

THE TOWN OF MINNEDOSA

BY 6 LAW NO. 2485

BEING A BY 6 LAW OF THE TOWN OF MINNEDOSA TO REGULATE THE  
OPERATION OF SNOWMOBILES WITHIN THE BOUNDARIES OF THE TOWN  
OF MINNEDOSA.

WHEREAS the Off-Road Vehicles Act, (hereinafter referred to as "the Act") provides in part as follows:

32(1) No person shall operate an off-road vehicle

- (a) on privately owned land without the express or implied consent of the owner or lawful occupier of the property;
- (b) on Crown land allocated by lease or permit, without the express or implied consent of the lawful occupier of the property, unless the operator is otherwise lawfully authorized to enter such land;
- (c) within 30 m of a dwelling between the hours of twelve midnight and seven o'clock in the morning, unless the dwelling is located on the operator's own property or property under the operator's control or as an invited guest;
- (d) within 30 m of a playground, or area set aside for other recreational use, unless the area is enclosed or fenced or unless the off-road vehicle is required for the maintenance or operation thereof.

32(2) No person shall operate an off-road vehicle in a parking lot unless it is used to gain access

- (a) to or from an off-road vehicle use area; or
- (b) to the vehicle used to transport the off-road vehicle to an off-road vehicle use area.

33(1) Except as may be authorized under another provision of this Act or under the regulations, no person shall operate an off-road vehicle

- (a) upon or across a roadway or shoulder thereof;
- (b) on or across the median of a divided highway;
- (c) on the right-of-way of an interchange; or
- (d) on or across a sidewalk.

33(2) No person shall operate a four-wheel drive motor vehicle registrable under The Highway Traffic Act on any portion of a right-of-way except where

- (a) it is used for the maintenance of the right-of-way or the construction, repair or maintenance of public utilities; or
- (b) it is registrable as a motor vehicle under The Highway Traffic Act and is being operated upon the roadway or shoulder portions of the right-of-way.

33(3) For the purposes of subsections (2) and 26(3), "registrable" means that the four-wheel drive motor vehicle, motorcycle or snow vehicle when manufactured, complied with the Motor Safety Act (Canada) and was eligible to be registered as a motor vehicle under The Drivers and Vehicles Act.

35(1) A person may operate an off-road vehicle directly across a roadway or shoulder

- (a) at or within 5 m of an intersection, unless prohibited by the traffic authority;
- (b) at any other place along the highway if the distance to the nearest intersection is 3 km or more, unless prohibited by the traffic authority;
- (c) at any place designated by the traffic authority as a place on the highway where off-road vehicles may cross a roadway and shoulder; or
- (d) along any highway or portion thereof where the traffic authority has permitted off-road vehicles to cross without regard to location.

35(2) No person shall operate an off-road vehicle directly across a roadway and shoulder unless he or she hold a license other than one that has a restriction on operating off-road vehicles.

35(4) Before entering onto a roadway or shoulder; the operator of an off-road vehicle shall

- (a) bring the off-road vehicle to a stop; and
- (b) yield the right-of-way to pedestrians crossing the roadway or shoulder and to traffic that is approaching and is so close that it constitutes a hazard.

35(5) Where an operator of an off-road vehicle intends to cross a roadway and shoulder, the operator shall enter and cross at an angle of approximately ninety degrees to the direction of the roadway and shoulder.

35(6) A person may operate an off-road vehicle directly across a sidewalk

- (a) at or within 5 m of an intersection, unless prohibited by the traffic authority;
- (b) at any other place along the sidewalk if the distance to the nearest intersection is 3 km or more, unless prohibited by the traffic authority;
- (c) at any place designated by the traffic authority as a place on the highway where off-road vehicles may cross a sidewalk; or
- (d) along any sidewalk or portion of one where the traffic authority has permitted off-road vehicles to cross without regard to location.

35(8) Before crossing a sidewalk, the operator of an off-road vehicle shall

- (a) bring the off-road vehicle to a stop; and
- (b) yield the right-of-way to pedestrians and other traffic.

