

THE CORPORATION OF THE MUNICIPALITY OF RED LAKE

By-LAW No. 5-01

BEING A BY-LAW TO REGULATE, GOVERN AND CONTROL MOTORIZED SNOW VEHICLES IN THE MUNICIPALITY

WHEREAS Sub-Section 7(2) of The Motorized Snow Vehicle Act, R.S.O. 1990, Chapter M.44, as amended, provides that the council of a local municipality may pass by-laws for the 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 Red Lake deems it desirable to regulate, govern and prohibit the operation of motorized snow vehicles within the municipality;

NOW THEREFORE the Council of the Corporation of the Municipality of Red Lake hereby ENACTS AS FOLLOWS:

PART 1 - DEFINITIONS AND INTERPRETATION

1. DEFINITIONS

- 1.1 "HIGHWAY" includes a common and public highway, street, avenue, parkway, driveway, square, place, bridges, viaduct or trestle, and 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.
 - 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 Red Lake.
 - 1.4 "RACE" means any competition of speed between two or more snowmobiles and/or drivers thereof.
 - 1.5 "ROADWAY" means that 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 of the roadways collectively.
 - 1.6 "TRAIL" means the whole of any trail established or maintained by a recreational organization and any permitted trails utilized for the purpose of gaining access to established trails, for the use of motorized snow vehicles.
 - 1.7 "TRAIL PERMIT" means a valid Trail Permit from the Ontario Federation of Snowmobile Clubs or valid out of province Trail Permit for motorized snow vehicles licensed in another jurisdiction.
- 2.1 No person shall operate a motorized snow vehicle on any trail (as defined in Section 1.6) in the Municipality without a valid Trail Permit.
 - 2.2 A motorized snow vehicle operated on any trail (as defined in Section 1.6) in the Municipality shall display a valid Trail Permit.
 - 2.3 The preferred routes to enter and leave the Municipality are as per Schedules "A", "B", "C", "D" and "E". A person operating a motorized snow vehicle shall use the closest route to access the preferred routes. Trail Permits are not required within the town sites as per Schedules "A", "B", "C", "D" and "E".
3. Except as herein permitted, no person shall operate a motorized snow vehicle on private property within the Municipality except where authorized to do so by the owner or occupier of the private property concerned.

4. 4.1 The Municipality of Red Lake and the Red Lake Trailmasters Snowmobile Club Inc. (the supervising club), shall enter into a Memorandum of Agreement (Appendix "F") which gives the supervising recreational club limited permission for the entry and recreational use of motorized snow vehicles within the Municipality.
- 4.2 As supervising recreational club, the Trailmasters Snowmobile Inc. shall annually submit the conditions under which riding on the premises described shall be permitted, for approval by the Municipality of Red Lake.
- 4.3 The owner of a motorized snow vehicle operating the vehicle in the Municipality of Red Lake shall do so in accordance with the conditions of the supervising recreational club.
- 4.4 A person entering and using the areas referred to in Section 2 (2.3) will do so in a lawful manner and in accordance with the Motorized Snow Vehicle Act and such other conditions approved annually by the Council of the Municipality of Red Lake.
- 4.5 A person's permission to enter and use the premises is withdrawn where the person receives oral or written notice from the Municipality of Red Lake prohibiting the person from entering or directing the person to leave.
- 4.6 In exchange for the Municipality's permission to enter and use the land for recreational purposes, the supervising club promises to fulfil the following undertakings:
 - (a) The supervising club agrees to post the areas with signs and markings in accordance with the Trespass to Property Act in order to carry out the Municipality's intentions.
 - (b) The supervising club agrees to post the premises with signs and markings in accordance with the standards of safety issued by the Ontario Federation of Snowmobile Clubs.
 - (c) The supervising club agrees to maintain the trail in safe condition, to not create danger with the deliberate intent of doing harm to a person or his property, and not to act with reckless disregard to the presence of a person or his property.
 - (d) The supervising club agrees to remove any litter caused by the recreational entrants on the Municipality's property on an annual basis, and within ten days of the expiry of the permission.
 - (e) The supervising club agrees to remove all signs posted in accordance with the Trespass to Property Act on or within ten days of the termination of permission.
 - (f) The supervising club agrees to provide the Municipality with proof of liability insurance coverage in the amount of Five Million Dollars (\$5,000,000.00).
 - (g) The supervising club agrees to always use the Municipality's land in the spirit of conservation, to take nothing but pictures and to leave nothing but tracks behind.
5. No person shall drive a motorized snow vehicle across a roadway except at an angle of approximately ninety degrees to the direction of the roadway and only after the driver of such vehicle has ascertained that such movement can be made in safety.

