

THE RURAL MUNICIPALITY OF SPRINGFIELD

Being a By-Law for the purpose of regulating the operation of snowmobiles within certain limits of the Rural Municipality of Springfield.

WHEREAS "The Off-Road Vehicle Act", S.M. 1987-88, c. 6-1, Cap. 031 (the "Act") provides as follows:

"s. 32(1) No person shall operate an off-road vehicle

(a) on privately owned land without the express or implied consent of the owner or lawful occupier of the property; or

(b) on Crown land allocated by lease or permit, without the express or implied consent of the lawful occupier of the property, unless the operator is otherwise lawfully authorized to enter such land; or

(c) within 30 meters of a dwelling between the hours of twelve midnight and seven o'clock in the morning, unless the dwelling is located on the operator's own property or property under the operator's control or as an invited guest; or

(d) within 30 meters of a playground, or area set aside for other recreational use, unless the area is enclosed or fenced or unless the off-road vehicle is required for the maintenance or operation thereof.

"s. 33(1) Except as may be authorized by subsection (4) or any other provision of this Act or regulation thereunder, no person shall operate an off-road vehicle

(a) upon or across a roadway or the shoulder thereof; or

(b) on or across the median of a divided highway; or

(c) on the right-of-way of an interchange.

"s. 33(4) The minister may authorize a traffic authority to make by-laws to permit the operation of an off-road vehicle upon a roadway or the shoulder thereof.

"s. 46(1) Rules supplementary to, or in addition to, but not contrary to any other provision of this Act to the regulations made under this Act

(a) prescribing the periods of the day, or of the year, during which designated off-road vehicles shall not be operated;

(b) prescribing area in which the operation of designated off-road vehicles shall be permitted or prohibited; and

(c) fixing penalties for violation of by-laws passed under this section;

may be made

(d) in respect of a municipality, by the council thereof."

AND WHEREAS "The Highway Traffic Act", S.M. 1985-86, c. 3, Cap. 1160, provides, inter alia, the council of a municipality may, by by-law, fix the maximum speed at which a vehicle may be driven on a highway of which the municipality is the traffic authority;

AND WHEREAS the Council of the Rural Municipality of Springfield deems it advisable to pass a by-law regulating the use of snowmobiles within certain limits of the Rural Municipality of Springfield.

NOW THEREFORE, BE IT ENACTED AS FOLLOWS:

1. DEFINITIONS

Unless the context specifically indicates otherwise, the meaning of the terms used in this by-law shall be as follows:

- (a) "Designated Area" means that portion of the Rural Municipality of Springfield referred to herein as "Oakbank" being that portion of the Rural Municipality of Springfield more particularly described as follows:
- (a) Bounded on the north by the south limit of C.P.R. right-of-way.
 - (b) Bounded on the east by the east limit of the W $\frac{1}{2}$ of Sections 22 and 27-11-5E respectively.
 - (c) Bounded on the south by Springfield Road.
 - (d) Bounded on the west by the west limit of the E $\frac{1}{2}$ Section 21-11-5E.
- (b) Highway means any place or way, including any structure forming part thereof, which or any part of which the public is ordinarily entitled or permitted to use for the passage of vehicles, with or without fee or charge therefor, and includes all the space between the boundary lines thereof; but does not include any area designed or intended, and primarily used for the parking of vehicles and the necessary passage-ways thereon;
- (c) Intersection means the area embraced within the straight projection of the lateral boundary lines of two or more highways that join one another at an angle, whether or not one of the highways crosses another;
- (d) Operate means to drive or to be in actual physical control of a snowmobile vehicle;
- (e) Operator means a person operating or driving a snowmobile vehicle or a person in actual physical control of a snowmobile vehicle;
- (f) Owner includes a person, in possession of a snowmobile vehicle under a contract providing that the ownership, title, and property therein is to vest in the person at a subsequent time upon payment of the whole or part of the price or the performance of any other condition;
- (g) Right-of-Way means an area of land acquired for a public thoroughfare including any other facility incidental thereto;
- (h) Roadway means the portion of a highway that is improved, designed or ordinarily used for vehicular traffic, and includes that portion thereof that, but for the presence of a safety zone, would be ordinarily so used, 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 all the roadways collectively;
- (i) Shoulder means the portion of a highway contiguous with the travelled way for accommodation of stopped vehicles for emergency use and for lateral support of base and surface courses;

