

TOWN OF FORT FRANCES

DRAFT BY-LAW

**A BY-LAW OF THE CORPORATION OF THE TOWN OF FORT FRANCES
TO REGULATE THE USE OF MOTORIZED SNOW VEHICLES WITHIN THE
TOWN OF FORT FRANCES.**

WHEREAS The Motorized Snow Vehicles Act, R.S.O. 1990, Chapter M 44 Section 7 provides that 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 thereof;

AND WHEREAS The Council of the Corporation of the Town of Fort Frances deems it desirable to regulate, govern and prohibit motorized snow vehicles on municipal highways, school zones as specified in this by-law;

AND WHEREAS on February 8th, 2021, Council approved a recommendation from the Planning & Development Executive Committee to review and update the by-law pertaining to motorized snow vehicles within the Municipality;

AND WHEREAS In keeping with supporting the Borderland Snowmobile Club the Municipality will provide access routes for motorized snow vehicles within the Municipality and;

AND WHEREAS The Municipal Act, 2001, as amended, provides that a municipality may establish a system of fines for offences, subject to section 429 under by-law of the municipality passed under the Act.

NOW THEREFORE, the Council of The Corporation of the Town of Fort Frances enacts as follows:

SECTION 1- Definitions

Definitions in this by-law:

“by-law enforcement officer” – means the person or persons duly appointed by Council as Municipal Law Enforcement Officers for the purpose of enforcing all regulatory by-laws;

“council” – means the Municipal Council of the Town of Fort Frances;

“highway: - means a highway as defined in the Highway Traffic Act R.S.O. 1990, Chapter H-8, as amended and includes, but not limited to a street, lane, parkway, boulevard or any other Town Right-of-Way:

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

“municipality” – means the land within the geographic limit of the Town of Fort Frances;

“noise(s)” – means unwanted sound;

“police officer” means a member of the Ontario Provincial Police;

“private property” – means property which is privately owned and is not property owned by the Town;

“public property” – includes all lands owned by the Town, any local boards, any corporations owned or controlled by the Town and includes all Crown lands;

“regulations” – means regulations made under the Motorized Snow Vehicles Act, R.S.O. 1990, Chapter M 44;

“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 for pedestrian use. In addition, sidewalk includes any property in the Town that is or hereafter may be physically set apart or made available and intended for pedestrian use and to include walkways;

“town” – means the Corporation of the Town of Fort Frances;

SECTION 2 - GENERAL PROVISIONS

2.1 SHORT TITLE

This By-law shall be cited as the Snow Vehicles By-Law.

2.2 SCOPE

Except where otherwise provided, the provisions of this By-law shall apply to all persons and property within the geographic limits of the Town of Fort Frances.

2.3 ENFORCEMENT

This By-law shall be enforced by a By-Law Enforcement Officer for the Town of Fort Frances, or any member of the Ontario Provincial Police.

2.4 CONFLICTS WITH OTHER BY-LAWS

Where a provision of this By-law conflicts with a provision of another by-law in force in the Town, the provision that establishes the higher standard in terms of protecting the health, safety and welfare of the general public and the environmental wellbeing of the municipality, shall prevail to the extent of the conflict.

2.5 SEVERABILITY

Should any section of this by-law be declared by a Court of competent jurisdiction to be ultra vires or illegal for any reason, the remaining parts shall nevertheless remain valid and binding, and shall be read as if the offending section or part had been struck out.

SECTION 3 – REGULATIONS

3.1 Every person shall operate a motorized snow vehicle in accordance with this by-law and the Motorized Snow Vehicles Act, R.S.O. 1990, Chapter M 44 and any other relevant Provincial Statutes and Regulations, as may be amended from time to time, while in the Town of Fort Frances.

3.2 Every person who operates a motorized snow vehicle in accordance with this by-law shall be trying to access a snowmobile trail, lake access, access to a residence or a local service/business.

3.3 No person shall operate a motorized snow vehicle at a speed greater than 20km/h.

3.4 Every operator of a motorized snow vehicle shall be at least 16 years of age and possess a valid driver's license or a motorized snow vehicle license.

3.5 Every person shall operate a motorized snow vehicle on the highways listed in green in the Town of Fort Frances in accordance with the attached Schedule A.

3.6 No person shall operate a motorized snow vehicle on any Town owned property, pathway, sidewalk, or other foot path used by or set apart for the use of pedestrians and any highway listed in red in the Town of Fort Frances in accordance with the attached Schedule A.

3.6.1 Highways listed in red in Schedule A attached, may be crossed for the purpose of accessing a permitted highway, property, or business/service.

3.7 No person shall operate a motorized snow vehicle on the highways listed in purple (School Zones - between the hours of 8:00am-9:00am and 3:00pm-4:00pm, Monday-Friday) in the Town of Fort Frances in accordance with the attached in Schedule A.

3.8 No person shall operate a motorized snow vehicle on the highways between the hours of 11:00pm to 7:00am.

3.9 The provisions of this by-law shall only apply once the snowmobile trails entering Fort Frances show available, or limited availability on the OFSC interactive trail guide and further that the provisions shall cease once the snowmobile trails entering Fort Frances show unavailable on the OFSC interactive trail guide.

SECTION 4 – EXCEPTIONS

4.1 No part of this by-law shall apply to the Ontario Provincial Police, Rainy River District EMS, Fort Frances Fire/Rescue Service, Utility Companies, or the Town of Fort Frances whilst in the course of their legal duties.

4.2 That in the event of an emergency weather situation, the Mayor or Deputy Mayor through the Municipal Emergency Control Group may waive the provisions of this by-law upon giving proper notice to its residents and also to reinstate and again enforce the provision of this by-law once such emergency weather situation ceases to exist.

SECTION 5 – INTERFERE

5.1 No person shall interfere with or hinder a By-Law Enforcement Officer or Police Officer in the performance of their duties.

5.2 No person shall refuse to produce any documents or things required by a By-Law Enforcement Officer or Police Officer in the exercise of a power or performance of a duty under this by-law.

5.3 No person shall knowingly furnish false information to a By-Law Enforcement Officer or Police Officer.

SECTION 6 – PENALTIES

6.1 GENERAL PENALTIES

Every person who contravenes any provision of this by-law is guilty of an offence and on conviction where a fine for the contravention is not otherwise provided for herein is liable to a fine not exceeding \$1,000.00 pursuant to the Provincial Offences Act, R.S.O., 1990, c. P.33, As amended. Where an offence is a continuing offence, each day that the offence is continued shall constitute a separate and distinct offence.

SECTION 7 - REPEAL

7.1 By-Law 66/90 and all amendments are hereby repealed.

This By-Law shall come into force and take effect on the final passing thereof.

READ THREE TIMES and finally passed in open Council this 22 day of March 2021.

J. Caul, Mayor

E. Slomke, Clerk