

The Corporation of the City of North Bay

By-Law No. 2021-53

Being a By-Law to Regulate, Govern and Prohibit the Operation of Motorized Snow Vehicles in the City of North Bay

Whereas section 7(2) of the *Motorized Snow Vehicles Act*, RSO 1990, c. M.44 provides that the council of a local municipality may pass by-laws regulating, governing or prohibiting the operation of motorized snow vehicles within the municipality including any highways therein or any part or parts thereof;

And whereas section 10(2) of the *Municipal Act, 2001*, SO 2001, c. 25 provides that a single-tier municipality may pass by-laws respecting: in paragraph 6, health, safety and well-being of persons; in paragraph 8, protection of persons and property; and in paragraph 10, structures, including signs;

And whereas section 14(2) of the *Motorized Snow Vehicles Act* provides that the council of a municipality may by 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 motorized snow vehicles upon a trail, public park or exhibition ground under its jurisdiction than is prescribed by the *Motorized Snow Vehicles Act*;

And whereas section 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 this Act is guilty of an offence;

And whereas section 429 of the *Municipal Act, 2001*, provides that a municipality may establish a system of fines for offences under a by-law of the municipality passed under that Act;

And whereas section 24 of the *Motorized Snow Vehicles Act* provides that the owner of a motorized snow vehicle may be charged with and convicted of an offence under any municipal by-law regulating, governing or prohibiting the operation of motorized snow vehicles, for which the driver of the motorized snow vehicle is subject to be charged unless, at the time of the offence, the motorized snow vehicle was in the possession of a person other than the owner without the owner's consent and on conviction the owner is liable to the penalty prescribed for the offence;

And whereas the Council of The Corporation of the City of North Bay deems it desirable in the interest of public safety to regulate, govern and prohibit the operation of motorized snow vehicles within the municipality;

Now therefore the Council of The Corporation of the City of North Bay hereby enacts as follows:

Part 1 – Interpretation and Application

1.1 Short Title

This By-Law may be cited as the “Motorized Snow Vehicles By-Law”.

1.2 Schedules

- (1) The Schedules referred to in this By-Law form an integral part of the By-Law. Any reference to a Schedule means a Schedule attached to this By-Law.
- (2) A reference to Schedule “A” shall mean all components of Schedule “A”, consisting of Schedules “A1”, “A2”, “A3” and “A4” collectively.

1.3 Reference Aids

The headings and subheadings used in this By-Law are inserted for convenience of reference only and do not form part of the By-Law and shall not affect in any way the meaning or interpretation of the provisions of this By-Law.

1.4 Severability

If any provision or part of a provision of this By-Law is declared by a court of competent jurisdiction to be illegal or inoperative in whole or in part, or inoperative in particular circumstances, such provision or part of the provision shall be deemed to be severable, and the balance of the By-Law, or its application in other circumstances, shall not be affected and shall continue to be in full force and effect.

1.5 Compliance with Legislation

Nothing in this By-Law relieves any person from complying with any provision of any federal or provincial legislation, or any other By-Law of the City of North Bay and, without limiting the generality of the foregoing, this includes the *Motorized Snow Vehicles Act*.

1.6 Definitions

For the purposes of this By-Law:

“access point” means an authorized route to access or exit the urban settlement area by means of a motorized snow vehicle, which is identified in Schedule “A” as an “access point”.

“authorized sign” means any sign, device, or barricade placed or erected by the City for the purpose of regulating, warning, guiding or prohibiting the operation of motorized snow vehicles;

“by-law enforcement officer” means the City’s By-Law Enforcement Coordinator or any other person designated by the City for enforcement of this By-Law;

“City” means The Corporation of the City of North Bay, or the area within the geographic limits of the City of North Bay, as the context requires;

“established trail” means any trail established and maintained by a recreational organization for the use of motorized snow vehicles and identified in Schedule “A” as a “standard established trail”;

“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;

“highway use trail” means that portion of a highway upon which the operation of motorized snow vehicles is permitted subject to the provisions of this By-Law and all other applicable legislation, and which is identified in Schedule “A” under “Trail Segment Type” as being a “highway use” trail segment;

