

THE CORPORATION OF THE MUNICIPALITY OF CALLANDER

BY-LAW NO.2009-1138

Being a By-law to permit the operation of Motorized Snow Vehicles on Highways under the jurisdiction of the Corporation of the Municipality of Callander.

WHEREAS the Motorized Snow Vehicle Act R.S.O. 1990, Chapter M 44, Section 7(2), as amended, provides that the Council of the 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 the Council of the Corporation of the Municipality of Callander deems it desirable to regulate, govern or prohibit the operation of Motorized Snow Vehicles within the Municipality;

NOW THEREFORE the Council of the Corporation of the Municipality of Callander enacts as a By-Law of the Corporation as follows:

1. DEFINITIONS:

- 1.1 “Highway” means a common and public highway, street, road, avenue, laneway or bridge, any part of which is actually used by the general public for the passage of vehicles and includes the area between the lateral property lines thereof.
- 1.2 “Motorized Snow Vehicle” means a self-propelled vehicle designed to be driven primarily on snow.
- 1.3 “Municipality” means the Corporation of the Municipality of Callander.
- 1.4 “Park or Parking” when prohibited, means the standing of a Motorized Snow Vehicle, whether occupied or not, except when standing temporarily for the purpose of and while actually engaged in loading or unloading merchandise or passengers.
- 1.5 “Person” includes the singular or plural of female or male gender.
- 1.6 “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 pedestrians travel. In addition, “sidewalk” includes any property of the municipality that is, or hereafter may be, physically set apart or made available and intended for pedestrian use.
- 1.7 “Stand or Standing”, when prohibited, means the halting of a Motorized Snow Vehicle, whether occupied or not, except for the purpose of and while actually engaged in receiving or discharging passengers.
- 1.8 “Stop and Stopping”, when prohibited, means the halting of a Motorized Snow Vehicle, even momentarily whether occupied or not, except when necessary to avoid conflict with other traffic or in compliance with the directions of a police officer or of a traffic control sign or signal.

2. ADMINISTRATION

- 2.1 A Motorized Snow Vehicle is permitted to be operated on the traveled portion, including the shoulder, or any highway within the Municipality that is under the jurisdiction of the Municipality.
- 2.2 A Motorized Snow Vehicle shall not be operated on highways unless it meets the equipment requirements of Sections 7 to 15 of Ontario Regulation 316/03 and it is operated in accordance with Sections 16 to 24 of Ontario Regulation 316/03, S.6.

- 2.3 A Motorized Snow Vehicle shall not driven at a rate of speed greater than:
- (a) 20 kilometres per hour, if the speed limit established under the Highway Traffic Act or by Municipal By-Law for that part of the highway is not greater than 50 kilometres per hour; or
 - (b) 50 kilometres per hour, if the speed limit established under the Highway Traffic Act or by Municipal By-Law for that part of the highway is greater than 50 kilometres per hour.
- 2.4 All applicable provisions of the *Highway Traffic Act*, R.S.O. 1990 as amended and *Ontario Regulation 316/03* as amended shall apply to the operation of Motorized Snow Vehicles on highways.
- 2.5 No person shall operate a Motorized Snow Vehicle:
- a)
 - i) On any private property without consent of the owner
 - ii) On any municipal public property without the consent of the municipality
 - b) On any sidewalk within the Municipality of Callander
3. If a court of competent jurisdiction should declare any section or part of a section of this by-law to be invalid, such section or part of a section shall not be constructed as having persuaded or influenced Council to pass the remainder of the by-law and it is hereby declared that the remainder of the by-law shall be valid and shall remain in force.
4. Any person operating a Motorized Snow Vehicle in contravention of this by-law shall be guilty of an offence and subject to the penalties provided by law.
5. This by-law shall come into force and take effect upon third and final reading.
6. That By-Law No. 99-711 is hereby repealed.

READ A FIRST TIME THIS 21^{rst} DAY OF APRIL, 2009

READ A SECOND TIME THIS 21^{rst} DAY OF APRIL, 2009

READ A THIRD TIME AND FINALLY PASSED THIS 21^{rst} DAY OF APRIL, 2009

MAYOR, Hector Lavigne

CLERK, Jeff Celentano