

# THE CORPORATION OF LOYALIST TOWNSHIP

## BY-LAW 2011-096

### A BY-LAW TO REGULATE, PROHIBIT AND GOVERN THE OPERATION OF MOTORIZED SNOW VEHICLES IN LOYALIST TOWNSHIP

**AND WHEREAS** the Motorized Snow Vehicles Act, R. S.O. 1990, Chapter M.44, Subsection 7.(2) provides that a Council of 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 or parts thereof;

**WHEREAS** the Council of The Corporation of Loyalist Township deems it desirable to regulate, prohibit and govern the operation of motorized snow vehicles within Loyalist Township;

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

1. **DEFINITIONS**

In this by-law:

- a) "Council" shall mean the Council of The Corporation of Loyalist Township;
- b) "Highway" shall include 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.
- c) "Motorized Snow Vehicle" shall mean a self-propelled vehicle designed to be driven primarily on snow as defined in the *Motorized Snow Vehicles Act, R.S.O. 1990, Chapter M.44*;
- d) "Municipality" shall mean the land within the geographic area of Loyalist Township;
- e) "Municipal Property" shall mean property owned, managed or controlled by or made available by lease, agreement or otherwise to The Corporation of Loyalist Township;

- f) "Owner" shall mean the holder of the permit corresponding to the number of the plate issued under Section 7 of the Highway Traffic Act and shall be deemed to be the owner of that vehicle;
- g) "Park" shall mean land and land covered by water and all portions thereof owned or made available by lease, agreement or otherwise to the Township that is or hereafter may be established, dedicated, set apart, or made available for use as public open space, including a natural park area and an environmentally sensitive area as defined in this by-law, that has been or hereafter may be placed under the jurisdiction of the Township;
- h) "Person" shall mean an individual and the words he and she are interchangeable with respect to this by-law;
- i) "Provincial Offences Officer" shall mean an individual appointed by by-law or other agencies designated by Council who are responsible for the administration of by-laws for The Corporation of Loyalist Township;
- j) "Sidewalk" shall mean that portion of any highway set apart or made available for the express purpose of conveying pedestrians, and shall also include any pedestrian sidewalk, path or other walkway within a park and shall include any specific area that may be designated by Council;
- k) "Snow Rodeo" shall mean a safety event which promotes the safe use of snowmobiles and off-road vehicles and is hosted by the Kingston, Frontenac Lennox & Addington Public Health Safe and Sober Alliance or other agency approved by the Ontario Provincial Police;
- l) "Township" shall mean The Corporation of Loyalist Township and the word Municipality and Township shall be interchangeable within the meaning of this By-law;
- m) "Trail System" means that part of a park that has been marked, posted or blazed for the purpose of hiking/skiing by the public, and which the use of motor vehicles and motorized snow vehicles is prohibited.

## 2. **GENERAL PROHIBITIONS:**

- 2.1 No person shall operate a motorized snow vehicle within the boundaries of Amherstview, Bath or Odessa as defined in Schedule 'A' and further identified on Schedules 'B', 'C' and 'D' attached to this by-law.
- 2.2 No person shall operate a motorized snow vehicle in any park, trail system or on any municipal property in Loyalist Township.

- 2.3 No person shall operate a motorized snow vehicle on any sidewalk in Loyalist Township.

