

**BY-LAW NO. 1800-04
OF
THE CITY OF WINKLER**

Providing for the regulating and operating of snowmobiles in Winkler

WHEREAS the Council of the City of Winkler deems it necessary and in the best interests of the City of Winkler to regulate the operation of snowmobiles within the limits of the City of Winkler;

AND WHEREAS Section 232 (1) of The Municipal Act, L. M. 1996, c. 58 states, in part, "A Council may pass by-laws for municipal purposes respecting the following matters: ... the operation of off-road vehicles on public or private property;"

AND WHEREAS Part IV of The Regulations Act states:

46(2) Rules made under subsection (1) shall be made
(a) where the rule-making authority is a municipal council,

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.

No cause of action for operation beyond roadway and shoulder

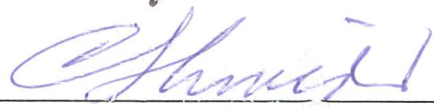
47(2) No person has a cause of action for damages against a traffic authority for injury, death or loss suffered by that person arising out of or in connection with the operation of an off-road vehicle in or upon a place or area that extends beyond the outer limits of any roadway and shoulder.

NOW THEREFORE BE IT ENACTED AS FOLLOWS:

1. THAT operators of snowmobiles are permitted to operate their snowmobile within the limits of the City of Winkler for purposes of taking the most direct route in and out of the City of Winkler from their residence on the extreme right hand edge of the roadway on streets within the City of Winkler, other than provincial roads and provincial highways.
2. THAT snowmobile operators who do not reside within the limits of the City of Winkler shall be permitted to enter the limits of the City of Winkler, provided they take the most direct route to their place of destination and back as provided for in Article #1 above. Snowmobiles may travel to and from service and repair stations and restaurants subject to Article #1.

3. THAT any person operating a snowmobile within the limits of the City of Winkler shall be restricted to a speed limit of not more than 10 kilometers per hour.
4. THAT it is prohibited to operate a snowmobile on School property; Public Parks, Golf Course, Cemetery, Winkler Airport and Runways (EXCEPT the airport parking lot).
5. THAT the operation of any snowmobile within any residential area in the City of Winkler shall not be permitted between the hours of 12 midnight and 7 o'clock in the morning.
6. THAT any person operating a snowmobile within the limits of the City of Winkler must be sixteen years of age or over and shall hold a valid Driver's licence.
7. THAT any person who violates any provision of this by-law is subject to a fine not exceeding One Hundred (\$100.00) dollars, or to a period of imprisonment of not more than Thirty (30) days, or both such fine and imprisonment unless otherwise provided for under any other Act of the Province of Manitoba.
8. THAT By-law No. 1518-94 be hereby rescinded.

DONE AND PASSED as a by-law of the City of Winkler, in the Province of Manitoba this 12TH day of APRIL, 2005.



Mayor

H. V. Anderson

Chief Administrative Officer

Read a first time this 22ND day of MARCH 2005

Read a second time this 22ND day of MARCH 2005

Read a third time this 12TH day of APRIL 2005