

The Corporation of the City of Pembroke

By-law Number 2021-66

A By-law to regulate and govern the operation of motorized snow vehicles within the City of Pembroke

Whereas it is deemed expedient in the interest of public safety to regulate and govern the use of motorized snow vehicles in the City of Pembroke; and

Whereas the *Motorized Snow Vehicles Act*, as amended, provides that a municipality may pass by-laws, regulating, governing or prohibited the operation of motorized snow vehicles within the municipality including any highways therein or any part of parts thereof; and

Whereas the *Municipal Act*, as amended, provides that by-laws may be passed by a municipality to provide for the health, safety, and well-being of persons; and

Whereas the *Municipal Act*, as amended, provides that a municipality may pass by-laws providing that a person who contravenes a by-law of the municipality passed under the *Municipal Act*, is guilty of an offence; and

Whereas the *Municipal Act*, as amended, provides that a municipality may establish a system of fines for offences under a by-law passed under the *Municipal Act*.

Now Therefore the Municipal Council of the Corporation of the City of Pembroke enacts as follows:

Section 1 – Definitions

For the purpose of this by-law, the following words and phrases shall have the following meanings:

“Boulevard” means the portion of every highway within the limits of the City of Pembroke which is not used as a sidewalk, a roadway, or a roadway shoulder.

“By-law” means the Snowmobile By-law 2021-66

“City” means The Corporation of the City of Pembroke

“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.

“Motorized Snow Vehicles” means a self-propelled vehicle designed to be driven primarily on snow.

“Sidewalk” means that portion of a street between the curb lines or the lateral lines of a roadway and the adjacent property lines intended for the use of the pedestrians.

Section 2 – Restrictions

- a. No person shall operate a motorized snow vehicles on any sidewalk within the geographic boundaries of the City except to cross over such sidewalk.
- b. No person shall operate a motorized snow vehicle along any highway or part of any highway except on the prescribed route as depicted on “Schedule A - Algonquin Trail East”, “Schedule B - Algonquin Trail West”, and “Schedule C - Snowmobile South”, attached hereto unless it is to cross over such highway.

- c. No person shall operate a motorized snow vehicle on any pedestrian walkway, open space area, municipal park, or trail within the City except as noted in Section 2 b.
- d. No person shall operate a motorized snow vehicles on the prescribed route as set out in Schedule A, Schedule B and Schedule C attached hereto between the hours of 11:00 p.m. and 7:00 a.m.
- e. No person shall operate a snow vehicle within the geographic boundaries of the City in excess of posted speed limits. The maximum speed limit permitted throughout the City of Pembroke is 50 km/hour on rural parts of the trail and 20 km/hour on urban parts of the trail. Urban and rural sections and their respective speed limits will be delineated by signage.

Section 3 - Exceptions

- a. That the provisions of this by-law shall not apply to motorized snow vehicles operated by the following while engaged in the performance of their required duties:
 - A member of the Ontario Provincial Police;
 - An employee of the City of Pembroke;
 - County of Renfrew Paramedic Services and/or any other persons engaged in a bona fide rescue or emergency operation;
 - Utility services such as the Ottawa River Power Corporation, Bell Canada, Hydro One, etc.
 - By-law Enforcement Officers appointed by the City of Pembroke.
- b. Notwithstanding anything herein contained, a Motorized Snow Vehicle shall be permitted to operate and to be driven within the Municipality during an official emergency declared by the Head of the Council of the Corporation or a duly designated party thereof and in accordance with the emergency regulations as may be contained within the emergency declaration.
- c. Motorized Snow Vehicles shall be permitted to operate when such motorized snow vehicles as being driven in a parade or contest that is held under the authority of the Council of the Corporation of the City of Pembroke.

Section 4 – Enforcement

- a. The provisions of this by-law shall be subject to the provisions of the *Highway Traffic Act* and the *Motorized Snow Vehicles Act* and amendments thereto.
- b. This by-law shall be enforced by any Municipal By-law Enforcement Officer of the City or by any member of the Ontario Provincial Police.

Section 5 – Penalty

- a. The registered 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 person other than the owner without the owner's consent. In this instance, the operator not being the owner, shall incur the penalties provided for any such contravention.
- b. Any person who contravenes any provision 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, as amended.

