

THE CORPORATION OF THE CITY OF KENORA

BY-LAW NUMBER 157 - 2008

A BY-LAW TO AUTHORIZE THE USE OF ALL TERRAIN VEHICLES ON HIGHWAYS and to
REGULATE THEIR USE, IN THE CITY OF KENORA

WHEREAS Section 191.8 of the *Highway Traffic Act* authorizes Council to permit the use of all terrain vehicles on City roads; and

WHEREAS the *Municipal Act 2000* permits Council to pass By-laws for the health and welfare of residents of the City.

NOW THEREFORE the Corporation of the City of Kenora enacts as follows:

1. Definitions

- **"All terrain vehicle"** means an off road vehicle that:
 - Has four wheels, the tires of which are in contact with the ground
 - Has steering handlebars
 - Has a seat that is designated to be straddled by the driver; and
 - Is designed to carry a driver and no passengers.
- **"highway"** includes a common and public highway, street, avenue, parkway, driveway, square, place, bridges, viaduct or trestle, and any part of which is intended for or used by the general public for the passage of vehicles and includes the area between the lateral property lines thereof.
- **"Municipality"** means The Corporation of the City of Kenora.
- **"race"** means any competition of speed between two or more ATVs and/or drivers thereof.
- **"sidewalk"** means that portion of a highway which has been raised or elevated, and covered with a hard surface such as concrete or asphalt, located at the edge of the portion of the highway traveled by motor vehicles, and designated for pedestrian traffic.

2. An All Terrain vehicle may be operated on any highway within the Municipality, provided such operation is in compliance with this By-law, and the *Highway Traffic Act*, and the regulations passed thereunder.
3. No person shall operate an All Terrain vehicle in any of the following areas at any time:
 - a. The Harbourtown Centre
 - b. The Lake of the Woods Cemetery, and
 - c. Safety Bay,

which areas are defined in schedule "A" attached hereto. Provided however, that All Terrain vehicles shall be permitted on Lakeview Drive along the harbour front from the west end of the Hospital bridge to and including the intersection with Veterans Drive.

4. No person shall operate an All Terrain vehicle in Anicinabe Park as shown on Schedule "A" at any time from May 1st until October 31st in any year. Provided however, that this restriction shall not apply to park employees or staff of the City of Kenora.
5. No person shall drive an All Terrain Vehicle on any sidewalk.
6. No person shall engage in or organize a race involving All Terrain Vehicles unless such race has been approved by the Council of the City of Kenora.
7. The provisions of Sections 3, 4, and 5 do not apply to restrict the operation of an All Terrain Vehicle by a Peace Officer or a Provincial Offences Officer in the performance of his or her duties within the Municipality.
8. Any person who contravenes any of the provisions of this By-law is guilty of an offence and upon conviction, subject to the penalties provided for under the *Provincial Offences Act*.

9. By-law 115-2008 of the Corporation of the City of Kenora is hereby repealed.
10. This By-law comes into effect on the third and final reading thereof.

By-law read a First and Second Time this 20 day of October, 2008
By-law read a Third and Final Time this 20 day of October, 2008

THE CORPORATION OF THE CITY OF KENORA

Per: _____
Leonard P. Compton - MAYOR

Per: _____
Joanne L. McMillin – CITY CLERK