

THE CITY OF WINNIPEG

BY-LAW NO. 6726/95

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

WHEREAS *The Off-Road Vehicles Act*, provides as follows:

"By-laws respecting the operation of off-road vehicles in other areas.

- 46(1) rules supplementary to, or in addition to, but not contrary to any other provision of this Act or the regulations made under this Act
- (a) prescribing the periods of the day, or of the year, during which designated off-road vehicles shall not be operated;
- (b) prescribing areas in which the operation of designated off-road vehicles shall be permitted or prohibited; and
- (c) fixing penalties for violation of by-laws passed under this section;
- may be made
- (d) in respect of a municipality, by the council thereof;"

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

1. This By-law may be referred to as the "Off-Road Vehicles By-law".
2. 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* and *The Off-Road Vehicles Act*.
3. In this By-law
"all-terrain vehicle" 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;

"off-road vehicle" means any wheeled or tracked motorized vehicle designed or adapted for cross-country travel on land, water, ice, snow, or swamp land or other natural terrain, and, without limiting the generality of the foregoing includes:

- (a) a four-wheel drive motor vehicle, a motorcycle or a snow vehicle not registered under the Highway Traffic Act;
- (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 amphibious vehicle; and
- (f) a snowmobile;

"snowmobile" means a vehicle that has a gross vehicle weight not exceeding 454 kilograms and

- (a) is not equipped with wheels, but in place thereof is equipped with tractor treads alone or with treads and skis, or with skis and a propeller, or is a toboggan equipped with tractor treads or a propeller,
- (b) is designed primarily for operating over snow or ice, and is used primarily for that purpose, and
- (c) is designed to be self-propelled;

"snow vehicle" means a vehicle that has a gross vehicle weight exceeding 454 kilograms and

- (a) is not equipped with wheels, but in place thereof is equipped with tractor treads alone or with tractor treads and skis, or with skis and a propeller, or is a toboggan equipped with tractor treads or a propeller,
- (b) is designed primarily for operating over snow or ice, and is used primarily for that purpose, and
- (c) is designed to be self-propelled.

4. The definition of "off-road vehicle" includes a four-wheel drive motor vehicle, motorcycle or a snow vehicle that is registered under *The Highway Traffic Act* and operated other than upon the roadway or shoulder, but does not include any of those vehicles registered under *The Highway Traffic Act* and operated upon a roadway or shoulder.

5. No person shall, at any time of the year, operate an off-road vehicle upon any land within the territorial limits of, or owned or leased by, The City of Winnipeg, except on private property with the express consent of the owner or other person having lawful possession or control of the property.

6. Notwithstanding any other provision of this By-law, Section 5 does not apply to a person operating an off-road vehicle in any area lying North of the south limit of Provincial Trunk Highway No. 101; West of the east limit of Sturgeon Road and North of the south limit of Saskatchewan Avenue; West of the east limit of Provincial Trunk Highway No. 100; South of the north limit of the Harte Subdivision railway right-of-way and West of the east limit of McCreary Road; South of the north limit of Provincial Trunk Highway No. 100; or East of the west limit of Provincial Trunk Highway No. 101.

7. Section 5 does not apply to a person operating an off-road 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 and any of its departments;

where such person is actually engaged in work requiring the use of the off-road vehicle.

8. This By-law shall be administered by the Commissioner of Protection, Parks and Culture, who shall hereinafter be referred to as "the Commissioner". The Commissioner may delegate, from time to time, some or all of the powers vested in him/her by this By-law to the Director of Parks and Recreation or the Chief of Police.

9. The Commissioner may, from time to time, make rules and regulations, not inconsistent with this By-law, governing the operation of off-road vehicles within those areas where use of off-road vehicles is permitted.

10.(1) No person shall without first obtaining the written permission of the Commissioner:

- (a) Conduct any off-road vehicle rides;

- (b) Give any off-road vehicle demonstration; or
- (c) Permit the operation of an off-road vehicle under any sales promotion scheme; on any property owned by the City, or otherwise;

(2) A person applying to the Commissioner for written permission shall submit with the application:

- (a) Evidence satisfactory to the Commissioner that there is in force a liability insurance policy with minimum limits of coverage of \$250,000.00 for the day or days on which the off-road vehicle rides or demonstrations will be conducted;
- (b) Evidence satisfactory to the Commissioner that the requirements under *The Off-Roads Vehicle Act* have been complied with;
- (c) Plans for the protection of spectators;
- (d) Such other information as may be required by the Commissioner.

11. Every person shall comply with the rules and regulations made under Section 9.

12. Any person who contravenes, or refuses or neglects to obey any provision of this By-law is guilty of an offence and liable, on summary conviction, to a fine not exceeding One Thousand (\$1000.00) Dollars in the case of an individual, or Five Thousand (\$5000.00) Dollars in the case of a corporation, or, in the case of an individual, to imprisonment for a term not exceeding six (6) months or to both such a fine and such an imprisonment.

13.(1) Any by-laws, regulations, resolutions, and orders in force within the City, regulating the use of off-road vehicles to the extent that they are inconsistent with this By-law are repealed.

(2) The following By-laws are repealed:

By-law 876/75, By-law 4151/86, By-law 4715/87, By-law 2070/78.

DONE AND PASSED in Council assembled, this 29th day of November, A.D., 1995.