

THE CORPORATION OF THE CITY OF PEMBROKE

BY-LAW NUMBER 99 - 66

A BY-LAW TO REGULATE AND CONTROL THE USE OF
MOTORIZED SNOW VEHICLES UPON ANY SIDEWALK,
PATHWAY OR FOOTPATH, ANY HIGHWAY OR BRIDGE,
BOULEVARD OR OTHER MEANS OF PUBLIC COMMUNICATIONS
OR BEING IN OR UPON ANY HIGHWAY, BOULEVARD, PARK,
PARK LOT, GARDEN OR OTHER PLACE SET APART FOR
ORNAMENT OR EMBELLISHMENT OR FOR PUBLIC RECREATION
WITHIN THE CITY OF PEMBROKE.

WHEREAS Section 7, Subsection 2 of The Motorized Snow Vehicles Act, R.S.O. 1990, authorizes the Council of a local municipality to 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 Section 207, Subsection 42 of *The Municipal Act*, R.S.O. 1990, authorizes the Council of a local municipality to pass by-laws prohibiting vehicles and conveyances of every description and whatever the motive power or any particular kind or class of such vehicles or conveyances being upon, or being used, drawn, hauled or propelled along or upon any sidewalk, pathway or footpath used by or set apart for the use of pedestrians and forming part of any highway or bridge, boulevard or other means of public communication or being in or upon any highway, boulevard, park, park lot, garden or other place set apart for ornament or embellishment or for public recreation;

AND WHEREAS it is deemed advisable and expedient to prohibit the operation of motorized snow vehicles upon pedestrian ways, boulevards, parks, park lots, gardens or other places set apart for ornament or embellishment or for public recreation within the City of Pembroke;

NOW THEREFORE THE MUNICIPAL COUNCIL OF THE CORPORATION OF THE CITY OF PEMBROKE ENACTS AS FOLLOWS:

1. **DEFINITIONS:**

In this by-law:

“**Motorized Snow Vehicle**” means a self-propelled vehicle designed to be driven primarily on snow;

“**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;

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

“**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;

2. **RESTRICTIONS:**

- (a) No operator or driver shall operate a motorized snow vehicle upon any sidewalk, pathway or footpath used by or set apart for the use of pedestrians in forming part of any highway or bridge, boulevard or other means of public communication or being in or upon any highway, boulevard, park, park lot, garden or other place set apart for ornament or embellishment or for public recreation within the City of Pembroke except on the prescribed route as set out in Schedule "A" attached hereto.
- (b) No person shall operate a snow vehicle on the prescribed route as set out in Schedule "A" attached hereto between the hours of 11:00 p.m. and 7:00 a.m.
- (c) The owner of a motorized snow vehicle may be charged with, and convicted of, an offence under this by-law for which the driver of the motorized snow vehicle is subject to be charged unless, at the time of the offense, the motorized snow vehicle was in the possession of a person other than the owner without the owner's consent and on conviction the owner is liable to the penalty prescribed for the offense.

3. **EXCEPTIONS:**

The provisions of this by-law shall not apply to the following scenarios:

- (a) Any Police Officer may operate a motorized snow vehicle at any time for the policing and enforcement of this by-law;
- (b) Any agent, service or employee of the Corporation who are engaged in work which may be described as being of an essential or an emergency nature and which work is being conducted for the primary purpose of insuring the health, safety and welfare of the inhabitants of the City of Pembroke;
- (c) In the event of an emergency the Mayor or his designate may declare the use or operation of motorized snow vehicles lawful. This is provided the use and control of any motorized snow vehicle is under the control of the Pembroke Police Services and, further, that all persons be registered at the time by reporting to the Pembroke Police Services;
- (d) Upon application to Council by a local service Club, the use of motorized snow vehicles for parades, snow do's or other events may be permitted.

- 4. Notwithstanding the provisions of any other by-law, and in the event of any conflict between this by-law and any other by-law, the provisions of this by-law shall prevail.
- 5. Every person who contravenes any provision of this by-law is guilty of an offence and on conviction is liable to a fine as provided for in the Provincial Offences Act.
- 6. That By-law Number 96-02 and any subsequent amendments thereto be, and the same is, hereby repealed.
- 7. This by-law shall come into force and take effect upon the date of the final passing thereof.

READ A FIRST AND SECOND TIME THIS 21ST DAY OF DECEMBER, 1999.

Chief Administrative Officer

Mayor

READ A THIRD TIME AND PASSED THIS 21ST DAY OF DECEMBER, 1999.

Chief Administrative Officer

Mayor

SCHEDULE 'A'

The Permitted Trail will be as follows:

1. Travelling along the groomed trail only, from the Ottawa River to Riverside Park gaining access to Riverside Park east of the existing playground, travelling easterly across the former Canada Splint lands through the existing gate, across the property to the existing City road allowance easterly to the bar gate north of the C.P. line, continuing to cross Alexander Street to the Marina Parking lot from the north side of the relocated marina road, thence, depending on ice conditions, along the Muskrat River to the area directly north of the paved portion of the City Hall parking lot.
2. Crossing Mud Lake Road allowance at the point connecting the groomed trail then crossing at Paul Martin Drive and continuing along the west boulevard of River Road, thence westerly at the first appropriate groomed trail and only thence, depending on ice conditions, along the Muskrat River to the permitted trail as described in Item #1 above.
3. Travelling along the rear lot line of the Pembroke Mall property and crossing Angus Campbell Drive, travelling along the west boulevard of Angus Campbell Drive and continuing to cross Pembroke Street East to travel along the north side of Pembroke Street from the City's easterly limit to Belmont Street.