

THE CORPORATION OF THE TOWN OF MARATHON

BY-LAW NO. 1641

A by-law to repeal By-Law Nos. 1021 and 1234,
and to regulate the operation of motorized snow
vehicles within the Town of Marathon.

WHEREAS Section 8 subsection (1) of the Municipal Act, R.S.O. 2001, states the powers of a municipality under this or any other Act shall be interpreted broadly so as to confer broad authority on the municipality to enable the municipality to govern its affairs as it considers appropriate and to enhance the municipality's ability to respond to municipal issues;

AND WHEREAS Section (7) Subsection (2) of The Motorized Snow Vehicle Act R.S.O., 1990, Chapter M.44, provides that 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 the Council of The Corporation of the Town of Marathon deems it desirable and expedient to regulate, govern or prohibit the operation of motorized snow vehicles and off-road vehicles within the Town of Marathon.

NOW THEREFORE THE COUNCIL OF THE CORPORATION OF THE TOWN OF MARATHON ENACTS AS FOLLOWS:

1. That By-Law Nos. 1021 and 1234, be and are hereby repealed.
2. In this by-law:
 - (a) "Council" means the Council of The Corporation of the Town of Marathon.
 - (b) "Designated Parking Area" means a parking area intended for the use of motorized snow vehicles (See Schedule "A").
 - (c) "Direct Access" means going from one place to another by way of the shortest route.
 - (d) "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; as defined in Section (1) of the Motorized Snow Vehicle Act, R.S.O., 1990, Chapter M.44.
 - (e) "Motorized Snow Vehicle" means a self-propelled vehicle designed to be driven primarily on snow; as defined in Section 1 of the Motorized Snow Vehicle Act, R.S.O. 1990, Chapter M.44.
 - (f) "Operator" means the person having care and control of a motorized snow vehicle. "Operate" and "operating" shall have the same meaning.
 - (g) "Pedestrian Way" includes any sidewalk, footpath, boulevard, pedestrian underpass, viaduct, or any other public facility intended for or used by the general public as pedestrians.
 - (h) "Recognized Traditional Trail" means a groomed or ungroomed trail historically used, during the snow months, by motorized snow vehicle operators.
 - (i) "Serviced Roadway" means the part of the highway that is improved, designed or

ordinarily used for vehicular traffic, and includes the ploughed portion of the shoulder, and, where a highway includes two or more separate serviced roadways, the term “serviced roadway” refers to any one serviced roadway separately and not to all of the serviced roadways collectively; as defined in Section 1 of the Motorized Snow Vehicle Act, R.S.O., 1990 Chapter M.44.

- (j) "Townsite" means the built up area of The Corporation of the Town of Marathon as indicated on Schedule "A".
 - (k) "Trail" means a track, passage, path, course, route or pathway made by continual tracking of a motorized snow vehicle.
3. The rules, regulations and provisions governing the operation of motorized snow vehicles as set out in the said Motorized Snow Vehicles Act, R.S.O., 1990, Chapter M.44, as amended from time to time, shall apply to the operation of motorized snow vehicles within the Townsite of the Town of Marathon.
 4. No person shall operate a motorized snow vehicle on any highway or serviced roadway or any part thereof within the Townsite except as a means of direct access from the operator's point of origin to the nearest recognized traditional trail, and except as a means of direct access from the nearest recognized trail to the operator's point of destination.
 - (a) No person shall operate a motorized snow vehicle on a recognized traditional trail except as a means of direct access from the operator's point of origin to the operator's point of destination.

For the purpose of 4 and 4(a) recognized traditional trails can be found on attached Schedule “A”.

5. No person shall operate a motorized snow vehicle within the Townsite between the hours of 00:01 a.m. and 06:00 a.m. of each day.
6. No person shall operate a motorized snow vehicle on any pedestrian way.
7. No person shall operate a motorized snow vehicle on:
 - (1) any and all grounds of the Peninsula Golf Course, the Marathon Municipal Airport, the Superior Slopes Ski Hill, Del Earl Park and the Marathon Cemetery at any time.
 - (2) in those posted areas within Penn Lake Park prohibiting motorized snow vehicle traffic, namely;
 - i) the trailer/campground area; and
 - ii) the playground and volleyball court areas
 - (3) on the serviced roadway of Hemlo Drive, Peninsula Road, Penn Lake Road or Stevens Avenue between Peninsula Road and Winton Street.

(See attached Schedule “A” and “B”)

8. Sections 4 through 7 inclusive of this by-law shall not apply to any member of a Law Enforcement Agency, By-Law Enforcement Department, Fire Department or other Emergency Service Department or any employee of the Town of Marathon, Public Utility Company or Cable Television Company while operating a motorized snow vehicle during the lawful execution of their duties.