6. Except as herein permitted, no person shall operate a motorized snow vehicle within the boundaries of the Municipality, after the hour of 11 o'clock p.m. or before the hour of six o'clock a.m. of the following day, other than for emergency or for the purpose of going to a specific destination.
7. No person shall drive a motorized snow vehicle, at a greater speed than:
 - (1) 20 kilometres per hour,
 - (a) on a highway where the speed limit established pursuant to the Highway Traffic Act is 50 kilometres or less, or
 - (b) in any publicly owned parkland, or
 - (2) 50 kilometres per hour,
 - (a) on any highway which is open to motor vehicle traffic, where the speed limit established pursuant to the Highway Traffic Act is greater than 50 kilometres per hour, or
 - (b) on a trail.
8. No person having care and control of a motorized snow vehicle shall deposit or cause to be deposited any material, likely to become litter.
9. The driver of a motorized snow vehicle shall not follow a vehicle, including a motorized snow vehicle more closely than is reasonable and prudent having due regard for the speed of the motorized snow vehicle, other traffic and conditions generally.
10. Every driver of a motorized snow vehicle, shall obey the instructions and directions indicated on any sign erected pursuant to the provisions and regulations of the Motorized Snow Vehicle Act.
11. No person shall engage in, or organize a snowmobile race unless approved in advance by the Council of the Corporation of the Municipality of Red Lake.
12.
 - 12.1 No person shall operate a motorized snow vehicle unless it is equipped with a muffler in good working condition.
 - 12.2 No person shall operate a motorized snow vehicle which has a muffler cut out, straight exhaust, gutter muffler, hollywood muffler by-pass or similar device, alteration or modification upon it.
 - 12.3 Sub-sections (1) and (2) shall not apply to a motorized snow vehicle while it is driven in a race approved by the Council of the Corporation of the Municipality of Red Lake.
13. The provisions of this By-Law shall not prevent or prohibit the operation of a motorized snow vehicle which is on patrol or in any emergency by a By-Law Enforcement Officer designated by the Municipality for enforcement of this By-Law or the Motorized Snow Vehicle Act, or the Ontario Provincial Police, Special Constables appointed for the enforcement of this By-Law or the Motorized Snow Vehicle Act or any Peace Officer or Provincial Offences Officer.
14. The Owner of a motorized snow vehicle shall incur the penalty provided for any contravention of this By-Law, unless at the time of the contravention the motorized snow vehicle was in the possession of some other than the owner without the owner's consent and the driver or operator of the motorized snow vehicle, not being the owner, shall also incur the penalties provided for any such contravention.

PART II - OFFENCES AND PENALTIES

1. **SUBJECT TO THE PROVISIONS OF THE PROVINCIAL OFFENCES ACT**

1.1 Any fine imposed or offence created by this By-Law is subject to and shall be governed by the provisions of The Provincial Offences Act R.S.O. 1990, Chapter P.33, and amendments thereto.

1.2 **Penalties**

Any person who contravenes any of the provisions of the sections or sub-sections of this By-Law is guilty of an offence.

1.3. Every person who contravenes any of the provision of this By-Law is guilty of an offence and upon conviction thereof, forfeit and pay a penalty of not more than \$5,000.00, exclusive of costs and every such fine recoverable under the Provincial Offences Act.


PART III - REPEAL AND ENACTMENT

1. THAT By-Law No. 108-00 is hereby repealed.

2. THAT this by-law comes int force and takes effect on the final passing thereof.

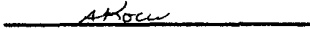
READ a FIRST and SECOND time this 16th day of January, 2001.