3. **BY-LAW APPLICATION AND ADMINISTRATION**

- 3.1 This by-law applies to any park and trail system within the boundaries of Loyalist Township.
- 3.2 The driver of a motorized snow vehicle , not being the owner, is liable to any penalty provided under this by-law, and the owner of the motorized snow vehicle is also liable to such penalty unless at the time the offence is committed, the motorized snow vehicle was in the possession of a person other than the owner without the owner's consent.
- 3.3 **Exemption** - Provincial Offences Officers  
Notwithstanding any provision of this by-law, motorized snow vehicles operated by Provincial Offences Officers during the performance of enforcement activities, shall have full access to all parts of Loyalist Township and shall be exempt from the prohibitions contained in this by-law.
- 3.4 **Exemption** - Snow Rodeo  
Operators of motorized snow vehicles participating in the snow rodeo operated by the Kingston, Frontenac, Lennox and Addington Safe and Sober Alliance or other agency approved by the Ontario Provincial Police, shall be exempt from the prohibitions contained in Section 2.1 of this by-law.
- 3.5 **Exemption** - Emergency and/or Maintenance Vehicles  
Notwithstanding any provision of this by-law, motorized snow vehicles operated on behalf of an ambulance service, fire department, the Township or other emergency vehicles, shall have full access to all parts of Loyalist Township at all times.
- 3.6 **Exemption** – Lennox & Addington Ridge Runners Snowmobile Club  
Operators of snowmobiles using municipal road allowances that have been leased to and/or authorized as trails for the Lennox & Addington Ridge Runners Snowmobile Club, as identified on Schedule 'E' to this by-law, shall be exempt from the restriction to operate snowmobiles on municipal property as identified in Section 2.2.

4. **ENFORCEMENT**

- 4.1 This by-law shall be administered by the Director of Administrative Services/Clerk for The Corporation of Loyalist Township.
- 4.2 This by-law shall be enforced by a Provincial Offences Officer.
- 4.3 Repetition of Offence prohibited  
The court in which the conviction has been entered and any other court of competent jurisdiction thereafter, may make an order prohibiting the continuation or repetition of the offence by the person convicted, and such order shall be in addition to any other penalty imposed by the court or the person convicted.
- 4.4 Any person who contravenes any provision of this by-law is guilty of an offence and upon conviction, shall be liable to a fine as provided for under the *Provincial Offences Act*, c.P.33, R.S.O. 1990, as amended.

5. **VALIDITY**

- 5.1 It is declared that notwithstanding that any part or parts of this by-law, or sections thereof, may be found by any court of law to be invalid or illegal or beyond the power of the Township to enact, such part or parts of sections thereof shall be deemed to be severable and that all other parts or sections of this by-law are separate and independent therefrom and enacted as such.

6. **REPEAL**

- 6.1 Any other by-laws or portions thereof conflicting with this by-law are hereby repealed.

7. **EFFECTIVE DATE**

- 7.1 This by-law shall come into force and take effect on the date of its passing.

ENACTED AND PASSED THIS 14<sup>th</sup> DAY OF NOVEMBER, 2011.

THE CORPORATION OF LOYALIST TOWNSHIP

  
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MAYOR

  
\_\_\_\_\_  
CLERK

**SCHEDULE 'A' TO BY-LAW 2011-096**

The boundaries of Amherstview and Bath are defined as follows:

**Amherstview** All that portion of Concession 1 and Broken Front Concession contained between Lots 35 – 42 inclusive, lying south of the CNR tracks and the east half of Lot 34, Concession 1 lying north of County Road 23 (Taylor-Kidd Boulevard) and south of the CNR tracks.

**Bath** All that portion of Concessions 1 and Broken Front Concession contained between Lots 8 - 14 inclusive, lying south of Doyle Road and including the area called "Bath".

