

THE CORPORATION OF THE CITY OF KENORA

BY-LAW NUMBER 115 - 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. An All Terrain Vehicle shall not be operated in any of the following areas:
 - a. The Harbourn Centre
 - b. The Lake of the Woods Cemetery, and
 - c. Safety Bay,

which areas are defined in schedule "A" attached hereto.

4. No person shall drive an All Terrain Vehicle on any sidewalk.
5. 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.
6. The provisions of Sections 3 and 4 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.
7. 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*.
8. By-law 22-2004 of the Corporation of the City of Kenora be and it is hereby repealed.

THE CORPORATION OF THE CITY OF KENORA:

By-law read a First and Second Time this 11th day of August, 2008
By-law read a Third and Final time this 11th day of August, 2008

THE CORPORATION OF THE CITY OF KENORA

Leonard P. Compton, MAYOR

Joanne L. McMillin, CITY CLERK