Duncan Wilson, Mayor


Shelly L. Kocis, Clerk

READ a THIRD and FINAL time and FINALLY PASSED this 16th day of January, 2001.

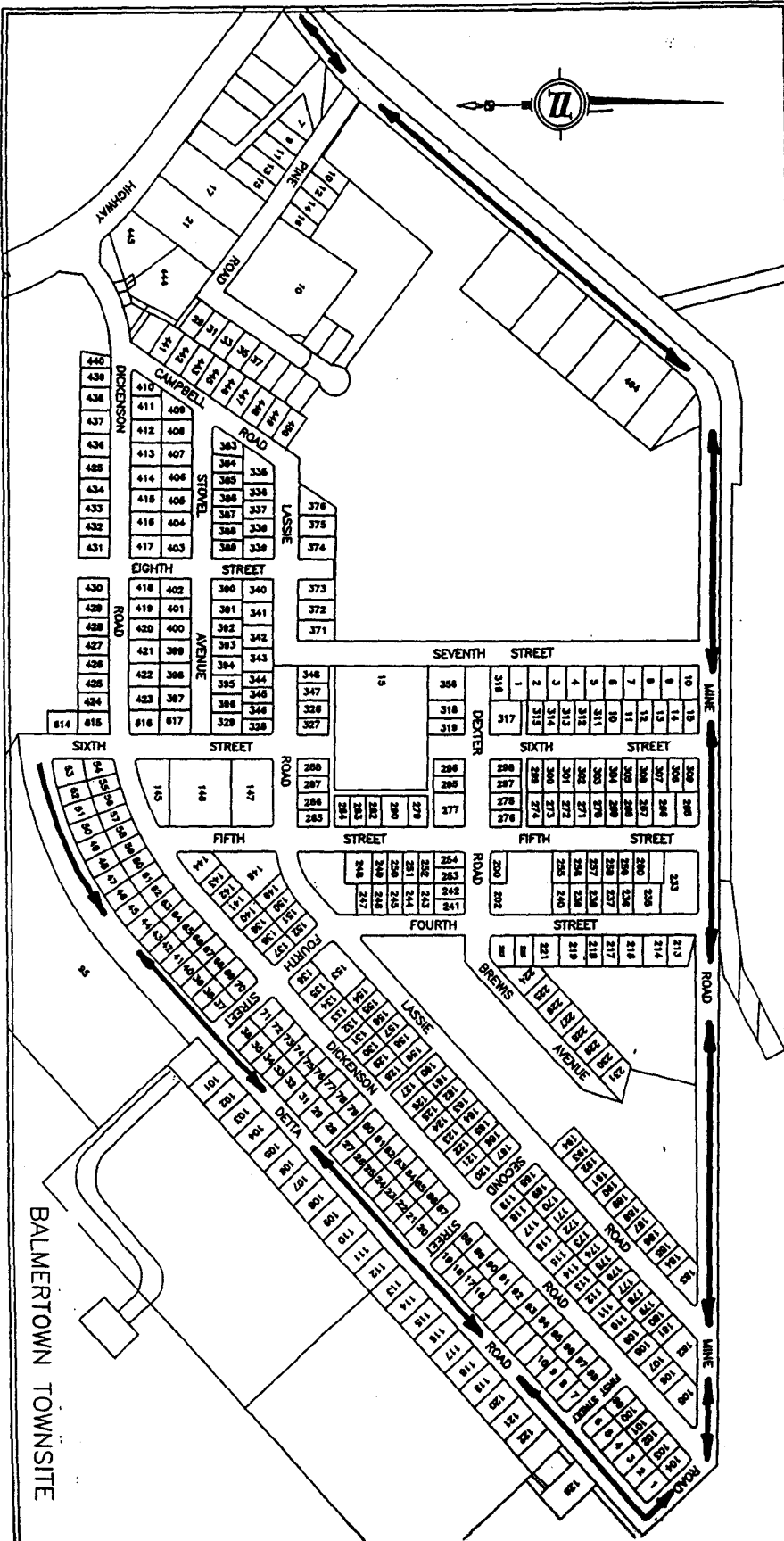

Duncan Wilson, Mayor


Shelly L. Kocis, Clerk

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