Section 6 – General

- a. If a court of competent jurisdiction should declare any section or part of any section of this by-law invalid, the remainder of the by-law shall be valid and shall remain in force.
- b. Where a provision of this By-law conflicts with the provisions of another By-law in force in the City, the provision that establishes the higher standard to protect the health, safety and welfare of the general public shall prevail.

Section 7 – Short Title

The short title of this By-law is the “Snowmobile By-law”

Section 8 – Repeal

That by-law 2017-63 and other by-law inconsistent with the provisions contained in this by-law are hereby repealed.

Section 9 – Effective Date

- a. That this by-law shall come into force and come into force and take effect upon the date of the final passing thereof
- b. That Schedule D- Short Form Wording/Set Fines shall come into force and take effect upon approval by the Ontario “Court of Justice”.

Passed and Enacted 2nd Day of November 2021



Michael LeMay
Mayor

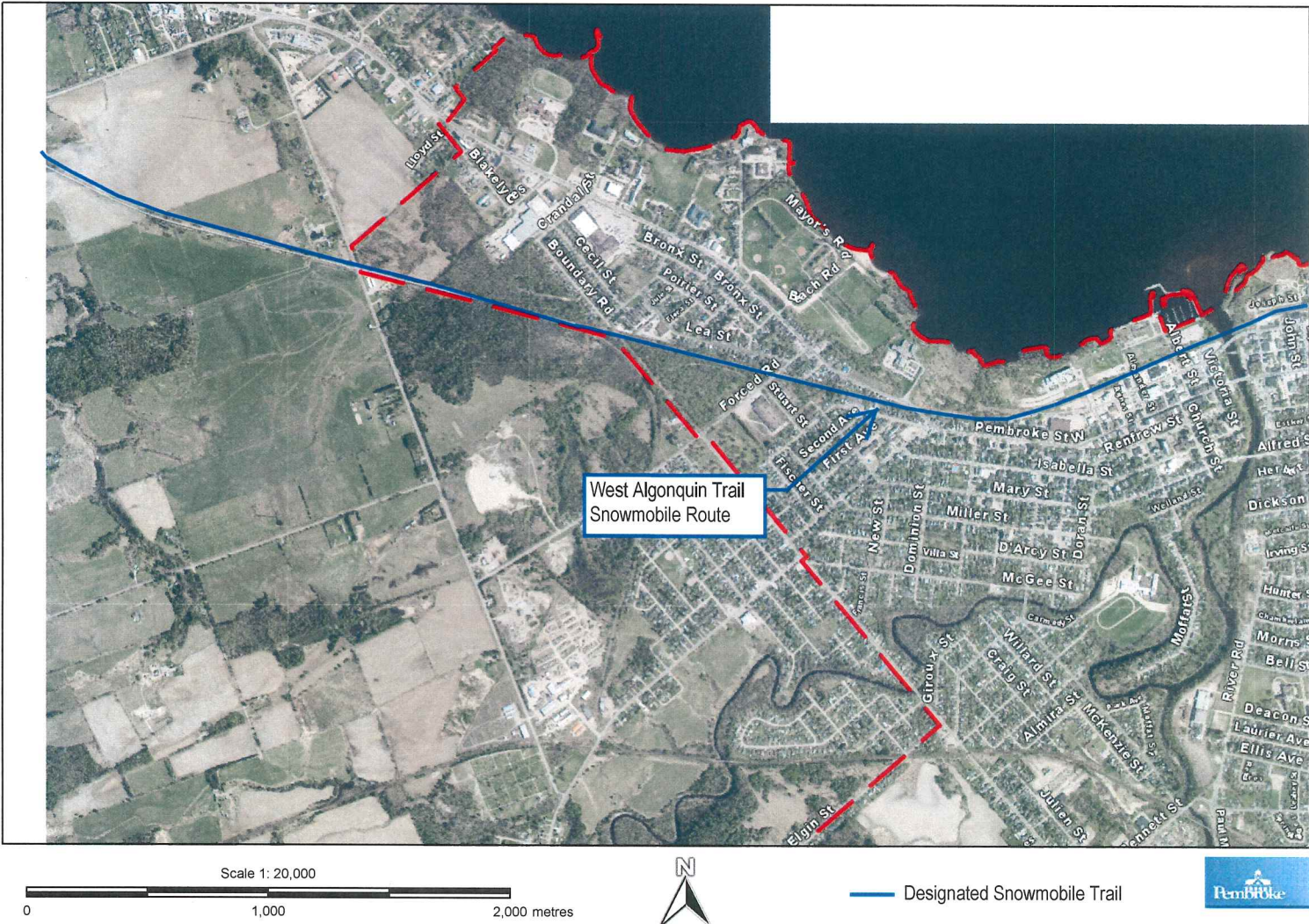


Heidi Martin
Clerk

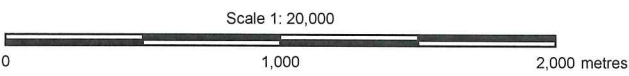
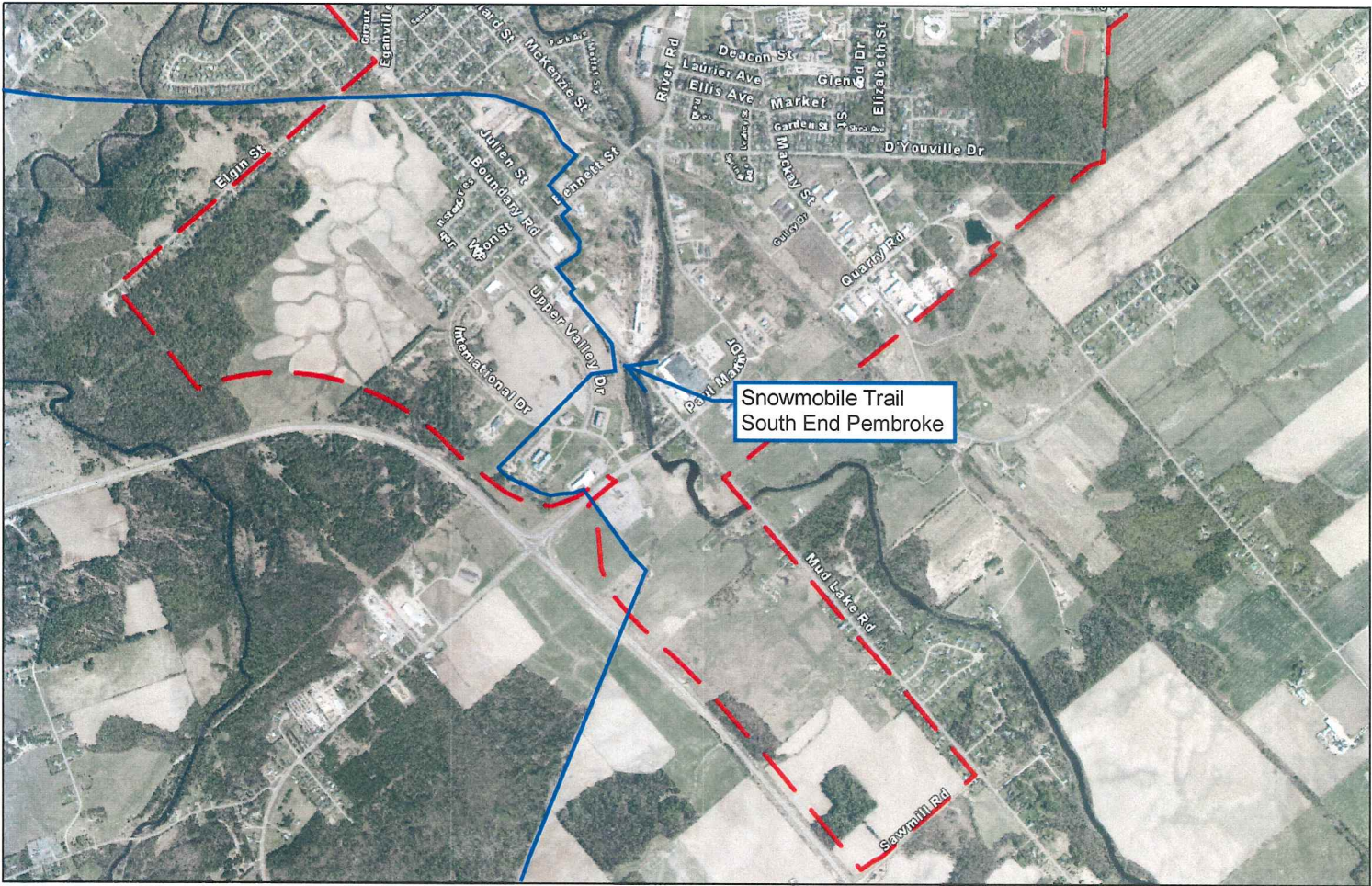
Schedule 'A' - Algonquin Trail East