- (j) Snowmobile means a vehicle that has a gross vehicle weight not exceeding 454 kilograms and
- (a) is not equipped with wheels, but in place thereof is equipped with tractor treads alone or with tractor treads and skis, or with skis and a propeller, or is a toboggan equipped with tractor treads or a propeller,
 - (b) is designed primarily for operating over snow or ice, and is used primarily for that purpose, and
 - (c) is designed to be self-propelled.
2. No person shall operate a snowmobile within that portion of the Rural Municipality of Springfield commonly referred to as Oakbank, except as permitted in this by-law or under the Off-Road Vehicle Act.
3. Any person who is qualified to operate a snowmobile vehicle may, during the period from October 15th of one year to April 15th of the next following year, operate a snowmobile vehicle within the limits of Oakbank on the designated routes attached as Schedule "A" hereto provided said designated routes are snow covered.
4. Any person who is qualified to operate a snowmobile vehicle is entitled, when operating a snowmobile vehicle within Oakbank, during the period provided in Clause 3 here of, to drive a snowmobile along the lane, immediately adjacent to residences or in the alternative where no such lane is in existence along the right hand shoulders of the street upon which he or she resides, or upon which the residence of his or her relative or friend is situated, directly to the nearest lane, Public Reserve, or Designated Route provided.
5. No person shall operate a snowmobile within the community of Oakbank at a speed that is greater than 30 kilometers per hour.
6. No person shall operate a snowmobile within the community of Oakbank between the hours of 11:30 o'clock in the afternoon of one day and 7 o'clock in the forenoon of the next day.
7. Where a snowmobile is being operated on a roadway or shoulder as permitted in this by-law the operator shall
- (a) be the holder of a valid driver's license of a class other than Class 7;
 - (b) drive the snowmobile as close to the right hand edge of the roadway and shoulder as possible; and
 - (c) drive in a single line with other snowmobiles; and
 - (d) yield the right-of-way to pedestrians and any vehicular traffic.
8. Where an offence, resulting from the violation of any provision of this by-law
- (a) is committed by means of, or with respect to, a snowmobile vehicle; or
 - (b) occurs by reason of, or with respect to, the ownership, use or operation of a snowmobile vehicle

the owner of the snowmobile vehicle may be charged with the commission of the offence, and if the judge, justice or magistrate before whom the charge is tried, is satisfied that the offence was committed, the owner is guilty of the offence and is liable, on summary conviction, to the penalty herein provided unless he or she satisfies the judge, justice or magistrate that at the time of the violation, the snowmobile vehicle was in the possession of some other person without the knowledge or the consent of the owner.

9. Nothing in clause 8 hereof relieves the operator of a snowmobile vehicle from any liability for any offence or violation of any provision of this by-law.
10. Any person who violates, contravenes, or disobeys, or refuses, omits, neglects, or fails to observe, obey or comply with any provision of this by-law, is guilty of an offence and liable, on summary conviction, to a fine of not less than One Hundred (\$100.00) Dollars or more than One Thousand (\$1,000.00) Dollars, or in default of payment thereof, to imprisonment for a term of not more than thirty (30) days.

DONE AND PASSED in Council duly assembled in Oakbank this 1st day of
June , A.D. 1993.



J. Nicol - Reeve.



E. Towler, - Secretary-Treasurer.

READ a first time this 25th day of May , A.D. 1993.
READ a second time this 1st day of June , A.D. 1993.
READ a third time this 1st day of June , A.D. 1993.

NEW PROPOSED AREA



R. M. of SPRINGFIELD
 VILLAGE of OAKBANK
 OVERALL SANITARY SEWER LAYOUT

W.L.W. Dwg. No. 70101-01-1A 1971
 W.L.W. Dwg. No. 76647-01-G1 1976
 J.R.C. Dwg. No. 3 0V7-156 1987

N.T.S.

SCHEDULE "A" BY-LAW NO. 93-26