

**THE CORPORATION OF THE CITY OF NORTH BAY**

**BY-LAW NO. 11-95**

**BEING A BY-LAW TO REGULATE, GOVERN AND PROHIBIT MOTORIZED SNOW VEHICLES IN THE CITY OF NORTH BAY.**

WHEREAS The Motorized Snow Vehicle Act R.S.O. 1990, Chapter M.44, sub-section 7 (2) provides that the Council of a 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 City of North Bay deems it desirable to regulate, govern and prohibit the operation of motorized snow vehicles within the municipality;

AND WHEREAS the Council wishes to facilitate access to services on Lakeshore Drive and on Seymour Street for a trial period, but does not wish to invite the crossing of Lakeshore Drive by motorized snow vehicles in an unregulated fashion;

NOW THEREFORE THE COUNCIL OF THE CORPORATION OF THE CITY OF NORTH BAY HEREBY ENACTS AS FOLLOWS:

**DEFINITIONS:**

1. In this By-law:
  - (1) "BUSH" means unoccupied wooded area where travelling would not require permission.
  - (2) "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.
  - (3) "IDLE" means the running of a snowmobile engine without moving the snowmobile or engaging the clutch thereof.
  - (4) "MOTORIZED SNOW VEHICLE" means a self-propelled vehicle designed to be driven primarily on snow.
  - (5) "MUNICIPALITY" or "City" means The Corporation of the City of North Bay.

- (6) "RIGHT" means the time period from 1/2 hour before sunset to 1/2 hour after sunrise.
- (7) "PERSON" be defined as including singular or plural or female or male gender.
- (8) "PRIVATE PROPERTY" includes all property in the municipality except crown land and highway.
- (9) "PUBLICLY OWNED PARKLAND" includes any land or premises under the control and management of the municipality.
- (10) "RACE" means any competition of speed between two or more snowmobiles and/or drivers thereof.
- (11) "REFUEL" means the refilling either partially or wholly of any snowmobile fuel tank.
- (12) "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 of the roadways collectively.
- (13) "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 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.
- (14) "TRAIL" means the whole of any trail established and 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 vehicle.

**Urban Area**

2. (1) No person shall operate a motorized snow vehicle within the area outlined in Schedule "A" attached hereto, unless:
- (a) such motorized snow vehicle is being operated for the purpose of going directly to a specific destination ,
  - (b) on lands where the owner permits the operation of a motorized snow vehicle or on an approved trail, and
  - (c) authorized signs have been erected and maintained to that effect.
- (2) No person shall operate a motorized snow vehicle within Schedule "A" hereto, after the hour of eleven o'clock in the afternoon nor before the hour of seven o'clock in the forenoon of the following day .

**Private Property, Schools**

3. (1) No person shall operate a motorized snow vehicle on private property within the municipality except when authorized to do so by the owner or occupier of such private property.
- (2) No person shall bring into, use or operate a motorized snow vehicle within any playground or school yard within the City

**Parkland**

4. (1) No person shall operate or park a motorized snow vehicle in any publicly owned parkland, except in the areas designated on Schedule "B".
- (2) No person shall park in any publicly owned parkland a motorized snow vehicle between eleven p.m. in the afternoon and seven in the forenoon, unless at an event approved by the municipality.

**Highways**

5. (1) No person shall operate a motorized snow vehicle upon any highway outside the limits of Schedule "A" of this By-law, except as listed in Schedule "C" hereto.
- (2) Subject to Section 8, no person shall operate a motorized snow vehicle on any sidewalk.
- (3) No person shall park a motorized snow vehicle on any highway.

**Highways**

6. This by-law shall not apply to prohibit the use or operation of a motorized snow vehicle:
- (a) on any road allowance which is not normally plowed by the City for use by motor vehicles during the winter months;
  - (b) in a parade, contest or similar event held under the authority of a permit issued by the Chief of Police.
7. On those highways on which the operation of a motorized snow vehicle is permitted by this By-law, no person shall operate a motorized snow vehicle except for the purpose of directly gaining access to or from a trail, the bush, tree line or open area.
8. 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.

