

## The Corporation of the City of Sault Ste. Marie

### By-Law 2023-70

**MOTORIZED SNOW VEHICLES (MSV)**: A by-law to restrict and permit the operation of motorized snow vehicles prescribed herein on designated highways within the City of Sault Ste. Marie.

**Whereas** section 9 of the *Municipal Act, 2001*, SO 2001, c. 25, as amended, provides that a municipality has the capacity, rights, powers and privileges of a natural person for the purpose of exercising its authority under that Act or any other Act;

**And whereas** section 10(1) of the *Municipal Act, 2001* provides that a single-tier municipality may provide any service or thing that the municipality considers necessary or desirable for the public;

**And whereas** section 35 of the *Municipal Act, 2001* allows a municipality to restrict the common law right of passage by the public on a highway with its jurisdiction;

**And whereas** the *Motorized Snow Vehicle Act*, R.S.O. 1990, M.44 applies to and regulates the operation and requirements of motorized snow vehicles on highways;

**And whereas** the *Motorized Snow Vehicle Act*, R.S.O. 1990, M.44 provides that the council of a municipality may pass by-laws restricting the operation of motorized snow vehicles on any highway within the municipality that is under the jurisdiction of the municipality, or on any part or parts of such highway;

**And whereas** the prohibition by-law for motorized snow vehicles was enacted in 1969 and last amended in 1994 and not reviewed since this dates;

**And whereas** the Council of The Corporation of the City of Sault Ste. Marie deems it desirable to enact a by-law, restricting, and regulating the operation of motorized snow vehicles on designated highways within the municipality during specified hours;

**Now therefore the Council of The Corporation of the City of Sault Ste. Marie hereby enacts as follows:**

#### Part 1 – Interpretation

##### 1.1 Short Title

This By-Law may be cited as the “MSV on Highways By-Law”.

## **1.2 Schedules**

Schedule “A” attached and referred to in this By-Law forms an integral part of the By-Law.

## **1.3 Reference Aids**

The table of contents and headings and subheadings used in this By-Law are inserted for convenience of reference only and do not form part of the By-Law, and shall not affect in any way the meaning or interpretation of the provisions of this By-Law.

## **1.4 Severability**

If any provision or part of a provision of this By-Law is declared by a court of competent jurisdiction to be illegal or inoperative in whole or in part, or inoperative in particular circumstances, such provision or part of the provision shall be deemed to be severable, and the balance of the By-Law, or its application in other circumstances, shall not be affected and shall continue to be in full force and effect.

## **1.5 Definitions**

In this By-Law, the following definitions shall apply:

“**City**” means the City of Sault Ste. Marie and lands within its jurisdictional boundary.

“**Designated Highway**” means a highway or part thereof, under the jurisdiction of the City, that is shown on Schedule “A” as not being restricted and therefore permitting the use by MSV. Where a boundary line uses a municipal road, this is designated a prohibited highway under this By-law.

“**Highway**” means a highway that is within the City and under the jurisdiction of the City, and 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 and includes the area between the lateral property lines thereof.

“**Motorized Snow Vehicles**” means a self-propelled vehicle designed to be driven primarily on snow and is not modified from its manufactured configuration, and does not include a snow-bike, or any other form of off-road vehicle converted for snow use by the addition of tracks and ski(s).

“**MSV**” shall have the same meaning;

“**Police Officer**” means the Chief of Police and any other sworn police officer of the Sault Ste. Marie Police Service.

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

## **Part 2 – General Provisions**

### **2.1 Limited Permission to Operate on Designated Highways**

- (1) The operation of MSVs are prohibited, and only permitted:
  - (a) on designated highways, as shown on Schedule “A” and as described therein;
  - (b) between the hours of 8:00 a.m. and 11:00 p.m.
- (2) No person shall operate a MSV on a highway that is not a designated highway.
- (3) No person shall operate a MSV on a highway between the hours of 11:00 p.m. and 8:00 a.m.
- (4) No person shall operate a MSV as that term is defined in the *Motorized Snow Vehicle Act*, R.S.O. 1990, M.44 (“MSVA”), which does not meet the definition of a MSV as defined in this By-Law, on a highway. A snow-bike, or any other form of off-road vehicle converted for snow use by the addition of tracks and ski(s), is not a MSV, and thereof not authorized for use on designated highway as defined under this By-law.