35(9) Where an operator of an off-road vehicle intends to cross a sidewalk, the operator shall enter and cross at an angle of approximately 90 degrees to the direction of the sidewalk.

37 Where the operator of an off-road vehicle is permitted to operate an off-road vehicle across a roadway and shoulder, the operator shall not cross the roadway and shoulder at the same time as any other off-road vehicles.

38(1) Notwithstanding any other provisions of this Act, where a storm or blizzard renders a roadway impassable to vehicular traffic, a local authority may authorize, for a fixed period, the operation of designated off-road vehicles on the roadway or shoulder or designated portions thereof and during that period, operators may operate off-road vehicles on the roadways or shoulders.

38(2) For the purposes of subsection (1), "local authority" means

The council of

- (a) an incorporated city, town or village or another municipality

40(1) Notwithstanding any other provisions of this Act, the local authorized enforcement agency may issue a special permit authorizing the operation of off-road vehicles, participating in parades or special events, to be operated upon a roadway or shoulder.

46(1) Rules supplementary to, or in addition to, but not contrary to any provision of this Act or the regulations made under this Act

- (a) prescribing the periods of the day, or the year, during which designated off-road vehicles shall not be operated;
- (a.1) prescribing the maximum speed above which off-road vehicles shall not be operated;

- (b) prescribing areas in which the operation of the 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

- (c) in respect of a municipality, by the Council thereof,

46(2) Rules made under subsection (1) shall be made

- (a) where the rule making authority is a municipal council, the resident administrator of a local government district, or the community council of a community in Northern Manitoba.

47(1) No person has a cause of action for damages against a traffic authority having jurisdiction over a roadway or shoulder for injury, death, or loss suffered by that person arising out of or in connection with the operation of an off-road vehicle on a roadway or shoulder unless the injury, death or loss results from the negligence of the traffic authority or someone acting on behalf of the traffic authority.

47(2) No person has a cause of action for damages against a traffic authority for injury, death or loss suffered by that person arising out of or in connection with the operation of an off-road vehicle in or upon a place or area that extends beyond the outer limits of any roadway and shoulder.

AND WHEREAS the Town of Minnedosa deems it advisable to establish a By-law to regulate the operation of certain off-road vehicles, known as snowmobiles within the limits of the Town of Minnedosa;

NOW THEREFORE BE IT AND IT IS HEREBY ENACTED as a By-law of the Town of Minnedosa in Council duly assembled as follows:

1. THAT this By-law shall be known as the Town of Minnedosa's Snowmobile Control By-law.

2. DEFINITIONS:

Unless the context specifically indicates otherwise, the meaning of the terms used in this By-law shall be as follows:

- (a) "Highway" means any place or way, including any structure forming part thereof, which or any part of which the public is ordinarily entitled or permitted to use for the passage of vehicles, with or without fee or charge therefore, and includes all the space between the boundary lines thereof, but does not include any area designed or intended, and primarily used for the parking of vehicles and the necessary passage-ways thereon.
- (b) "Intersection" means the area embraced with the straight projection of the lateral boundary lines of two or more highways that join one another at an angle, whether or not one of the highways crosses another;
- (c) "Local authorized enforcement agency" means any member of the Royal Canadian Mounted Police Force or any other police officer, special constable or other person, employed for the preservation and maintenance of the public peace;
- (d) "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,
  - i) a snowmobile
 but does not include an implement of husbandry, farm tractor, special mobile machine, garden tractor, lawn tractor or golf cart.

