

REGULAR MEETING OF COUNCIL OF THE CORPORATION OF THE TOWNSHIP OF MANITOUWADGE, TO BE HELD IN THE COUNCIL CHAMBERS, MUNICIPAL ADMINISTRATION COMPLEX, MANITOUWADGE, ONTARIO, ON MONDAY, OCTOBER 15, 2018 AT THE HOUR OF 7:00 P.M.

AGENDA

01 CALL TO ORDER

02 ADDITIONS OR DELETIONS TO AGENDA

03 DISCLOSURE OF PECUNIARY INTEREST AND GENERAL NATURE THEREOF

04 APPROVAL OF AGENDA

05 DELEGATIONS AND PRESENTATIONS

06 ADOPTION OF MINUTES OF PREVIOUS MEETINGS

01 Minutes of the Regular Meeting held September 26, 2018.

07 PETITIONS

08 DISBURSEMENTS

01 Statement of Disbursement Sheet No. 2018-15 for \$255,589.54.

09 CORRESPONDENCE

10 REPORTS AND COMMITTEES

**01 Minutes of Meetings: Thunder Bay District Board of Health held June 20, 2018. *Statements available at:
<http://www.tbdhu.com/about-us/board-of-health/board-of-health-meetings>**

02 Minutes of Meetings: Manitouwadge Public Library Board held June 25, 2018.

11 VERBAL UPDATE BY MAYOR

12 VERBAL UPDATE BY CAO/CLERK-TREASURER

13 BY-LAWS

- 01 Being a By-law to regulate and control Motorized Snow Vehicles within the Township of Manitowadge.**

Administration Report FBA2018-14 submitted by Owen Cranney, Fire Chief and prepared by Marcel DeMars, Municipal Law Enforcement Officer regarding the Proposed Motorized Snow Vehicle By-law, dated October 2, 2018.

14 BUSINESS

15 MOTIONS AND NOTICES OF MOTIONS

16 CLOSED SESSIONS

- 01 Section 239(2)(c): a proposed or pending acquisition or disposition of land by the municipality or local board.**
 - 4 Sandpiper Ave.

- 02 Section 239(2)(i): a trade secret or scientific, technical, commercial, financial or labour relations information, supplied in confidence to the municipality or local board, which, if disclosed, could reasonably be expected to prejudice significantly the competitive position or interfere significantly with the contractual or other negotiations of a person, group of persons, or organization.**
 - Northern Broadband

17 BUSINESS ARISING FROM CLOSED SESSION

18 ADJOURNMENT

MINUTES OF THE REGULAR MEETING OF THE COUNCIL OF THE CORPORATION OF THE TOWNSHIP OF MANITOUWADGE, HELD IN THE COUNCIL CHAMBERS, WEDNESDAY, SEPTEMBER 26, 2018 AT THE HOUR OF 7:00 P.M.

PRESENT: Mayor Andy Major
 Councillor Ed Dunnill
 Councillor Ray Lelievre
 Councillor Sheldon Plummer
 Councillor Peter Ruel

ABSENT: 0

STAFF: Margaret Hartling, CAO/Clerk-Treasurer
 Joleen Keough, Deputy Clerk
 Shawna Patterson, Director of Community Services Intern
 Randy Barnes, Public Works Superintendent

PUBLIC: 4

01 CALL TO ORDER

RESOLUTION NO. 2018-260

Moved by: Councillor Ruel

Seconded by: Councillor Lelievre

RESOLVED THAT: the Regular Meeting commence at the hour of 7:00 p.m.

AND BE IT FURTHER RESOLVED THAT: Council acknowledges that we are meeting in the Robinson-Superior Treaty area on lands that have been traditionally used by several Indigenous nations, but, we would like to pay special recognition to our closest Indigenous neighbours, the communities of Biigtigon Nishnaabeg and Pic Mobert First Nations.

We wish to recognize the long history of the First Nations and Metis peoples in our region, specifically, and show respect to them today.

CARRIED

02 ADDITIONS OR DELETIONS TO AGENDA

03 DISCLOSURE OF PECUNIARY INTEREST AND GENERAL NATURE THEREOF

04 APPROVAL OF AGENDA

***Note:** Point of Order called by Mayor Major to Councillor Dunnill reminding Councillor Dunnill that he has been previously advised of the process to move a closed session agenda item into open session.

RESOLUTION NO. 2018-261

Moved by: Councillor Plummer

Seconded by: Councillor Lelievre

RESOLVED THAT: the agenda be approved as circulated.