9. The registered owner of a motorized snow vehicle shall incur the penalty provided for any contravention of this by-law unless at the time of the contravention, the motorized snow vehicle was in the possession of some person other than the owner without the owner's consent. In this instance the operator not being the owner, shall incur the penalties provided for any such contravention.
10. Notwithstanding any other provisions of this by-law, under special circumstances Council may, from time to time, by way of a resolution, amend any provision of this by-law.
11. If any subsection, sentence, clause, phrase or provision of this by-law is for any reason held by a court of competent jurisdiction to be invalid, such decision shall not affect the validity of the remaining portions of this by-law.
12. Every person who contravenes the provisions of this by-law is guilty of an offence and, upon conviction is subject to a penalty in accordance with the provisions of the Provincial Offences Act and all such penalties are recoverable under the provisions of the said Act.
13. That this by-law shall come into force and take effect on the date of the final passing thereof.

READ A FIRST AND SECOND TIME THIS 9th DAY OF FEBRUARY A.D.,
2009.

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Mayor

(SEAL)

.....
Clerk

READ A THIRD TIME AND FINALLY PASSED THIS 9th DAY
FEBRUARY A.D., 2009.

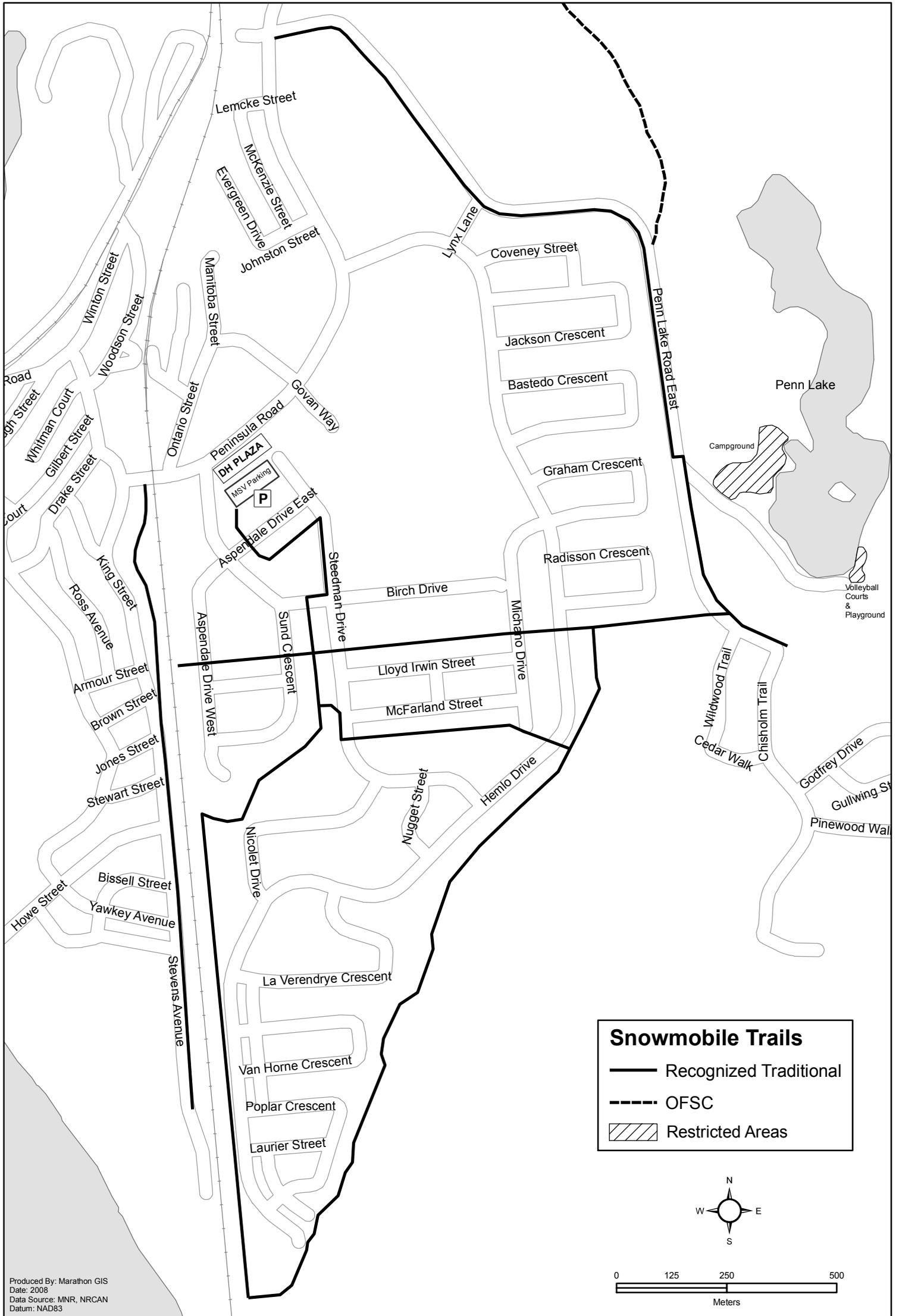
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Mayor

