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**THE CORPORATION OF THE TOWNSHIP OF ESSA**

**BY-LAW NO. 2005 - 23**

**Being a By-law for the regulating, governing or prohibiting the operation of Motorized Snow Vehicles in the Township of Essa, and to repeal By-law 98-20.**

WHEREAS Section 7 of the *Motorized Snow Vehicles Act* provides that a Council of a local municipality may pass by-laws regulating and governing the operation of motorized snow vehicles within the municipality including highways therein or any part or parts thereof; and

WHEREAS it is deemed expedient to prohibit the use of motorized snow vehicles on sidewalks or boulevards and park areas within the settlement areas of The Township of Essa;

NOW THEREFORE THE COUNCIL OF THE CORPORATION OF THE TOWNSHIP OF ESSA HEREBY ENACTS AS FOLLOWS:

**1. DEFINITIONS**

“Council” means the Council of The Township of Essa

“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.

“Pedestrian Walkway” means any land other than a sidewalk set aside by the Township for the use of pedestrians.

“Roadway” means the part of the highway that is designed or ordinarily used for vehicular traffic, but does not include the shoulder.

“Shoulder” means that part of the highway for the use of vehicles immediately adjacent to the roadway and having a surface which has been improved with asphalt, concrete or gravel.

“Sidewalk” means that portion of a highway that is set aside by the Township of Essa for the use of pedestrians.

“Trail” means the whole of any trail established and maintained by a recreational organization for the use of motorized snow vehicles.

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**2. OPERATION OF MOTORIZED SNOW VEHICLES IN PROHIBITED AREAS**

2.1 No operator or owner of a motorized snow vehicle shall operate or permit to be operated in any of the following locations within the Township of Essa:

- a) on any sidewalk or pedestrian walkway
- b) in any park, parkland or other property owned, operated or leased by the Township for recreational purposes in the urban areas of the Township known as Angus, Thornton and Baxter;
- c) on any other property owned by the Township including an unopened road allowance, except with the written permission of the Township.

2.2 Notwithstanding Section 1 above, motorized snow vehicles may operate on a trail that has been established under a lease or Agreement with the Township and/or other property owner, and which agreement permits the use of the trail for motorized snow vehicles; or in a municipal parking lot for the purposes of parking.

- a) Regard shall be given to By-law 2003-84, and the subsequent Agreement between the Township of Essa and the Bonsecour Track & Trail Snowmobile Club for the use of the former CN Rail line between Cookstown and Thornton.

2.3 No operator or owner of a motorized snow vehicle shall operate or permit to be operated any such vehicle unless such activity is specifically sanctioned by a Resolution of the Council of the Township, and in any such motion, Council shall establish conditions for such use including but not limited to the establishment of speed limits and provision of specific liability insurance.

2.4 The Public Works department may erect signs to advise the public of locations where motorized snow vehicles are prohibited under this Section.

**3. OFFENCES AND PENALTIES**

3.1 Every person who:

- a) willfully hinders or interrupts, or causes or procures to be hindered or interrupted, the Township, its officers, contractors, agents or employees in the exercise of any of the powers conferred under this By-law; or
- b) contravenes any provision of this By-law

is guilty of an offence and is subject to a penalty pursuant to the *Provincial Offences Act*, as amended.

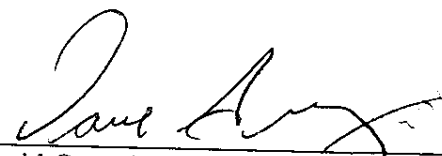
3.2 The conviction of an offender upon the breach of any provision of this By-law shall not operate as a bar to a prosecution against the same offender upon any continued or subsequent breach of any provisions of the *Municipal Act*, as amended from time to time, and shall further apply to any continued or repeated breach of this By-law.

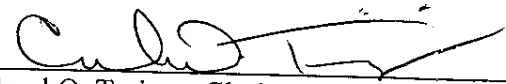
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4. GENERAL PROVISIONS

- 4.1 If any court of competent jurisdiction finds that any of the provisions of this By-law are ultra vires, or are invalid for any reason, such provision shall be deemed to be severable and shall not invalidate any of the other provisions of the By-law which shall remain in full force and effect.
- 4.2 Where the context permits, words importing the singular also include more than one persons, parties or things of the same kind.
- 4.3 The word "may" shall be construed as permissive and the word "shall" shall be construed as imperative.
- 4.4 The short form title of this By-law shall be the "By-law Regulating, governing or prohibiting motorized snow vehicles".
- 4.5 Any person contravening or failing to comply with any of the provisions of this By-law is guilty of an offence and upon conviction thereof is liable to a fine or penalty as provided for under the *Provincial Offences Act*.
- 4.6 That By-law 98-20 be and is hereby repealed.
- 4.7 That this By-law shall come into force and effect on the date of passing thereof.

READ A FIRST, AND TAKEN AS READ A SECOND AND THIRD TIME AND FINALLY PASSED on this the Sixth day of April, 2005.

  
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 David Guergis, Mayor

  
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 Carol O. Trainor, Clerk