Recorded Vote	FOR	AGAINST
Councillor Edward Dunnill		√
Councillor Raymond Lelievre	√	
Councillor Sheldon Plummer	√	
Councillor Peter Ruel	√	
Mayor Andy Major	√	

CARRIED

05 DELEGATIONS AND PRESENTATIONS

- 01** Presentation from the Manitowadge Skatepark Committee regarding Skatepark Design and updates.

RESOLUTION NO. 2018-262

Moved by: Councillor Ruel

Seconded by: Councillor Plummer

RESOLVED THAT: Council has been provided a presentation by the Manitowadge Skatepark Committee of the Skatepark Design and updates;

AND BE IT FURTHER RESOLVED THAT: upon conclusion of Council's review, Council does hereby approve the Skatepark Design as presented.

CARRIED

06 ADOPTION OF MINUTES OF PREVIOUS MEETINGS

- 01** Minutes of the Regular Meeting held September 12, 2018.

RESOLUTION NO. 2018-263

Moved by: Councillor Lelievre

Seconded by: Councillor Dunnill

RESOLVED THAT: the Minutes of the Regular Meeting held on September 12, 2018 are adopted as circulated.

CARRIED

- 02** Minutes of the Special Meeting held September 20, 2018.

RESOLUTION NO. 2018-264

Moved by: Councillor Ruel

Seconded by: Councillor Plummer

RESOLVED THAT: the Minutes of the Special Meeting held on September 20, 2018 are adopted as circulated.

CARRIED

07 PETITIONS

08 DISBURSEMENTS

- 01** Statement of Disbursement Sheet No. 2018-14 for \$287,732.89.

RESOLUTION NO. 2018-265

Moved by: Councillor Plummer

Seconded by: Councillor Ruel

RESOLVED THAT: Disbursement Sheet No. 2018-14, Two Hundred and Eighty-Seven Thousand, Seven Hundred and Thirty-Two Dollars and Eighty-Nine Cents (\$287,732.89) as provided to Council for information purposes only.

CARRIED

09 CORRESPONDENCE

10 REPORTS AND COMMITTEES

- 01** Minutes of Meetings: Thunder Bay District Social Services Administration Board held June 28, 2018 (regular) and January 28, 2018 (closed).
*Statements available at: <http://www.tbdssab.ca/index.php/administration/>

RESOLUTION NO. 2018-266

Moved by: Councillor Ruel

Seconded by: Councillor Lelievre

RESOLVED THAT: the Minutes of Meeting of the Thunder Bay District Social Services Administration Board held June 28, 2018 (regular) and June 28, 2018 (closed), be accepted as received.

CARRIED

- 02** Administration Report CS2018-06 submitted by Shawna Patterson, Director of Community Services Intern regarding Kiwissa Ski Hill, dated September 12, 2018.

***Note:** Point of Order called by Margaret Hartling, CAO/Clerk-Treasurer to Councillor Ruel advising she will arrange for Managers to meet.

RESOLUTION NO. 2018-267

Moved by: Councillor Ruel

Seconded by: Councillor Dunnill

RESOLVED THAT: Council is in receipt of Administration Report CS2018-06, submitted by Shawna Patterson, Director of Community Services Intern regarding Kiwissa Ski Hill.

AND BE IT FURTHER RESOLVED THAT: upon conclusion of Council's review and consideration, direct staff as follows:

- 01** Maintain the Chalet at minimal temperature and allow for Chalet rentals and sliding events in the event that a Ski Hill Mechanic is not hired.

Recorded Vote	FOR	AGAINST
Councillor Edward Dunnill	√	
Councillor Raymond Lelievre	√	
Councillor Sheldon Plummer	√	
Councillor Peter Ruel		√
Mayor Andy Major	√	

CARRIED

11 VERBAL UPDATE BY MAYOR

- 01** Verbal update provided by Mayor

12 VERBAL UPDATE BY CAO/CLERK-TREASURER

- 01** Verbal update provided by CAO/Clerk-Treasurer

13 BY-LAWS

- 01** **Being a By-law** to provide for advanced votes to be held prior to voting day for the 2018 Manitouwadge Municipal Election.

RESOLUTION NO. 2018-268

Moved by: Councillor Lelievre

Seconded by: Councillor Dunnill

Being a By-law to provide for advanced votes to be held prior to voting day for the 2018 Manitouwadge Municipal Election, **be read a first and second time.**

And Furthermore, be read a third time, passed and numbered as **By-law No. 2018-19**

CARRIED

- 02 Being a By-law to Authorize the Execution of an Agreement with Suncor Energy Inc.**

RESOLUTION NO. 2018-269

Moved by: Councillor Ruel

Seconded by: Councillor Plummer

Being a By-law to Authorize the Execution of an Agreement with Suncor Energy Inc., be read a first and second time.

