

THE CORPORATION OF THE CITY OF ELLIOT LAKE

BY-LAW NO. 79-21

Consolidated 24-xx

Being a By-Law to regulate the operation of motorized snow vehicles (MSV), as amended.

WHEREAS under subsection 11. (3) and section 27 of the *Municipal Act, 2001 S.O. c.25*, as amended, a Municipality may pass by-laws with respect to highways, including parking and traffic on highways over which it has jurisdiction;

AND WHEREAS under subsection 11(3) of the *Municipal Act, 2001 S.O. c.25*, as amended, a Municipality may pass by-laws with respect to parks;

AND WHEREAS subsection 7 (2) of the *Motorized Snow Vehicles Act R.S.O. 1990, Chapter M. 44*, a Council of a local municipality may pass by-laws regulating or governing the operation of motorized snow vehicles within th municipality including any highways therein or any part or parts thereof. *R.S.O. 1990, c M. 44, s. 7 (2)*

AND WHEREAS section 14 subsection (2) of the *Motorized Snow Vehicles Act R.S.O. 1990, Chapter M. 44*, a Council of a local municipality may pass by-law prescribe (a) a lower rate of speed for motorized snow vehicles upon any highway or part thereof under its jurisdiction; and (b) a higher or lower rate of speed for mortised snow vehicles upon a trail, public park or exhibition ground under its jurisdiction, than is prescribed in subsection (1) *R.S.O. 1990, c. M44, s. 14(2)*

AND WHEREAS section 16 (4) requires upon request of the owner or occupier of land upon which a person is operating who is operating a motorized snow vehicle to stop and give his or her correct name and address. *R.S.O. 1990, c M. 44, s. 16 (4)*.

AND WHEREAS Section 8 (3) of the *Municipal Act, 2001, S.O. 2001, Chapter 25*, as amended, provides that a by-law under Section 11 respecting a matter may: (a) regulate or prohibit respecting the matter; and, (b) require persons to do things respecting the matter.

AND WHEREAS section 391 of the *Municipal Act* enables a municipality to pass a by-law imposing fees or charges for services or activities provided or done by or on behalf of it;

AND WHEREAS the Council of the Corporation of the City of Elliot Lake is desirous of passing such a by-law;

NOW THEREFORE the Council of The Corporation of the City of Elliot Lake **ENACTS AS FOLLOWS:**

1. Definitions:

For the purposes of this by-law:

"Boulevard" means all those parts of highway lying between the curb or edge of the roadway and the highway boundary, exclusive of the area covered by a sidewalk;

"By-law Enforcement Officer" means any person appointed by the Council for the Corporation of the City of Elliot Lake for the enforcement of municipal by-laws, including this By-law, a Police Officer of any police service with jurisdiction in the City, or a Conservation Officer.

"Central Commercial Area" means that part of the municipality commonly referred to as the "Downtown Core" which includes, but not limited to; Ontario Avenue, Saskatchewan Road, Manitoba Road, Quebec Road, Veterans Way, Charles Walk, Mary Walk, Prince Edward Walk, George Walk, and a section of Highway 108 that traverses between Esten Drive South and Timber Road North. Municipal parking lot 1, Municipal parking lot 2, and Municipal parking lot 3.

"City" means the geographical area owned and occupied by The Corporation of the City of Elliot Lake;

"City Park" means any public park, athletic field, playground, golf course or similar area owned or maintained by the City for use by the public;

"Corporation" means The Corporation of the City of Elliot Lake;

"Council" means the Council of The Corporation of the Town of Elliot Lake;

"Highway" includes a common and public highway, street, avenue, parkway, driveway, square, bridge, viaduct or trestle, any part of which is intended for or used by the general public for the passage of vehicles, and the area between the lateral property lines thereof;

"Motorized Snow Vehicle" means a self-propelled vehicle designed to be driven primarily on snow;

"Park or Parking" means the standing of a vehicle, whether occupied or not, except when standing temporarily for the purpose of and while actually engaged in the loading or unloading of passengers;

