



The Municipal Corporation of the Town of Fort Erie

BY-LAW NO. 24-06

BEING A BY-LAW TO REGULATE, GOVERN AND PROHIBIT DURING CERTAIN HOURS THE OPERATION OF MOTORIZED SNOW VEHICLES IN THE TOWN OF FORT ERIE AND TO REPEAL BY-LAW NO. 332-73

WHEREAS Section 7(2) of the *Motorized Snow Vehicles Act*, R.S.O. Chapter M.44 provides 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 highways therein or any part or parts thereof, and

WHEREAS Section 7(3) of the said Act provides where a by-law is passed under Subsection (2), the provisions regulating or governing the operation of motorized snow vehicles under the by-law do not apply to highways or any part or parts thereof that are not under the jurisdiction of the local municipality, and

WHEREAS By-law No. 332-73 was passed by the Municipal Council of the Town of Fort Erie on the 14th day of January, 1974 to regulate, govern and prohibit during certain hours the operation of motorized snow vehicles within the Town of Fort Erie, and

WHEREAS Report No. CS-49-01-05 was approved as amended at the Council-in-Committee meeting of February 20th, 2006 directing that a by-law be submitted to Council to up-date By-law No. 332-73 (Motorized Snow Vehicles) legislatively, to establish a set fine of \$250.00, to increase the set fine to \$250.00 under Parks and Beaches By-law No. 119-03, to restrict the hours of operation between 12:00 a.m. and 6:00 a.m. and to lift the restrictions in the event of an emergency, and

WHEREAS it is deemed desirable to act accordingly;

NOW THEREFORE the Municipal Council of The Corporation of the Town of Fort Erie hereby enacts as follows:

1. **THAT** no person shall operate a motorized snow vehicle in the Town of Fort Erie, including the highways owned and controlled by the Town of Fort Erie, between the hours of 12:00 a.m. and 6:00 a.m. on any day.
2. **THAT** despite Section 1 above, in the event of an emergency, the restricted hours of operation shall be lifted for the duration of the emergency event.
3. **THAT** every motorized snow vehicle, unless exempted under the *Motorized Snow Vehicles Act* or the regulations,
 - (a) shall have attached to or painted on both sides of the cowling, in a clearly visible position, a sign showing the registration number of the motorized snow vehicle in the form and manner prescribed in the regulations.

- (b) when being driven, the registration number to be displayed under Section 3(a) above, shall be kept free of dirt, snow and ice, in good repair, and the view thereof shall not be obscured or obstructed by any part of the motorized snow vehicle or any equipment or attachment thereon or by the load carried thereon.
4. **THAT** the provisions of the *Motorized Snow Vehicles Act* shall apply herein.
 5. **THAT** every person who contravenes any provision of this by-law is guilty of an offence and is liable upon conviction and at the discretion of the presiding Justice of the Peace or Judge of the Ontario Court (Provincial Division) or other relevant Justice or Judge or Court, to a fine pursuant to the provisions of the *Provincial Offences Act*, R.S.O. 1990, Chapter P.33 as amended.
 6. **THAT** every person who contravenes Section 1 of this by-law is guilty of an offence and is liable to the set fine established under Schedule "A" annexed hereto.
 7. **THAT** any person found to be in contravention of this by-law, shall be issued a notice of such violation. Every such person may, within seventy-two hours of the time when such notice was issued, pay at the Town of Fort Erie Municipal Offices a penalty for and in full satisfaction of such violation as set out in Schedule "A" annexed hereto. The failure of such person to pay the said sum as set forth in Schedule "A" hereto, subjects him or her to the penalties hereinbefore provided for the violation of the provisions of this by-law.
 8. **THAT** the court, in which the conviction has been entered, and any 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 on the person convicted.
 9. **THAT** in the event that any provision of this by-law is found to be invalid or unenforceable, all other provisions of this by-law shall remain in force or effect.
 10. **THAT** the set fine described herein shall come into force and effect upon receipt of the Judge's Order from the Ministry of the Attorney General.
 11. **THAT** this by-law shall be enforced by the Niagara Regional Police.
 12. **THAT** pursuant to the provisions of Section 227 of the *Municipal Act, 2001* the Clerk of the Town of Fort Erie is hereby authorized to effect any minor modifications or corrections of an administrative, numerical, grammatical, semantical or descriptive nature or kind to the by-law and schedules as may be necessary after the passage of this by-law.

13. THAT By-law No. 332-73 be and it is hereby repealed.

READ A FIRST, SECOND AND THIRD TIME AND FINALLY PASSED THIS 27th DAY OF FEBRUARY, 2006.



MAYOR



CLERK

I, Carolyn J. Kett, the Clerk, of The Corporation of the Town of Fort Erie hereby certifies the foregoing to be a true certified copy of By-law No. 24-06 of the said Town. Given under my hand and the seal of the said Corporation this day of _____, 200 .

SCHEDULE "A" TO MOTORIZED SNOW VEHICLES BY-LAW

Town of Fort Erie By-law No. 24-06

Title: Regulation of Motorized Snow Vehicles

Part 1 Provincial Offences Act

	COLUMN 1	COLUMN 2	COLUMN 3
Item	Short Form Wording	Provision Creating or Defining Offence	Set Fine
1.	Operate motorized snow vehicle between 12:00 a.m. and 6:00 a.m. on any day	Section 1	\$250.00

NOTE: The general penalty section for the offence listed above is Section 5 of By-law No. 24-06, a certified copy of which has been filed.