And Furthermore, be read a third time, passed and numbered as By-law No. 2018-20

CARRIED

14 BUSINESS

- 01 Reschedule of Regular Council Meeting dated October 10, 2018.**

RESOLUTION NO. 2018-270

Moved by: Councillor Plummer

Seconded by: Councillor Dunnill

RESOLVED THAT: Council reschedule the Regular Council Meeting from October 10, 2018 to October 15, 2018 at 7:00 p.m.

CARRIED

15 MOTIONS AND NOTICES OF MOTIONS

16 CLOSED SESSIONS

- 01 Section 239(2)(c): a proposed or pending acquisition or disposition of land by the municipality or local board.**
 - LUP
- 02 Section 239(2)(c): a proposed or pending acquisition or disposition of land by the municipality or local board.**
 - Surplus Property bids

RESOLUTION NO. 2018-271

Moved by: Councillor Ruel

Seconded by: Councillor Lelievre

WHEREAS Section 239(4) of the *Municipal Act, 2001*, S.O. 2001, c. 25 provides that before holding a meeting or part of a meeting that is to be closed to the public, a municipality or local board or committee of either of them, shall state by resolution the fact of holding of the closed meeting and the general nature of the matter to be considered at the closed meeting;

NOW THEREFORE BE IT RESOLVED THAT: this meeting is hereby closed to the public as the subject matter being discussed falls under the following section:

- 01 Section 239(2)(c): a proposed or pending acquisition or disposition of land by the municipality or local board;**
 - LUP
- 02 Section 239(2)(c): a proposed or pending acquisition or disposition of land by the municipality or local board;**
 - Surplus Property bids

CARRIED

RESOLUTION NO. 2018-272

Moved by: Councillor Plummer

Seconded by: Councillor Dunnill

RESOLVED THAT: the meeting is hereby declared to be open to the public at 8:40 p.m.

CARRIED

17 BUSINESS ARISING FROM CLOSED SESSION

RESOLUTION NO. 2018-273

Moved by: Councillor Lelievre

Seconded by: Councillor Dunnill

RESOLVED THAT: Council authorize staff to prepare the documents for the sale of 55 Otter Ave and execute said documents.

CARRIED

18 ADJOURNMENT

RESOLUTION NO. 2018-274

Moved by: Councillor Ruel

Seconded by: Councillor Dunnill

RESOLVED THAT: the Regular Meeting adjourn at the hour of 8:42 p.m.

CARRIED

Mayor Andy Major

Margaret Hartling, CAO/Clerk-Treasurer



AGENDA
Item No. 08-01
Meeting Date: 15 / 10 / 18
D / M / Y

The Corporation of the
TOWNSHIP OF MANITOUWADGE
Manitouwadge, Ontario
P0T 2C0

STATEMENT OF DISBURSEMENTS

DISBURSEMENT SHEET NO. 2018-15 FOR THE PERIOD

ENDING October 5, 2018

PAYROLL \$ 75,381.06

REGULAR CHEQUES \$ 180,208.48

VOID CHEQUES \$ 0.00

TOTAL \$ 255,589.54

M. Hartung
CAO/CLERK - TREASURER

MAYOR

APPROVED BY RESOLUTION NO. _____

MEETING OF COUNCIL HELD _____

CAO/CLERK - TREASURER

DEPUTY CLERK

Cheque Register-Summary-Bank



AP5090

Page : 1

Date : Oct 04, 2018

Time : 1:37 pm

Vendor : 1143301 To ZOTTE01
 Cheque Dt. 22-Sep-2018 To 04-Oct-2018
 Bank : 1 - GENERAL OPERATING