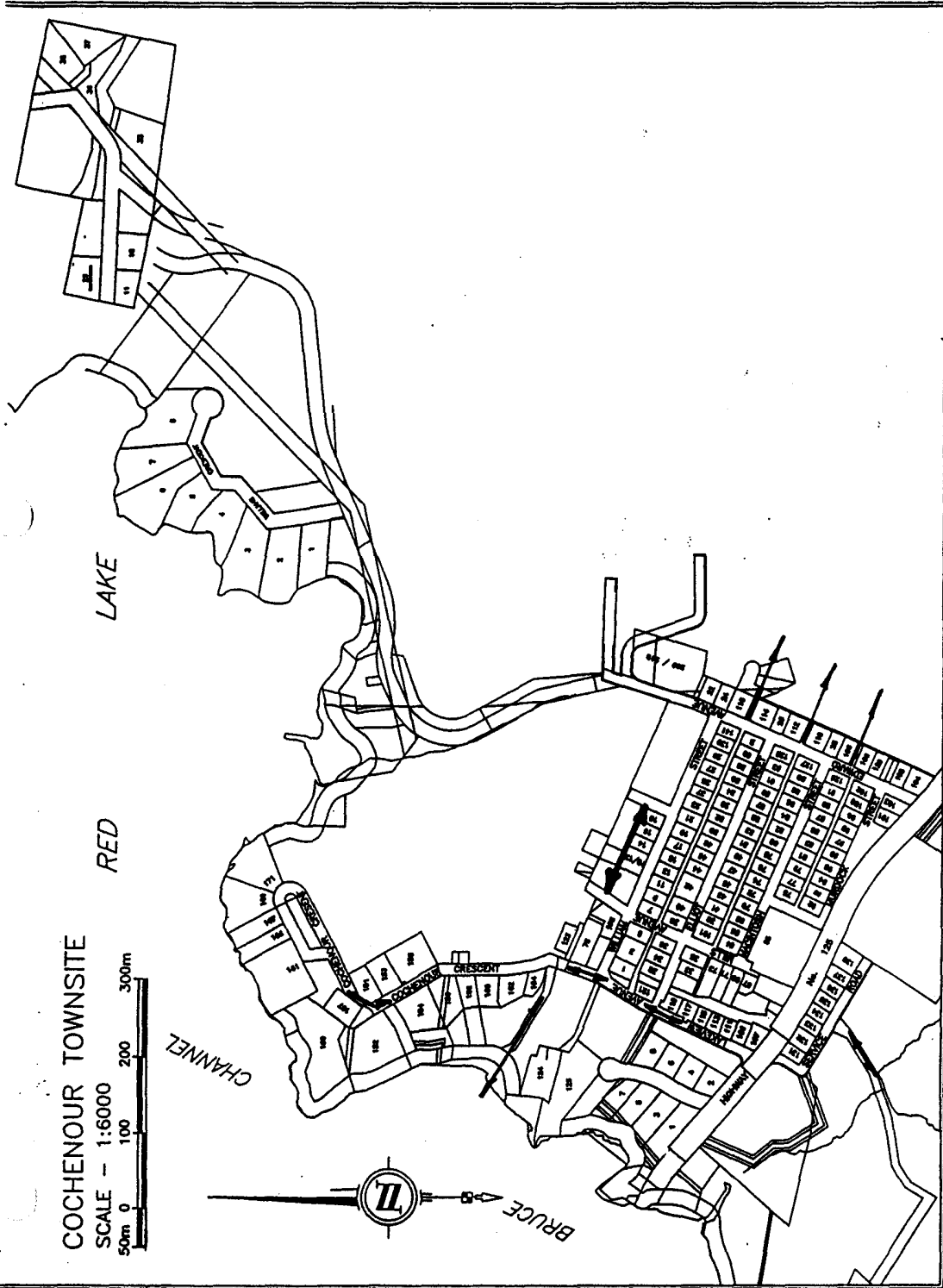
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NAME Protective Inspection & Control
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RD RG 108-00
CROSS CC: RD-OPP ✓
front counter ✓
Russ-CBO ✓
Chris Oakes ✓

