

**THE CORPORATION OF THE UNITED TOWNSHIPS
OF DYSART, DUDLEY, HARCOURT, GUILFORD,
HARBURN, BRUTON, HAVELOCK, EYRE AND CLYDE**

BY-LAW NO. 2020-11

**BEING A BY-LAW TO REGULATE AND GOVERN THE USE OF MOTORIZED SNOW
VEHICLES WITHIN THE CORPORATION OF THE UNITED TOWNSHIPS OF
DYSART ET AL**

WHEREAS Council deems it desirable in the interest of public safety to regulate and govern the use of motorized snow vehicles within Municipality of Dysart et al;

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 herein or any part or parts thereof;

AND WHEREAS Section 11(2) 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 Section 425(1) of the Municipal Act, 2001, S.O. 2001, c. 25 as amended, provides that by-laws may be passed by a municipality to provide that a person who contravenes a by-law of the municipality passed under the Municipal Act, 2001 is guilty of an offence;

AND WHEREAS Section 426(1) of the Municipal Act states that no person shall hinder or obstruct, or attempt to hinder or obstruct, any person who is exercising a power or performing a duty under this Act or under a by-law passed under this Act;

AND WHEREAS Section 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;

NOW THEREFORE be it resolved that the Council of The Corporation of The United Townships of Dysart et al hereby enacts a Motorized Snow Vehicle By-law as follows:

1.0 SHORT TITLE

1.1 The short title of this bylaw is the "Snowmobile By-law"

2.0 DEFINITIONS:

In this By-law:

2.1 **Act:** means the Motorized Snow Vehicles Act, R.S.O 1990, c. M.44 as amended or replaced from time to time, and includes regulations thereunder;

2.2 **Boulevard:** means that part of the Highway situated between the Roadway and the property lines of the lots abutting the Highway and includes the Shoulder but does not include a Sidewalk, if any;

2.3 **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;

2.4 **Motorized Snow Vehicle:** means a self-propelled vehicle designed to be driven primarily on snow; also known as a Snowmobile;

- 2.5 **Municipality:** means the Corporation of the United Townships of Dysart, Dudley, Harcourt, Guilford, Harburn, Bruton, Havelock, Eyre and Clyde;
- 2.6 **Shoulder:** means the portion of a highway that provides lateral support to the roadway and that may accommodate stopped motor vehicles and emergency use;
- 2.7 **Sidewalk:** means a part or strip of land, paved or otherwise, in, on, or alongside a Highway and designed and intended for, or used by, the general public for pedestrian travel;
- 2.8 **Officer:** means a person appointed by Council as a Municipal Law Enforcement Officer, a Police Officer, or other individual duly appointed to enforce this By-law;

3.0 RESTRICTIONS

- 3.1 No person shall operate a Motorized Snow Vehicle along any part of a Highway or on any part of a Highway as depicted on "Schedule A" attached hereto, unless it is to cross over such Highway at a right angle.

4.0 MUNICIPAL PROPERTY

- 4.1 Operating, riding or driving a Motorized Snow vehicle in any public park, or open space owned by the Municipality, is permitted unless restricted by Council and explicitly signed as prohibited.

5.0 PROHIBITED ON SIDEWALK

- 5.1 No person shall operate a Motorized Snow Vehicle on any Sidewalk within the geographical boundaries of Dysart et al, except to cross the Sidewalk at right angles.

6.0 OBSTRUCTION

- 6.1 No person shall hinder or obstruct, or attempt to hinder or obstruct, an Officer or other duly appointed person who is exercising a power or performing a duty under this By-law.

7.0 ENFORCEMENT PROVISIONS

- 7.1 The provisions of this By-law shall be subject to the provisions of the Highway Traffic Act, R.S.O. 1990, c. H.8 and the Motorized Snow Vehicle Act, R.S.O. 1990, c. M.44, and amendments thereto.
- 7.2 This By-law shall be enforced by a Municipal Law Enforcement Officer, any member of the Ontario Provincial Police or any Police Officer with jurisdiction within the Municipality.

8.0 OFFENCE & PENALTY PROVISIONS

- 8.1 Every person who contravenes any provision of this By-law is guilty of an offence and upon conviction is liable to a fine as provided for by the Provincial Offences Act, R.S.O. 1990, Chapter P. 33, as amended.

8.2 If this By-law is contravened and a conviction entered, the court in which the conviction has been entered and any court of competent jurisdiction thereafter may, in addition to any other remedy and to any penalty that is imposed, make an order prohibiting the continuation or repetition of the offence by the person convicted.

9.0 SEVERABILITY

9.1 If a court of competent jurisdiction should declare any section or part of a section of this By-law to be invalid, such section or part of a section shall not be construed as having persuaded or influenced Council to pass the remainder of the by-law and it is hereby declared that the remainder of the By-law shall be valid and shall remain in force.

10.0 IMPLEMENTATION

10.1 This By-law shall come into full force and effect after adoption.

READ a first, second and third time, passed, signed and the Corporate Seal attached hereto this 28th day of January, 2020.