Seq : Cheque No. Status : All
 Medium : C=Computer

Cheque #	Cheque Date	Vendor	Vendor Name	Status	Batch	Medium	Amount
10857	26-Sep-2018	BELLC04	BELL CANADA	Issued	232	C	195.83
10858	26-Sep-2018	CANAD02	CANADA POST CORPORATION	Issued	232	C	131.80
10859	26-Sep-2018	CUPEL01	CANADIAN UNION OF PUBLIC EMPLOYEES	Issued	232	C	764.33
10860	26-Sep-2018	EDWAR02	EDWARDS, GORDON	Issued	232	C	1,002.72
10861	26-Sep-2018	HARTL01	HARTLING, MARGARET	Issued	232	C	724.70
10862	26-Sep-2018	LOUDO01	LOUDON BROS. LTD.	Issued	232	C	305.15
10863	26-Sep-2018	MAJOA01	MAJOR, ANDY	Issued	232	C	380.00
10864	26-Sep-2018	MANIT13	MANITOUWADGE VOLUNTEER FIREFIGHTER	Issued	232	C	1,500.00
10865	26-Sep-2018	MICMIL02	MCMILLAN, MICHAEL	Issued	232	C	100.00
10866	26-Sep-2018	MINIS03	MINISTER OF FINANCE	Issued	232	C	2,496.88
10867	26-Sep-2018	OMERS01	OMERS	Issued	232	C	19,261.68
10868	26-Sep-2018	RECEI01	RECEIVER GENERAL	Issued	232	C	16,303.69
10869	26-Sep-2018	RELIA02	RELIANCE COMMERCIAL SOLUTION	Issued	232	C	10,926.94
10870	26-Sep-2018	RUELP01	RUEL, PETER	Issued	232	C	350.46
10871	26-Sep-2018	STMP000012	BUDGE, ALLAN FLOYD	Issued	232	C	108.03
10872	26-Sep-2018	STMP000013	FISHER, ROY EDWARD AND BEAULE, EVELIN	Issued	232	C	160.38
10873	26-Sep-2018	TOWNC01	TOWNES, CHRISTOPHER	Issued	232	C	433.20
10874	26-Sep-2018	WSIB01	WSIB	Issued	232	C	3,896.77
10875	04-Oct-2018	ABCFI01	ABC FIRE & SAFETY EQUIPMENT LTD.	Issued	235	C	497.03
10876	04-Oct-2018	BARNE03	BARNES, RANDY	Issued	235	C	318.00
10877	04-Oct-2018	BUSET01	BUSET & PARTNERS LLP	Issued	235	C	361.60
10878	04-Oct-2018	CHAIN01	KUBOTA THUNDER BAY	Issued	235	C	107.07
10879	04-Oct-2018	CLEAN02	CLEAN-SWEEP	Issued	235	C	3,582.10
10880	04-Oct-2018	CRANN01	CRANNEY, OWEN	Issued	235	C	455.21
10881	04-Oct-2018	CRITE01	CRITERION PICTURES	Issued	235	C	40.09
10882	04-Oct-2018	EMBES01	EMBESAN, VICTORIA	Issued	235	C	3,000.00
10883	04-Oct-2018	EMCOC01	EMCO CORP./WESTERN SUPPLIES	Issued	235	C	6,218.72
10884	04-Oct-2018	FREEH01	FREEHAWK ENTERPRISES	Issued	235	C	146.87
10885	04-Oct-2018	FRIEN01	FRIENDS BAKERY & COFFEE SHOP	Issued	235	C	319.88
10886	04-Oct-2018	GOODW01	GOODWIN, GRANT	Issued	235	C	300.00
10887	04-Oct-2018	GORDS01	GORD'S TAXI SERVICE	Issued	235	C	200.00
10888	04-Oct-2018	HARTD01	HART, DON	Issued	235	C	358.92
10889	04-Oct-2018	HOSAN01	HOSANNA FIRE PROTECTION	Issued	235	C	184.65
10890	04-Oct-2018	HYDRO04	HYDRO ONE NETWORKS INC.	Issued	235	C	2,592.07
10891	04-Oct-2018	IMPAC01	IMPACT PROMOTIONS	Issued	235	C	109.27
10892	04-Oct-2018	JIMMO01	JIM MOFFAT ENTERPRISES LTD.	Issued	235	C	612.30
10893	04-Oct-2018	MINIS04	MINISTER OF FINANCE	Issued	235	C	37,602.00
10894	04-Oct-2018	MPAC01	MPAC	Issued	235	C	6,725.57
10895	04-Oct-2018	NAVCA01	NAV CANADA	Issued	235	C	145.95
10896	04-Oct-2018	PPESO01	PPE SOLUTIONS INC.	Issued	235	C	197.75
10897	04-Oct-2018	RELIA01	RELIANCE HOME COMFORT PAYMENT PROC	Issued	235	C	45.73
10898	04-Oct-2018	RITEP01	RITE PRICE APPL & ELECT REPAIR	Issued	235	C	1,444.18
10899	04-Oct-2018	SAULT01	SAULT STE. MARIE INNOVATION CENTRE	Issued	235	C	4,802.52
10900	04-Oct-2018	SINCL01	SINCLAIR, JENNY	Issued	235	C	3,000.00
10901	04-Oct-2018	SOOV01	SOO OVERHEAD DOORS INC.	Issued	235	C	5,141.49
10902	04-Oct-2018	TBAYT01	TBAYTEL	Issued	235	C	401.68
10903	04-Oct-2018	TBDSS01	TBDSSAB	Issued	235	C	5,234.00
10904	04-Oct-2018	THEPU01	THE PUBLIC SECTOR DIGEST INC.	Issued	235	C	30,698.34
10905	04-Oct-2018	THUND06	THUNDER BAY DISTRICT HEALTH UNIT	Issued	235	C	3,801.00
10906	04-Oct-2018	THYSS01	THYSSENKRUPP ELEVATOR (CANADA) LTD.	Issued	235	C	842.52
10907	04-Oct-2018	TOROM01	TOROMONT CAT	Issued	235	C	827.91
10908	04-Oct-2018	VANHO01	VANHOUTTE COFFEE SERVICES INC.	Issued	235	C	58.65
10909	04-Oct-2018	WILDE01	WILDERNESS HELICOPTERS WAWA MUNICIF	Issued	235	C	485.10
10910	04-Oct-2018	XEROX01	XEROX CANADA LTD.	Issued	235	C	307.75

