



THE CORPORATION OF THE UNITED TOWNSHIPS OF HEAD, CLARA & MARIA

BY-LAW NUMBER 2018- 20

BEING a by-law to regulate and govern the use and operation of Motorized Snow Vehicles (Snowmobiles) within the United Townships of Head, Clara & Maria.

WHEREAS it is deemed expedient in the interest of public safety to regulate and govern the use of motorized snow vehicles in the Municipality of the United Townships of Head, Clara & Maria;

AND WHEREAS Section 7 (2) of the Motorized Snow Vehicles Act, R.S.O. 1990, c. M.44 as amended, provides that a municipality may pass by-laws regulating, governing or prohibiting the operation of motorized snow vehicles within the municipality including any highways therein or any part of parts thereof.

AND WHEREAS Subsection 11(3) of the Municipal Act, 2001, S.O. 2001, c.25, as amended, provides that by-laws may be passed by a municipality to provide for the health, safety and well-being of persons;

AND WHEREAS Subsection 425(1) of the Municipal Act, 2001, provides that a municipality may pass by-laws providing that a person who contravenes a by-law of the municipality passed under the Municipal Act, 2001 is guilty of an offence;

AND WHEREAS Subsection 429(1) of the Municipal Act, 2001, provides that a municipality may establish a system of fines for offences under a by-law passed under the Municipal Act, 2001;

AND WHEREAS the Council of the Municipality of the United Townships of Head, Clara & Maria is willing to promote safe, respectful snowmobile use within the municipality to encourage the local economic benefits associated with this growing demographic, by allowing controlled access to accommodations, fuel, food and other amenities;

NOW THEREFORE BE IT RESOLVED THAT THE Council of the United Townships of Head, Clara & Maria does hereby enact as follows:

SECTION 1- DEFINITIONS

1. For the purpose of this by-law, the following words and phrases shall have the following meanings:
 - 1.1. "By-law" means the Snowmobile By-law 2018-20
 - 1.2. "Highway" includes a common and public highway, street, avenue, parkway, driveway, square, place, bridge, viaduct or trestle, designed and intended for, or used by, the general public for the passage of vehicles.
 - 1.3. "Jurisdiction" means all highways under the jurisdiction of the Municipality only. The by-law does not provide authority for use of vehicles on:
 - 1.3.1. County of Renfrew highways/roads;
 - 1.3.2. Private roads;
 - 1.3.3. Forest Access Roads; or
 - 1.3.4. The Trans-Canada Highway.

1.4. "Motorized Snow Vehicle(s)" means a self-propelled vehicle designed to be driven primarily on snow.

1.5. "Municipality " means The Municipality of the Corporation of the United Townships of Head, Clara & Maria

2. SECTION 2 - RESTRICTIONS

2.1. That no person shall operate a motorized snow vehicle along any highway or part of any highway except on the prescribed route as depicted on "Schedule A" attached hereto unless it is to cross over such highway.

2.2. No person shall operate a motorized snow vehicle on any pedestrian walkway, open space area, municipal park or trail within the Municipality

2.3. That no person shall operate a motorized snow vehicle on the prescribed route as set out in "Schedule A" attached hereto between the hours of 12:00 a.m. and 6:00a.m.

2.4. The maximum speed limit at which a motorized snow vehicle may be operated on any part of a highway shall be in accordance with the Motorized Snow Vehicle Act, R.S. 0. 1990, c M44

3. SECTION 3 - EXCEPTIONS

3.1. That the provisions of this by-law shall not apply to motorized snow vehicles operated by the following while engaged in the performance of their required duties:

3.1.1. a member of the Ontario Provincial Police;

3.1.2. an employee of the Municipality of the United Townships of Head, Clara & Maria;

3.1.3. County of Renfrew Paramedic Services and/or any other persons engaged in a bona fide rescue or emergency operation;

3.1.4. Utility services such as the Ottawa River Power Corporation, Bell Canada, Hydro One, etc.

3.2. Notwithstanding anything herein contained, a Motorized Snow Vehicle shall be permitted to operate and to be driven within the Municipality during an official emergency declared by the head of the council of the Corporation or a duly designated party thereof and in accordance with the emergency regulations as may be contained within the emergency declaration.

3.3. Motorized Snow Vehicles shall be permitted to operate when such motorized snow vehicle is being driven in a parade or contest that is held under the authority of the Council of The Corporation of the Municipality of the United Townships of Head, Clara & Maria.

4. SECTION 4 - ENFORCEMENT

4.1. The provisions of this by-law shall be subject to the provisions of the Highway Traffic Act, R.S. 0. 1990 c. H.8 and the Motorized Snow Vehicles Act, R.S.O. 1990, c. M.44 and amendments thereto.

4.2. This by-law shall be enforced by any Municipal By-law Enforcement Officer of the Municipality or by any member of the Ontario Provincial Police.

5. SECTION 5 - PENALTY

- 5.1. The registered owner of a motorized snow vehicle shall incur the penalty provided for any contravention of this by-law unless at the time of the contravention, the motorized snow vehicle was in the possession of some person other than the owner without the owner's consent. In this instance, the operator not being the owner shall incur the penalties provided for any such contravention.
- 5.2. Any person who contravenes any provision of this By-law is guilty of an offence and upon conviction is liable to a fine or penalty for each offence, exclusive of costs, as prescribed by the Provincial Offences Act R.S.O. 1990, c. P.33, as amended.

6. SECTION 6 - GENERAL

- 6.1. If a court of competent jurisdiction should declare any section or part of any section of this by-law invalid, the remainder of the by-law shall be valid and shall remain in force.
- 6.2. Where a provision of this By-law conflicts with the provisions of another By-law in force in the Municipality, the provision that establishes the higher standard to protect the health, safety and welfare of the general public shall prevail.

7. SECTION 7 - SHORT TITLE

- 7.1. The short title of this By-law is the "Snowmobile By-law"

8. SECTION 8 - REPEAL

- 8.1. **THAT** all other by-laws or resolutions, or parts thereof, contrary hereto or inconsistent herewith, be and the same are hereby repealed and replaced with this document.

9. SECTION 9 - EFFECTIVE DATE

- 9.1. **THAT** this by-law shall come into full force and effect on the date of final passage hereof and Schedule B Short Form Wording/Set Fines shall come into force and take effect immediately upon approval by the Ontario "Court of Justice".

READ a 1st time this 11th day of September, 2018.

READ a second and third time and finally passed this 16th day of October, 2018.

BOB REID, MAYOR

MELINDA REITH, CLERK