**Speed Limits**

10. No person shall drive a motorized snow vehicle, at a greater speed than:
- (a) 20 kilometres per hour,
    - (i) on a highway where the speed limit established pursuant to the Highway Traffic Act is 50 kilometres or less, or
    - (ii) in any publicly owned parkland, or
    - (iii) on any approved trail within Schedule "A"
  - (b) 50 kilometres per hour,
    - (i) 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
    - (ii) on a trail outside Schedule "A", or
    - (iii) on a lake within 500 feet of the shore of the lake.
  - (c) 80 kilometres per hour on any frozen body of water, 500 feet beyond the shoreline.

11. 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.

**Litter**

12. No person having care and control of a motorized snow vehicle shall deposit or cause to be deposited any liquid waste, material, material likely to become litter, or litter.

**Approved Signs**

13. Every driver of a motorized snow vehicle, shall obey the instructions and directions indicated on any sign approved by the council or erected pursuant to the provisions and regulations of the Motorized Snow Vehicle Act.

**Race**

14. No person shall engage in, or organize a snowmobile race unless approved in advance by the council of the Municipality.

**Lakes**

15. No person shall refuel a motorized snow vehicle on any frozen body of water.
16. No person shall repair a motorized snow vehicle on any frozen body of water.
17. No person shall idle or permit to idle a motorized snow vehicle engine for a period exceeding five minutes on any frozen body of water.

**Mufflers**

18. (1) No person shall operate a motorized snow vehicle unless it is equipped with a muffler in good working condition.
- (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.

- (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 municipality.

**Administration**

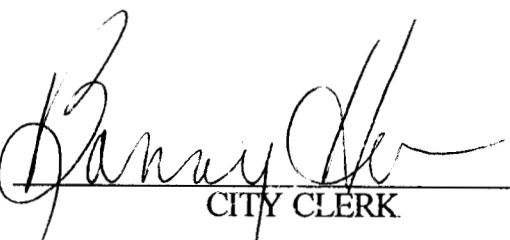
- 19. The provisions of this by-law shall not prevent or prohibit the operation of a motorized snow vehicle which is on patrol or in an emergency by a By-law Enforcement Officer designated by the municipality for enforcement of this By-law or the Motorized Snow Vehicle Act, or the Ontario Provincial Police, the North Bay Police Service, Special Constables appointed for the enforcement of this By-law or the Motorized Snow Vehicle Act or any Peace Officer or Provincial Offences Officer or for municipal maintenance purposes by an authorized municipal employee.
- 20. In the event of any conflict within this by-law or with the Motorized Snow Vehicles Act, the more restrictive provision shall apply.
- 21. Every person who contravenes any of the provisions of this by-law is guilty of an offence and shall upon conviction thereof, forfeit and pay a penalty of not more than \$5,000.00, exclusive of costs and every such fine is recoverable under the Provincial Offences Act.
- 22. (1) Subject to subsection (2), By-law 20-72, as amended, is hereby repealed.  
 (2) This by-law comes into force upon the approval of set fines hereunder by the Regional Senior Judge, Provincial Court, Traffic Division.

READ A FIRST TIME IN OPEN COUNCIL THE 16 DAY OF JANUARY 1995.

