

Local Government District of Pinawa
By-Law No. 898-2022

Being a By-law of the Local Government District of Pinawa
to regulate the operation of off-road vehicles within the L.G.D. of Pinawa.

WHEREAS The Municipal Act provides, in part, as follows:

Sec. 232(1) A council may pass by-laws for municipal purposes respecting the following matters:

- (g) The operation of off-road vehicles on public or private property.
- (m) Local transportation systems (Local Traffic Authority)

AND WHEREAS The Off-Road Vehicle Act provides, in part, as follows:

Sec. 45(1) Subject to subsection (2), (3) and (4), the Traffic Authority of a highway may make by-laws and the minister may make rules supplementary to, or in addition to, but not contrary to any provision of this Act or the regulations made under this Act

- (a) permitting or prohibiting the operation of designated off-road vehicles across a roadway and shoulder at any place or at a designated place along the highway or on any portion thereof;
- (a.1) permitting the operation of designated off-road vehicles upon a roadway or the shoulder of a roadway; and
- (b) prohibiting the operation of designated off-road vehicles upon a designated right-of-way or a specified portion thereof.

AND WHEREAS The L.G.D. of Pinawa deems it advisable and in the best interest of the L.G.D. to regulate the operation of off-road vehicles within the L.G.D. of Pinawa.

NOW THEREFORE the council of the L.G.D. of Pinawa enacts as a by-law the following:

1. DEFINITIONS, where used in this by-law:

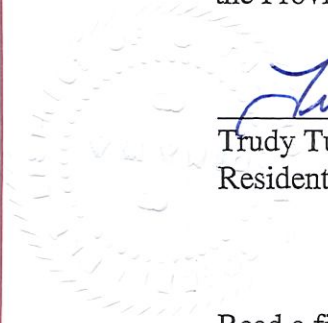
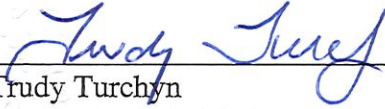
- (a) OFF-ROAD VEHICLE (ORV); means any wheeled or tracked motorized vehicle designed or adapted for cross country travel on land, water, ice, snow, marsh or swamp land or other natural terrain, as defined in the Off-Roads Vehicle Act.
- (b) Townsite; that portion of the residential area of the L.G.D. of Pinawa bounded on the South and East by the Winnipeg River, the North by the Pinawa Channel, and to the West by Willis Dr. –South of Hwy. 211 and Hwy. 520-North of Hwy. 211.
- (c) Public Route; designates routes which allow Off-Road vehicles access to designated areas of the Townsite and are recorded on a plan retained in the office of the L.G.D. of Pinawa and shown outlined with a blue line on Appendix “A” attached.
- (d) Access Route; the most direct route, from the place of residence to the nearest public route for the express purpose of leaving and returning to the Townsite;
- (e) Peace Officer means:
 - (a) Any member of the Royal Canadian Mounted Police Force and any other police officer, special constable, or other person employed for the preservation and maintenance of the public peace;
 - (b) Any person lawfully authorized to direct or regulate traffic, or to enforce this Act or traffic by-laws or regulations; and
 - (c) A conservation officer appointed under The Conservation Officers Act or a person appointed as an officer under The Provincial Parks Act;

- (f) Off Road Vehicle (ORVA); 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) 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, motorcycle or snow vehicle that is being driven elsewhere than on a highway, whether or not it is registered under The Drivers and Vehicles Act.
- (g) Sports Utility Vehicle (SUV); Any four-wheel drive motor vehicle over the weight of 700 kg.
- (h) Operator means a person operating or driving an off-road vehicle or a person in actual physical control of an off-road vehicle; (conductor).
- (i) Private Property; Property owned by a person, a group of individuals or a corporation.
- (j) Public Lands means property owned by the LGD of Pinawa, Whiteshell School District, Pinawa Golf Club and W.B. Lewis Business Centre