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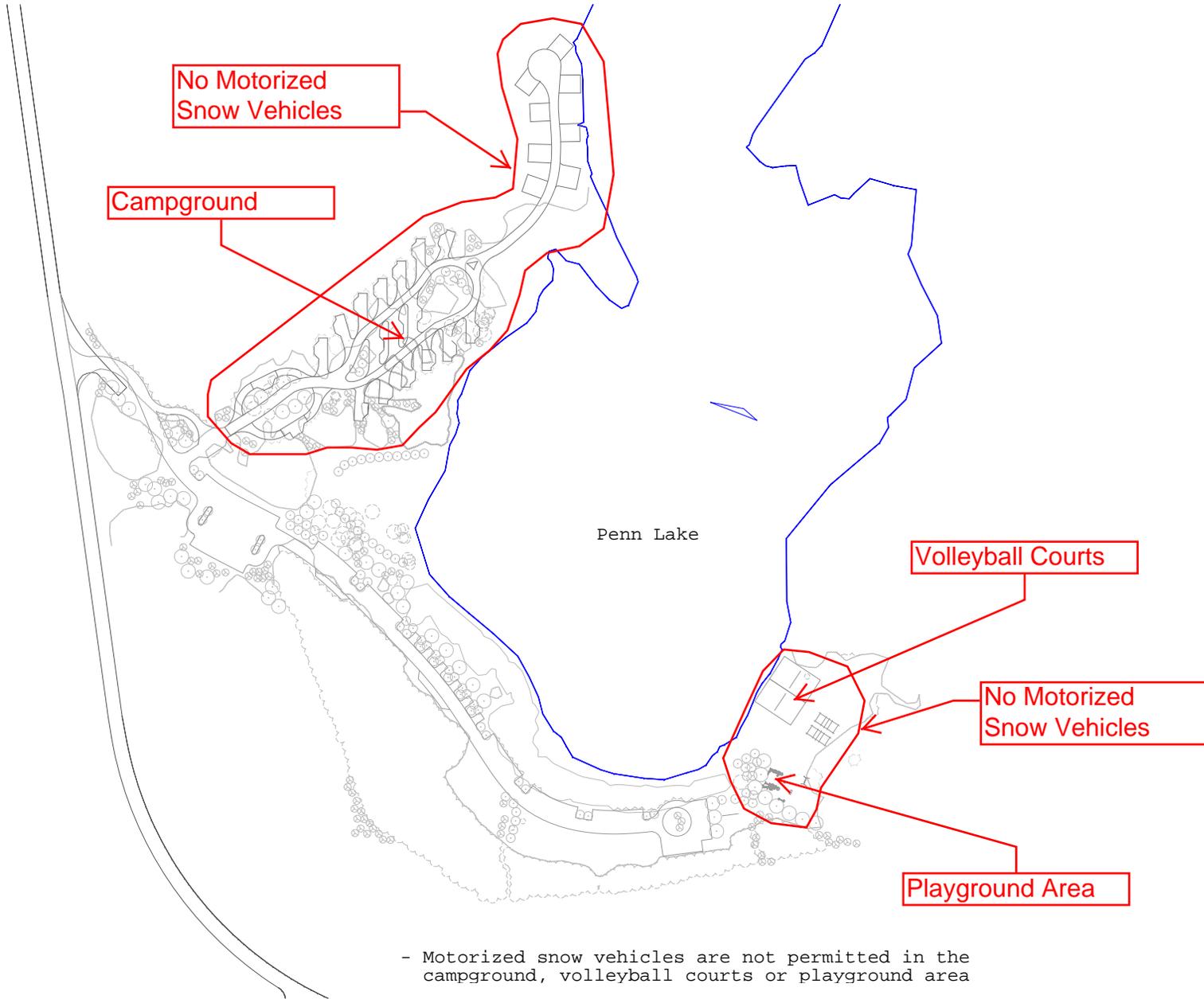
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Clerk

SEE MAPS BELOW

SCHEDULE "A" TO MOTORIZED SNOW VEHICLE BY-LAW # FOR THE CORPORATION OF THE TOWN OF MARATHON



SCHEDULE "B"
TO
MOTORIZED SNOW VEHICLE BY-LAW NO.
FOR THE
CORPORATION OF THE TOWN OF MARATHON
PENN LAKE PARK - MOTORIZED VEHICLE RESTRICTIONS



- Motorized snow vehicles are not permitted in the campground, volleyball courts or playground area