

Off-Road Vehicles Bylaw

1. This Bylaw is entitled the “Off-Road Vehicles Bylaw” and is enacted pursuant to Section 174(e) of the *Municipal Government Act*, S.N.S. 1998, c.18, as amended.

Definitions

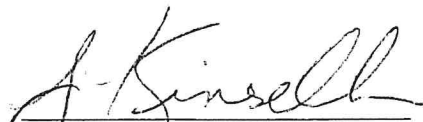
2. In this Bylaw:
 - (1) “adult” means a person of 19 years of age or more.
 - (2) “CAO” means the Chief Administrative Officer of the Town of Annapolis Royal.
 - (3) “emergency response personnel” includes personnel of police departments or forces, fire departments or brigades, registered emergency services 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.
 - (4) “off-road vehicle” has the same meaning as “off-highway vehicle” in the *Off-Highway Vehicles Act* of the Province of Nova Scotia or successor legislation as may be enacted from time to time.
 - (5) “registered owner” has the same meaning as in the *Off-Highway Vehicles Act* of the Province of Nova Scotia or successor legislation as may be enacted from time to time.
 - (6) “Town” means the Town of Annapolis Royal.
3. This Bylaw is intended to add to, and not to conflict with or subtract from, the requirements contained in valid provincial statutes and regulations in force from time to time concerning the ownership, possession, registration or use of off-road vehicles and shall be interpreted accordingly.
4. This Bylaw does not apply to:
 - (1) emergency response personnel engaged in the execution of their emergency response duties; or
 - (2) persons acting at the request of emergency response personnel during an actual or apparent emergency condition.
 - (3) members of the Town’s Public Works Department acting within the scope of their duties.


5. No person shall operate an off-road vehicle on public or private property except:
 - (1) on a site designated by resolution of Council, following a public hearing, as an off-road vehicle site;
 - (2) in any other area of the Town except with the written consent of an adult occupant of each dwelling unit located within **1,000 meters** of the area of operation.
6. Notwithstanding Section [5](2), no person shall operate an off-road vehicle on the following sites:
 - (a) Town trails including trails on the former Dominion Atlantic Railway right-of-way or rail corridor;
 - (b) Streets, sidewalks, walkways, school grounds, utility service lands, parks or playgrounds.
7. Any person may make application to Council to have a property or area designated as an off-road vehicles site. Council, by resolution following a public hearing, may refuse to grant the designation or may grant the designation applied for or any designation of lesser effect. Any designation so granted shall:
 - (1) identify with particularity the geographic boundaries of the site designated;
 - (2) specify the time period, the day(s) of the week, and the hours of the day during which the designation shall be effective;
 - (3) shall be confirmed in writing by the CAO before becoming effective; and
 - (4) shall include such terms and conditions as Council deems appropriate.
8. In deciding whether or not to grant a designation under section [7] or in determining terms or conditions of the designation, Council shall give consideration to:
 - (1) the social, recreational or economic benefit of the proposed use for which designation is sought;
 - (2) the actual or potential competing or alternative uses for the site and their compatibility with the proposed use for which designation is sought;
 - (3) volume, nature, duration and consistency of noise emission from the proposed use for which designation is sought;
 - (4) the proximity and nature of abutting or adjacent land uses;

- (5) the hours of operation of the proposed use for which designation is sought;
- (6) any other factor relevant to balancing the interests of the applicant in the designation against those who might be disturbed in consequence of the designation.
9. At the public hearing pursuant to section [7], Council shall give the applicant and any person interested in the application an opportunity to be heard.
10. **Seven (7) days' notice** of the time, date and purpose of the public hearing pursuant to section [6], shall be mailed by the applicant to the assessed owner or owners, as shown in the records of the Assessment Office, of each property that contains a building located within **150 meters** of the proposed designation site or where more than **Fifteen (15)** property owners would be entitled to such notice, notice may be given by advertisement of not less than **Twenty-five (25)** square centimeters in size, in a local newspaper of mass circulation.
11. Any contravention of the terms or conditions of a designation pursuant to section [7] shall constitute a contravention of this Bylaw. In addition to any other available remedies for such contravention, the **CAO** may on reasonable and probable grounds, without a hearing, suspend a designation for a period of up to **30 days** pending Council review of the designation.
12. A designation pursuant to section [7] shall be reviewable by Council at any time upon **Fourteen 14 days' notice** to the property owner or to the applicant who obtained the designation, and Council is free to revoke, suspend or restrict the designation with or without cause having regard to the criteria set forth in section [8], without giving notice to adjacent owners in accordance with section [10].

Penalty

13. Any person who contravenes any provision of this Bylaw is punishable on summary conviction by a fine of not less than **\$100.00** and not more than **\$10,000.00** and to imprisonment of not more than **ninety (90) days** in default of payment thereof.


John Kinsella, Mayor


Amery Boyer, CAO

This is to certify that the foregoing is a true copy of a bylaw passed at a duly convened meeting of the Council of the Town of Annapolis Royal, held November 21, 2005.

Given under the hand of the Mayor and Chief Administrative Officer and the seal of the Town of Annapolis Royal this 30th day of November, 2005.

FIRST READING:	October 17, 2005
"NOTICE OF INTENT" PUBLICATION:	October 25, 2005
SECOND READING:	November 21, 2005
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DATE OF PUBLISHING:	November 29, 2005
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FORWARDED TO TOWN WEBSITE:	December 5, 2005