THE CITY OF WINNIPEG

BY-LAW NO. 43/2012

A By-law of THE CITY OF WINNIPEG to prohibit the operation of off-road vehicles in the City of Winnipeg, subject to specified exceptions

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

Short title

1 This By-law may be cited as the *Off-Road Vehicles By-law.*

Definitions

2(1) In this By-law

"CAO" means the Chief Administrative Officer of the City of Winnipeg or his or her designate;

"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) any motor vehicle, or snow vehicle 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 an implement of husbandry, farm tractor, special mobile machine, garden tractor, lawn tractor or golf cart;

"public utility" means a company supplying electric power, natural gas or telecommunications services to the public.

2(2) Unless otherwise defined in this By-law, terms used in this By-law have the same meaning as in *The Off-Road Vehicles Act*, C.C.S.M. c. O31.

Operation of off-road vehicles banned within City limits

3 Subject to section 4, no person shall operate an off-road vehicle anywhere within the boundaries of the City of Winnipeg or, as the owner of an off-road vehicle, permit its operation within the boundaries of the City of Winnipeg.

Exceptions to general ban

4 Section 3 does not apply to the operation of an off-road vehicle

(a) by employees or agents of the City of Winnipeg or of a public utility while the vehicle is engaged in work on behalf of the City of Winnipeg or a public utility which requires the use of the off-road vehicle;

(b) in accordance with a declaration regarding the operation of snowmobiles as part of a snow emergency parking ban declared under the Winter Parking Ban By-law;

(c) if the operator of the off-road vehicle either

(i) owns or occupies the land on which the off-road vehicle is being operated; or

(ii) can provide evidence that he or she has been given the permission of the owner or occupant of the land to operate the off-road vehicle on the land on which it is being operated, and is operating it in compliance with any conditions imposed by the owner or occupant of the land;

(d) on property owned or occupied by the City if the operator can provide evidence that the Chief Administrative Officer has authorized the operation and the operation is in compliance with that authorization.

CAO may permit ORV operation on City land

5(1) The Chief Administrative Officer is empowered to authorize the operation of off-road vehicles on property owned or occupied by the City of Winnipeg after taking into account

(a) the risks to people and wildlife posed by the operation of the off-road vehicle on the land; and

(b) the likelihood that the operation of the off-road vehicle on the land will prove to be a cause of annoyance or inconvenience to residents and others.

5(2) The authorization given by the CAO under subsection (1) may be qualified or conditional and, without restricting the generality of the foregoing, may be granted

(a) to all off-road vehicles, specific types of off-road vehicles, or specific off-road vehicles;

(b) to specific types of operators of off-road vehicles or particular individual operators of off-road vehicles;

(c) for specific times of day or specific times of the year;

(d) on condition that the operator take steps to minimize the risks of harm or annoyance resulting from the operation of the off-road vehicle;

(e) on condition that the operator obtain liability insurance of a type and in an amount sufficient, in the opinion of the Chief Administrative Officer, to protect the operator, the City and others from any harm or damage resulting from the operation of the off-road vehicle; or

(f) on condition that the operator provide the City with an indemnity, sufficient in the opinion of the Chief Administrative Officer to save the City of Winnipeg harmless from any harm or damage resulting from the operation of the off-road vehicle.

Fines for contravention

6 Any person who contravenes a provision of this By-law is guilty of an offence punishable upon summary conviction by a fine of no less than $256.67 plus court costs and surcharges as may be imposed by the Province of Manitoba.

Consequential amendment

7 The Winter Parking Ban By-law No. 76/2011 is amended by adding the following subsection immediately after subsection 7(3):

7(4) *If the person who declares a Snow Emergency Parking Ban under subsection (1) considers that the operation of snowmobiles would assist in alleviating the effects of the transportation emergency, he or she may, as part of the Snow Emergency Parking Ban, authorize snowmobiles to operate within the boundaries of the City of Winnipeg, including on streets within the City of Winnipeg, subject to qualifications or conditions set out in the Ban.*

Repeal of By-law No. 6726/95

8 The Vehicles By-law No. 6726/95 is hereby repealed.

Coming into force

9 This By-law comes into force on November 1, 2012.

DONE AND PASSED, this day of , 2012.

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Mayor

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City Clerk

Approved as to content:

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Chief of Winnipeg Police Service

Approved as to form:

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For A/Director of Legal Services/City Solicitor