SCHEDULE "A"
BALMERTOWN



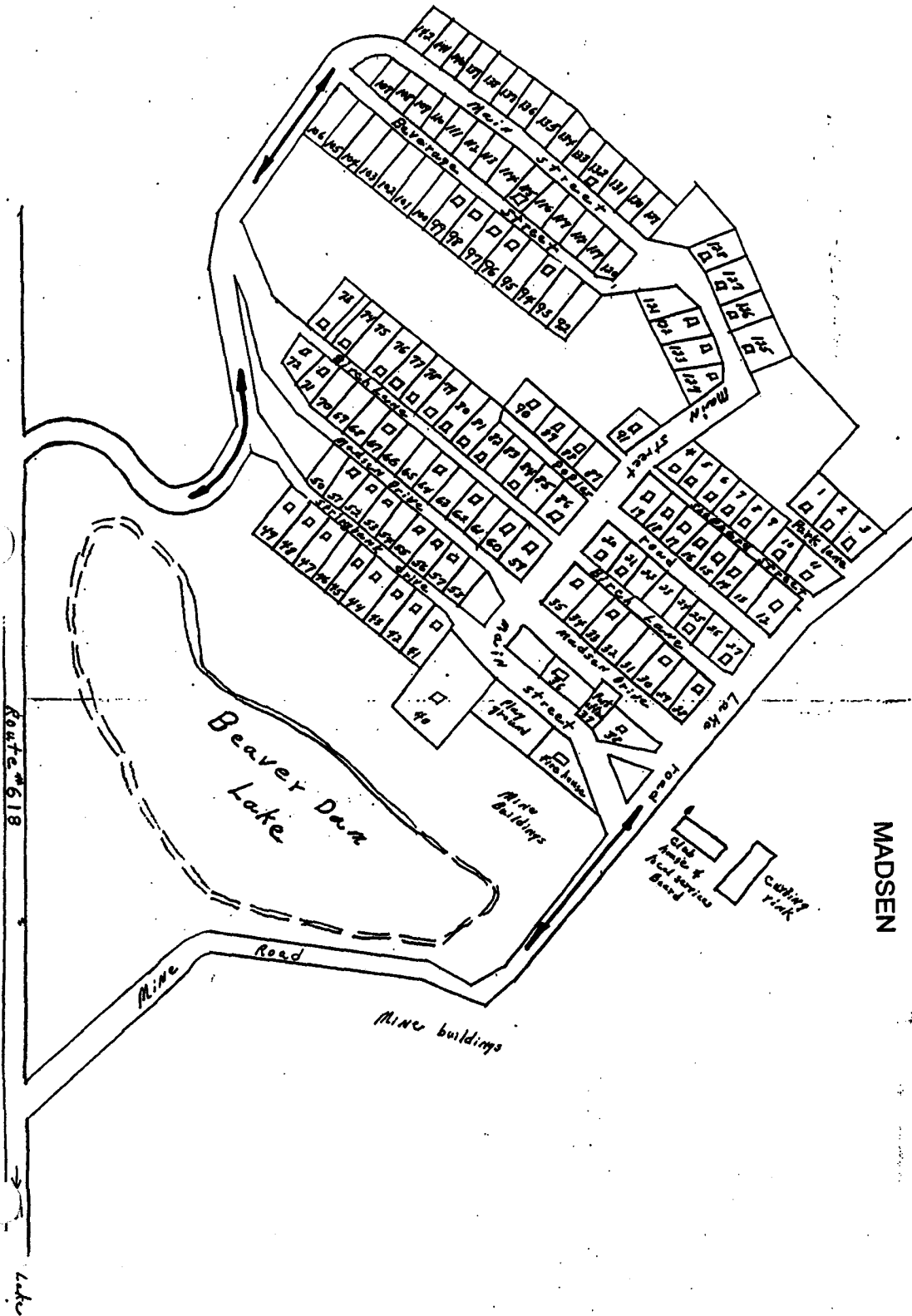
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