- (e) "Operate" means to drive or to be in actual physical control of an off-road vehicle;
- (f) "Operator" means a person operating or driving an off-road vehicle or a person in actual physical control of an off-road vehicle;
- (f) "Owner" means owner as defined in The Driver and Vehicles Act;
- (g) "Peace Officer" means
  - i.) any member of the Royal Canadian Mounted Police Force and any other police officer employed for the preservation and maintenance of the public peace;
  - ii.) any person lawfully authorized to direct or regulate traffic, or to enforce the Act or traffic by-laws or regulations.
- (h) "Right-of-way" means an area of land acquired for a public thoroughfare including any other facility incidental thereto;
- (i) "Roadway" means the portion of a highway that is improved, designed or ordinarily used for vehicular traffic, and includes the portion thereof that, but for the presence of a safety zone, would be ordinarily so 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;
- (j) "Shoulder" means the portion of a highway contiguous with the traveled way for accommodation of stopped vehicles for emergency use and for lateral support of base and surface courses;
- (k) "Snowmobile" means a vehicle that has a gross vehicle weight not exceeding 454 kilograms and
  - i.) 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,
  - ii.) is designed primarily for operating over snow or ice, and is used primarily for that purpose, and
  - iii.) is designed to be self-propelled.
- (l) "Traffic Authority" means in the case of highways within municipalities, except those on privately owned land, the municipality within the limits of which the highway is situated.

3. THAT no person shall operate a snowmobile within the limits of the Town of Minnedosa except as permitted in this By-law or under the Off-Road Vehicles Act.

4. THAT no person shall operate a snowmobile:

- (a) in a careless manner or without due care and caution; or
- (b) without reasonable consideration for other persons and property or in a manner to cause damage or injury to other persons and property; or
- (c) across Main Street where not marked as a Designated Trail; or
- (d) without possessing a valid Driver's License and a current snowmobile license and validation sticker.

5. THAT a person who is qualified under the Off-Road Vehicle Act to operate a snowmobile may, while the designated routes are snow covered, operate a snowmobile within the Town of Minnedosa on the designated routes which are indicated and set out on the map attached to this By-law as Schedule "A".

6. THAT an operator who requires access by snowmobile to the designated routes from his/her residence shall use the most direct route to the designated route at a maximum speed of 30 kilometers per hour.
7. THAT no operator shall operate a snowmobile within the Town of Minnedosa at a speed greater than 30 kilometers per hour when within 30 meters of a residence.
8. THAT it shall be lawful to operate a snowmobile under the provisions of this By-law between the hours of 7:00 a.m. and 12:00 midnight.
9. THAT where a snowmobile is being operated on a roadway or shoulder as permitted in this By-law the operator shall:
- (a) drive the snowmobile as close to the right hand edge or curb of the roadway and shoulder as possible; and
  - (b) drive in a single line with other snowmobiles.
10. THAT a person who is a non-resident of the Town of Minnedosa and who is otherwise qualified under the Off-Road Vehicle Act to operate a snowmobile may, when reasonable snow conditions exist, operate a snowmobile in the Town of Minnedosa only on the approved designated routes as set out in attached Schedule "A" or be accompanied by the operator of a snowmobile who resides within the limits of the Town of Minnedosa.
11. THAT notwithstanding any other provisions of this By-law and the Off-Road Vehicle Act, where a storm or blizzard renders a roadway(s) impassable to vehicular traffic, the Mayor (or his/her designate) of the Town of Minnedosa may authorize, for a fixed period, the operation of snowmobiles on the roadway(s) within the Town of Minnedosa.
12. THAT no person shall make a false statement and where a peace officer has reasonable grounds to believe that an offence has been committed; the peace officer may require the name, address and proof of identity of that person, and that person shall supply the required information.
13. THAT any person who contravenes Section 12 is guilty of an offence and is liable on summary conviction for a fine of not more than \$5,000.00.
14. THAT a person, who contravenes a provision of the Off-Road Vehicle Act or the Regulations or of this By-law passed under the authority of this Act, for which a penalty is not otherwise provided is guilty of an offence and is liable on summary conviction to a fine of not more than \$2,000.00
15. THAT By-law No. 2372 be hereby repealed.

DONE AND PASSED by the Council of the Town of Minnedosa, duly assembled at the Town of Minnedosa Civic Centre, in Minnedosa, Manitoba this 11<sup>th</sup> day of March, 2008.

TOWN OF MINNEDOSA

\_\_\_\_\_  
Mayor

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Chief Administrative Officer

Read a first time this 12<sup>th</sup> day of February, 2008  
Read a second time this 11<sup>th</sup> day of March , 2008  
Read a third time this 11<sup>th</sup> day of March , 2008