2. Private property is off limits to ORV traffic unless permission to cross or use is sought by the ORV owner and granted by the land owner. The onus is not on the land owner to post "No Trespassing" signs. The onus is on the ORV owner/operator to know where private land is situated.
3. No person shall, subject to the provisions of the by-law, operate an Off-Road Vehicle in or upon any public lands within the Townsite of Pinawa. The onus is on the ORV owner/operator to know where the public land is situated.
4. Nothing within the provisions of this by-law shall be deemed to contravene the statutes of the Province of Manitoba including the Off-Road Vehicle Act, the Highway Traffic Act and the regulations pertaining to those acts.
5. Notwithstanding the provisions of Section 2 and 3 of this by-law, the Resident Administrator with the approval of Council may, upon receipt of a written application from a recognized ORV Club or Trail committees, approve the addition or deletion of public routes.
6. An access route can only be used for the express purpose of gaining access to a public route by the most direct route and subject to the provisions of Section 4 of this by-law. The Operator of the vehicle shall not exceed 20 km/h, at the lowest noise level possible and adhere to the right side of the roadways; reference 24(1) and 42(2) ORV Act. Access routes are not to be used to commute or visit between residences.
7. No person under the age of 14 years shall operate an ORV within the L.G.D. of Pinawa unless supervised and accompanied by, and at all times within clear view of the person's parent or a person who has attained the age of 18 years and authorized by the parent. Operators who are at least 16 years of age and hold a valid driver license may use access and public routes according to the by-laws; 26(1), 26(2), 26(3), 35(2) and 43(1) ORV Act.
8. Every ORV shall be equipped with a noise muffler in good working order. 24(1) ORV Act.

9. No person shall operate an ORV in a careless manner, without due care and attention or without reasonable consideration for other trail users, the environment or the general public; Reference 31, 31-1 ORV Act.
10. The speed limit on the public routes within the Townsite of Pinawa shall not exceed 30 km/h.
11. ATVs shall not travel on any public lands or trails except on designated ATV routes or areas approved by the Resident Administrator and Council. ATVs may be used by persons clearly engaged in maintenance of trails, public utilities, or in the performance of construction projects, or other uses as approved by the LGD by permit. Permits may be acquired at the L.G.D. office, signed by the intended operator and the Resident Administrator or designate. Appendix "B" Permitted use of ATVs within the L.G.D. of Pinawa.
12. ATVs may travel on those portions of the Trans Canada Trail where there is an agreement for multi use between the local ORV Clubs and the Trans Canada Trail group at a reduced speed of 30 km/h or at the posted speed. Special conditions may force the closure of the TCT to ATV traffic. Appendix "A" Trans Canada Trail Pinawa.
13. ORVs and SUV's observed causing damage to non-all weather roads, drainage systems and the environment may be charged under this by-law.
14. Off-road vehicle (ORV) does not include an implement of husbandry, farm tractor, special mobile machine, garden tractor or golf cart.
15. The Resident Administrator with approval of Council shall enter into an agreement with the local ORV Clubs, establishing maintenance and signing standards on all public routes within the Townsite of Pinawa.
16. Notwithstanding the provision of Section 3 of this by-law, the Resident Administrator with the approval of Council may temporarily waive any or all provisions of this by-law.
17. An officer, as defined for the purposes of this act shall have the power to require any person or persons found in contravention of the provisions of this by-law and the ORV Act to cease and desist said action. The officer may summon said person or persons before any competent court in the Province of Manitoba.
18. ORV's and SUV's are required to ensure that their number plates are fully readable at all times.
19. Any person or persons who contravene or fail to comply with any provisions of this by-law may be found guilty of an offence, and is liable on summary conviction to a fine of not more than \$1000.00 (One Thousand Dollars). The enforcement shall apply to a Justice and follow the procedures set out in the Off-Road Vehicle Act.
20. That this by-law hereby rescinds By-law No. 712-09.

DONE AND PASSED as a By-law of Local Government District of Pinawa, in
the Province of Manitoba this 11th day of April, 2023.

Trudy Turchyn
Resident Administrator

Read a first time this 14th day of November, 2022.
Read a second time this 14th day of March, 2023.
Read a third time this 11th day of April, 2023.

