

**THE TOWN OF NEEPAWA
BY-LAW NO. 2933**

**BEING A BY-LAW OF THE TOWN OF NEEPAWA TO REGULATE THE OPERATION OF
SNOWMOBILES WITHIN THE BOUNDARIES OF THE TOWN OF NEEPAWA.**

WHEREAS The Off Road Vehicles Act, S.M. 1987-88, c.64, Cap 031 (the Act) provides in part as follows:

- 33(4) The minister may authorize a traffic authority to make by-laws to permit the operation of an off-road vehicle upon a roadway or the shoulder thereof.
- 46(1) Rules supplementary to, or in addition to, but not contrary to any other provisions of this Act or the regulations made under this Act.
 - a. prescribing the periods of 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 in respect of a municipality, by the Council thereof.

AND WHEREAS The Highway Traffic Act S.M. 1985-86, C.3, Cap H60 provides in part as follows:

- 103(1) The Council of a municipality may by by-law; fix the maximum speed at which vehicles or any one or more classes of vehicles specified in the by-law may be driven on any highway or part thereof of which the municipality is the traffic authority and that is described in the by-law.

AND WHEREAS the Town of Neepawa deems it desirable to establish a by-law respecting the operation of certain off-road vehicles namely snowmobiles within Town limits.

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

1. DEFINITIONS

Unless the context specifically indicates otherwise, the meaning of the terms used in the 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 within 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. "Off-road vehicle" means any wheeled or tracked motorized vehicle designed or adapted for cross-country travel on land, water, ice, snow, marsh or swamp land or other natural terrain and without limiting the generality of the foregoing includes a snowmobile;
- d. "Operate" means to drive or to be in actual physical control of an off-road vehicle;
- e. "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" includes a person who has exclusive use of an off-road vehicle under a lease or other agreement for a period of more than 30 days;
- g. "Right-of-Way" means an area of land acquired for a public thoroughfare including any other facility incidental thereto;
- h. "Roadway" means the portion of a highway that is improved, designated or ordinarily used for vehicular traffic and includes that 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;
- i. "Shoulder" means the portion of a highway contiguous with the travelled way for accommodation of stopped vehicles for emergency use and for lateral support of base and surface courses;
- j. "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.

2. No person shall operate an off-road vehicle within the limits of the Town of Neepawa except as permitted in this By-Law or under the Act.

3. 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 likely to cause damage or injury to other persons and property.
- c. To cross or travel on Mountain Avenue or Main Street where not marked as a Designated Trail.

4. A person who is qualified under the Act to operate a snowmobile may, while the designated routes are snow covered, operate a snowmobile within the Town of Neepawa on the ditches adjacent to the prescribed routes which are indicated and set out on the map attached to this By-Law as Schedule "A".

5. Operators who reside within Neepawa and require access by snowmobile to the prescribed routes from residences must use the most direct route via back streets or alleys at a maximum speed of 20 kilometres per hour.

6. Said operators must obtain a Town Permit prior to operating their snowmobiles within Neepawa. Permit fees will be established from time to time by resolution of Council. Members of the Prairie Mountain Snow Drifters Snowmobile Club are exempted from this requirement.

7. It shall be lawful to operate a snowmobile under the provisions of this By-Law between the hours of 7:00 a.m. to 11:00 p.m.

8. The speed limit for the operation of snowmobiles on the prescribed routes within the Town of Neepawa shall be 50 kilometres per hour.

9. Where a snowmobile is being operated in a ditch 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. A peace officer may detain for not more than four clear days an off-road vehicle with which an offence has been or is alleged to have been committed; but the off-road vehicle may be released sooner if security for its production is given to the satisfaction of a justice.

11. Any person who violates, contravenes or disobeys or refuses, omits, neglects or fails to observe, obey or comply with this By-Law is guilty of an offence and is liable on summary conviction to a fine of not more than \$100.00 or in default of payment thereof to imprisonment for a period not exceeding 30 days.

12. This By-Law shall be effective as and from final passing thereof and receipt of Ministerial Approval.

DONE AND PASSED by the Council of the Town of Neepawa, duly assembled at the Beautiful Plains County Court Building in Neepawa, Manitoba this 20th day of October, 1998.

TOWN OF NEEPAWA

Mayor

Chief Administrative Officer

Read a first time this 25th day of August, 1998
Read a second time this 8th day of September, 1998
Read a third time this 20th day of October, 1998

Schedule "A" to By-Law 2933 - Snowmobile Operations

