

**BY-LAW NO. 11**  
**A BY-LAW DESIGNATING STREETS ACCESSIBLE TO ALL-TERRAIN VEHICLES**



The Council of Arcadia, under the authority vested in it by the *Local Governance Act, SNB 2017, c18*;

WHEREAS Section 37(1) (a) of the *Off-Road Vehicle Act* states that a municipality may enact by-laws, subject to the approval of the Minister, designating highways or parts thereof along or across which off-road vehicles may be driven;

AND WHEREAS Section 37(2) of the *Off-Road Vehicle Act* states that a municipality may enforce by-laws enacted under subsection (1) by the imposition of penalties not exceeding one hundred dollars for each offence,

BE IT ENACTED by the Council of Arcadia as follows:

**TITLE**

1. This by-law shall be cited as the “By-law Designating Streets Accessible to All-terrain Vehicles”.

**PURPOSE**

2. This by-law is enacted for the purpose of designating streets accessible to all-terrain vehicles in Ward 2 Gagetown.

**DEFINITIONS**

3. In this by-law:
  - a) “**All-terrain vehicle**” shall mean an all-terrain vehicle as defined in the *Off-Road Vehicle Act*, R.S.N.B. ch. 0-1.5 and amendments thereto.
  - b) “**Off-road vehicle**” shall mean an off-road vehicle as defined in the *Off-Road Vehicle Act*, R.S.N.B. ch.0-1.5 and amendments thereto.
  - c) “**Street**” shall mean the entire width between the boundary lines of every legally designated street owned, or under the care and control of Arcadia.
  - d) “**Council**” shall mean the Council of Arcadia.

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**GENERAL PROVISIONS**

4. All persons operating an off-road vehicle must operate such in accordance with the *Off-Road Vehicle Act* and any amendments thereto.
  
5. No person shall drive an all-terrain vehicle on streets within Arcadia, with the exception of the following locations:
  - a) Knorr Road beginning 430m from the intersection with Reids Hill Road, in a northerly direction, as shown in Schedule A.
  - b) Reids Hill Rd in an easterly direction to 17m west of the intersection with Tilley Road, as shown in Schedule A.
  - c) crossing Court House Road, 55m west of the intersection with Tilley Road, as shown in Schedule B.
  - d) crossing Peters Road, 52m west of the intersection with Tilley Road, as shown in Schedule C.
  - e) Peters Road, from 52m west of the intersection with Tilley Road, 354m in an easterly direction, as shown in Schedule D.
  - f) crossing Mill Road, 65m west of the intersection with Tilley Road, as shown on Schedule E.
  - g) Hector Road, 122m west of the intersection with Tilley Road, in a westerly direction to the intersection with Chapman Lane, as shown on Schedule F.
  - h) Chapman Lane from its intersection with Hector Road to 160m in a southerly direction, as shown on Schedule F.
  - i) crossing Doctors Hill Road at 171m east of Chapman Lane, as shown on Schedule G.
  - j) Doctors Hill Road from the intersection of Highway 102, 95m in an easterly direction, as shown in Schedule H.
  - k) Norwood Road, from the intersection of Highway 102, 743m in a westerly direction, as shown on Schedule H.
  - l) Boyd Road, from the intersection with Highway 102, 190m in a northerly direction from the intersection with Old Mill Road, as shown on Schedule I.
  - m) Crossing Old Mill Road, 140m east of the intersection of Highway 102, as shown on Schedule I.
  - n) Boyd Road, from the intersection with Old Mill Road, in a southerly direction, for 437m, as shown on Schedule I.
  - o) Fox Road, as shown on Schedule J.
  
6. Use of Arcadia streets by all-terrain vehicles as set out in Section 3 above shall be limited to the distances and locations set out in Schedules A to J.

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- a) The driver or any occupant of the all-terrain vehicle must be properly wearing a helmet that complies with the standards prescribed by Regulations under the *Motor Vehicle Act*.
- b) The all-terrain vehicle must be outfitted with the necessary equipment as described in the *Off-Road Vehicle Act*.
- c) Except when crossing the street, all-terrain vehicles must operate in the same direction as traffic and travel in a single file to the extreme right of the street at a maximum speed of 30 km per hour.
- d) All-terrain vehicles shall cross streets on a line which provides the shortest route from shoulder to shoulder.
- e) The operators of all-terrain vehicles shall give the appropriate signals as required under the Motor Vehicle Act and obey all traffic control devices.
- f) Any other vehicle utilizing the street shall have the right-of-way.
- g) All-terrain vehicles must display a current trail permit issued by an ATV Club federated in New Brunswick or in another province member of a reciprocal agreement with New Brunswick. This permit must be in the form of a sticker which must be clearly and permanently displayed on the ATV or on the side-by- side.
- h) All-terrain vehicles must display a current license plate issued by a Provincial government body and the operator must immediately provide proof of current registration upon request by any employee of Arcadia or agent authorized to enforce this by-law.
- i) All-terrain vehicles must be insured, and the operator must immediately provide proof of insurance upon request by any Arcadia employee or agent authorized to enforce this by-law.

### **OFFENCE**

7. Any person who violates sections 2, 3, 4 or 5 of this by-law is guilty of an offence.
8. The maximum fine for an offence committed under this by-law shall not exceed \$100 per offence.

### **ADMINISTRATIVE PENALTY**

9. Arcadia may issue an administrative notice requiring a penalty to be paid with respect to a violation of a provision of this by-law.
10. A person who violates any provision of this by-law, and who is issued an administrative notice, may pay to Arcadia, within 45 calendar days from the date of such violation, an administrative penalty of one hundred dollars (\$100.00) and upon such payment, the person who committed the violation is not liable to be prosecuted therefore.

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**ENFORCEMENT**

11. Every person duly appointed by Council as a by-law enforcement officer is hereby authorized to carry out any inspection that is necessary for the administration or enforcement of this by-law.
  
12. Any peace officer or by-law enforcement officer is hereby authorized to take such actions, exercise such powers and perform such duties, as may be set out in this by-law, or in the Local Governance Act and as they may deem to be necessary to enforce any provisions of this by-law.

**SEVERABILITY**

13. Where a Court of competent jurisdiction declares any section or part of a section of this by-law invalid, the remainder of this bylaw shall continue in force unless the Court makes an order to the contrary.
  
14. This by-law shall be enacted upon approval by the Province of New Brunswick.

**ENACTMENT**

15. IN WITNESS WHEREOF the local government of Arcadia has caused its corporate seal to be affixed to this by-law on the date of third reading and enactment.

FIRST READING BY TITLE:                      Tuesday, May 20, 2025

SECOND READING BY TITLE:                      Tuesday, May 20, 2025

THIRD READING BY TITLE AND ENACTMENT: \_\_\_\_\_

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Mayor—Clinton Sharpe

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Clerk—Jessica McGarity