

THE CORPORATION TOWN OF MATTAWA

COMMITTEE: BY-LAW DEPARTMENT

CHAIRPERSON: COUNCILLOR G. THIBERT

DEPT. HEAD: WAYNE CHAPUT, BY-LAW ENFORCEMENT OFFICER

TITLE: SNOWMOBILE BY-LAW

20-29 Draft By-law _____ Item _____ Policy Recommendation

Mayor D. Backer and Members of Council:

Over the past couple of years there has been more snowmobiles observed travelling on our sidewalks. The easy and cost effective process would be to issue a Part 1 ticket but the existing Snowmobile By-Law No. 93-40 has never had any set fines.

The new proposed Snowmobile By-law will have new schedules with mapping showing locations of restricted streets and permitted municipal trail locations. These schedules will include a list of set fines being sought for the first time.

Recommendation:

BE IT RESOLVED THAT the Mayor and Council of the Corporation of the Town of Mattawa adopt By-Law No 20-29 which is a By-law to govern and regulate the use of motorized snow vehicles within the Town of Mattawa.

Respectfully submitted

Councilor G. Thibert

CORPORATION OF THE TOWN OF MATTAWA

BY-LAW NUMBER 20-29

BEING A BY-LAW TO GOVERN AND REGULATE THE USE OF MOTORIZED SNOW VEHICLES WITHIN THE TOWN OF MATTAWA.

WHEREAS Subsection 7(2), of the Motorized Snow Vehicle Act R.S.O. 1990, Chapter M.44, as amended, provides that a municipality may pass By-Laws regulating, governing or prohibiting the operation of snow motorized vehicles within the municipality including highways therein or any parts or parts thereof;

AND WHEREAS Subsection 10(2) of the Municipal Act, 2001, S.O. 2001, c 25 as amended, provides that municipalities may pass by-laws providing 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 municipalities 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, S.O. 2001, c 25 as amended, provides that municipalities may establish a system of set fines for offences under a by-law passed under the Municipal Act, 2001;

AND WHEREAS the Corporation of the Town of Mattawa deems it expedient to govern the operation of motorized snow vehicles for the safe and orderly movement within the Town of Mattawa.

THEREFORE THE COUNCIL OF THE CORPORATION OF THE TOWN OF MATTAWA ENACTS AS FOLLOWS:

1. DEFINITIONS

- 1.1 “Council” means the council of the Corporation of the Town of Mattawa.
- 1.2 “Highway” means a Highway as defined in the Motorized Snow Vehicle Act, R.S.O. 1990, Chapter M.44, 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.
- 1.3 “Municipality” means the Municipality of the Corporation of the Town of Mattawa.
- 1.4 “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.

- 1.5 "Officer" means a municipal law enforcement officer, police officer, or other person designated for the enforcement of this by-law.
- 1.5 "Operate" means to drive, ride, or be in possession or control of a motorized snow vehicle.
- 1.6 "Person" means an individual, and shall include a young person under section 93 of the Provincial Offences Act, Chapter P.33, R.S.O. 1990.
- 1.7 "Police Services" means the Ontario Provincial Police.
- 1.9 "Private Property" includes developed municipally owned property, church property and School Board property, Hospital and Home for the Aged property or Cemetery property.
- 1.10 "Publicly Owned Property" includes land and premises under the control and management of the Municipality of Mattawa.
- 1.11 "Shoulder" means that part of Highway which immediately abuts the Roadway, which has a surface improved with asphalt, concrete or gravel and which is designed or intended for the use of stopped motor vehicles.
- 1.12 "Sidewalk" means a path or strip of land paved or otherwise in, on or alongside a highway designated and intended for or used by the general public for pedestrian travel. In addition, "sidewalk" includes any property of the Municipality that is, or hereafter maybe, physically set apart or made available and intended for pedestrian use.
- 1.13 "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.
- 1.14 "Trail" means the whole or any trail established and maintained by a recreational organization for the use of motorized snow vehicles.

2. GENERAL PROVISIONS

- 2.1 No person shall operate a motorized snow vehicle upon any sidewalk within the boundaries of the Town of Mattawa.
- 2.2 No person shall operate a motorized snow vehicle upon the shoulders and travelled portions of any highway or part of any highway within the boundaries of the Town of Mattawa identified by name on **Schedule "A"** and illustrated on **Schedule "B"** attached hereto unless it is to cross over such highway at an angle of approximately 90⁰ to the direction of the highway.
- 2.3 No person shall operate a motorized snow vehicle along any street within the Town of Mattawa unless it is to gain access to designated snowmobile trails as identified by name on **Schedule "C"** and illustrated on **Schedule "D"** attached hereto.

