

THE CITY OF FLIN FLON

BY-LAW NO. 2009-12

Being a By-Law of The City of Flin Flon to provide for all terrain vehicle (ATV) access routes within the City of Flin Flon and prohibit the operation of off-road vehicles in certain areas.

Passed: June 2, 2009

WHEREAS under Section 45 (1) of The Off-Road Vehicle Act provision is made for the traffic authority to make by-laws

- (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 any portion thereof,
- (b) prohibiting the operation of designated off-road vehicles upon designated right-of-way or a specified portion thereof; and

WHEREAS under Section 46 (1) of The Off-Road Vehicle Act provision is made for the city to prescribe areas in which the operation of designated off-road vehicles shall be permitted or prohibited, and fixing penalties for violation of by-laws passed under this section, and

WHEREAS The City of Flin Flon is desirous of providing all terrain vehicle (ATV) access into and out of the city thereby providing safer and more controlled access to out of town trails for both residents and visitors, and

WHEREAS The City of Flin Flon deems it necessary to prohibit the operations of off-road vehicles in certain areas of the city, now

THEREFORE BE IT RESOLVED that the Council of The City of Flin Flon, duly assembled enacts as follows:

1. DEFINITIONS

- (1) "Operate" means to drive or be in actual physical control of an off-road vehicle.
- (2) "Operator" means a person operating or driving an off-road vehicle or a person in actual physical control of an off-road vehicle.
- (3) "Roadway" means the portion of a highway that is improved, designed or ordinarily used for vehicular traffic, and includes that portion thereof that, but for the presence of a safety zone, would be ordinarily used, but does not include the shoulder, and where a highway includes two or more separate roadways, the term "roadway" refers to any one roadway separately and not all the roadways collectively.
- (4) "All Terrain Vehicle" or "ATV" means an off-road vehicle that
 - a) operates or travels on three or more low-pressure tires,
 - b) has a seat designed to be straddled by the operator of the vehicle, and
 - c) has handlebars for steering the vehicle.
- (5) All other words and expressions used in this by-law shall have the same meanings assigned to them under The Off-Road Vehicle Act, and all amendments thereto, under Sections 1(2) and 2 of the said Act.

2. That all City roadways except those shown coloured in red on the attached map marked as Exhibit "A" to this by-law shall be deemed to be streets upon which ATV access is permitted, provided such access shall only be used to provide access to and from the area outside of the City boundaries and are not designed as areas for other uses of the ATVs.
3. That, upon exercising proper care, ATVs may cross those roadways show in red on the attached map, but may not travel along the said roadways.
4. That the City provide the necessary signs to mark the prohibited routes for the information of the operators and in compliance with the off-road vehicles act.
5. That operators using these routes do so with care and caution and at a reasonable rate of speed.
6. This by-law applies to ATVs and not to all other off-road vehicles.
7. That operators abide by all regulations under The Off-Road Vehicles Act and any other act or by-law having to do with ATV use.
8. No person shall operate an off-road vehicle, at any time, on property owned and occupied by the Flin Flon School Division.
9. No person shall operate an off-road vehicle, at any time, on any park properties.
10. ATV use of City roadways shall only be permitted between the hours of 7:00 a.m. and 11:00 p.m.
11. Any person who contravenes, disobeys, violates or fails to observe, obey or comply with this by-law is guilty of an offence and is liable on summary conviction to a penalty as set out in The Off-Road Vehicles Act.
12. This By-Law shall be in full force and effect on and from the date upon which it is passed.

PASSED AND ENACTED AS A BY-LAW OF THE CITY OF FLIN FLON, THIS 2ND DAY OF JUNE, A.D. 2009.

Original Signed by George FONTAINE

Deputy Mayor

Original Signed by Mark KOLT

Municipal Administrator

Read a first time this 19th day of May , A.D. 2009 .
 Read a second time this 2nd day of June , A.D. 2009 .
 Read a third time this 2nd day of June , A.D. 2009 , DONE AND FINALLY PASSED.

Exhibit A
By-Law 2009-12
ATV Exclusion Routes
The City of Flin Flon
June 4, 2009

Routes Excluding ATV Use

Include: (Red)

- Hwy 10A
- Hwy 10
- Main St.
- First Av. - Hill St. - Callinan St. S.
- Ross St.
- Hudson St.
- South Hudson St.
- Green St.
- Channing Dr.
- Church St.
- Hapnot St. - Churchill Av.
- Fourth Av. - Bell Vue Av. S. - Ross St.
- Queen St. (from Pine Av.) - Wallace Av. - Phelan Av. - Wright Av

