

BYLAW NO. 01, 1996 OF THE CITY OF CORNWALL

A bylaw to control the use of
Motorized Snow Vehicles in the City of Cornwall

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WHEREAS The Motorized Snow Vehicle Act R.S.O. 1990, Chapter M. 44, subsection 7 (2) provides that the Council of a local municipality may pass bylaws 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, highways within the City of Cornwall, and to regulate the emission of noise from snow vehicles;

NOW THEREFORE, THE COUNCIL OF THE CORPORATION OF THE CITY OF CORNWALL HEREBY ENACTS AS FOLLOWS:

1. In this Bylaw:

- (a) "ACCESS ROUTES", means any permitted roadway utilized for the purpose of gaining access to established approved trails.
- (b) "APPROVED TRAILS", means Ontario Federation of Snowmobile Clubs (O.F.S.C.) trails established and maintained by the Seaway Valley Snowmobile Association for the use of motorized snow vehicles within the greater Cornwall area.
- (c) "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.
- (d) "HIGHWAY", includes a common and public highway, street, avenue, 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.
- (e) "MOTORIZED SNOW VEHICLE", means a self-propelled vehicle designed to be driven exclusively on snow or ice or both.
- (f) "MUNICIPALITY" or "City", means The Corporation of the City of Cornwall.

- (g) "PRIVATE PROPERTY", includes all property in the municipality except crown land and highway.
 - (h) "PUBLICLY OWNED PARKLAND", includes any land or premises under the control management of the municipality.
 - (i) "RACE", means any competition of speed between two or more vehicles and/or drivers thereof.
 - (j) "ROADWAY", means part of the 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.
 - (k) "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. (1) No person shall operate a motorized snow vehicle on any street in the City of Cornwall except for those that are designated in Schedule 'A' to this bylaw as approved access routes to approved trails.
- (2) Sub-section (1) shall not apply to an operator whose intention is to travel directly from his/her residence to an access route or an approved trail and subject to the following:
- (i) shall not exceed 20 kilometres per hour.
 - (ii) shall travel in single file.
 - (iii) shall travel as close to the right hand side of the road as conditions permit.
- 3 No person shall operate a motorized snow vehicle within an area designated in Schedule 'B' to this bylaw.
4. No person shall operate a motorized snow vehicle on any turfed area, sidewalk, walkway, ski trail, bicycle path, boulevard, parkland, playground, school yard or other public property, except properties identified in Schedule 'C' to this bylaw.
5. No person shall operate on any private property unless the owner or occupier permits the operations of a motorized snow vehicle on such private property.
6. No person shall operate a motorized snow vehicle within the City of Cornwall between the hours of 11:00pm and 7:00am of the following day 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 ninety 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 city 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. 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. No person shall operate a snow vehicle which has a muffler cut-out, straight exhaust, gutter muffler, Hollywood muffler bypass or similar device, alteration or modification upon it.

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 bylaw shall not apply to motorized snow vehicle operated by service agents or employees of the Corporation including the Cornwall Police Service 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 Cornwall.
12. Any person who contravenes any provision of this bylaw shall be guilty of an offence and upon conviction shall be subject to the penalties provided under the Provincial Offences Act.
13. If any section or part of this bylaw 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.
14. Subject to Section 15, Bylaw #1411, 1973 shall be the same is hereby repealed.
15. The provisions of this bylaw effecting traffic on highways designated as Connecting Links pursuant to the Public Transportation and Highway Improvement Act shall not become effective until approved by the Ontario Ministry of Transportation, and

Bylaw #1411, 1973 shall remain in force on such highways until the date upon which this bylaw is approved by the Ontario Ministry of Transportation.

READ a First and Second Time in Open Council on this 8th day of January, A.D. 1996.


MAYOR


CLERK

READ a Third Time, PASSED, SIGNED AND SEALED in Open Council this 8th day of January, A.D. 1996.


MAYOR


CLERK

SCHEDULE 'A'

DESIGNATED SNOWMOBILE ACCESS ROUTES

Column I
Highway

Column II
Side

Column III
Between

Column IV
Time of Day

SCHEDULE 'B'

PROHIBITED AREAS – SNOWMOBILES

Column I
Property/Area

Column II
Description

Column III
Times/Days

Bicycle Path

Throughout the city except between Rosemount Avenue to the city limits.

Anytime

SCHEDULE 'C'

PARKS AND OTHER PROPERTIES – PERMITTED AREAS

Column I
Properties/Areas

Column II
Description

Column III
Times/Days

Bicycle Path

Rosemount Avenue to the city limits

Anytime



BY-LAW NO.047-1992, OF THE CITY OF CORNWALL

A by-law to regulate the use of motorized snow vehicles within the City of Cornwall.

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WHEREAS pursuant to Section 7, Subsection 2 of the Motorized Snow Vehicles Act, R.S.O. 1990, Chapter M.44, 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 it is deemed advisable and expedient to regulate, govern or prohibit the operation or motorized snow vehicles upon pedestrian ways, boulevards and highways within the City of Cornwall, and to regulate the emission of noise from motorized snow vehicles;

NOW THEREFORE, the Council of The Corporation of the City of Cornwall enacts as follows:

1. In this by-law:

- a) "Motorized Snow Vehicle" means a self-propelled vehicle designed to be driven primarily on snow.
- b) "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.
- c) "Sidewalk" includes all parts of a street as are set aside for the use of pedestrians.
- d) "City" means The City of Cornwall.

2. Sidewalks

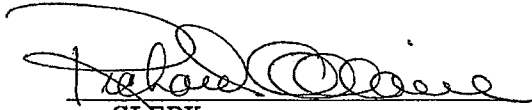
No person shall operate a motorized snow vehicle upon any sidewalk or public foot path in the City.

3. Towing

No person shall operate a motorized snow vehicle on any highway in the City to tow or pull a person unless such person is a passenger 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.

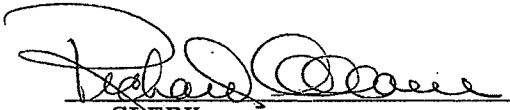
4. Any person offending against any of the provisions herein contained is guilty of an offence and shall upon conviction, forfeit and pay a penalty in accordance with the Provincial Offences Act.
5. If any section or part of this by-law may be found by any competent Court of Law to be bad, illegal or beyond the power of the Council to enact, such section or part thereof shall be deemed to be separate and independent therefrom and to be enacted as such.
6. By-law number 1411-1973 shall be and the same is hereby repealed.

READ a First and Second Time in Open Council this 27th day of April, 1992.


CLERK


MAYOR

Read a Third and Final Time, Signed and Sealed in Open Council this 27th day of April, 1992 A.D.


CLERK


MAYOR