"Residential Areas" means those areas designated Residential "R1". "R1M", "R2" and "R2M" Zones as set out in Zoning By-law # 18-36 and amendments thereto;

"Roadway" means the part of the Highway that is improved, designed or ordinarily used for vehicular traffic, but does not include the Shoulder, and, where a Highway includes two or more separate roadways, the term "Roadway" refers to any one roadway separately and not to all the roadways collectively;

"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. Operation of Motorized Snow Vehicles on Highways

(a) No person shall operate a motorized snow vehicle in any part of the City's Central Commercial area.

(b) No person shall operate a motorized snow vehicle on any City sidewalk, boulevard or in any City park, athletic field, playground, or similar area owned or maintained by the City for use by the public.

(c) No person shall operate a motorized snow vehicle at any City location where the use is prohibited by a municipal sign.

3. Hours of Operation

(a) No person shall operate a motorized snow vehicle along, across or upon any Highway or part of a highway within any residential area in the City of Elliot Lake between the hours of 11:00 o'clock PM and 6:00 o'clock AM of the following day.

4. Parking

- (a) No person shall park any motorized snow vehicle;
- (i) where prohibited by signs
 - (ii) upon any sidewalk or boulevard within the Municipality

5. Obstruction

(a) No person shall hinder or obstruct, or attempt to hinder or obstruct, any By-law Enforcement Officer exercising a power or performing a duty under this By-law.

(b) Any person who is alleged to have contravened any of the provisions of this By-law shall identify themselves to the By-law enforcement Officer upon request. Any failure to do so shall be deemed to have obstructed or hindered the By-law Enforcement Officer in the execution of his duties.

6. Exemptions

(a) The provisions of this by-law do not apply to prohibit operation or parking of a motorized snow vehicle on a highway or part thereof if:

- i) the use is in response to an emergency;
- ii) the motorized snow vehicle is being used by a municipal employee or their agent engaged in municipal work;
- iii) the motorized snow vehicle is participating in a parade or contest under authority of a permit from the City Clerk or their designate.

7. Penalty

a) Any person who contravenes any provision of this by-law is guilty of an offence and is liable upon conviction to a fine as provided under the *Provincial Offences Act, R.S.O, 1990, c. P33, as amended*. See Schedule “B”- Provincial Offences Act.

8. Short Title

a) This by-law shall be known as the “Motorized Snow Vehicle By-Law”.

9. Repeal

a) Bylaw 79-21 is hereby repealed

10. Effective Date

a) This by-law shall be effective on the date of passing.

PASSED this day of , 202.

**THE CORPORATION OF THE CITY OF ELLIOT LAKE
PART I PROVINCIAL OFFENCES ACT
BYLAW XX - XX: Motorized Snow Vehicles (MSV)
Schedule "B"- Provincial Offences Act**

<u>Item.</u>	<u>Short Form Wording.</u>	<u>Provision Creating or Defining Offence.</u>	<u>Set Fine.</u>
1.	Operate Motorized Snow Vehicle in Central Commercial Area.	Section 2. (a)	\$150
2.	Operate Motorized Snow Vehicle sidewalk, boulevard Park, athletic field, playground Or similar area.	Section 2. (b)	\$150
3.	Operate Motorized Snow Vehicle where prohibited By sign.	Section 2. (c)	\$150
4.	Operate Motorized Snow Snow Vehicle outside of The hours of 11pm and 6 am The following day	Section 3. (a)	\$150
5.	Park Motorized Snow Vehicle where prohibited By signs	Section 4 (a) (i)	\$60
6.	Park Motorized Snow vehicle On City sidewalk or boulevard	Section 4 (a) (ii)	\$60
7.	Obstruct or Hinder enforcement	Section 5 (a)	\$305

Note: The general penalty provision for the offences listed above is section 7.a) of bylaw XX-XX, a certified copy of which has been filed.