

BY-LAW NUMBER 2010-037

OF

THE CORPORATION OF THE TOWNSHIP OF UXBRIDGE

BEING A BY-LAW TO REGULATE, PROHIBIT AND GOVERN THE OPERATION OF MOTORIZED SNOW VEHICLES WITHIN THE TOWNSHIP OF UXBRIDGE

WHEREAS, Section 11 of the *Municipal Act, 2001, S.O 2001, c.25, as amended*, (the Act) provides that a municipality may pass a By-law with respect to the health, safety and well being of persons;

AND WHEREAS Sections 23.1, 23.2, 23.3 and 23.5 of the Act authorize a municipality to delegate certain powers and duties;

AND WHEREAS Section 425 of the Act authorizes a municipality to provide offences for a contravention of a By-law;

AND WHEREAS Section 429 of the Act authorizes a municipality to establish a system of fines for offences under the By-law;

AND WHEREAS the *Motorized Snow Vehicles Act, R.S.O. 1990, Chapter M.44, as amended*, provides that a Council of a local municipality may pass By-laws regulating, governing or prohibiting the operation of motorized snow vehicles within the municipality;

AND WHEREAS The Council of the Corporation of the Township of Uxbridge deems it expedient to regulate, prohibit and govern the operation of motorized snow vehicles within the Township of Uxbridge;

NOW THEREFORE THE COUNCIL OF THE CORPORATION OF THE TOWNSHIP OF UXBRIDGE HEREBY ENACTS A BY-LAW AS FOLLOWS:

Section 1 - Definitions

1.1 In this By-Law:

- a) "Council" means the Council of the Corporation of the Township of Uxbridge;
- b) "Highway" shall have the same meaning as it has under the Highway Traffic Act R.S.O. 1990, Chapter.H.8 "*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; and includes highways under the jurisdiction of the Corporation of the Township of Uxbridge;
- c) "Motorized Snow Vehicle" means a self propelled vehicle designed to be driven primarily on snow;
- d) "Municipal Property" means property owned, managed or controlled by or made available by lease, agreement or otherwise to the Corporation of the Township of Uxbridge;

- e) "Officer" means a Police Officer or Municipal Law Enforcement Officer appointed by the Council of the Corporation of the Township of Uxbridge;
- f) "Park" means municipal property that is or hereafter may be established, dedicated, set apart or made available for use as a public park or garden by the Corporation of the Township of Uxbridge;
- g) "Person" means an individual and the words 'he' and 'she' are interchangeable with respect to this By-law;
- h) "Sidewalk" means that portion of any highway set apart or made available for the express purpose of conveying pedestrians, and shall also include any pedestrian sidewalk, path or other walkway within a park and shall include any specific area that may be designated by Council;
- i) "Township" means the Corporation of the Township of Uxbridge and the word Municipality and Township shall be interchangeable within the meaning of this By-law.

Section 2 – General Provisions

- 2.1 No person shall drive a motorized snow vehicle along any highway under the jurisdiction of the Township of Uxbridge or on any municipal lands or property unless the person is licensed in accordance with Sec. 9 of the Motorized Snow Vehicles Act R.S.O. 1990, Chapter M.44.
- 2.2 No person shall operate a motorized snow vehicle along any sidewalk within the Township of Uxbridge except where crossing such sidewalk at as close to a ninety degree angle as is practicable.
- 2.3 No person shall operate a motorized snow vehicle in any public park unless it is during a special event that has the prior written approval of Council; and notwithstanding the foregoing no person shall operate a motorized snow vehicle along any sidewalk within a park.
- 2.4 No person shall operate a motorized snow vehicle on any highway, or part thereof: at a speed of greater than 20 kilometers per hour if the posted speed limit is 50 kilometers per hour or less; or at a speed of greater than 50 kilometers per hour if the posted speed limit is greater than 50 kilometers per hour.
- 2.5 No person shall operate a motorized snow vehicle within any hamlet or in the urban area of Uxbridge between the hours of eleven (11)p.m. to seven (7)a.m. of the following day.
- 2.6 No person shall operate a motorized snow vehicle within the Township of Uxbridge without it being equipped with a muffler in good working order, and no person shall have any cut through muffler, straight pipe, bypass gutted or any other type of muffler or device designed or altered to increase the noise created by the motor of any such vehicle.
- 2.7 The owner of any motorized snow vehicle operated within the Township of Uxbridge, in contravention of any condition of this By-law shall be equally responsible as the actual operator of the vehicle, except where there is evidence that the vehicle was being operated without the consent of the owner at the time of the contravention, the burden of proof of which shall be the responsibility of the owner of such vehicle.

Section 3 - Exceptions

- 3.1 The provisions of this By-law shall not apply to:
- a) A member of a Police Service operating a motorized snow vehicle while engaged in the performance of his or her Police duties; or
 - b) A person operating a motorized snow vehicle for emergency purposes on a highway which has been closed to regular vehicular traffic due to snow or ice conditions.

Section 4 - Enforcement

- 4.1 This By-law shall be enforced by the Municipal Law Enforcement Officer(s) or any Police Officer;

Section 5 - Penalties

- 5.1 Every person who contravenes any of the provisions 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.

Section 6 – Short Title

- 6.1 This By-law may be referred to as the Motorized Snow Vehicle By-law.

Section 7 – Repeal of By-Law

- 7.1 By-law Number 94-009 is hereby repealed in its entirety.

Section 8 - Severability

- 8.1 If a court of competent jurisdiction should declare any section or part of any section of this By-law to be invalid, such section or part of a section shall not be construed as having persuaded or influenced Council to pass the remainder of this By-law and it is hereby declared that the remainder of this By-law shall be valid and shall remain in force.

Section 9 – Effective Date

- 9.1 This By-law shall come into force as of the date of its passing

READ a FIRST, SECOND and THIRD time and finally passed this 8th day of March, 2010.

BOB SHEPHERD
MAYOR

DEBBIE LEROUX
CLERK