Mayor: Andrea Roberts

Clerk: Cheryl Coulson

**THE CORPORATION OF THE UNITED TOWNSHIPS OF DYSART,
DUDLEY, HARCOURT, GUILFORD, HARBURN, BRUTON, HAVELOCK,
EYRE AND CLYDE**

PART 1 Provincial Offences Act

By-law No. 2020-11 - Snowmobile By-law

<u>ITEM</u>	<u>COLUMN 1</u> Short Form Wording	<u>COLUMN 2</u> Provision Creating or Defining Offence	<u>COLUMN 3</u> Set Fine
1.	Operate Snowmobile on Prohibited Highway	Section 3.1	\$200.00
2.	Drive, Operate or Ride Snowmobile on Municipal Property without consent	Section 4.1	\$200.00
3.	Operate Snowmobile on Sidewalk	Section 5.1	\$200.00
4.	Obstruct, Hinder or Attempt to Obstruct or Hinder an Officer	Section 6.1	\$200.00




“NOTE: The penalty provision for the offences indicated above is section 8.1 of the By-law No. 2020-11, a certified copy of which has been filed”.

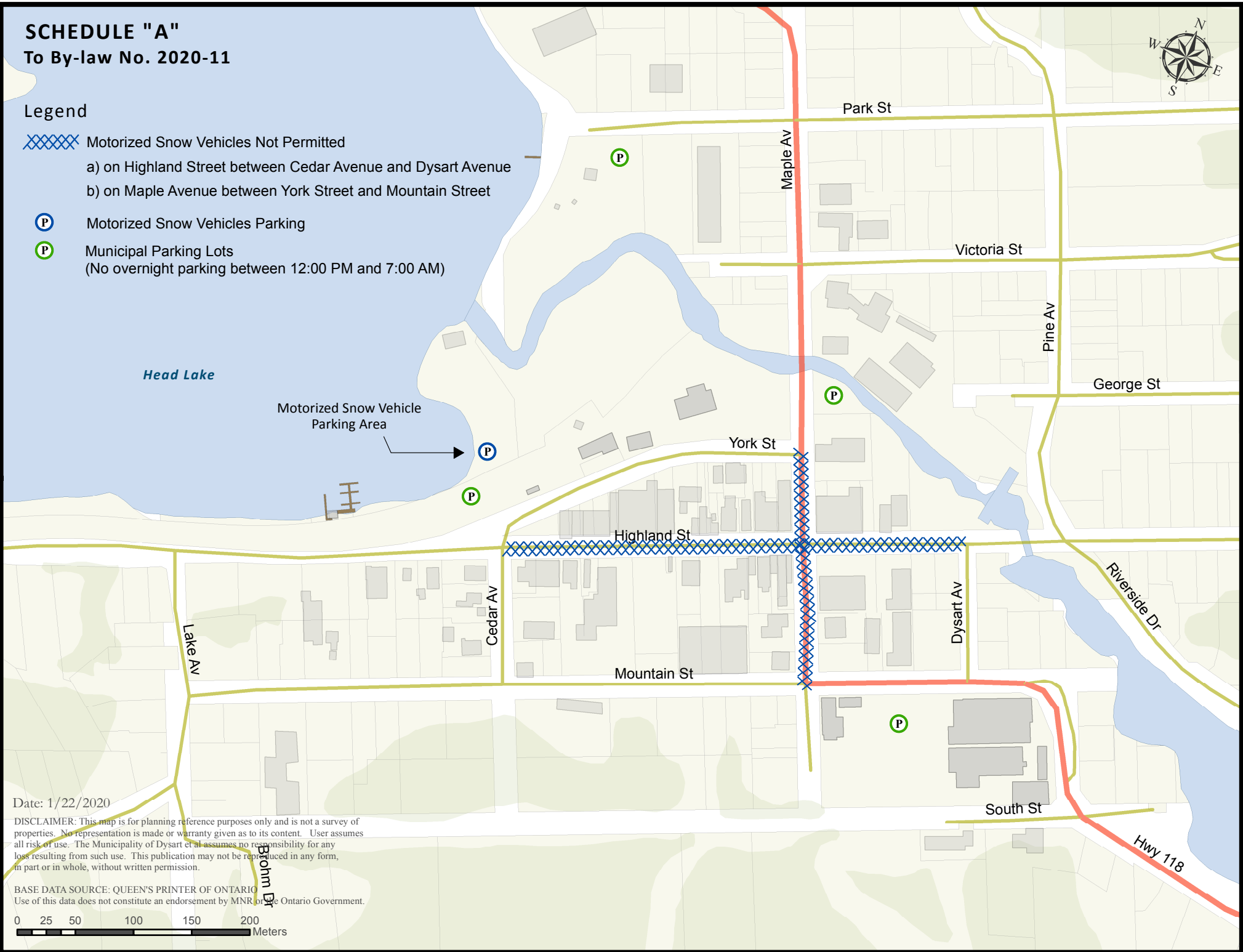
SCHEDULE "A"

To By-law No. 2020-11



Legend

-  Motorized Snow Vehicles Not Permitted
 - a) on Highland Street between Cedar Avenue and Dysart Avenue
 - b) on Maple Avenue between York Street and Mountain Street
-  Motorized Snow Vehicles Parking
-  Municipal Parking Lots
(No overnight parking between 12:00 PM and 7:00 AM)



Date: 1/22/2020

DISCLAIMER: This map is for planning reference purposes only and is not a survey of properties. No representation is made or warranty given as to its content. User assumes all risk of use. The Municipality of Dysart et al. assumes no responsibility for any loss resulting from such use. This publication may not be reproduced in any form, in part or in whole, without written permission.

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