Schedule 'B' - Algonquin Trail West



Schedule 'C' - Snowmobile Trail South



— Designated Snowmobile Trail



City of Pembroke

Part 1 – Provincial Offences Act

Schedule D – By-law 2021-66: Snowmobile By-law

Item	Column 1 – Short Form Wording	Column 2 – Provision creating or defining offence	Column 3 – Set Fine
1	Operating a snow vehicle on a sidewalk	Section 2 a	\$200.00
2	Operate a snow vehicle on a Restricted Street	Section 2 b	\$200.00
3	Operate a snow vehicle on a pedestrian walkway	Section 2 c	\$200.00
4	Operate a snow vehicle in or on an open space area	Section 2 c	\$200.00
5	Operate a snow vehicle in or on a municipal park	Section 2 c	\$200.00
6	Operate a snow vehicle on a trail	Section 2 c	\$200.00
7	Operate a snow vehicle at a prohibited time	Section 2 d	\$200.00
8	Operate a snow vehicle in excess of posted speed limits	Section 2 e	\$200.00

Note: The penalty provisions for the offences indicated above is Section 5b of By-law 2021-66, a certified copy of which has been filed.

THE HONOURABLE
W. VINCENT CLIFFORD
REGIONAL SENIOR JUSTICE
ONTARIO COURT OF JUSTICE
EAST REGION

COURTHOUSE
161 ELGIN STREET, 6TH FLOOR
OTTAWA, ONTARIO
K2P 2L1



L'HONORABLE
W. VINCENT CLIFFORD
JUGE PRINCIPAL RÉGIONAL
COUR DE JUSTICE DE L'ONTARIO
RÉGION DE L'EST

PALAIS DE JUSTICE
161, RUE ELGIN, 6^e ÉTAGE
OTTAWA (ONTARIO)
K2P 2L1

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FAX/TÉLÉCOPIEUR (613) 239-1572

November 8th, 2021

hmartin@pembroke.ca

City of Pembroke
1, Pembroke Street West
Pembroke ON K8A 3J5

Attention: Ms. Heidi Martin, Clerk

Dear Ms. Martin:

***Re: Set Fines – Provincial Offences Act – Part I
By-Law No. 2021-66: Snowmobile***

Enclosed herewith are the original Order (Part I) dated November 8th, 2021 and original schedule of set fines for By-Law No. 2021-66, the By-Law indicated in the schedule.

The setting of the fines does not constitute my approval of the short form of wording used to describe the offences.

Please ensure that a copy of the said documents is forwarded to the Provincial Offences Office, which has jurisdiction for the City of Pembroke.

Yours truly,

W. Vincent Clifford

W. Vincent Clifford
Regional Senior Justice
Ontario Court of Justice
East Region

/nl

Enclosures

c.c.: Ms. Devyani Anandjit
Crown Law Office – Criminal, Ministry of the Attorney General

PROVINCIAL OFFENCES ACT

Part I

IT IS ORDERED pursuant to the provisions of the *Provincial Offences Act* and the rules for the Ontario Court of Justice, that the amount set opposite each of the offences in the schedule of offences under the Provincial Statutes and Regulations thereunder and Municipal By-law No. 2021-66, of the City of Pembroke attached hereto is the set fine for that offence. This Order is to take effect on November 8th, 2021.

Dated at Ottawa, this 8th day of November 2021.

Electronic Signature:

W. Vincent Clifford

W. Vincent Clifford
Regional Senior Justice
Ontario Court of Justice
East Region

City of Pembroke

Part 1 – Provincial Offences Act

Schedule D – By-law 2021-66: Snowmobile By-law

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8	Operate a snow vehicle in excess of posted speed limits	Section 2 e	\$200.00

Note: The penalty provisions for the offences indicated above is Section 5b of By-law 2021-66, a certified copy of which has been filed.

The fine amounts listed above have been approved by the Regional Senior Justice.

Dated: November 08, 2021

Electronic Signature:

W. Vincent Clifford *W. Vincent Clifford*

Regional Senior Justice

Ontario Court of Justice - East Region