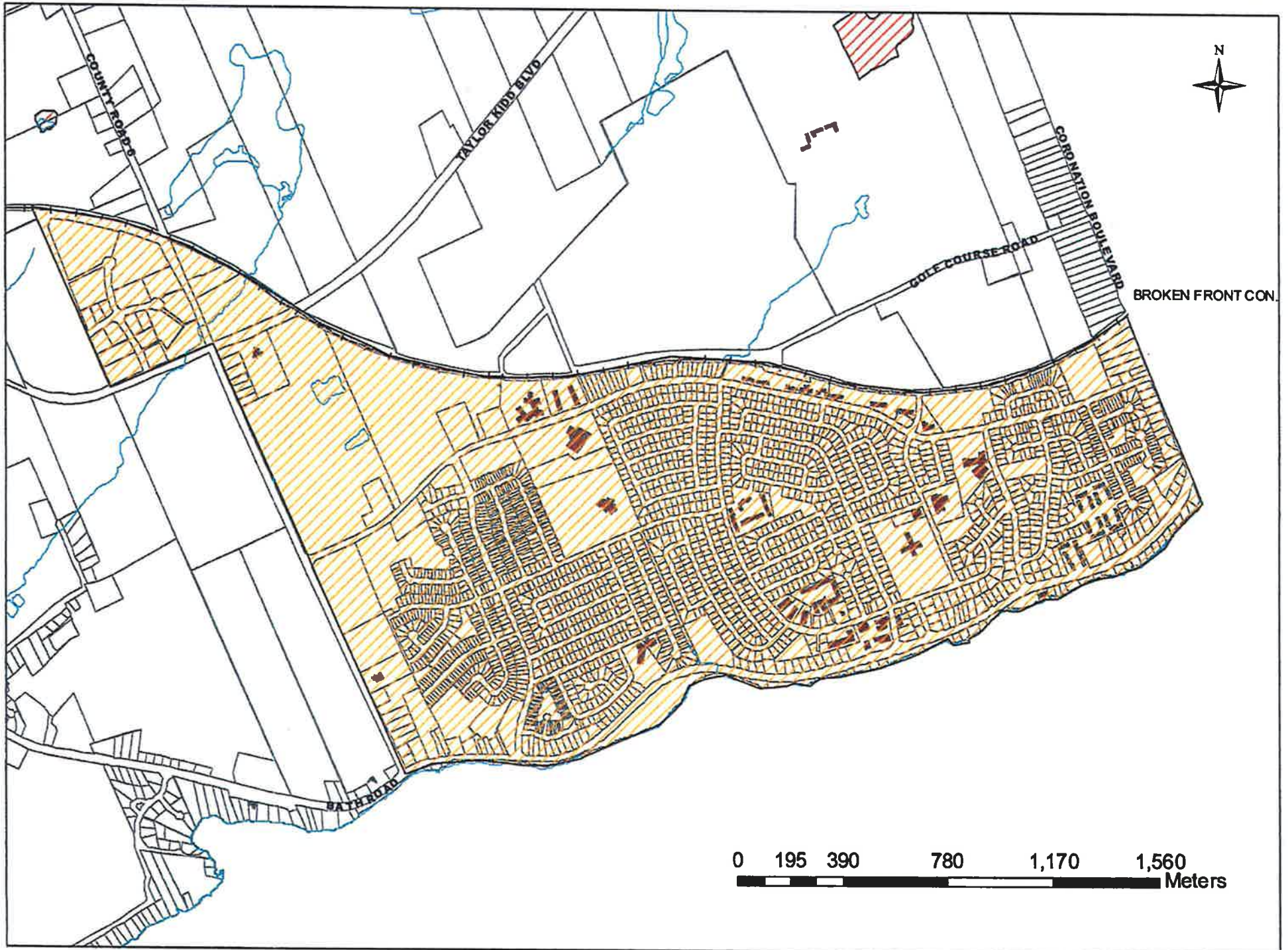
**Odessa** All that portion of Concession 4 contained between Lots 29 to 34 inclusive, south of Highway 401; and

All that portion of Lot 35, Concession 4 bounded by County Road 2 (Main Street, Odessa) to the north, Shane Street to the south and Henzy Street to the West; and

All that portion of Part of Lots 30 to 37, Concession 3 inclusive, bounded by County Road 6 to the east and bounded to the south by Shane Street, Timmerman Street and County Road 28 (Millhaven Road) from the westerly end of Timmerman Street westerly.

