

THE CORPORATION OF THE TOWN OF TECUMSEH

BY-LAW 2001 - 53

A By-law to regulate, govern and prohibit the operation of Motorized Snow Vehicles within the Municipality.

WHEREAS pursuant to Section 7 of the *Motorized Snow Vehicles Act*, R. S.O. 1990, c. 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 desirable and expedient to enact a By-law to prohibit the operation of Motorized Snow Vehicles within the Municipality;

THEREFORE THE COUNCIL OF THE CORPORATION OF THE TOWN OF TECUMSEH ENACTS AS FOLLOWS:

1. In this By-law:

"Corporation" means the Corporation of the Town of Tecumseh;

"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;

"Motorized Snow Vehicle" means a self-propelled vehicle designed to be driven primarily on snow or ice or both;

"Municipality" means The Corporation of the Town of Tecumseh.

"Park", "Parking" or "Parked" means the standing or Stopping of a Motorized Snow Vehicle, whether occupied or not, except when standing temporarily for the purpose of and while actually engaged in loading or unloading merchandise or passengers.

"Public Place" means any land, place or area owned or controlled by the Corporation of the Town of Tecumseh other than a Highway, and includes: a public park; a cemetery; and a sidewalk, a pathway or footpath used by or set apart for the use of pedestrians and forming part of any Highway, boulevard, park-lot, garden or other place set apart for ornament or embellishment or for public recreation.

"Roadway" means the part of the Highway that is improved, designed or ordinarily used for vehicular traffic, but does not include the Shoulder;

"Stop" or "Stopping" means the halting of a Motorized Snow Vehicle, even momentarily whether occupied or not except when necessary to avoid conflict with other traffic or in compliance with the direction of a Police Officer.

2. No person shall operate or drive a Motorized Snow Vehicle on those lands as depicted on the Schedule "A" attached hereto and forming part of this By-law
3. Where the operation of a Motorized Snow Vehicle is permitted, no person shall operate or drive a Motorized Snow Vehicle
 - (i) within the limits of the Corporation between the hours of 11:00 o'clock in the afternoon and 8:00 o'clock in the forenoon of the next following day;


- (ii) within a Public Place;
 - (iii) on a Roadway;
 - (iv) on any private property in the Municipality unless the operator of such Motorized Snow Vehicle has obtained the prior consent of the owner or occupant of the private property.
4. No person shall Park or Stop a Motorized Snow Vehicle on a Roadway.
 5. Every person who contravenes any provision of this By-law is guilty of an offence and on conviction is liable to a penalty not exceeding Three Thousand Dollars (\$3,000.00), exclusive of costs, and every such penalty shall be recoverable under the *Provincial Offences Act* R.S.O. 1990 c.P.33, all provisions of which shall apply.
 6. By-law 1089 of the former Corporation of the Village of St. Clair Beach, By-laws 984 and 999 of the former Corporation of the Town of Tecumseh, and By-laws 77-42, 73-40 and 72-10 of the former Corporation of the Township of Sandwich South, and any By-laws inconsistent with the provisions of this By-law, are hereby repealed.
 7. Notwithstanding any thing herein contained, a Motorized Snow Vehicle shall be permitted to operate and to be driven within the Municipality during an official emergency declared by the head of the council of the Corporation or a duly designated party thereof and in accordance with the emergency regulations as may be contained within the emergency declaration.
 8. *This By-law comes into force and takes effect upon third and final reading thereof.*

READ a first, Second and third time and finally passed this 28th day of August, 2001.



Ed Renaud, Mayor

"SEAL"



S. M. Brophey, Clerk

SCHEDULE "A"

BY-LAW 2001 - 53

MOTORIZED SNOW VEHICLES PROHIBITED LAND

PART 1: DESCRIPTION

In the Town of Tecumseh commencing at the point of intersection of westerly limit of County Road 19 (Manning Road) and the southeasterly corner of Farm Lot 19 in the Twelfth Concession, and

thence westerly along the southerly limits of the said Farm Lot 19 to its intersection with the westerly limit of the Eleventh Concession Road, and

thence northerly along said westerly limit to its intersection with the northerly limit of County Road 42, and

thence easterly along said northerly limit to its intersection with the westerly limit of Banwell Road, and

thence northerly along said westerly limit to its intersection with the municipal boundary limit between the City of Windsor and the Town of Tecumseh, and

thence northerly along said municipal boundary limit to its intersection with the northerly shoreline of Lake St. Clair, and

thence easterly along the said northerly shoreline to its intersection with the municipal boundary limit between the Town of Tecumseh and the Town of Lakeshore, being the centreline of West Pike Creek, and

thence southerly along said centreline to its intersection with the southerly limit of Canadian National Railway, and

thence westerly along said southerly limit to its intersection with the westerly limit of County Road 19 (Manning Road), and

thence southerly along said westerly limit to its point of commencement.

