

City of Winkler

BY-LAW NO. 2235-19

Being a By-law under The Off-Road Vehicles Act C.C.S.M. c. 031 to regulate the operating of Off-Road Vehicles within the limits of the City of Winkler.

WHEREAS, the Council of the City of Winkler deems it advisable to pass a By-law regulating the use of off-road vehicles within the limits of the City of Winkler;

NOW THEREFORE, the City of Winkler, in open session duly assembled, hereby enacts as follows:

1. By-Law Name

This By-law may be referred to as the "Off-Road Vehicles By-law".

2. Definitions

- a) Unless otherwise expressly provided, or unless the context otherwise requires, words and expressions in this By-law have the same meaning as the words and expressions in "The Off-Road Vehicles Act" (the Act) of Manitoba.
 - b) **off-road vehicle"** means any wheeled or tracked motorized vehicle designed or adapted for cross-country travel on land, water, ice, snow, marsh, swamp land or other natural terrain and includes, but is not limited to,
 - (a) a snowmobile,
 - (b) an all-terrain vehicle,
 - (c) a mini-bike, dirt-bike and trail-bike,
 - (d) a miniature vehicle such as a dune or sport buggy,
 - (e) an off-road maintenance machine,
 - (f) an amphibious vehicle, and
 - (g) a four-wheel drive motor vehicle or motorcycle that is being driven elsewhere than on a highway, whether or not it is registered under *The Drivers and Vehicles Act*,
but does not include agricultural equipment, infrastructure equipment, or a garden tractor, lawnmower, lawn tractor or golf cart;
 - c) **operate** means to drive or to be in actual physical control of an off-road vehicle, but does not include pushing or otherwise manually propelling an off-road vehicle for the purpose of loading same onto another vehicle or trailer for transportation.
3. No person shall operate an off-road vehicle within the limits of the City of Winkler except as permitted in this By-law or under the Act.

4. No person who is permitted in this By-law or under this Act to operate an off-road vehicle within the limits of the City of Winkler shall operate said off-road vehicles;
 - a) In a careless manner or without due care and attention; or
 - b) Without reasonable consideration for other persons and property or on a manner likely to cause damage or injury to other persons and property.
5. A person who is a resident of the City of Winkler and who is otherwise qualified under the Act to operate a snowmobile may, when reasonable snow conditions exist, operate a snowmobile within the City of Winkler on the roadway or shoulder and shall be restricted to:
 - (a) The most direct route in and out of the City of Winkler from their residence and returning to the same, on the extreme right hand edge of the roadway on streets within the City of Winkler, other than provincial roads and provincial highways.
6. A person who is a non-resident of the City of Winkler and who is otherwise qualified under the Act to operate a snowmobile may, when reasonable snow conditions exist, enter the limits of the City of Winkler provided they take the most direct route to their place of destination and back as provided for in Article 5 above. Snowmobiles may travel to and from service and repair stations and restaurants subject to Article 5 above.
7. Any person operating a snowmobile within the limits of the City of Winkler shall be restricted to a speed limit of not more than 30 kilometers per hour.
8. Where a snowmobile is being operated on a roadway or shoulder as permitted in this By-law the operator shall:
 - a. Drive that snowmobile with the flow of traffic as close to the right hand edge of the roadway or shoulder as possible; and
 - b. Drive in single line with other snowmobiles
9. It is prohibited to operate a snowmobile on School property, Public Parks, Discovery Nature Sanctuary, Golf Course, Cemetery, sidewalks and pathways, Winkler Airport and Runways (EXCEPT the airport parking lot).
10. The operation of any snowmobile within any residential area in the City of Winkler shall not be permitted between the hours of 11 PM and 6:00 AM.
11. Any person operating a snowmobile within the limits of the City of Winkler must be qualified under the Act to operate a snowmobile.
12. Any employee of the City of Winkler who is properly licenced under the Act may, when so required by the City of Winkler and for its purposes, operate a licenced off-road vehicle owned by the City of Winkler on any roadway and on any shoulder of a roadway located within the City of Winkler and may also operate said licenced off-road vehicle for maintenance purposes on any playground or other area set aside for recreational purposes that is owned by the City of Winkler.

13. Where an offense, resulting from the violation of any provision of this By-law;
- a. Is committed by means of, or with respect to, a snowmobile; or
 - b. Occurs by reason of, or with respect to, the ownership, use, or operation of an off-road vehicle
- the owner of the off-road vehicle may be charged with a commission of the offence and, if the judge or justice before whom the charge is tried is satisfied that the offence was committed, the owner is guilty of the offence and is liable, on summary conviction, to the penalty herein provided, unless the owner satisfied the judge or justice that at the time of the violation the off-road vehicle was in the possession of a person without the consent of the owner.
14. Nothing in subsection (13) relieves the operator of an off-road vehicle from any liability for any offence or violation of any provision of this By-law.
15. Any person who violates, contravenes, or disobeys or refuses, omits, neglects, or fails to observe, obey or comply with any provision of this By-law is guilty of an offence and liable, on summary conviction, to a fine of not less than \$100.00 or more than \$1,000.00.
16. By-law No. 1800-04 is hereby repealed.

DONE AND PASSED by the Council of the City of Winkler, duly assembled this 28th day of May, A.D. 2019.

Mayor

City Manager

Read a first time this 23rd day of April, A.D. 2019.
Read a second time this 28th day of May, A.D. 2019.
Read a third time this 28th day of May, A.D. 2019.