

The Corporation of the City of Pembroke

By-law Number 2017-63

A by-law to regulate and govern the operation of motorized snow vehicles within the City of Pembroke

Whereas it is deemed expedient in the interest of public safety to regulate and govern the use of motorized snow vehicles in the City of Pembroke;

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 prohibited 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*;

Now Therefore the Municipal Council of the Corporation of the City of Pembroke enacts as follows:

1. Definitions

For the purpose of this by-law, the following words and phrases shall have the following meanings:

“Boulevard” means the portion of every highway within the limits of the City of Pembroke which is not used as a sidewalk, a roadway or a roadway shoulder

“By-law” means the Snowmobile By-law 2017-63

“City” means the Corporation of the City of Pembroke

“Highway” indicates 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.

“Motorized Snow Vehicles” means a self-propelled vehicle designed to be driven primarily on snow.

“Sidewalk” mans 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 the pedestrians.

2. Restrictions

- a. That no person shall operate a motorized snow vehicle on any sidewalk within the geographic boundaries of the City except to cross over such sidewalk.
- b. 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 crossover such highway.

- c. No person shall operate a motorized snow vehicle on any pedestrian walkway, open space area, municipal park or trail with the City
- d. 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 6:00 a.m.
- e. 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.O. 1990, c M44*

3. Exceptions

- a. 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:
 - a member of the Ontario Provincial Police;
 - an employee of the City of Pembroke;
 - County of Renfrew Paramedic Services and/or any other persons engaged in a bona fide rescue or emergency operation;
 - Utility services such as the Ottawa River Power Corporation, Bell Canada, Hydro One, etc.
- b. 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.
- c. 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 City of Pembroke

4. Enforcement

- a. 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 Vehicles Act, R.S.O. 1990, c. M.44* and amendments thereto.
- b. This by-law shall be enforced by any Municipal By-law Enforcement Officer of the City or by any member of the Ontario Provincial Police

5. Penalty

- a. 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.
- b. 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. General

- a. 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.

- b. Where a provision of this By-law conflicts with the provisions of another By-law in force in the City, the provision that establishes the higher standard to protect the health, safety and welfare of the general public shall prevail.

7. Short Title

The short title of this By-law is the “Snowmobile By-law”

8. Repeal

That by-law 99-66 and any other by-law inconsistent with the provisions contained in this by-law are hereby repealed.

9. Effective Date

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”.

Passed and Enacted

This 17th Day of October, 2017

Michael LeMay
Mayor

Terry Lapierre
Chief Administrative Officer/Clerk

City of Pembroke - Part 1 Provincial Offences Act

Schedule B – By-law 2017-63: Snowmobile By-law

Item	Column 1 – short Form Wording	Column 2 – Provision creating or defining offence	Column 3 – Set Fine
1	Operating a snow vehicle on a sidewalk	Section 2 a	\$200.00
2	Operate a snow vehicle on a Restricted Street	Section 2 b	\$200.00
3	Operate a snow vehicle on a pedestrian walkway	Section 2 c	\$200.00
4	Operate a snow vehicle in or on an open space area	Section 2 c	\$200.00
5	Operate a snow vehicle in or on a municipal park	Section 2 c	\$200.00
6	Operate a snow vehicle on a trail	Section 2 c	\$200.00
7	Operate a snow vehicle at a prohibited time	Section 2 d	\$200.00

Note: The penalty provisions for the offences indicated above is Section 2 of By-law 2017-63, a certified copy of which has been filed.