- 2.4 Motorized snow vehicles are permitted to cross the travelled portion of the Mattawa River Bridge provided they access the highway as close to the bridge as possible and exit the highway as soon as possible.
- 2.5 No person shall operate a motorized snow vehicle on private property within the boundaries of the Town of Mattawa unless authorized to do so by the owner or occupier of the private property concerned.
- 2.6 No person shall operate a motorized snow vehicle on any publicly owned property within the boundaries of the Town of Mattawa unless authorized by the Town of Mattawa .
- 2.7 No person shall operate a motorized snow vehicle at a greater rate of speed than the maximum rates of speed established in section 14(1) of the Motorized Snow Vehicle Act, Chapter M.44 R.S.O., 1990.
- 2.8 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) A member of the Ontario Provincial Police;
 - b) An employee of the Town of Mattawa;
 - c) Town of Mattawa Paramedic Services and/or any other persons engaged in a bona fide rescue or emergency operation;
 - d) Employees of the Ministry of Natural Resources and Forestry;
 - e) Utility services such as Union Gas, Bell Canada and Hydro One; and
 - f) An employee of the North Bay-Mattawa Conservation Authority.

3. ENFORCEMENT

- 3.1 The provisions of this By-law shall be enforced by the Municipal By-Law Enforcement Officer of the Town of Mattawa or by any member of the Ontario Provincial Police.

4. GENERAL PENALTY PROVISION

- 4.1 Every person who contravenes any provisions of this by-law is guilty of an offence and upon conviction is liable to a fine (the amount of which is set out in Schedule "E" of this By-law) as provided for by the Provincial Offences Act, R.S.O. 1990, Chapter P.33, as amended.
- 4.2 For the purpose of subsection 4.1, each day on which a person contravenes any of the provisions of this By-law, it shall be deemed to constitute a separate offence under this By-law.
- 4.3 The court in which the conviction is entered and any court of competent jurisdiction thereafter, may make an order prohibiting the continuation or repetition of the offence by the person convicted, and such order shall be in addition to any other penalty imposed on the person convicted.

5. **OBSTRUCTION**

5.1 No person shall hinder or obstruct, or attempt to hinder or obstruct, any Law Enforcement Officer who is exercising a power of performing a duty under this By-law.

5.2 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. Any failure to do so shall be deemed to have obstructed or hindered the By-law Enforcement Officer in the execution of his/her duties.

6. **SEVERABILITY**

6.1 If any section, subsection, part or parts of this By-law is declared by any court of law to be illegal or unenforceable, such section, subsection, part or parts shall be deemed to be severable and all parts hereof are declared to be separate and independent and will continue to operate in full force.

7 **REPEAL**

7.1 That By-Law 93-40 is hereby repealed.

8. **SHORT TITLE**

8.1 This By-Law may be referred to as the "Snowmobile By-law".

9. **FORCE AND EFFECT**

9.1 This by-law shall come into force and take effect on the date of passing.

READ A FIRST and SECOND time, this 13th day of October, 2020.

READ A THIRD time and FINALLY PASSED this 13th day of October, 2020.