By-Law No. 898-2022
Appendix "B"

PERMITTED USE OF ATVS WITHIN THE L.G.D. OF PINAWA

Name of Operator: _____

Age of Operator: _____ Drivers License #: _____

Name of Owner: _____

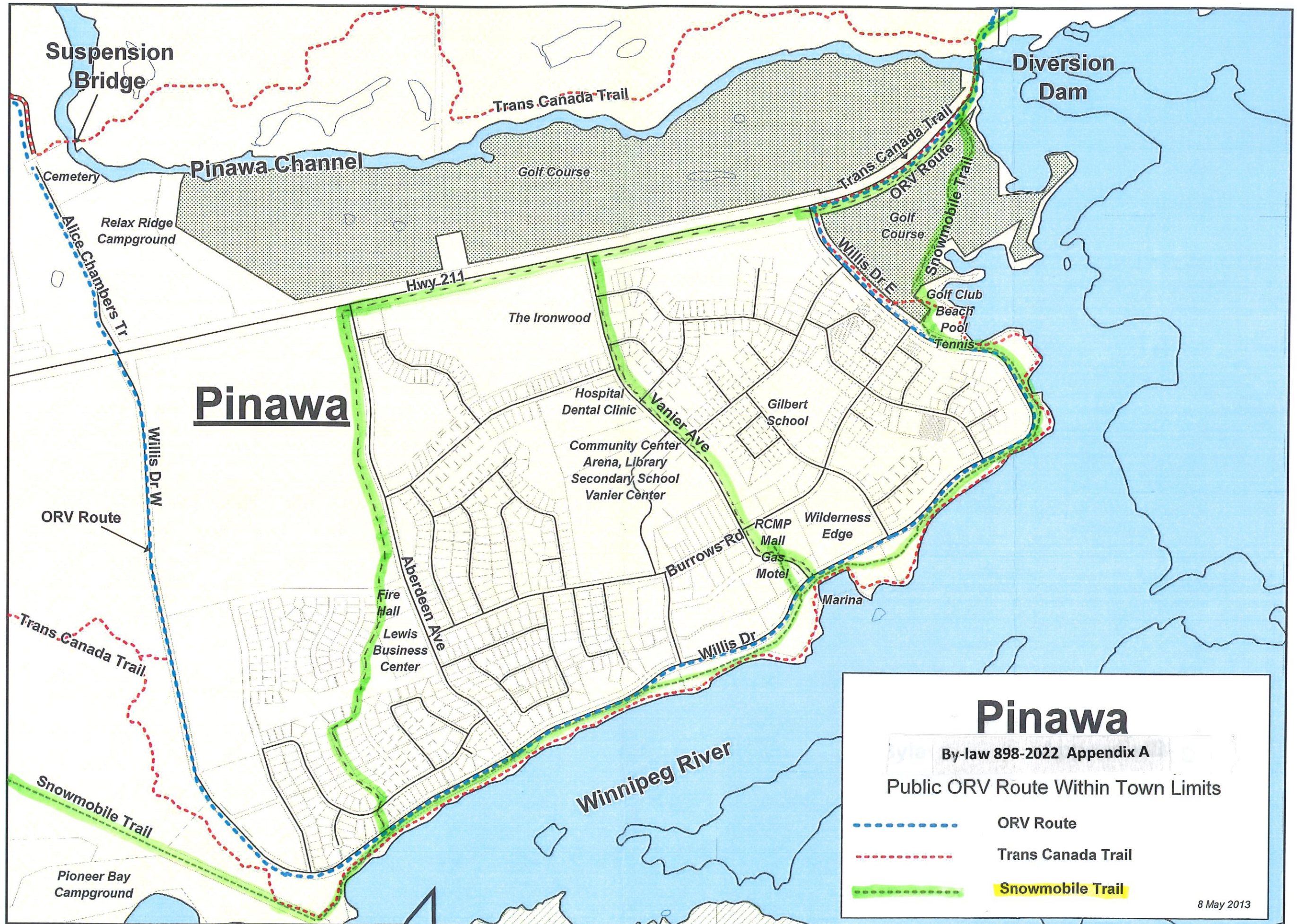
Home Address: _____

Description and Plate # of ATV: _____




Reason for Permit: _____

Signature of Owner: _____

Authorizing Signature: _____



Pinawa
 By-law 898-2022 Appendix A
 Public ORV Route Within Town Limits

	ORV Route
	Trans Canada Trail
	Snowmobile Trail



8 May 2013

