through John Dahl Park from the Snowmobile Compound to Second Beach for exclusive use by visiting snowmobilers using the local hotel/motel or bed and breakfast accommodations and is identified on Appendix “A” attached hereto and forming part of this bylaw.

“Private Lands” means lands other than public lands.

“Public Lands” means lands owned by the District of Mackenzie or Crown lands.

“Residential Premises” means one or more dwelling units designed for the accommodation of one or more persons.

“Second Beach Parking Lot” means the three parking lot locations situated at Second Beach on Morfee Lake and is identified on Appendix “A” attached hereto and forming part of this bylaw.

“Sewage Lagoon” means lands that are set apart and used for municipal sewage treatment and is identified on Appendix “A” attached hereto and forming part of this bylaw.

“Snowmobile Compound” means the secured compound located at the Recreation Complex for exclusive use by visitors using hotel/motel or bed and breakfast accommodations.

“Water Distribution Areas” means lands which accommodate reservoirs, wells, pump

stations that are set apart and used for water distribution purposes.

2.0 Operations Prohibited without Registration

2.1 A person must not operate or authorize or permit another person to operate an all terrain vehicle unless he or she holds a certificate of registration for that all terrain vehicle in the form required under the Provincial Motor Vehicle (All Terrain) Act and unless the prescribed identification is displayed on the machines as set out in the Provincial Motor Vehicle (All Terrain) Act.

3.0 Operation of All Terrain Vehicles

3.1 A person shall not operate an all terrain vehicle within the District of Mackenzie:

- (a) on or across any highway;
- (b) within, on or across Airport lands,
- (c) within, on or across the cemetery,
- (d) within, on or across the sewage lagoon,
- (e) on the tracks of any railway;
- (f) within, on or across any water distribution area.
- (g) on private lands unless such private lands consist of a lot or parcel of land or contiguous lots or parcels of lands owned or leased by the same person or persons, being one (1) hectare (2.5 acres) or more in size and in a rural zone as specified in the District of Mackenzie Zoning Bylaw.
- (h) within any area of the District of Mackenzie as identified on Appendix "A" attached hereto and forming part of this bylaw.

3.2 Notwithstanding Sections 3.1 snowmobile usage is permitted at the Second Beach Parking Lot for the purpose of accessing Morfee Mountain snowmobile trails.

3.3 A person shall not operate an all terrain vehicle in a careless, reckless, or negligent manner so as to endanger or cause injury or damage to a person or to property or in such a manner so as to disturb the quiet, peace, rest, enjoyment, comfort and convenience of individuals or the public.

3.4 The provisions of this bylaw shall be subject to any restrictions and prohibitions prescribed by the Park Act, the Forest Act or the Land Act or in any regulations made under those Acts.

4.0 Exemptions

4.1 Council may exempt an individual or individuals from the provisions of this bylaw, upon application for such exemption being made by or on behalf of the individual or individuals. Such exemption shall be for a specific area and shall be for a period of not more than 365 days.

5.0 Offence and Penalty

5.1 A person who contravenes this Bylaw commits an offence.

5.2 A person who commits an offence against this Bylaw is liable on conviction to a fine of not more than five hundred (\$500.00) dollars.

5.3 If a person is convicted of an offence against this bylaw the Justice may, in addition to imposing a fine under Section 5.2, make an order prohibiting that person from operating an all terrain vehicle or a class of all terrain vehicle for the length of time the justice considers advisable.

6.0 Administration

6.1 This bylaw shall be administered by:

- (a) an enforcement officer as defined in the Provincial Motor Vehicle (All Terrain) Act; or
- (b) the Director of Public Works of the District of Mackenzie; or
- (c) Bylaw Enforcement Officer; or
- (d) RCMP officer.

7. Citation

7.1 This bylaw may be cited as "All Terrain Vehicle Bylaw No. 1168, 2004".

7.2 Bylaw No. 1095 cited as "All-Terrain Vehicle Regulation Bylaw No. 1095, 2001" is hereby repealed.

READ a first time this 13th day of December, 2004.

READ a second time this 13th day of December, 2004.

READ a third time this 13th day of December, 2004.

ADOPTED this 10th day of January, 2005.

I hereby certify the foregoing to be a true and correct copy of District of Mackenzie Bylaw No. 1168 cited as "All Terrain Vehicle Bylaw No. 1168, 2004".