Mayor



Clerk

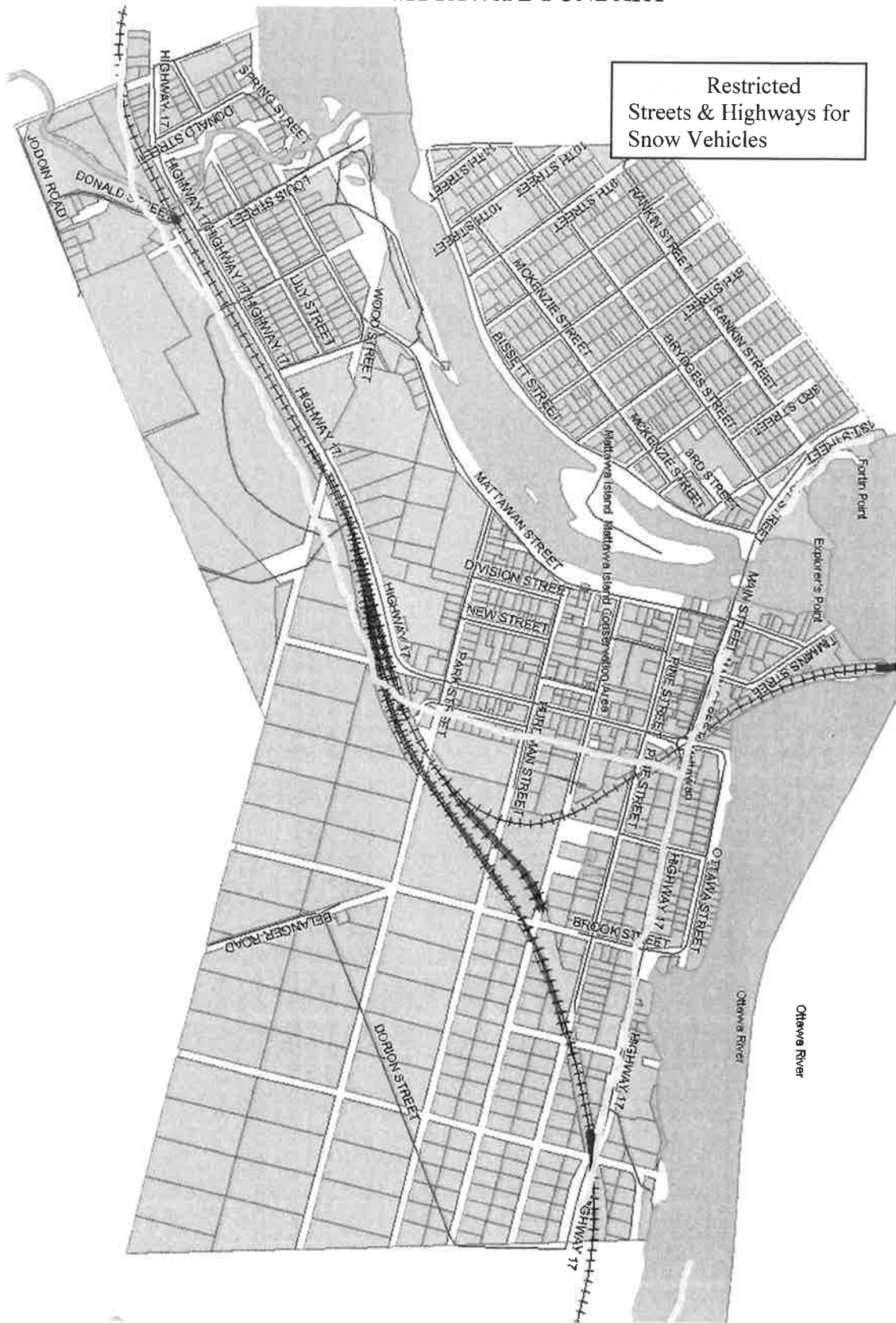
Schedule "A" of By-Law No. 20-29

**RESPECTING THE PROHIBITED OPERATION OF
MOTORIZED SNOW VEHICLES ON HIGHWAYS**

HIGHWAY	SIDE	BETWEEN
Kings Highway 17 East	Both	Dorion Street at the East entrance of Mattawa to the roundabout at McConnell Street.
Kings Highway 17 West	Both	West Street at the West entrance of Mattawa to the roundabout at McConnell Street.
Highway 533	Both	From the intersection at the roundabout to the intersection at Gorman and water Street (Main Street)