Cheque Register-Summary-Bank



AP5090

Page : 2

Date : Oct 04, 2018

Time : 1:37 pm

Vendor : 1143301 To ZOTTE01
Cheque Dt. 22-Sep-2018 To 04-Oct-2018
Bank : 1 - GENERAL OPERATING

Seq : Cheque No. Status : All
Medium : C=Computer

Cheque #	Cheque Date	Vendor	Vendor Name	Status	Batch	Medium	Amount
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Bank : 1 GENERAL OPERATING

Total Computer Paid :	180,208.48	Total EFT PAP :	0.00	Total Paid :	180,208.48
Total Manually Paid :	0.00	Total EFT File :	0.00		

54 Total No. Of Cheque(s) ...



**Manitouwadge Public Library Board
June 25, 2018, 7:00pm, Meeting Room #1
Minutes**

Present: Connie Hunter, Helen Goodwin, Tara Ruel, Lisa Schut, Beth Bierworth (CEO)

Absent: Ray Lelievre (Council Representative)

- 1) Call to Order at 7:00pm
- 2) Declaration of Interest - None
- 3) Motion #21-2018
That the Manitouwadge Public Library Board accept the Consent Agenda for the June 25, 2018 Board meeting.
Moved by: Helen Goodwin
Seconded by: Lisa Schut
Passed
- 4) Business arising from the minutes - none
- 5) Financial Report
 - a. Trial Balance from Township – Beth to talk to Margaret about current period figures and annual budget figures.
- 6) CEO's report
 - Board approves Beth's attendance OLS-N Conference in Sudbury
 - 17 library programs, 140 attendees
- 7) New Business - none
- 8) Business from the floor - none
- 9) Continuing Business
 - a. Long Term Goals
 - b. Board Development



Offering opportunities for discovery...

c. Policy Review – Tech Lending Policy

Motion #22-2018

That the Manitouwadge Public Library Board approves the draft Equipment Lending Policy as amended as Services Policy #01 (SER-01)

Moved by: Helen Goodwin

Seconded by: Tara Ruel

Passed

10) Next Meeting – September 18, 2018 at 6:30pm

11) Notice of adjournment

Motion #23-2018

That the Manitouwadge Public Library Board adjourns at 7:40pm.

Moved by: Lisa Schut

Seconded by: Helen Goodwin


Passed

A handwritten signature in blue ink, appearing to read 'Connie Hunter', is written over a horizontal red line.

**Connie Hunter,
Board Chair**

THE CORPORATION OF THE TOWNSHIP OF MANITOUWADGE

ADMINISTRATION REPORT

SUBJECT: Propose By-Law 2018-xx MOTORIZED SNOW VEHICLE BY-LAW		REPORT NUMBER: FBA2018-14
PREPARED BY: Marcel DeMars		PAGE 1 OF 2
DATE: October 2, 2018	REVISION DATE:	
MANAGER SIGNATURE: 	FOR CONSIDERATION: OPEN SESSION <input checked="" type="checkbox"/> CLOSED SESSION <input type="checkbox"/>	
CAO/CLERK-TREASURER SIGNATURE:		
REFERRED TO:		
ATTACHMENTS:		

BACKGROUND: The Township presently has By-law No. 2009-34, respecting Motorized Snow Vehicles within the Township of Manitouwadge.

