

**The Corporation of The Village of Sundridge
By-Law 2019-054
(Contains Amending By-law 2019-066)**

This is a consolidation of the Village's By-law to regulate, govern or prohibit the operation of motorized snow vehicles within the Corporation of the Village of Sundridge. This consolidation is prepared for reference and information purposes only. Official Versions of all by-laws can be obtained by contacting the Village Office.

**Being a By-law to Regulate Govern or Prohibit
the Operation of Motorized Snow Vehicles within the
Corporation of the Village of Sundridge**

WHEREAS Subsection 7 (2) of the Motorized Snow Vehicles Act, R.S.O. 1990, and C.M. 44 provides for regulating, governing or prohibiting the operation of motorized snow vehicles within the Village;

AND WHEREAS Subsection 10(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 Subsection 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 the Municipal Council of the Corporation of the Village of Sundridge, deems it desirable to pass a by-law with respect to the regulating, governing or prohibiting of motorized snow vehicles.

Now Therefore the Council of The Corporation of The Village of Sundridge Enacts As Follows:

1. Definitions

- 1.1 **"By-law Enforcement Officer"** means a person appointed by the Council of the Village of Sundridge for the purpose of enforcing the by-laws of the municipality.
- 1.2 **"Police Officer"** means a member of the Ontario Provincial Police or a person authorized by the Commander of the Ontario Provincial Police Detachment to regulate or direct traffic.
- 1.3 **"Sidewalk"** means that portion of a street between the curb lines or the lateral lines of a roadway and the adjacent property lines intended for the use of pedestrians.
- 1.4 **"Street" or "Highway"** includes a common and public highway, street, avenue, parkway, driveway, square, place, bridge, viaduct or trestle, 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.
- 1.5 **"Motorized Snow Vehicle"** means a self propelled vehicle designed to be driven primarily on snow.

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2. General

- 2.1 The maximum speed limit at which a Motorized Snow Vehicle may be operated on any part of the streets shall be 50% of the posted maximum speed limit.
- 2.2 No person shall operate a motorized snow vehicle in or upon the following public municipal lands:
- a) Public Parks;
 - b) Playgrounds;
 - c) Walkways unless the trail forms part of an Ontario Federation of Snowmobile Clubs authorized snowmobile trail.
- 2.3 No person shall operate a motorized snow vehicle along a sidewalk situated on any highway.

3. Parked on Private or Municipal Property without Consent

- 3.1 No motorized snow vehicle shall be parked on Private Property or Municipal Property without the consent of the owner or adult occupant of the property for a period of longer than 24 hours.

4. Exemptions

- 4.1 The provisions of this By-law respecting operation of motorized snow vehicle shall not apply to:
- a) A member of the Ontario Provincial Police while engaged in the performance of their duty as a Police Officer;
 - b) By an Employee of the Village of Sundridge while engaged in authorized duties;
 - c) By any persons engaged in a bona fide rescue or emergency operation under the direction of or with the authority of the Ontario Provincial Police, Parry Sound Emergency Medical Services, Sundridge Strong Fire Department or the Village of Sundridge.

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5. Vehicle Towing

- 5.1 In addition to any other penalties provided for in this By-law, a By-law Enforcement Officer or Village Superintendent, where a motorized snow vehicle is in contravention of this by-law, at their discretion, may cause the vehicle to be removed, taken away and stored in a suitable place and all costs and charges incurred are the responsibility of the owner of said vehicle and shall be a lien, upon the vehicle, which lien may be enforced in the manner provided for by the *Repair and Storage Liens Act, R.S.O., 1990, Chapter R.25, as amended.*

6. Enforcement

The owner of a motorized snow vehicle may be charged with and convicted of an offence for contravention of any provision of this Bylaw for which the driver of the vehicle is subject to be charged unless, at the time of the offence, the vehicle was in the possession of some person other than the owner without the owner's consent.

8. Penalties

Every person who contravenes any provision of this By-law is guilty of an offence and upon conviction, shall be liable to a fine of not more than five thousand (\$5,000.00) dollars, as provided for in the *Provincial Offences Act, R.S.O. 1990, Chapter P. 33.*

9. Schedules

The schedules to this by-law shall be deemed to form part of this By-law.

10. Severability

If any section or sections of this by-law or parts thereof are found by a court of law to be illegal or beyond the power of Council to enact, such section or sections or parts thereof shall be deemed to be severable and all other sections or parts of this by-law shall be deemed to be separate and independent therefrom and to be enacted as such.

11. Conflict

If a provision of this by-law conflicts with an Act or regulation or another by-law the provision that is the most restrictive shall prevail.

12. Repealed By-Laws

This By-law repeals By-laws 2015-012 and 2019-014, and any amendments thereof.

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13. Short Title

This By-law may be cited as the "Snowmobile Control By-law"

14. Effective Date

This By-law shall come into force and take effect upon the Set Fine approval by the Attorney General's Office.

15. Schedule A

Part 1 Offences short form wording and set fines for such offences

Once the by-law has been approved, the short form wording and set fines will be applied for with the Provincial Offences Courts to have them approved.

These offences can be issued as Part 1 ticketing on the persons committing the offences on the day of the offence, or within 30 days of the offence.

PASSED THIS 9th DAY of OCTOBER 2019

Lyle Hall, Mayor

Nancy Austin, Clerk Administrator

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SCHEDULE "A"
To By-law 2019-054 – Motorized Snow Vehicles

Part I Provincial Offences Act

Item	Short Form Wording	Provision Creating or Defining Offence	Set Fine
1	Operating a motorized snow vehicle in or on a public park.	Section 2.2 a)	\$150.00
2	Operating a motorized snow vehicle in or on a playground.	Section 2.2 b)	\$150.00
3	Operating a motorized snow vehicle in or on a walkway.	Section 2.2 c)	\$150.00
4	Operating a motorized snow vehicle on a sidewalk.	Section 2.3	\$150.00

Note: The penalty provision for the offence listed above is Section 8 of By-law 2019-054, a certified copy of which has been filed.