

REPEALED BY BY-LAW NO. 6726/95
NOVEMBER 29, 1995

CONSOLIDATION UPDATE: MARCH 1, 1995

THE CITY OF WINNIPEG

WINNIPEG OFF-HIGHWAY VEHICLE BY-LAW
NO. 2070/78

A By-law of THE CITY OF WINNIPEG to regulate the operation of off-highway vehicles in parks and on land under the jurisdiction, possession, control or ownership of The City of Winnipeg.

THE CITY OF WINNIPEG, in Council assembled, enacts as follows:

1. This By-law may be referred to as the **"Winnipeg Off-Highway Vehicle By-law"**.
2.
 - (1) Unless otherwise expressly provided or unless the context otherwise requires, words and expressions in this By-law have the same meaning as the same words and expressions in *The Highway Traffic Act* of the Province of Manitoba.
 - (2) In this By-law

"all terrain vehicle" means a wheeled or tracked motor vehicle designed for travel primarily on unprepared surfaces such as open country and marshland, but does not include a snow vehicle, implement of husbandry or construction machinery;
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"off-highway vehicle" means any motorized vehicle designed for cross country travel on land, water, snow, ice, marsh or swampland or on other natural terrain and, without limiting the generality of the foregoing, includes, when designed for such travel,
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- (a) four wheeled drive or low pressure tire vehicles,
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 - (b) mopeds,
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- (c) motorcycles and related two wheeled vehicles,
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 - (d) all terrain vehicles,
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 - (e) snow vehicles,
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 - (f) mini-bikes, and
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 - (g) any other means of transportation which is propelled by any power
other than muscular power or wind.
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- 3.
 - (1) Subject to subsection (3) no person shall operate an off-highway vehicle in or on any portion of a park or boulevard, as those words are defined in *The City of Winnipeg Act*.
 - (2) Subject to subsection (3) no person shall operate an off-highway vehicle in or on any land owned, leased or under the jurisdiction, possession or control of The City of Winnipeg.
 - (3) A person does not contravene subsection (1) or subsection (2) where he operates an off-highway vehicle for which there is for the time being a subsisting certificate of registration issued pursuant to *The Highway Traffic Act* in respect of that off-highway vehicle, on any highway, roadway or parkway.
- 4. Subsections (1) and (2) of section 3 do not apply to a person operating an off-highway vehicle that is:
 - (i) owned by or operated on behalf of a public utility;
 - (ii) owned by or operated on behalf of The City of Winnipeg;where such person is actually engaged in work requiring the use of the off-highway vehicle.

5. (1) Notwithstanding any other provisions of this By-law the Commissioner of Works and Operations may grant permission authorizing the operation of off-highway vehicles in or on a park or a portion thereof, or in or on a portion of land owned, leased, or under the jurisdiction, possession or control of The City of Winnipeg.
- (2) In granting permission under this section the Commissioner may impose such conditions or restrictions as in his opinion are necessary or required to ensure the safety of persons or property; and any person so operating an off-highway vehicle shall comply with the conditions or restrictions imposed.
- (3) Where under this section permission is sought to:
- (a) conduct off-highway vehicle rides or races;
 - (b) give any off-highway vehicle demonstration;
 - (c) permit the operation of an off-highway vehicle under any sales promotion scheme;
- the person applying for such permission shall submit with his application to the Commissioner:
- (i) evidence satisfactory to the Commissioner that there is in force for the period the off-highway vehicle rides or demonstrations are to be conducted a third party liability insurance policy for a minimum sum of \$250,000.00, all inclusive, with The City of Winnipeg being named as additional named insured and with a cross liability clause;
 - (ii) evidence satisfactory to the Commissioner that requirements under any other relevant legislation have been complied with;
 - (iii) plans for the protection of spectators;
 - (iv) specifications of the area to be used for the rides, races, demonstrations, or the displays;
 - (v) such other information as may be required by the Commissioner.
6. (1) Every person who contravenes any provision of this By-law is guilty of an offence.
- (2) Any person who permits another person to operate an off-highway vehicle in contravention of this By-law is guilty of an offence.

DONE AND PASSED in Council assembled, this 17th day of August, 1978.