

CORPORATION OF THE MUNICIPALITY OF SIOUX LOOKOUT

BY-LAW NO. 93-08

**BEING A BY-LAW TO CONTROL THE USE OF MOTORIZED SNOW
VEHICLES IN THE MUNICIPALITY OF SIOUX LOOKOUT**

WHEREAS The Motorized Snow Vehicles Act, R.S.O. 1990, Chapter M. 44, Subsection 7(2) provides that the council of a local municipality may pass by-laws regulating, governing or prohibiting the operation of motorized snow vehicles within the municipality including any highway therein or any other part or parts thereof; and

WHEREAS it is deemed advisable and expedient to regulate, govern or prohibit the operation of motorized snow vehicles upon pedestrian ways, boulevards, and highways within the Municipality of Sioux Lookout, and to regulate the emission of noise from snow vehicles;

Now therefore, the Council of The Corporation of the Municipality of Sioux Lookout ENACTS AS FOLLOWS:

1. In this By-Law:

- 1.1 "ACCESS ROUTES", means any roadway allowed to be utilized for the purpose of gaining access to established approved trails. (See Schedule 'A' of this By-Law.)
- 1.2 "APPROVED TRAILS", means Ontario Federation of Snowmobile Clubs (O.F.S.C.) trails established and maintained by the Ojibway Power Toboggan Association for the use of motorized snow vehicles on Municipal properties.
- 1.3 "BOULEVARD", means that part of the highway between the roadway and the property lines of the lots abutting the highway and includes the shoulder, but does not include a sidewalk, if any.
- 1.4 "COUNCIL", means the Council of The Corporation of the Municipality of Sioux Lookout.
- 1.5 "HIGHWAY", includes a common and public highway, street, avenue, road allowances, parkway, driveway, laneway, square, place, bridge, viaduct or trestle, 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.
- 1.6 "MOTORIZED SNOW VEHICLE", means a self-propelled vehicle designed to be driven primarily on snow or ice or both. "Snowmobile" has a corresponding meaning.
- 1.7 "MUNICIPALITY", means The Corporation of the Municipality of Sioux Lookout.
- 1.8 "OPERATOR/DRIVER", means a person who is operating or driving a motorized snow vehicle.
- 1.9 "OWNER/OCCUPIER" means a person who lives in a building that they own, lease, or rent.
- 1.10 "PRIVATE PROPERTY", includes all property in the Municipality except crown land and highways.

- 1.11 "PUBLICLY-OWNED PARKLAND", includes any land or premises under the controlled management of the Municipality.
- 1.12 "RACE", means any competition of speed between two or more vehicles and/or drivers thereof.
- 1.13 "ROADWAY", means that part of a 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.
- 1.14 "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.
2. No person shall operate or park a motorized snow vehicle on or within an area designated in Schedule 'B' to this By-Law.
- 3.1 Notwithstanding Section 2 of this By-Law, persons may operate a motorized snow vehicle on or within an area designated as an "approved access route", as shown in Schedule 'A' to this By-Law.
- 3.2 No person shall operate a motorized snow vehicle on an approved access route as shown in Schedule 'A' to this By-Law, except as follows:
 - (i) the operator shall not exceed 20 kilometers per hour,
 - (ii) operators shall travel in single file, and
 - (iii) operators shall travel as close to the right hand side of the road as conditions permit, and
 - (iv) the operator shall possess a valid driver's license.
4. No person shall operate a motorized snow vehicle on any turfed area, sidewalk, walkway, public foot path, ski trail, bicycle path, boulevard, parkland, playground, school yard or other public property, unless written site specific written approval has been granted from the owner/occupier.
5. No person shall operate a motorized snow vehicle on any private property unless the owner/occupier permits passage over such private property.
6. No person shall operate a motorized snow vehicle within the Municipality of Sioux Lookout between the hours of 11:00 p.m. and 7:00 a.m. Monday through Friday, or between the hours of 1:00 a.m. and 7:00 a.m. on Saturday, or between the hours of 1:00 a.m. and 9:00 a.m. on a Sunday or Statutory Holiday except for the purpose of directly gaining access to his/her residence from an approved trail.
7. No person shall drive a motorized snow vehicle across a roadway except at an angle of approximately 90 degrees to the direction of the roadway and only after the driver of such vehicle has ascertained that such a movement can be made safely.
8. No person shall engage in, or organize a snowmobile race unless approved in advance by the Council of the Municipality.
9. No person shall operate a motorized snow vehicle on any highway in the Municipality to tow or pull a person unless such person is in a sleigh that is rigidly attached to the motorized snow vehicle in such a manner that the

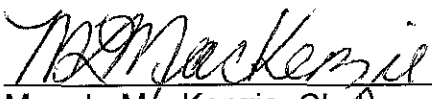
distance between the motorized snow vehicle and the sleigh remains constant upon stopping and starting.