### **2.2 Exemptions**

- (1) The requirements for operating along or across a highway as set out in section 9 of the MSVA apply to this by-law. A MSV may cross a road at a 90° angle pursuant to section 8 of the MSVA and in accordance with section 9 of the MSVA.
- (2) Emergency services, being City Police and Fire, EMS, and public work functions are exempt from the application of this by-law when actively engage in their role.
- (3) A MSV may be on a non-designated highway for the purpose of being loaded onto a trailer or into a vehicle.

## **Part 3 – Equipment Requirements**

### **3.1 Equipment Requirements – General**

- (1) In addition to any other provision of this By-Law, the equipment requirements in section 20 of the MSVA apply to MSV operated on a highway pursuant to this By-Law.
- (2) No person shall operate a MSV on a highway unless the MSV meets all of the equipment requirements in section 3.1(1) above.
- (3) It remains the sole responsibility of the person operating a MSV on a highway to be familiar and comply with all applicable legislation and

requirements. The prohibitions set out below in section 3.2 shall in no way be construed so as to limit the generality of subsections (1) and (2) and shall in no way be construed as diminishing the driver's responsibility for knowing and complying with that legislation.

### **3.2 Mufflers**

- (1) No person shall operate a MSV on a highway unless the vehicle is equipped with a muffler in good working order and in constant operation to prevent excessive or unusual noise or excessive smoke.
- (2) No person shall operate a MSV on a highway if the vehicle is equipped with a muffler that has been modified so as to reduce its effectiveness.
- (3) Without limiting the generality of subsections (1) and (2), no person shall operate a MSV on a highway if the vehicle is equipped with a muffler cut-out, straight exhaust, gutted muffler, hollywood muffler, by-pass or similar device.

## **Part 4 – Operation Requirements**

### **4.1 Operation Requirements – General**

- (1) In addition to any other provision of this By-Law, the operation requirements stipulate within the MSVA apply to MSV operated on a highway pursuant to this By-Law.
- (2) No person shall operate a MSV on a highway in contravention of any of the requirements stipulated in the MSVA.
- (3) In addition to subsection (2) above, every person operating a MSV on a highway shall comply with all relevant legislation, including but not limited to the provisions of:
  - (a) the *Highway Traffic Act*, as amended;
  - (b) the Traffic By-Law (70-200), as amended;
  - (c) the Parks By-law (80-128), as amended;
  - (d) the Hub Trail By-law (2018-13), as amended.
- (4) It remains the sole responsibility of the person operating a MSV on a highway to be familiar and comply with all applicable legislation and requirements. The prohibitions set out below in sections 4.2 to 4.11 shall in no way be construed so as to limit the generality of subsections (1),(2) and (3) above and shall in no way be construed as diminishing the driver's responsibility for knowing and complying with that legislation.

## **4.2 Permit and Plate**

- (1) No person shall operate a MSV on a highway unless a permit under section 2 of the MSVA has been issued in respect of that vehicle and the number of the permit is displayed on the vehicle as required under that Act.
- (2) Every driver of a MSV on a highway shall carry the permit for it, or a true copy thereof, with them at all times while in charge of the MSV, and shall surrender the permit or copy for inspection upon the demand of a police officer.

## **4.3 Insurance**

- (1) No owner or lessee of a MSV shall operate the MSV, or cause or permit the operation of the MSV, on a highway unless the vehicle is insured in accordance with section 12 of the MSVA.
- (2) An operator of a MSV on a highway shall carry the current valid insurance card for the MSV, or a true copy thereof, with them at all times while in charge of the MSV, and shall surrender the insurance card or copy for inspection upon the demand of a police officer.

## **4.4 Driver's Licence**

- (1) No person shall operate a MSV on a highway unless the person holds a valid Class A, B, C, D, E, F, G, G2, M or M2 driver's licence issued under the *Highway Traffic Act*.
- (2) Every driver of a MSV on a highway shall carry their driver's licence with them at all times while in charge of the MSV and shall surrender the driver's licence for inspection upon the demand of a police officer.
- (3) Every person who is unable or refuses to surrender their driver's licence in accordance with subsection (2) shall, when requested by a police officer, give reasonable identification of themselves and, for the purposes of this subsection, the correct name and address of the person shall be deemed to be reasonable identification.
- (4) Subsection (1) does not apply if the person is exempt under section 34 of the *Highway Traffic Act* from the application of section 32 of that Act.

## **4.5 Helmets**

- (1) The driver of a MSV and every passenger on the vehicle shall wear a helmet that complies with section 18 of the MSVA.

#### **4.6 Passengers**

The driver of a MSV shall only have the number of passengers that the MSV is manufacture for. All towing of riders is prohibited unless in accordance with subsection 19(2) of the MSVA, crossing a highway at a 90° angle.