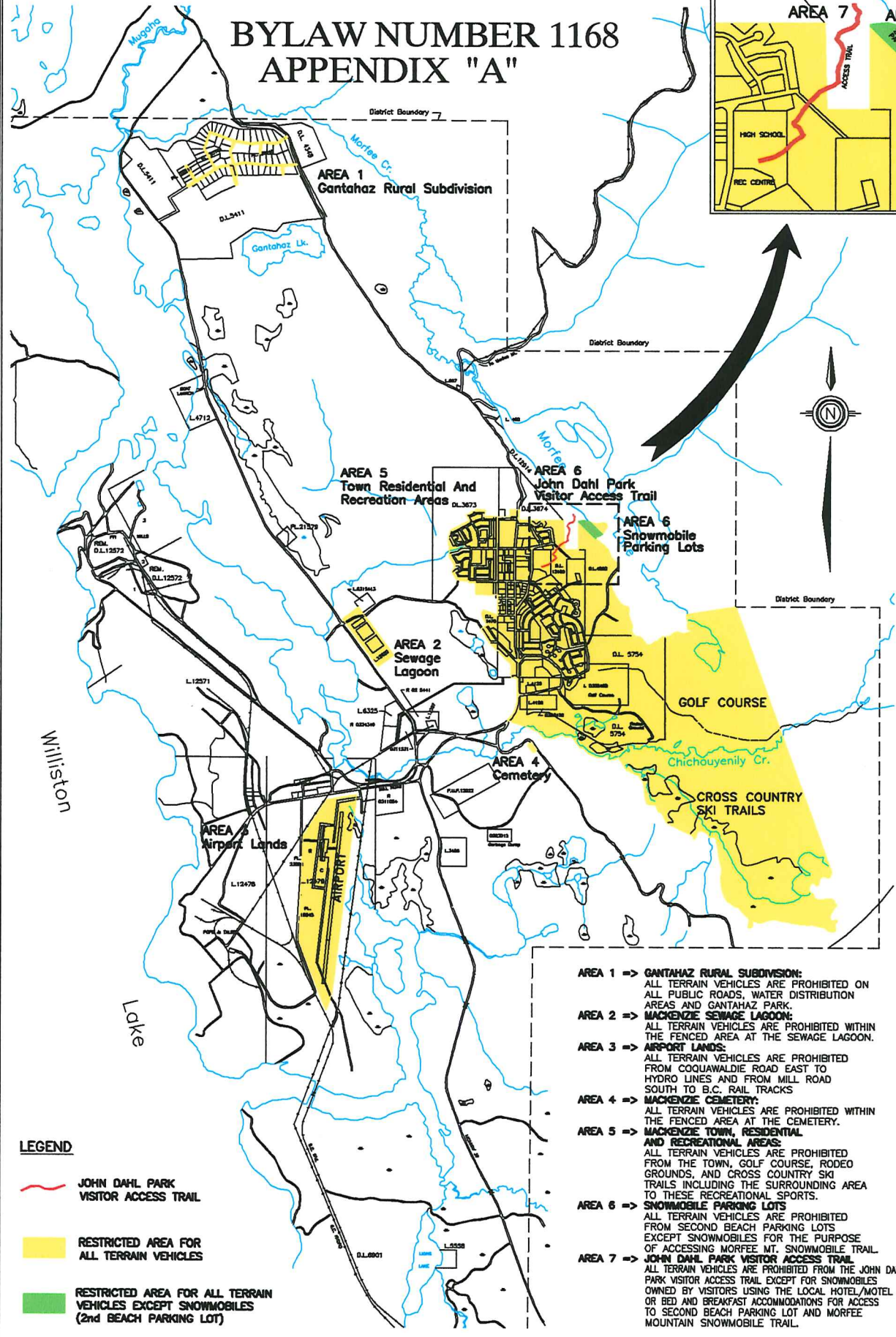
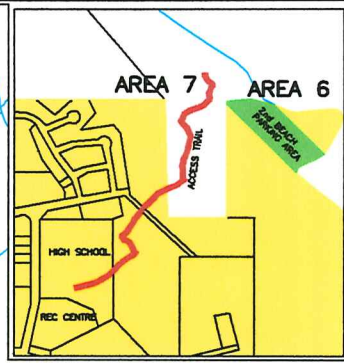
Mayor



Director of Corporate Administration

Director of Corporate Administration

BYLAW NUMBER 1168 APPENDIX "A"



LEGEND

-  JOHN DAHL PARK VISITOR ACCESS TRAIL
-  RESTRICTED AREA FOR ALL TERRAIN VEHICLES
-  RESTRICTED AREA FOR ALL TERRAIN VEHICLES EXCEPT SNOWMOBILES (2nd BEACH PARKING LOT)

- AREA 1 => GANTAHAZ RURAL SUBDIVISION:**
ALL TERRAIN VEHICLES ARE PROHIBITED ON ALL PUBLIC ROADS, WATER DISTRIBUTION AREAS AND GANTAHAZ PARK.
- AREA 2 => MACKENZIE SEWAGE LAGOON:**
ALL TERRAIN VEHICLES ARE PROHIBITED WITHIN THE FENCED AREA AT THE SEWAGE LAGOON.
- AREA 3 => AIRPORT LANDS:**
ALL TERRAIN VEHICLES ARE PROHIBITED FROM COQUAWALDIE ROAD EAST TO HYDRO LINES AND FROM MILL ROAD SOUTH TO B.C. RAIL TRACKS
- AREA 4 => MACKENZIE CEMETERY:**
ALL TERRAIN VEHICLES ARE PROHIBITED WITHIN THE FENCED AREA AT THE CEMETERY.
- AREA 5 => MACKENZIE TOWN, RESIDENTIAL AND RECREATIONAL AREAS:**
ALL TERRAIN VEHICLES ARE PROHIBITED FROM THE TOWN, GOLF COURSE, RODEO GROUNDS, AND CROSS COUNTRY SKI TRAILS INCLUDING THE SURROUNDING AREA TO THESE RECREATIONAL SPORTS.
- AREA 6 => SNOWMOBILE PARKING LOTS**
ALL TERRAIN VEHICLES ARE PROHIBITED FROM SECOND BEACH PARKING LOTS EXCEPT SNOWMOBILES FOR THE PURPOSE OF ACCESSING MORFEE MT. SNOWMOBILE TRAIL.
- AREA 7 => JOHN DAHL PARK VISITOR ACCESS TRAIL**
ALL TERRAIN VEHICLES ARE PROHIBITED FROM THE JOHN DAHL PARK VISITOR ACCESS TRAIL EXCEPT FOR SNOWMOBILES OWNED BY VISITORS USING THE LOCAL HOTEL/MOTEL OR BED AND BREAKFAST ACCOMMODATIONS FOR ACCESS TO SECOND BEACH PARKING LOT AND MORFEE MOUNTAIN SNOWMOBILE TRAIL.