

**THE CORPORATION OF THE MUNICIPALITY OF WEST NIPISSING**

**BY-LAW NO. 2011/65**

**BEING A BY-LAW  
TO REGULATE THE OPERATION OF MOTORIZED  
SNOW VEHICLES WITHIN THE MUNICIPALITY OF WEST NIPISSING**

**WHEREAS** R.S.O. 1990, Chapter M.44 section 7, subsection (2), of the Motorized Snow Vehicles Act, as amended, permits a municipality to regulate, govern or prohibit the operation of motorized snow vehicles within the municipality, including any highways therein or any part thereof;

**AND WHEREAS** the Municipal Council of the Corporation of the Municipality of West Nipissing deems it desirable to regulate the operation of motorized snow vehicles within the Municipality of West Nipissing;

**NOW THEREFORE** the Council of the Municipality of West Nipissing enacts as follows:

**I. DEFINITIONS**

In this by-law,

- 1.1 **“HIGHWAY”** means a highway as defined in the Highway Traffic Act, R.S.O. 1990, Chapter H.8, as amended. 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. (Sec. 2 (c) of this by-law)
- 1.2 **“MOTORIZED SNOW VEHICLE”** means a vehicle as defined by the Motorized Snow Vehicle Act, R.S.O. 1990, Chapter M.44, as amended, being a self-propelled vehicle designed to be driven primarily on snow.
- 1.3 **“MUNICIPAL LAW ENFORCEMENT OFFICER’** means a member of the West Nipissing Police Service, or any other person appointed by the Council for the Municipality of West Nipissing, for the enforcement of municipal by-laws, including this by-law.
- 1.4 **“MUNICIPALITY”** means the Corporation of the Municipality of West Nipissing.
- 1.5 **“POLICE SERVICES’** means the West Nipissing Police Service.
- 1.6 **“PRIVATE PROPERTY”** includes developed municipally-owned property, Church property and School Board property, Hospital and Home for Aged property or Cemetery Board property. (Sec. 2 (b) of this by-law)
- 1.7 **“PUBLICLY OWNED PROPERTY”** includes land or premises under the control and management of the Municipality of West Nipissing. (Sec. 2 (d) of this by-law)
- 1.8 **“ROADWAY”** means a roadway as defined in the Highway Traffic Act, R.S.O. 1990, Chapter H.8, as amended. (Sec. 2 (c) of this by-law)
- 1.9 **“SERVICED ROADWAY”** means the part of highway that is improved, designed or ordinarily used for vehicular traffic, and includes the ploughed portion of the shoulder, and where a highway includes two or more separate serviced roadways, the term “serviced roadway” refers to any one serviced roadway separately and not to all of the serviced roadways collectively. (Sec. 2 (f) of this by-law)

- 1.10 “**SIDEWALK**” means a path or strip of land paved or otherwise on or alongside a highway and designed and intended for use by the general public for pedestrian travel. In addition, sidewalk includes any property that is or hereafter may be physically set apart or made available and intended for pedestrian use. (Sec. 1 (a) of this by-law)
- 1.11 “**TRAIL**” means the whole of any trail established and maintained by a recreational organization for the use of motorized snow vehicles. (Sec. 2 (g) of this by-law)

## **2. GENERAL**

- (a) No person or persons shall operate a motorized snow vehicle upon any sidewalk within the boundaries of the Municipality of West Nipissing.
- (b) No person or persons shall operate a motorized snow vehicle on private property within the boundaries of the Municipality of West Nipissing except when authorized to do so by the owner or occupier of the private property concerned.
- (c) No person or persons shall operate a motorized snow vehicle upon roadways or highways within the boundaries of the former Town of Sturgeon Falls, except solely for the purpose of gaining access to or from the bush, tree line or open area, the proof of which shall be the onus of the driver of the said motorized snow vehicle.
- (d) No person or persons shall operate a motorized snow vehicle in or on any publicly owned property within the boundaries of the Municipality of West Nipissing unless authorized by the Municipality of West Nipissing Council.
- (e) No person or persons shall operate a motorized snow vehicle at any time within the commercial core of the former Town of Sturgeon Falls, which includes Main Street, King Street and Holditch Street from John Street to Front Street.
- (f) No person or persons shall operate a motorized snow vehicle across roadways except at an angle of approximately 90<sup>0</sup> to the direction of the serviced roadway.
- (g) No person shall drive a motorized snow vehicle upon a prescribed trail except under the authority of, and in accordance with, a trail permit for the motorized snow vehicle issued under subsection (2) or except on lands occupied by the owner of the motorized snow vehicle.
- (h) No person shall drive a motorized snow vehicle at a greater rate of speed than the maximum rates of speed established in the Municipality of West Nipissing Traffic and Parking By-law, and/or greater than the speed limit established pursuant to the *Highway Traffic Act*.

## **3. QUIET ZONE**

No person or persons shall operate a motorized snow vehicle on Michaud Street from Ethel Street to John Street in the former Town of Sturgeon Falls.

## **4. ENFORCEMENT**

The provisions of this by-law shall be enforced by the West Nipissing Police Service or by any Municipal Law Enforcement Officer or person appointed by Council.

5. **PENALTIES**


Any person who contravenes any provision of this by-law is guilty of an offence and on conviction, is liable to a fine as provided for in the Provincial Offences Act, as per Schedule 'A' attached hereto and forming part of this by-law.

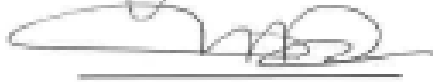
6. **REPEAL**

By-law 2000-05 is hereby repealed.

7. This By-law shall take effect the date it is passed.

ENACTED AND PASSED THIS      DAY OF      2011 AS WITNESSED BY THE  
SEAL OF THE CORPORATION AND THE HANDS OF ITS PROPER  
OFFICERS.

  
MAYOR

  
CLERK

**SET FINE SCHEDULE**

**SCHEDULE 'A'**

**THE CORPORATION OF THE MUNICIPALITY OF WEST NIPISSING**

**PART 1 PROVINCIAL OFFENCES ACT**

By-law 2011/65 Regulate the operation of motorized snow vehicle

ITEM	COLUMN 1 SHORT FORM WORDING	COLUMN 2 PROVISION CREATING OR DEFINING OFFENCE	COLUMN 3 SET FINE
1	Operate snow vehicle upon sidewalks.	Section 2 (a)	\$ 105.00
2	Operate snow vehicle on private property without authorization of owner or occupier	Section 2 (b)	\$ 105.00
3	Operate snow vehicle upon roadways/ highways.	Section 2 (c)	\$ 105.00
4	Operate snow vehicle in or on publicly owned property without authorization.	Section 2 (d)	\$ 105.00
5	Operate snow vehicle within commercial core.	Section 2 (e)	\$ 105.00
6	Snow Vehicle crossing roadway at improper angle	Section 2 (f)	\$ 105.00
7	Operate snow vehicle on trail without permit	Section 2 (g)	\$ 105.00
8	Operate snow vehicle over speed limit	Section 2 (h)	\$ 105.00
9	Operate snow vehicle in Quiet Zone	Section 3	\$ 105.00

**NOTE: The Penalty provision for the offences indicated above is Section 61 of the Provincial Offences Act, R.S.O. 1990 C.P. 33**

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