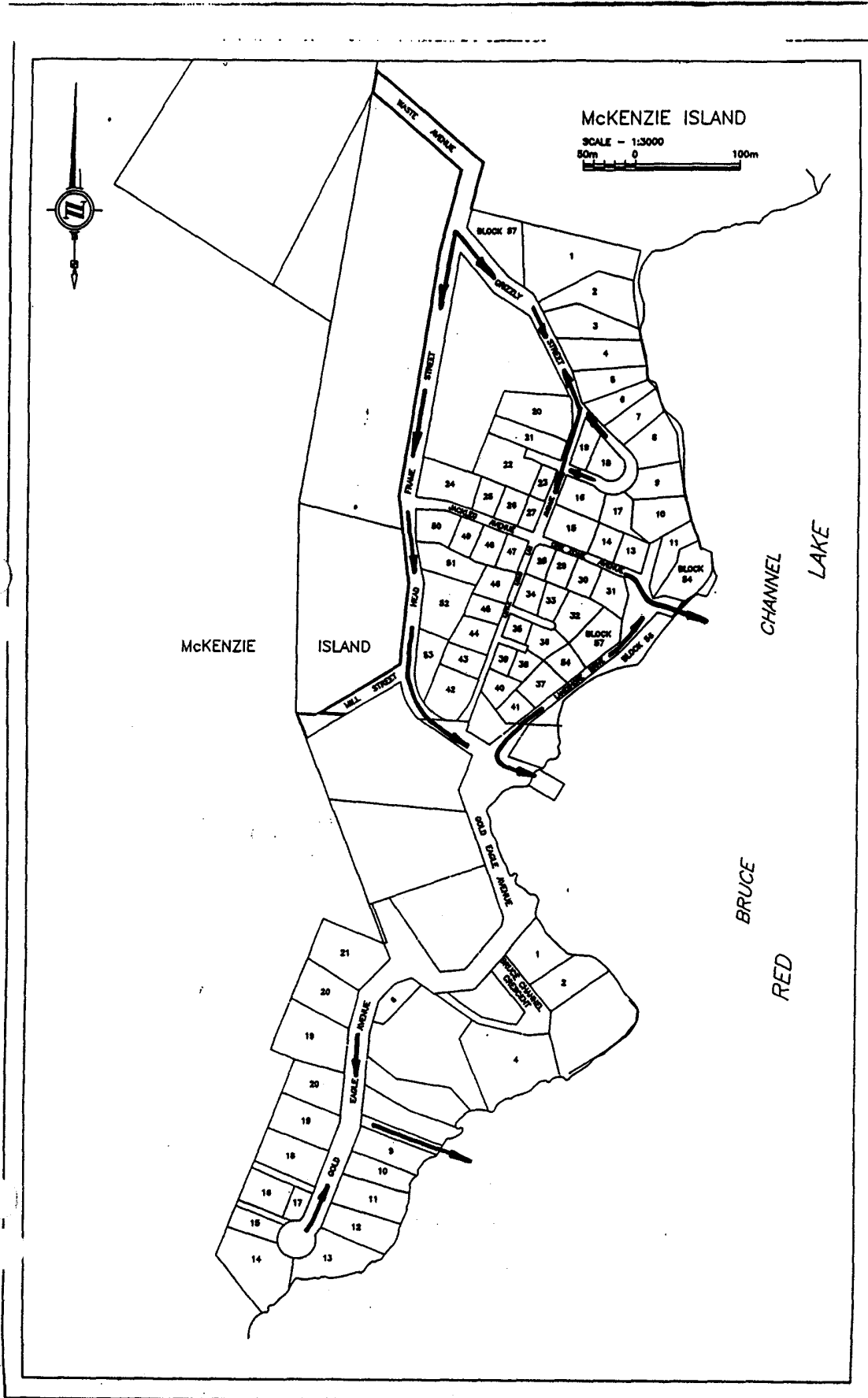


SCHEDULE "C"

MADSEN



SCHEDULE "D"
MCKENZIE ISLAND



SCHEDULE "E"

RED LAKE

RED LAKE