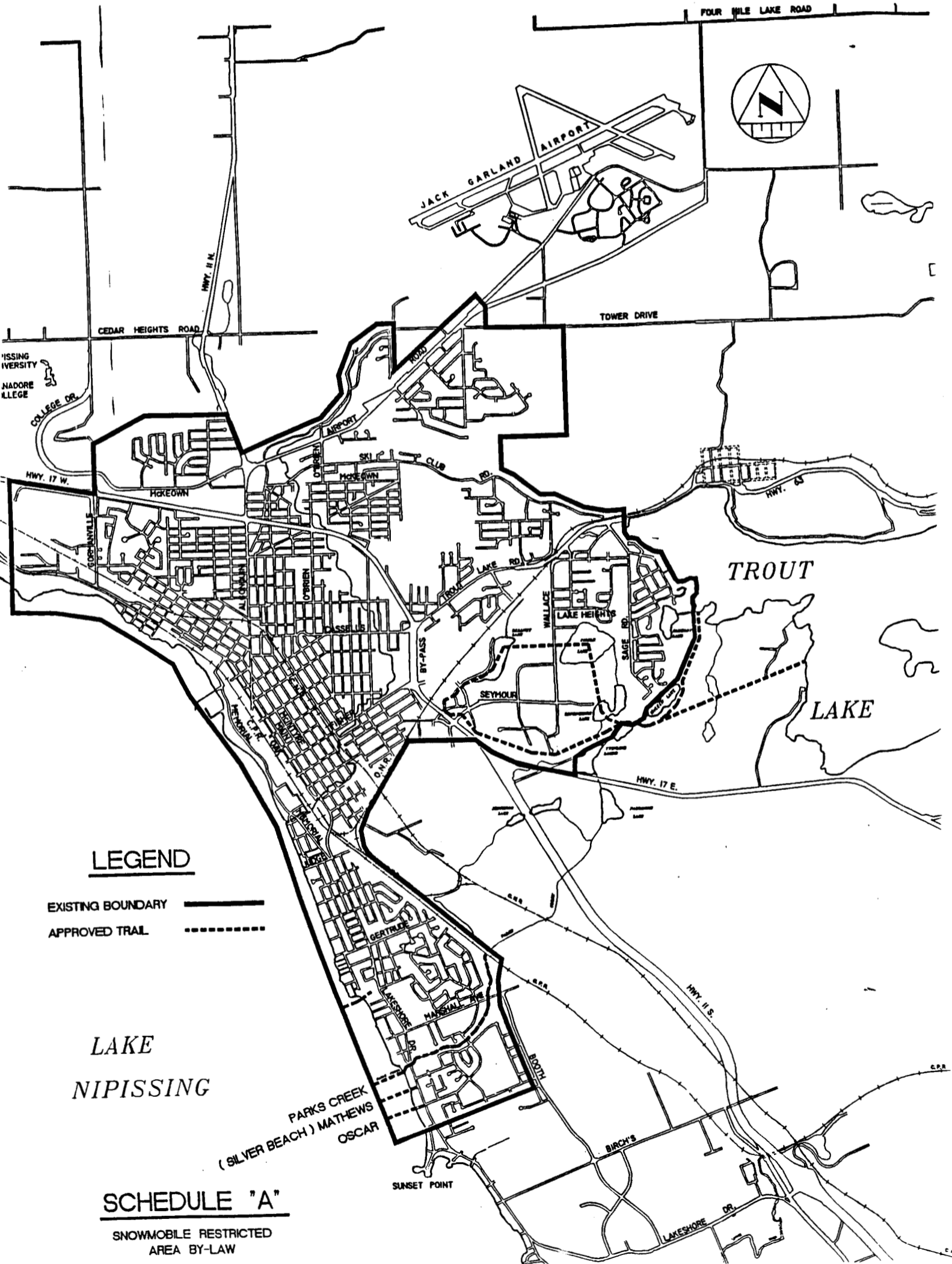
READ A SECOND TIME IN OPEN COUNCIL THE 16 DAY OF JANUARY 1995.

READ A THIRD TIME IN OPEN COUNCIL AND PASSED THIS 16 DAY OF JANUARY 1995.

  
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 MAYOR

  
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 CITY CLERK

THIS IS SCHEDULE "A"  
 TO BY-LAW NO. 11-95  
 PASSED THE 16TH DAY OF  
 JANUARY, 1995



**LEGEND**

EXISTING BOUNDARY ———

APPROVED TRAIL - - - - -

LAKE  
 NIPISSING

**SCHEDULE "A"**  
 SNOWMOBILE RESTRICTED  
 AREA BY-LAW

**SCHEDULE 'B'**

THIS IS SCHEDULE "B" TO BY-LAW NO. 11-95 OF THE CORPORATION  
OF THE CITY OF NORTH BAY

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PARKS IN WHICH MOTORIZED SNOW VEHICLES ARE PERMITTED:

CHAMPLAIN PARK

PORTAGE PARK

SUNSET PARK

BIRCHAVEN PARK

KINSMEN BEACH

AMELIA PARK

OTTER LAKE

OLD TREE FARM

SILVER BEACH PARK

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**SCHEDULE 'C'**

THIS IS SCHEDULE "C" TO BY-LAW NO. 11-95 OF THE CORPORATION  
OF THE CITY OF NORTH BAY.

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BAYVIEW ROAD FROM HIGHWAY 17 EAST TO PARCEL 883 W & F

BIRCH'S ROAD FROM THE EAST SIDE OF THE C.N.R. RAILWAY TRACKS TO THE  
WEST SIDE OF THE C.P.R. RAILWAY TRACKS