“motorized snow vehicle” means a self-propelled vehicle designed to be driven primarily on snow;

“official sign” means a sign approved by the Ministry of Transportation and posted pursuant to the provisions of the *Motorized Snow Vehicles Act*;

“pedestrian” includes a person who is in a wheelchair or is utilizing any other mobility aid for accessibility purposes;

“parkland trail” means that portion of a publicly owned parkland upon which the operation of motorized snow vehicles is permitted subject to the provisions of this By-Law and all other applicable legislation, and which is identified in Schedule “A” under “Trail Segment Type” as being a “parkland” trail segment;

“publicly owned parkland” means any land or premises under the control and management of the municipality;

“road crossing” means that portion of a highway within the urban settlement area upon which the operation of a motorized snow vehicle is permitted for the purposes of crossing the highway, subject to the provisions of this By-Law and all other applicable legislation, and which is identified in Schedule “A” as a “road crossing”;

“roadway” means the part of the highway that is improved, designed or ordinarily used for vehicular traffic, but does not include the shoulder;

“sidewalk” means a path or strip of land paved or otherwise in, on or alongside a highway and designed and intended for or used by the general public, and includes any property of the municipality that is physically set apart or made available or intended for pedestrian use, even if that property is not wholly or partially in, on or alongside a highway;

“sidewalk use trail” means that portion of a sidewalk upon which the operation of motorized snow vehicles is permitted subject to the provisions of this By-Law, and which is identified in Schedule “A” under “Trail Segment Type” as being a “sidewalk use” trail segment; and

“urban settlement area” means the geographical area falling within the “urban settlement boundary” as shown in Schedule “A” of this By-Law.

Part 2 – Regulations

2.1 Highways

- (1) No person shall operate a motorized snow vehicle on a highway in the City, except on a highway use trail, as identified in Schedule “A” of this By-Law.
- (2) Despite subsection (1), no person shall operate a motorized snow vehicle on any sidewalk, except on a sidewalk use trail, as identified in Schedule “A” of this By-Law, or where permitted to cross the highway in accordance with the provisions of this By-Law and the *Motorized Snow Vehicles Act*.
- (3) Where permitted by this By-Law to operate a motorized snow vehicle on a highway or sidewalk, no person shall operate a motorized snow vehicle on the highway or sidewalk except for the purpose of:
 - (a) directly gaining access to or from an established trail; or
 - (b) directly accessing services such as accommodations, refueling, repair and maintenance, and food and beverage services.
- (4) Where permitted by this By-Law to operate a motorized snow vehicle on a sidewalk, a person operating a motorized snow vehicle on a sidewalk:

- (a) shall yield the right of way to any pedestrian on the sidewalk or any motor vehicle or other vehicle lawfully crossing the sidewalk; and
 - (b) shall operate the motorized snow vehicle thereon, only with extreme caution and all due attention.
- (5) No person shall park a motorized snow vehicle on any portion of a highway in the City.

2.2 Urban Settlement Area

No person shall operate a motorized snow vehicle anywhere within the urban settlement area, as identified in Schedule “A” of this By-Law, except as permitted by this By-Law.

2.3 Access Points to Urban Area

- (1) Access to the urban settlement area by motorized snow vehicle, may only be made by way of a location identified as an “access point” set out in Schedule “A”.
- (2) No person operating a motorized snow vehicle shall enter or exit the urban settlement area by any route other than a route identified in Schedule “A” as an access point.