- 10.1 No person shall operate a motorized snow vehicle unless it is equipped with a muffler in good working order and constant operation to prevent excessive or unusual noise and excessive smoke.
- 10.2 No person shall operate a motorized snow vehicle which has a muffler cut-out, straight exhaust, gutter muffler, Hollywood muffler bypass or similar device, alteration or modification upon it.
- 10.3 This section shall not apply to a motorized snow vehicle while it is driven in a race approved by the Council of the Municipality.
11. The provisions of this By-Law shall not apply to motorized snow vehicles operated by employees of the Corporation or service agents, including the Ontario Provincial Police, 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 Municipality of Sioux Lookout.
12. This By-Law shall not apply to prohibit the operation of motorized snow vehicles on a highway in the Municipality:
 - (i) when the need for the use of such motorized snow vehicle thereon is created by an emergency;
 - (ii) when such motorized snow vehicle is only operated on such highway for the purposes of crossing such highway from a point on one side of the highway to a point on the other side of the highway that is directly opposite thereto;
 - (iii) when such a motorized snow vehicle is driven in a parade, contest or event that is held under the authority of a permit from the Municipality; or
 - (iv) when such motorized snow vehicle is actually engaged in works undertaken by or on behalf of the Municipality.
13. The Municipality may delegate to any person or body the authority to investigate and enforce the provisions of this By-Law as deemed necessary and where such a person or body is authorized, and he or it shall inform any applicable persons at the time of inspection or enforcement of this authority. Such authority may include, but is not limited to, a Municipal Law Enforcement Officer, a By-Law Enforcement Officer, the By-Law Enforcement/Emergency Services Manager, or other person appointed or employed by The Corporation of the Municipality of Sioux Lookout to enforce by-laws of the Corporation, or a Police Officer.
14. Every person who contravenes any provision of this By-Law is guilty of an offence and upon conviction is liable to a fine as provided for in the Provincial Offences Act, R.S.O. 1990, c.P. 33.
15. If any section or part of this By-Law may be found by any competent Court of Law to be bad, illegal or beyond the power Council to enact, such section or part thereof shall be deemed to be separate and independent there from and to be enacted as such.
16. That By-Law Nos. 1794, 11-00, and any and all other By-Laws related to the governing of motorized snow vehicles in the Municipality of Sioux Lookout be and are hereby rescinded.

17. That this By-Law shall come into force and take effect on the date of its final passing.

READ A FIRST, SECOND AND THIRD TIME AND PASSED THIS TWENTY-FIRST DAY OF JANUARY, 2009.


Kathy Poling, Mayor


Mary L. MacKenzie, Clerk

Jan 15/09

SCHEDULE "A" TO BY-LAW NO. 93-08

DESIGNATED SNOWMOBILE ACCESS ROUTES

1. Along all Municipal rural roadways and road allowances whether open or closed. However, the parking of snowmobiles on these roads is prohibited.
2. Along all Municipal urban roadways with the exception of those stated in Schedule "B". However, the parking of snowmobiles on these roads is prohibited.
3. On the existing snowmobile trail located on Municipal property west of Highland Park.
4. Within the Municipal snow dump east of First Avenue, provided adequate signage is erected to inform snowmobiles of trucks turning (i.e. 10 km speed limit signs and truck turning signs).
5. On the Municipally-owned portions of Cedar Bay Trails but in such a manner as to permit other uses.
6. Snowmobiles will be permitted to **CROSS OVER** those prohibited areas as shown in Schedule "B", and in accordance with Section 7 of this By-Law.

SCHEDULE "B" TO BY-LAW NO. 93-08

PROHIBITED AREAS – SNOWMOBILES -- DESCRIPTION

1. On Front Street between Third Avenue and Seventh Avenue.
2. On King Street between First Avenue and Seventh Avenue.
3. On the backlane between Queen Street and Prince Street from Fourth Avenue to Fifth Avenue.
4. On Third Avenue from Front Street to Atwood Street.
5. On Highland Park and the Emergency Airport Access Road.
6. On Fourth Avenue between Front Street and Queen Street.
7. On Fifth Avenue between Front Street and Queen Street.
8. On Sixth Avenue between Front Street and Queen Street.
9. On Seventh Avenue between Front Street and the Seventh Avenue entrance to the new Hospital.
10. On Wellington Street from First Avenue South to Front Street.
11. On First Avenue South from The Ed Ariano By-Pass to Wellington Street.
12. Within the boundaries of Northway Cemetery, Sacred Heart Cemetery, and Hillcrest Cemetery.
13. The Travel Information Centre Park, with the exception of groomed and/or marked trails and established parking lots.
14. Within the boundaries of the properties of the Sioux Lookout Municipal Office, 25 Fifth Avenue, and the Sioux Lookout Public Library, 21 Fifth Avenue.
15. Within the boundaries of Farlinger Park (a.k.a. the Municipal Beach) located west of Wellington Street, with the exception of municipal approved groomed and/or marked trails and established parking lots.
16. Lakeshore Road being the portion between the CN level crossing east to Wellington Street.
17. Blueberry Hill being the sliding hill at the west end of King Street.
18. Any sidewalk or public foot path in the Municipality.
19. Parking on any Municipal roadway.