Schedule "B" to By-Law 20-29

TOWN OF MATTAWA BOUNDARY



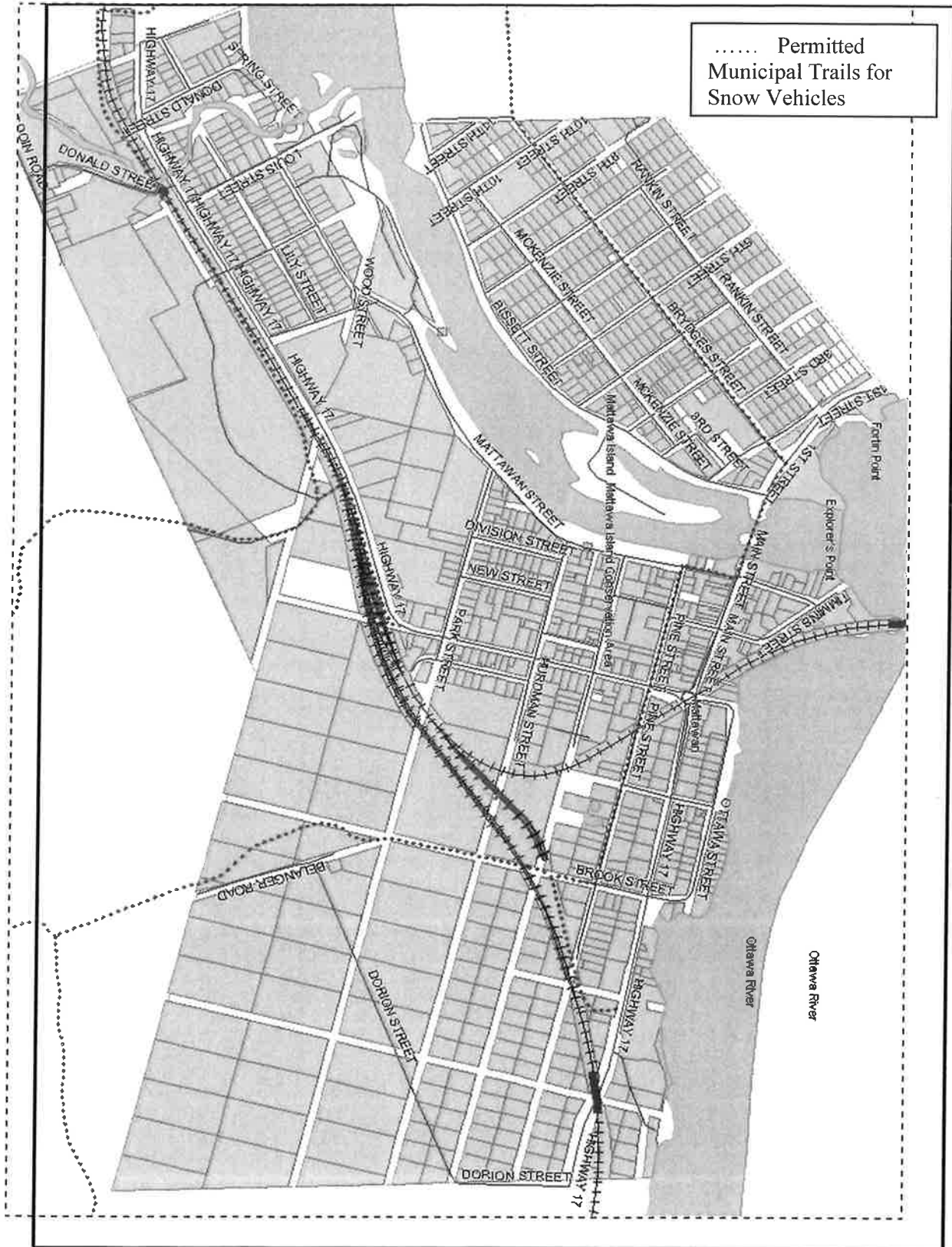
Schedule "C" of By-Law No. 20-29

PERMITTED MUNICIPAL TRAIL LOCATIONS

TRAIL NAME	FROM & TO POINTS	NOTES
Sewage Lagoon Site	Moosehead Road to Mattawa River	Groomed Trail
Brydges Street	Moosehead Road to First Street (Hwy 533)	Non Groomed Trail (Residential access/egress only)
First Street (Hwy 533)	Brydges Street across Bridge to Gorman Street	Non Groomed (Residential access/egress only)
Gorman Street	From intersection at Main and Gorman Street to Pine Street	Non Groomed (Residential access/egress only)
Pine Street	From intersection at Gorman and Pine Street to Brook Street	Non Groomed (Residential access/egress only)
Brook Street	From intersection at Brook and Pine Street to Dorion Road	Groomed Trail

Schedule "D" of By-law No. 20-29

PERMITTED MUNICIPAL TRAIL LOCATIONS



Schedule “D” of By-law No. 20-29

THE CORPORATION OF THE TOWN OF MATTAWA – SET FINES

PART 1 – PROVINCIAL OFFENCES ACT

Being a By-Law to Govern and Regulate the use of Motorized Snow Vehicles within the Town of Mattawa.

ITEM	COLUMN 1 Short form wording	COLUMN 2 Provision creating or defining offence	COLUMN 3 Set fine
1	Operate motorized snow vehicle upon sidewalk.	Section 2.1	\$105
2	Operate motorized snow vehicle upon highway.	Section 2.2	\$105
3	Operate motorized snow vehicle upon restricted street.	Section 2.3	\$105
4	Operate motorized snow vehicle on private property without authorization of owner or occupier.	Section 2.5	\$105
5	Operate motorized snow vehicle on publicly owned property without authorization.	Section 2.6	\$105
6	Operate motorized snow vehicle over speed limit.	Section 2.7	\$105
7	Person obstruct By-law Officer in the execution of their duties.	Section 5.1	\$200
8	Person hinder By-law Officer in the execution of their duties	Section 5.1	\$200
9	Person fail to identify themselves to By-law Officer.	Section 5.2	\$200

NOTE: The general penalty provision for the offences listed above is section 4 of By-law No. 20-29, a certified copy of which has been filed.