

THE CORPORATION OF THE TOWNSHIP OF SPRINGWATER

BY-LAW NO. 98-007

Being a By-law for regulating, governing or prohibiting the operation of motorized snow vehicles upon certain highways, parks and lands in the Springwater and to replace Elmvale By-law No. 72-3 and Flos By-law No. 90-48

(REGULATE SNOWMOBILES)

WHEREAS the Township of Springwater was incorporated under the Simcoe County Act, S.O. 1993 through the amalgamation of the Village of Elmvale with specified portions of the Township of Flos, Township of Medonte, Township of Vespra and Town of Wasaga Beach;

AND WHEREAS Section 44 of the Simcoe County Act provides that every by-law of a former municipality pertaining to an area included in a local municipality shall be deemed to be a by-law of the local municipality of which that area now forms a part and shall remain in force and effect until the earlier of the date it is amended or repealed and the 31st day of December, 1997;

AND WHEREAS the former Village of Elmvale had enacted By-law No. 72-3 to prohibit the operation of motorized snow vehicles in certain areas and at certain times within the Corporation of the Village of Elmvale;

AND WHEREAS the former Township of Flos enacted By-law No. 90-48 to prohibit the use of motorized snow vehicles, off road vehicles and all-terrain vehicles in Public Parks within the Township of Flos;

AND WHEREAS Section 7 of the Motorized Snow Vehicles Act provides that a council of a local municipality may pass by-laws regulating and governing the operation of motorized snow vehicles within the municipality including highways therein or any part or parts thereof;

AND WHEREAS Section 207, Paragraph 42 provides that councils of local municipalities may pass by-laws for prohibiting carriages, wagons, bicycles, sleighs and other vehicles and conveyances of every description, and whatever motive power, or any particular kind or class of such vehicles or conveyances being used upon, drawn, hauled or propelled along or upon any sidewalk, pathway or footpaths used by or set aside for the use of pedestrians and forming part of any highway or bridge, boulevard or other means of public communication, or being in or upon any highway, boulevard, park, park-lot, garden or other place set apart for ornament or embellishment or for public recreation;

AND WHEREAS the Council of The Corporation of the Township of Springwater deems it desirable and necessary to enact a By-law for regulating, governing or prohibiting the operation of motorized snow vehicles upon certain highways, parks and lands in the Township of Springwater and to replace Elmvale By-law No. 72-3 and Flos By-law No. 90-48;

NOW THEREFORE the Council of The Corporation of the Township of Springwater enacts as follows:

1. DEFINITIONS

THAT for the purpose of this By-law:

- 1.1 "boulevard" means all parts of the highway save and except any roadway, shoulder or sidewalk;
- 1.2 "Council" means the Council of The Corporation of the Township of Springwater and may include a Committee of Council appointed to deal with matters under this By-law;

- 1.3 “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;
 - 1.4 “motorized snow vehicles” means a self-propelled vehicle designed to be driven primarily on snow;
 - 1.5 “officer” means a Municipal Law Enforcement Officer appointed by Council or any authorized member of the Ontario Provincial Police or any other person appointed or designated by Council to provide law enforcement services in the Township of Springwater;
 - 1.6 “pedestrian walkway” means any lands other than a sidewalk set aside by the Township of Springwater for the use of pedestrians; or
 - 1.7 “person” means any human being, firm, association, partnership, private club, common, joint tenants, agent or trustee and the heirs, executors or other legal representatives of a person to whom the context can apply according to law;
 - 1.8 “Public Works Superintendent” means the Public Works Superintendent appointed by the Council, or Designate;
 - 1.9 “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;
 - 1.10 “shoulder” means that part of the highway immediately adjacent to the roadway and having a surface which has been improved with asphalt, concrete or gravel for the use of vehicles;
 - 1.11 “sidewalk/footpath” means that portion of a highway as is set aside by the Township of Springwater for the use of pedestrians;
 - 1.12 “Township” means The Corporation of the Township of Springwater;
 - 1.13 “trail” means the whole of any trail established and maintained by a recreational organization for the use of motorized snow vehicles;
- 2. OPERATION OF MOTORIZED SNOW VEHICLES PROHIBITED IN CERTAIN AREAS**
- 2.1 No person shall operate or permit to be operated a motorized snow vehicle in any of the following locations within the Township of Springwater:
 - 2.1.1 on any sidewalk;
 - 2.1.2 on any pedestrian walkway;
 - 2.1.3 on the municipal easement for parking at the Elmvale Community Arena;
 - 2.1.4 in any park, parkland or other property owned or operated by the Township for recreational purposes, except with the permission of the Township or Recreation Board of Management;
 - 2.1.5 on any other property owned by the Township including an unopened road allowance except with the written permission of the Township;
 - 2.2 Notwithstanding Section 2.1 above, motorized snow vehicles may operate:
 - 2.2.1 on any roadway, shoulder or boulevard under the jurisdiction of the Township provided that such operation of a motorized snow vehicle complies with the Motorized Snow Vehicles Act; or

2.2.2 on a trail has been established under a lease or some other agreement with the Township and/or other property owner; or

2.2.3 in a municipal parking lot for the purposes of parking

2.3 The Public Works Superintendent, or Designate, may erect signs to advise the public of locations where motorized snow vehicles are prohibited under this Section.

3. OFFENSES AND PENALTIES

3.1 Every person who:

(a) wilfully hinders or interrupts, or causes or procures to be hindered or interrupted the Township, its officers, contractors, agents, servants, or workers in the exercise of any of the powers conferred under this By-law, or

(b) who contravenes any provision of this By-law.

is guilty of an offence and is subject to a penalty pursuant to the Provincial Offences Act, R.S.O. 1990, Chapter P.33, as amended.

3.2 The conviction of an offender upon the breach of any provisions of this By-law shall not operate as a bar to a prosecution against the same offender upon any continued or subsequent breach of any provisions of the Municipal Act, R.S.O., M.45, s.327, as amended from time to time, and shall further apply to any continued or repeated breach of this By-law.

4. GENERAL PROVISIONS

4.1 If any court of competent jurisdiction finds that any of the provisions of this By-law are ultra vires, or are invalid for any reason, such provision shall be deemed to be severable and shall not invalidate any of the other provisions of the By-law which shall remain in full force and effect.

4.2 Where the context permits, words importing the singular also include more than one persons, parties or things of the same kind.

4.3 Where the context permits, words importing the masculine gender, also include female as well as male.

4.4 The word "May" shall be construed as permissive and the word "Shall" shall be construed as imperative.

4.5 This By-law shall be cited as the "Regulate Snowmobiles By-law" .

5. FORCE AND EFFECT

5.1 THAT this By-law shall take force and effect upon final passage hereof.

BY-LAW READ A FIRST AND SECOND TIME THIS 19TH DAY OF JANUARY, 1998.

BY-LAW READ A THIRD TIME AND FINALLY PASSED THIS 19TH DAY OF JANUARY, 1998.

THE CORPORATION OF THE TOWNSHIP OF SPRINGWATER

Mayor Helen E. Coutts

Clerk Eleanor J. Rath