#### **4.7 Maximum Speed**

No person shall drive a MSV on a highway at a rate of speed greater than 20 km/h in a 50 km/h zone, or 50km/h in a speed zone greater than 50km/h.

#### **4.8 Requirement to Drive on Shoulder**

- (1) The driver of a MSV on a highway shall drive:
  - (a) on the shoulder of the highway in the same direction as the traffic using the same side of the highway; and
  - (b) as close to and parallel with the right edge of the shoulder as can be done practicably and safely.
- (2) Notwithstanding subsection (1), the driver of a MSV on a highway may drive on the roadway in the following limited circumstances, provided that they drive as close to and parallel with the right edge of the roadway as can be done practicably and safely:
  - (a) where there is no shoulder;
  - (b) where the shoulder of the highway is obstructed and cannot be used by the MSV; or
  - (c) where the shoulder is not wide enough to allow the MSV to be driven with all of it remaining completely off the roadway.
- (3) Where the driver of a MSV on a highway is crossing a level railway crossing, subsection (1) does not apply and the driver shall not drive on the shoulder but shall drive on the roadway in the same direction as the traffic using the same side of the highway.

#### **4.9 Construction Zones**

No person shall drive a MSV on any part of a highway that is designated as a construction zone under subsection 128(8) of the *Highway Traffic Act* or on any other part of a highway where construction work or highway maintenance is being carried out.

#### **4.10 Yielding**

When entering the shoulder of a highway or the roadway, the driver of a MSV shall yield the right of way to vehicles and pedestrians already using the shoulder or the roadway,

as the case may be, and shall enter the shoulder or roadway only when it is safe to do so.

#### **4.11 Risk to Safety**

No person shall operate a MSV on a highway in such a manner that it causes or is likely to cause a risk to the safety of any person.

### **Part 5 – Enforcement**

#### **5.1 Authority to Enforce**

- (1) This By-Law may be enforced by a police officer.
- (2) The powers of a police officer as set out in the *Highway Traffic Act* and MSVA apply with the necessary modifications to this By-Law.
- (3) Without limiting the generality of subsection (2), a police officer, in the lawful execution of their duties and responsibilities, may require the driver of a MSV to stop and the driver of the MSV, when signaled or requested to stop by a police officer who is readily identifiable as such, shall immediately come to a safe stop.
- (4) For the purposes of subsection (3), MSV means a motorized snow vehicle as defined by the MSVA, this by-law, or any other vehicle or equipment modified from its manufactured form.

#### **5.2 Obstruction**

No person shall hinder or obstruct, or attempt to hinder or obstruct, any police officer exercising a power under this By-Law.

#### **5.3 Offences and Penalty**

- (1) Subject to subsections (2) and (3), every person who contravenes any provision of this By-Law is guilty of an offence and, upon conviction, is subject to a fine as provided in the *Provincial Offences Act*, RSO 1990, c.P.33.
- (2) Notwithstanding subsection (1), every person who contravenes section 4.3(1) of this By-Law is guilty of an offence and on conviction is liable to a fine of not more than \$25,000, and on a subsequent conviction to a fine of not more than \$50,000.
- (3) Notwithstanding subsection (1), every person who contravenes section 5.1(3) of this By-Law is guilty of an offence and on conviction is liable to a fine of not more than \$10,000.

- (4) If any provision of this By-Law is contravened and a conviction entered, in addition to any other remedy and to any penalty imposed by this By-Law, 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.

## **Part 6 – Coming Into Force**

### **6.1 Repeal and effect date**

Providing approval and/or amendment by the Regional Senior Justice of the Ontario Court of Justice, the following by-laws shall be repealed and the enforcement of this By-law take will effect: 69-6, 70-32, 78-65, 79-59, 83-123, 91-4, 91-24, 91-217, 91-228, 92-30, 92-85, 93-3, 94-019, 2001-26, 2002-2, 2007-34, and 2009-199.

### **6.2 Coming Into Force**

This By-Law shall come into force upon its passing being May 1, 2023.

