

THE TOWN OF SOURIS
BY-LAW NO. 1784

A By-law of the Town of Souris
respecting the operation of snowmobiles
and snow vehicles within the town limits.

WHEREAS Section 46(1) of The Off-Road Vehicles Act S.M. 1987-88, c.64, Cap 031 (the "Act"), provides that: Rules supplementary to, or in addition to, but not contrary to any other provision of this Act or the regulations made under this Act

(A) prescribing the periods of the 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 Section 33(4) of the Act provides that

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

AND WHEREAS Section 103 (1) of The Highway Traffic Act S.M. 1985-86, c.3, Cap H60 provides in part that

"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 Souris deems it desirable to have a by-law respecting the operation of certain off-road vehicles namely snowmobiles and snow vehicles within the Town limits.

NOW THEREFORE the Mayor and Council of the Town of Souris in meeting assembled ENACT as follows:

1. DEFINITIONS

A. Snowmobile means a vehicle that has a gross vehicle weight not exceeding 454 kilogram and

- (a) 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,
- (b) is designed primarily for operating over snow or ice, and is used primarily for that purpose, and
- (c) is designed to be self-propelled.

Snow vehicle means a vehicle that has a gross vehicle weight exceeding 454 kilograms and

- (a) 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 propeller,
- (b) is designed primarily for operating over snow or ice, and is used primarily for that purpose
- (c) is designed to be self-propelled.

B. Off-road vehicle shall be understood to include snowmobiles and snow vehicles.

- 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 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) “Operate” means to drive or to be in actual physical control of an off-road vehicle;
 - c) “Operator” means a person operating or driving an off-road vehicle or a person in actual physical control of an off-road vehicle;
2. No person shall operate an off-road vehicle within the limits of the Town of Souris except as permitted in this By-Law or under the Act.
 3. It shall be lawful to operate a snowmobile or snow vehicle within the Town of Souris while the designated routes are snow covered between the hours of 7:00 a.m. and 12:00 midnight on the prescribed routes colored yellow and set out on the map hereto attached marked "A".
 4. Residents of the Town of Souris requiring access to the prescribed routes from their residence by snowmobile or snow vehicle must use the most direct back streets and alleys where possible. Where a snowmobile or snow vehicle is being operated on a roadway or shoulder as permitted in this by-law the operator shall:
 - (a) drive the vehicle as close to the right-hand edge of the roadway and shoulder as possible; and
 - (b) drive in a single line with other snowmobiles or snow vehicles except when passing another vehicle.
 5. The speed limit for the operation of snowmobiles and snow vehicles on the prescribed routes and within the Town of Souris shall be 25 kilometers per hour (15 mph).
 6. 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 the satisfaction of a justice.

7. 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.
8. This By-Law shall be effective as and from final passing thereof and receipt of Ministerial approval.
9. Repeal: That any previous By-Laws of the Town of Souris designating the operating of snowmobiles and snow vehicles be hereby repealed.

DONE AND PASSED in meeting assembled at the Town of Souris, in the Province of Manitoba, this 16 day of February, 2004.

TOWN OF SOURIS

J. Denbow
MAYOR

B. McKinny
Chief Administrative Officer

*Given first reading this 19 day of January 2004.
Given second reading this 16 day of February 2004.
Given third reading this 16 day of February, 2004.*

Certified a true and correct copy of By-law No. 1784
passed by the Council for the Town of Souris
duly assembled on February 14th, 2004.

Charlotte E Parham
Charlotte E. Parham, CMMA
Chief Administrative Officer