

TOWN OF SELKIRK

BY-LAW NO. 4819

BEING A BY-LAW OF THE TOWN OF SELKIRK TO AMEND BY-LAW NO. 4588 REGARDING THE OPERATION OF OFF-ROAD VEHICLES.

WHEREAS the Town of Selkirk has passed By-Law No. 4588 prohibiting the operation of off-road vehicles, including snowmobiles within the limits of the Town of Selkirk;

AND WHEREAS the Council of the Town of Selkirk passed By-Law No. 4770 which authorizes the establishing of one snowmobile route into the Town of Selkirk;

AND WHEREAS the Council of the Town of Selkirk wishes to further amend By-Law No. 4588 to allow for a second route of operation of snowmobiles within the limits of the Town of Selkirk;

AND WHEREAS the route proposed will cross over Federal Government and Municipal land;

AND WHEREAS Transport Canada has provided written authorization to permit a public snowmobile route across Federal Harbour property;

NOW THEREFORE be it and it is hereby enacted as a By-Law of the Town of Selkirk that By-Law No. 4588 is further amended as follows:

- A) By adding the following immediately after Clause 2 as Clause 2.2:
 - (b) "Notwithstanding the foregoing the operation of snowmobiles shall be permitted in the Town of Selkirk to permit easterly and westerly travel upon Superior Avenue from a point of access across federal harbour property known as the "Government Dock" onto Superior Avenue, across Eveline Street continuing on Superior Avenue to the northern limits of the property described as Lot 105 – 108 Plan 4L or 230 Superior Avenue."

DONE AND PASSED by Council of the Town of Selkirk, in open session assembled at the Town of Selkirk, Manitoba this 11th day of March A.D., 1995.

Original signed by RS Oliver

Mayor

Original signed by Gloria J. Vinie

Secretary -Treasurer

READ A FIRST TIME this 27 day of December, A.D., 1995.

READ A SECOND TIME this 11 day of March, A.D., 1996.

READ A THIRD TIME this 11 day of March, A.D., 1996.

TOWN OF SELKIRK

BY-LAW NO. 4770

BEING A BY-LAW OF THE TOWN OF SELKIRK TO AMEND BY-LAW NO. 4588 REGARDING THE OPERATION OF OFF-ROAD VEHICLES.

WHEREAS the Town of Selkirk has passed By-Law No. 4588 prohibiting the operation of off-road vehicles, including snowmobiles within the limits of the Town of Selkirk;

AND WHEREAS the Council of the Town of Selkirk wishes to amend By-Law No. 4588 to permit limited operation of snowmobiles within the limits of the Town of Selkirk;

NOW THEREFORE be it and it is hereby enacted as a By-Law of the Town of Selkirk that:

- 1) By-Law No. 4588 of the Town of Selkirk is hereby amended as follows:
 - A) By adding item (c) immediately after Clause 1b) of By-Law No. 4588 to read:
 - (c) "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 threads alone, or with tractor threads and skis, or with skis and a propeller, or is a toboggan equipped with tractor threads 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;
 - B) By adding the following immediately after Clause 2 as Clause 2.1:
 - (b) "Notwithstanding the foregoing, the operation of snowmobiles shall be permitted in the Town of Selkirk to permit westerly and northerly travel in and upon the northerly and easterly ditches of the north and east sides of PTH #9A and to permit easterly and southerly travel in the southerly and westerly ditches of the south and west sides of PTH #9A. Such travel shall be permitted in such an area from a point where PTH #9A intersects with Highway #9 and #4 to the west and to the southern limit of the property commonly known as 635 Morris Avenue, in the Town of Selkirk, on the east, excluding therefrom the travelled portion of the highways and its shoulders."

DONE AND PASSED by Council of the Town of Selkirk, in open session assembled at the Town of Selkirk, Manitoba this 28th day of March, 1994.

Original signed by RS Oliver

Mayor

Original signed by Gloria J. Vinie

Secretary-Treasurer

READ A FIRST TIME this 23 day of November, A.D., 1993.

READ A SECOND TIME this 28 day of March, A.D., 1994.

READ A THIRD TIME this 28 day of March, A.D., 1994.

TOWN OF SELKIRK

BY-LAW NO. 4588

BEING A BY-LAW OF THE TOWN OF SELKIRK TO PROHIBIT THE OPERATION OF OFF-ROAD VEHICLES WITHIN THE TOWN OF SELKIRK.

WHEREAS Section 46 of The Off-Roads Vehicles Act authorizes a municipality to pass by-laws respecting the operation of off-road vehicles;

NOW THEREFORE BE IT ENACTED as a By-Law of the Town of Selkirk as follows:

- 1) In this By-Law:
 - a) “off-road vehicle” means any wheeled or tracked motorized vehicle designated 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:
 - i. a four –wheel drive motor vehicle, a motorcycle or a snow vehicle not registered under The Highway Traffic Act;
 - ii. an all-terrain vehicle;
 - iii. a mini-bike, dirt-bike and trail-bike;
 - iv. a miniature vehicle such as a dune or sport buggy;
 - v. an amphibious vehicle; and
 - vi. a snowmobile;but does not include
 - vii. an implement of husbandry;
 - viii. a farm tractor;
 - ix. a special mobile machine;
 - x. a garden or lawn tractor; and
 - xi. a golf cart;
 - b) “operate” does not include pushing or otherwise manually propelling an off-road vehicle for the purpose of loading same onto another vehicle or trailer for transportation.
2. No person shall operate an off-road vehicle within The Town of Selkirk.
3. a) Where an offence has occurred in violation of the provisions of this by-law the owner of the off-road vehicle may be charged with the commission of the offense and if the Judge or Justice before whom the charge is tried is satisfied that the offense was committed, the owner is guilty of the offense and is liable, on summary conviction, to the penalty hereinafter provided for the offense unless the owner satisfies the Judge or Justice that at the time of the violation the off-road vehicle was in the possession of a person without the consent of the owner.
 - (b) Nothing in Subsection (a) relieves the operator of an off-road vehicle from any liability for any offense for a violation of the provisions of this by-law.
4. Every person who contravenes or fails to comply with the provisions of this by-law shall be liable upon summary conviction to a fine or not more than \$100.00 plus costs, or in default of payment to imprisonment for a period not exceeding 30 days.
5. This by-law does not apply to:
 - a) Police when engaged in duties related to enforcement of this by-law; or
 - b) Operator of off-road vehicles when acting under direction and coordination of authorities in the event of a declared emergency when conventional vehicles are inoperable, such as during major snowstorms.
 - c) Any event sanctioned and approved by Council of the Town of Selkirk.

6. By-Law No. 4495 of the Town of Selkirk be and is hereby repealed.

DONE AND PASSED by the Town of Selkirk, in open session assembled at the Civic Office, Town of Selkirk, Manitoba, this 23rd day of May, 1989.

Original signed by RS Oliver

Mayor

Original signed by K. Conrad

Secretary-Treasurer

READ A FIRST TIME this 28 day of March 1989;

READ A SECOND TIME this 28 day of March 1989;

READ A THIRD TIME this 23 day of May1989.