COMMENTARY: A review of By-law No. 2009-34 was conducted and it was determined that a rewrite of the By-law should be undertaken and associated mapping upgraded to today's standard.

Under definitions item (e) and (h) were removed and no longer applies.

Section 5 removed.

Trappers added to the List of Exemptions

FINANCIAL IMPLICATIONS: None

ACCESSIBILITY IMPLICATIONS: Should Council approve the proposed by-law, it will be provided to the public in a number of methods to ensure wide spread awareness.

IN CONSULTATION WITH:

Manitouwadge Outdoor Enthusiasts, Trappers and the Ministry of the Attorney General for review.

Copies of the By-law draft were available for review at the front counter with comment sheets. No comments were received.

The MSV By-law draft was also available for viewing on the Municipal web site and facebook page. Comments were to be forwarded to the MLEO. No comments were received.

People were invited to an open house on November 7th, 2017 from 10:00 am to 2:00 pm. (2 contacts) and from 7:00 pm to 9:00 pm (3 Contacts).

1 comment provided: Change buffer around the swings set area at Lions Beach from 10 meters to 5 meters for fish derby events (Revised Part 4 Exemptions section 4.3 by adding: or an approved activity).

RECOMMENDATION:

Approve the By-law as presented for implementation.

THE CORPORATION OF THE TOWNSHIP OF MANITOUWADGE

BY-LAW NO. 2018-___

Being a By-Law to regulate and control Motorized Snow Vehicles within the Township of Manitouwadge.

WHEREAS the Council of the Corporation of the Township of Manitouwadge deems it necessary and expedient to pass a By-law to regulate motorized snow vehicles within the Township of Manitouwadge;

AND WHEREAS Section 8 of the *Municipal Act, 2001*, S.O. 2001, c. 25, as amended, provides that the powers of a municipality shall be interpreted broadly to enable it to govern its affairs as it considers appropriate and to enhance the municipality's ability to respond to municipal issues;

AND WHEREAS Section 9 of the *Municipal Act, 2001*, S.O. 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 this or any other Act;

AND WHEREAS Section 10(1) of the *Municipal Act, 2001*, S.O. 2001, c. 25, as amended, 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 27 of the *Municipal Act, 2001*, S.O. 2001, c. 25, as amended, provides that a municipality may pass by-laws with respect to highways over which it has jurisdiction;

AND WHEREAS Section 425(1) of the *Municipal Act, 2001*, S.O. 2001, c. 25, as amended, provides that a municipality may pass by-laws providing that a person who contravenes a by-law of the municipality passed under the Act is guilty of an offence;

AND WHEREAS Section 429(1) of the *Municipal Act, 2001*, S.O. 2001, c. 25, as amended, provides that a municipality may establish a system of fines for offences under a by-law of the municipality passed under the Act;

AND WHEREAS Section 7(2) of the *Motorized Snow Vehicle Act, R.S.O. 1990, c. M.44*, as amended, provides that a 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;

NOW THEREFORE the Council of the Corporation of the Township of Manitouwadge hereby enacts as follows:

**PART 1
GENERAL PROVISIONS**

SECTION

1.1 Short Title

This By-law shall be cited as "*The Motorized Snow Vehicles By-law*".

1.2 Scope

The provision of this By-law shall apply to all property within the geographic limits of the Municipality, except where otherwise provided.

1.3 Enforcement

This By-law may be enforced by a Peace Officer.

1.3(1) Stopping on Request

For the purpose of this By-law, a Peace Officer, may stop any person driving a motorized snow vehicle if he or she has reasonable probable grounds to believe that stopping the motorized snow vehicle would assist in determining whether there is compliance with this By-law;

- (2) Every person who has been signaled to stop by a person authorized to do so under subsection 1.3(1) shall stop forthwith;
- (3) Every person stopped under this section, shall when so requested, identify himself or herself by giving his or her correct name and address to the person who stopped him or her.

1.4 Obstruction

No person shall hinder or obstruct or attempt to obstruct any person exercising a power or performing a duty under this By-law. *Municipal Act, 2001, S.O. 2001, c. 25, s.426(1)* as amended.

