

VILLAGE OF GOLD RIVER
OFF-ROAD VEHICLE BYLAW No. 749, 2023
BEING A BYLAW TO REGULATE THE OPERATION OF OFF-ROAD VEHICLES
WITHIN THE VILLAGE OF GOLD RIVER

WHEREAS it is in the interest of public safety for off-road vehicles to be operated safely within the municipality, and to ensure they do not pose a hazard to other users of highways within the municipality; and

WHEREAS under s. 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 Gold River, in open meeting assembled, **ENACTS AS FOLLOWS:**

1. Citation

This bylaw may be cited as the "Off-Road Vehicle Bylaw No. 749, 2023".

2. Definitions

"Bylaw Enforcement Officer" means a Designated Bylaw Enforcement Officer under Section 11 of the Village of Gold River Bylaw Notice System No. 737, 2022.

"Council" means Village of Gold River Council.

"Designated Trail" means Primary Trails and Secondary Trails.

"Driver's licence" means a licence issued under the Motor Vehicle Act (RSBC 1996, c. 318) or a licence issued by another jurisdiction and accepted by ICBC as equivalent to a licence issued under the Motor Vehicle Act.

"Highway" has the same meaning as in the Motor Vehicle Act.

"ICBC" means the Insurance Corporation of British Columbia.

"Off-Road side-by-side vehicle" has the same meaning as in the Off-Road Vehicle Regulation (B.C. 193/2015).

"Off-Road Vehicle" has the same meaning as in the Off-Road Vehicle Act (SBC 2014, c.5).

"Public Place" means real property owned or occupied by the Village and includes all Primary and Secondary trails.

“Primary Trails” means those public trails designated in Schedule “A” as primary trails.

“Secondary Trails” means those public trails designated in Schedule “A” as secondary trails.

"Village" means the Village of Gold River.

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

3.1 No person shall operate an Off-Road Vehicle in a Public Place other than on a Designated Trail.

3.2 The owner of an Off-Road Vehicle operating on a 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.

3.3 Every person operating an Off-Road Vehicle 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 the posted speed limits on any trail, or, if no speed limit is posted, then the speed limit set by the Village of Gold River Street and Traffic Bylaw shall apply;
- g) operate it on the right-hand side of a Designated 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 Designated Trail signs or barricades.

3.4 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.

3.5 No person may use a Secondary Trail except to travel directly between a person's residence and a Trailhead.

3.6 No person may operate an off-road vehicle on a primary or secondary trail outside of the hours of 5:00am to 11:00pm daily.

4. Exemptions

4.1 Sections 3.1, 3.5, and 3.6 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

5.1 Every person who violates any of the provisions of this bylaw or permits, suffers, or allows 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 the amount of \$100 per infraction.

5.2 Each day an infraction continues constitutes a separate offence.

6. Severability

6.1 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, second, and third time this	5 th	day of	September, 2023.
Adopted this	18 th	day of	September, 2023.

M. Lott, Mayor

M. Roy, Corporate Administrator

Schedule 'A' - Map

**Electoral Area A
- Kyuquot/Nootka
- Sayward**

157 m

**Village of
Gold River**

Gold River Golf
& Country Club



**Village of Gold River
Off Road Vehicle**

Village Road Classifications

-  Primary Route
-  Secondary Route
-  Logging Road
-  Private Property
-  Municipal Boundary

0 1 kms