2.4 Operation of MSV in Urban Settlement Area:

- (1) Except where otherwise explicitly permitted by this By-Law, no person shall operate a motorized snow vehicle within the urban settlement area, unless all of the following conditions are met:
 - (a) the motorized snow vehicle is being operated on an established trail as identified in Schedule “A”, or on land where the owner permits the operation of a motorized snow vehicle by way of a written agreement made between the land owner and the recreational organization that maintains the trail;
 - (b) authorized signs or official signs are posted to indicate either an established trail or the permission of the property owner to operate motorized snow vehicles; and
 - (c) the motorized snow vehicle is being operated for the purpose of going directly to a specific destination.
- (2) Notwithstanding any other provision of this By-Law, no person shall operate a motorized snow vehicle on a highway or a trail within the urban settlement area:
 - (a) at a speed greater than 20 kilometres per hour; or
 - (b) where authorized or official signs are posted to indicate a lower speed, at a speed greater than that posted speed.
- (3) Notwithstanding any other provision in this By-Law, no person shall operate a motorized snow vehicle within the urban settlement area between the hours of 11:00 p.m. and 7:00 a.m.
- (4) No person operating a motorized snow vehicle shall cross a highway within the urban settlement area, except at a location identified as a “road crossing” in Schedule “A” of this By-Law, and only in accordance with the provisions of the *Motorized Snow Vehicles Act*.

2.5 Parkland

- (1) No person shall operate a motorized snow vehicle in any publicly owned parkland in the City except on a “parkland trail” as identified in Schedule “A” of this By-Law.
- (2) No person shall park a motorized snow vehicle, or a trailer bearing a motorized snow vehicle, in any publicly owned parkland between the hours of 11:00 p.m. and 7:00 a.m.

2.6 Schools and Playgrounds

No person shall operate a motorized snow vehicle in any school yard or playground in the City.

2.7 Signs

Every person operating a motorized snow vehicle in the City shall obey the instructions and directions indicated on an authorized sign or official sign.

2.8 Exemptions

This By-Law shall not apply to motorized snow vehicles operated by the following, while engaged in the performance of their required duties:

- (1) a member of the North Bay Police Service or the Ontario Provincial Police;
- (2) a by-law enforcement officer;
- (3) a City employee for municipal maintenance purposes;
- (4) an employee of the North Bay – Mattawa Conservation Authority;
- (5) an employee of Laurentian Ski Hill engaged in duties on the ski hill, including but not limited to grooming the ski hill and providing emergency response; or
- (6) an employee of a utility service such as Bell Canada, North Bay Hydro, or Hydro One.

Part 3 – Enforcement

3.1 Authority to Enforce

This By-Law may be enforced by a sworn member of the North Bay Police Service or a by-law enforcement officer.

3.2 Obstruction

- (1) No person shall hinder or obstruct, or attempt to hinder or obstruct, any police officer or by-law enforcement officer exercising a power under this By-Law.
- (2) Any person who is alleged to have contravened any provision of this By-Law shall identify himself or herself to the police officer or by-law enforcement officer upon request. Any failure to do so shall be deemed to be an obstruction or hindrance to the officer in the execution the officer’s duties.

3.3 Offences and Penalty

- (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 in the *Provincial Offences Act*, RSO 1990, c. P.33 of not more than \$5000.
- (2) The owner of a motorized snow vehicle may be charged with and convicted of an offence under this By-Law for which the driver of the motorized snow vehicle is subject to be charged unless, at the time of the offence, the motorized snow vehicle was in the possession of a person other than the owner without the owner's consent and, upon conviction, is liable to a fine as provided by this By-Law.

3.4 Order

- (1) If any provision of this By-Law is contravened and a conviction entered, in addition to any other remedy and to any penalty imposed by this By-Law, the court in which the conviction has been entered and any court of competent jurisdiction thereafter may make an order prohibiting the continuation or repetition of the offence by the person convicted.
- (2) Every person who fails to comply with an order of the court made pursuant to this By-Law is guilty of an offence and, upon conviction, is liable to a fine as provided in the *Provincial Offences Act* of not more than \$5000.

Part 4 – Coming Into Force

4.1 Coming Into Force and Repeal of Previous By-Laws

- (1) This By-Law shall come into force and effect upon passing.
- (2) When this By-Law comes into force, By-Law No. 11-95 and all amending by-laws thereto are hereby repealed.

Read a First Time in Open Council the 29th day of June, 2021.

Read a Second Time in Open Council the 29th day of June, 2021.

Read a Third Time in Open Council and Enacted and Passed this 29th day of June, 2021.

Mayor Allan McDonald

Deputy City Clerk Jenn Montreuil