1.5 Severability / Conflicts

If any section, subsection, part or parts of this By-law is declared by any court of law to be invalid, illegal or beyond one's legal authority, such section, subsection, part or parts shall be deemed to be severable and all parts hereof are declared to be separate and independent and enacted as such.

1.6 Nothing in this By-law relieves any person from complying with any provision of any Federal or Provincial Legislation or any other By-law of the Municipality.

1.7 Where a provision of this By-law conflicts with a provision of another By-law in force in the Municipality or any Provincial or Federal Legislation, the provision that establishes the higher standard to protect the health, safety and welfare of the general public shall prevail.

1.8 The Clerk of the Corporation of the Township of Manitouwadge is authorized to make minor modifications or corrections of a grammatical or typographical nature to the By-law and schedules after the passage of this By-law where such modifications or corrections do not alter the intent of the By-law.

1.9 Interpretation

In this By-law

- 1.9(1) Unless specifically modified or changed herein, words or expressions used by this By-law have the same meaning as given or used in the *Highway Traffic Act, R.S.O. 1990, c. H.8* as amended and the *Motorized Snow Vehicles Act, R.S.O. 1990, c. M.44* as amended;
 - (2) "may" shall be construed as permissive;
 - (3) "shall" shall be construed as imperative;
 - (4) "Includes": the words – "include – includes – including and included" are not to be interpreted as restricting or modifying the words or phrases which precede them;
 - (5) Whenever this By-law refers to a person or thing with reference to gender or the gender neutral, the intention is to read the By-law with the gender applicable to the circumstances;

- (6) References to items in the plural include the singular, as applicable;
- (7) Headings are inserted for ease of reference only and are not to be used as interpretation aids;
- (8) Specific references to laws in the By-law are printed in italic font and are meant to refer to the current laws applicable with the Province of Ontario at the time the By-law was enacted, as they are amended or replaced from time to time;
- (9) Whenever certain hours are specified in this By-law or its Schedules, they shall mean Standard Time or Daylight-Saving Time, whichever is then in effect at the time in the Municipality of Manitouwadge;
- (10) The Schedules refer in this By-law form an integral part of it.

PART 2 DEFINITIONS

Definitions of words, phrases and terms used in this By-law that are not included in the list of definitions in this section shall have the meaning which are commonly assigned to them in the context in which they are used in this By-law. The words, phrases and terms used in this section have the following meaning for the purpose of this By-law.

SECTION

- 2.1 “**Council**” means the Council of the Corporation of the Township of Manitouwadge;
- 2.2 “**Designated Parking Area**” means that area identified in Schedule “B” and delineated in Schedule “C” attached to and forming part of this By-law;
- 2.3 “**Highway**” shall mean the same as in the *Highway Traffic Act, R.S.O. 1990, c. H.8*, as amended and includes a common and public highway, street, avenue, parkway, driveway, 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 of land between the lateral property lines thereof;
- 2.4 “**Insurance Act**” means the *Insurance Act, R.S.O. 1990, c. I.8* as amended;
- 2.5 “**Motorized Snow Vehicle**” means a self-propelled vehicle designed to be driven primarily on snow;
- 2.6 “**Motorized Snow Vehicles Act**” means the *Motorized Snow Vehicles Act, R.S.O. 1990, c. M.44* as amended;
- 2.7 “**Municipal Law Enforcement Officer**” mean a duly authorized person appointed by the Council of the Township of Manitouwadge to enforce the By-laws of the Municipality and that Municipal Law Enforcement Officers are Peace Officers for the purpose of enforcing Municipal By-law;
- 2.8 “**Municipal Property**” means any land situated within the Municipality which is owned by the Municipality or controlled by the Municipality by lease or otherwise, but does not included a highway;
- 2.9 “**Municipality**” means the same as the “Township of Manitouwadge”;

- 2.10 “**Operator**” means the person having care and control of a motorized snow vehicle. “Operate” and “operating” shall have the same meaning;
- 2.11 **Parking Area(s)** means those areas listed in Schedule “B” and delineated in Schedule “C” map attached to and forming part of this By-law;
- 2.12 “**Peace Officer**” means a Police Officer appointed under the *Ontario Police Services Act*, a Conservation Officer under the *Fish and Wildlife Conservation Act* and a Municipal Law Enforcement Officer appointed by the Municipality;
- 2.13 “**Person**” means an individual, firm or corporation;
- 2.14 “**Prohibited Area(s)**” means those areas listed in Schedule “A” and delineated in Schedule “C” map attached to and forming part of this By-law;
- 2.15 “**Prohibited Highways**” means those *highways* listed in Schedule “A” and delineated in Schedule “C” map attached to and forming part of this By-law;
- 2.16 “**Provincial Offences Act**” means the *Provincial Offences Act, R.S.O. 1990, c. P.33* as amended;
- 2.17 “**Regulations**” means the regulations made under the *Motorized Snow Vehicles Act, R.S.O. 1990, c. M.44* as amended;
- 2.18 “**Townsite**” means the built-up area of The Corporation of the Township of Manitouwadge as indicated on Schedule “C”.