SCHEDULE 'B'

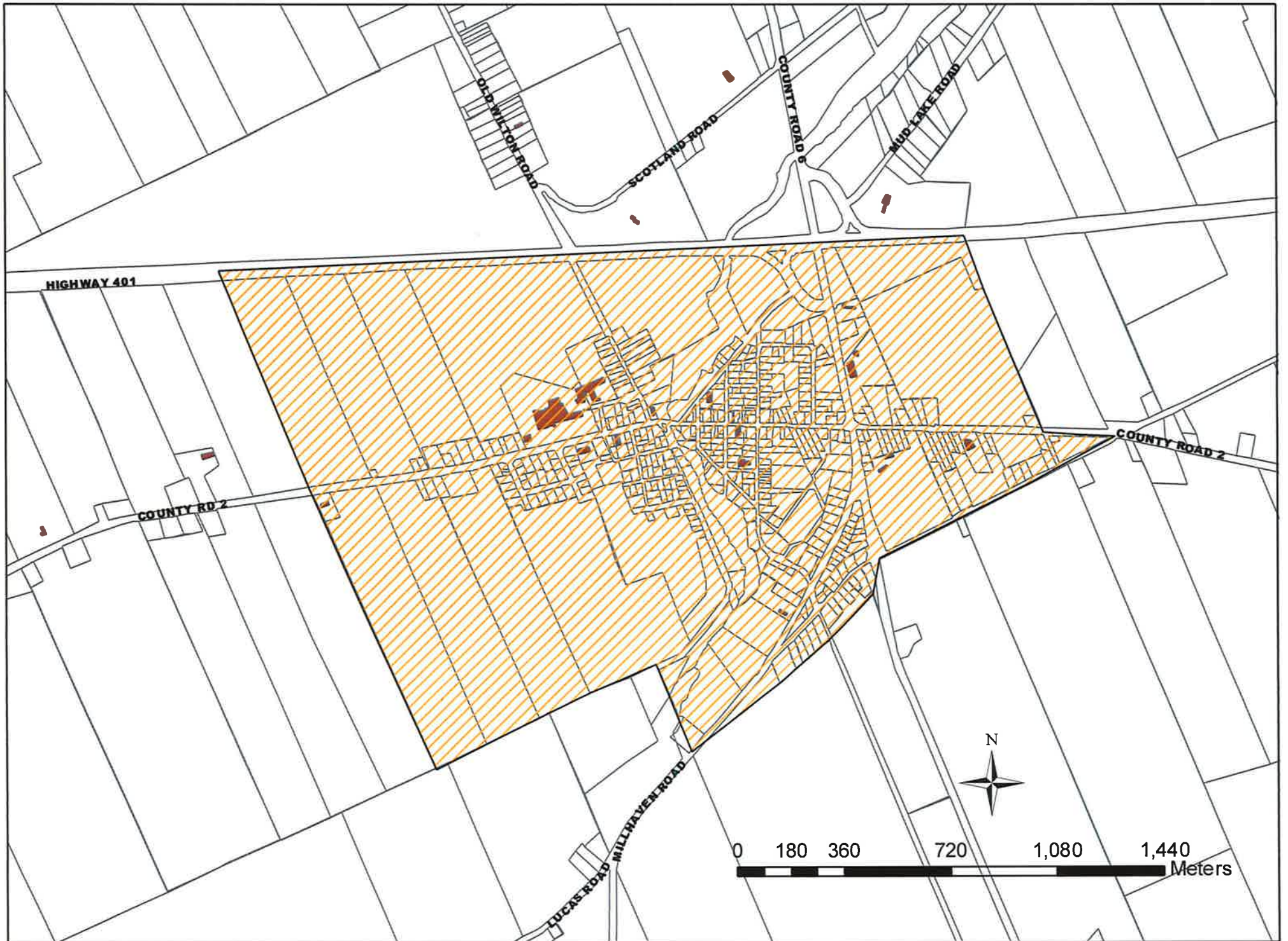
AMHERSTVIEW, ONTARIO














2011-09-28  
OFSC SNOWMOBILE TRAILS  
MAINTAINED BY  
LENNIX + ADDINGTON  
RIDGE RUNNERS

### Schedule 'E'



#### Legend

 Road allowances and authorized trails for Lennox & Addington Ridge Runners Snowmobile Club