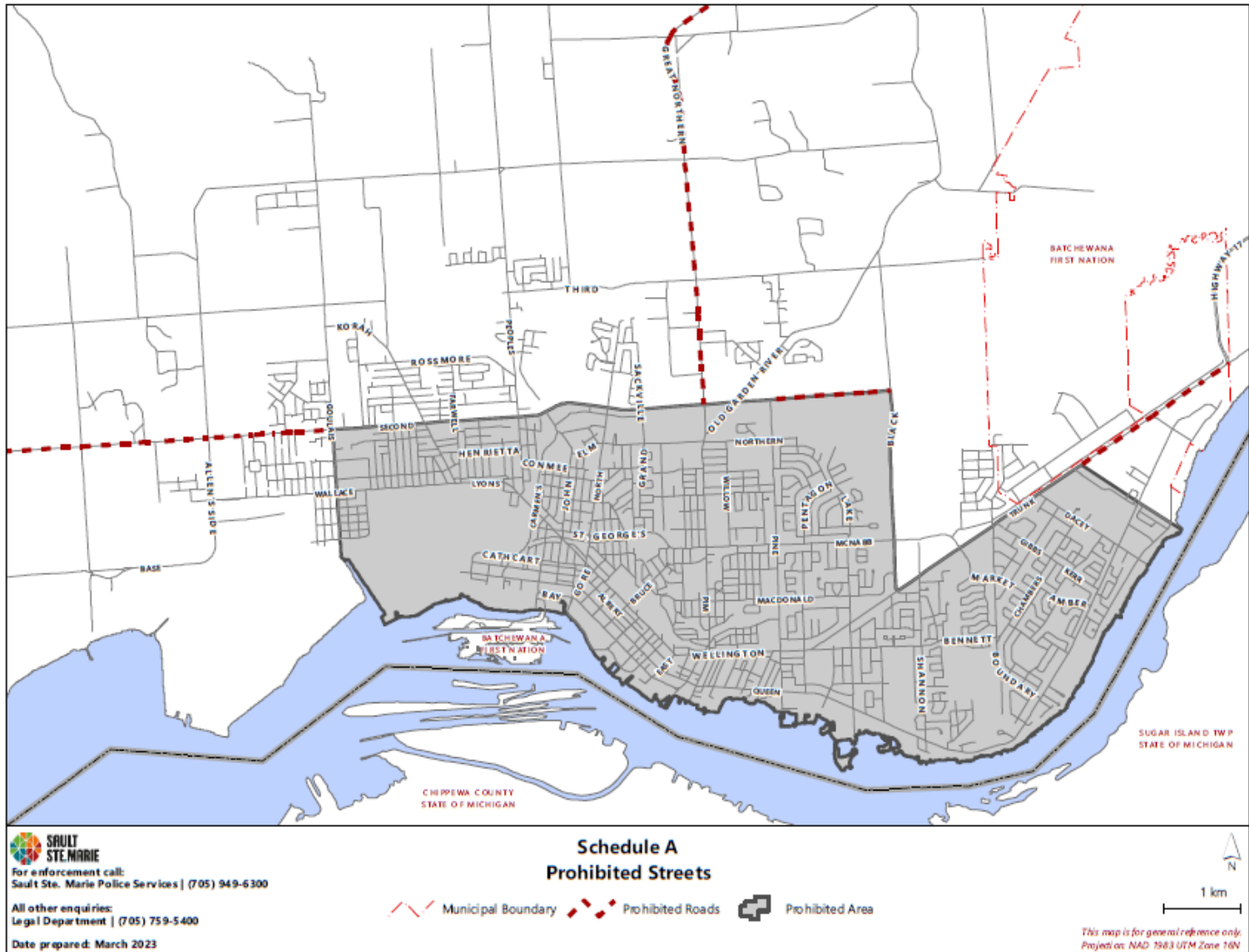
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Mayor – Matthew Shoemaker

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Deputy City Clerk – Madison  
Zuppa

Schedule "A" to By-law 2023-70



**Named streets in support of map as depicted (“Prohibited Zone”):**

Except for when crossing at a 90° angle, no MSV is permitted on Great Northern Rd., Second Line East, Second Line West, Trunk Rd.

Further, and except for when crossing at a 90° angle, no MSV shall operate on a highway within the below described boundary and depicted in grey in the Schedule “A”:

From the most southern part of Goulais Ave. to where it intersect with Second Line West, along Second Line West onto Second Line East to where it intersect with Black Rd., on Black Rd. to where it intersects with Trunk Rd, on Trunk Rd. to where it intersects with Queensgate Blvd., on Queensgate Blvd. to where it intersects with Queen St. East, on Queen St. East to where it intersects with Falldien Rd., and Falldien Rd. to the intersection with River Rd. and all road geographically found between Goulais Ave. and the intersection Falldien Rd. to the intersection with River Rd by reference to the City southern boundary limit.

With the exception of crossing at a 90° angle or loading the MSV, all roads within the listed boundary are prohibited for use by MSV.