PART 3 REGULATIONS

SECTION

3.1 Operation of Motorized Snow Vehicles

The rules, regulations, and provisions governing the operation of motorized snow vehicles as set out in the *Motorized Snow Vehicles Act, R.S.O. 1990, c. M.44* as amended, shall apply to the operation of motorized snow vehicles within the Township of Manitouwadge.

3.2(1) Driving Requirements

Driving Along Highway

Subject to subsection (2), no person shall drive a motorized snow vehicle along a highway unless,

- a) the person has attained the full age of sixteen years; and
- b) the person holds a driver's licence; or
- c) the person holds a motorized snow vehicle operator's licence; or
- d) the person is a resident of another province, country or state and holds a licence issued by such province, country or state which authorizes the person to drive a motorized snow vehicle.

(2) Driving Across a Highway

No person shall drive a motorized snow vehicle across a highway unless;

- a) the person has attained the full age of sixteen years; and

b) the person holds a driver's licence, a motorized snow vehicle operator's licence or is a resident of another province, country or state and holds a licence issued by such province, country or state which authorizes the person to drive a motorized snow vehicle.

3.3 Prohibited Highways

No person shall operate or permit the operation of a motorized snow vehicle or permit a motorized snow vehicle to stop, stand, park in or upon a prohibited highway.

3.4 Prohibited Area(s)

No person shall operate or permit the operation of a motorized snow vehicle or permit a motorized snow vehicle to stop, stand, park in or upon a prohibited area(s).

3.5 Parking Area(s)

Notwithstanding section 3.3 and 3.4 a person may operate or permit the operation of a motorized snow vehicle to stop, stand, park in or upon a designated parking area(s).

3.6(1) Driver's Obligations

Driver to Carry Documents

Subject to subsection (2) every driver of a motorized snow vehicle shall carry his or her driver's licence or motorized snow vehicle operator's and evidence of the motorized snow vehicle's registration at all times while operating a motorized snow vehicle and shall produce them when demanded by a Peace Officer;

(2) Exception

A person shall not be required to carry any document referred to in section 3.6(1) while operating a motorized snow vehicle on lands occupied by the owner of the motorized snow vehicle.

3.7(1) Insurance

No person shall drive a motorized snow vehicle unless the vehicle is insured under a vehicle liability policy in accordance with the *Insurance Act*, and the owner of the motorized snow vehicle shall not permit any person to drive the vehicle unless the vehicle is so insured;

(2) Production of Evidence of Insurance

The driver of a motorized snow vehicle who drives or permits the driving of a motorized snow vehicle shall upon the request of a Peace Officer, produce evidence that the vehicle is insured under a motor vehicle liability policy in accordance with the *Insurance Act*.

3.8 Speed limit

No person shall drive a motorized snow vehicle at a greater rate of speed than,

(a) 20 kilometres per hour;

(i) on a highway where the speed limit established pursuant to the *Highway Traffic Act* is 50 kilometers per hour or less; or

(ii) in any public park or exhibition grounds; or

(b) 50 kilometres per hour on any highway which is open to motor vehicle traffic, where the speed limit established pursuant to the *Highway Traffic Act* is greater than 50 kilometers per hour.

3.9 Noise By-law

No person shall operate or permit the operation of a motorized snow vehicle on any highway or land within the municipality which contravenes any part or section of the Township of Manitouwadge Noise By-law.

3.10(1) Equipment Requirements**Muffler in Working Order**

No person shall drive a motorized snow vehicle unless it is equipped with a muffler in good working order and in constant operation and no person shall drive a motorized snow vehicle which has a muffler cut out, straight exhaust, gutted muffler, Hollywood muffler, by pass or similar device upon the motorized snow vehicle;

- (2) No person shall drive or permit to be driven any motorized snow vehicle upon which any component or device which was required under the provisions of the *Motor Vehicle Safety Act* (Canada) at the time that the motorized snow vehicle was manufactured or imported into Canada, has been removed, modified or rendered inoperative;

(3) Exception in Racing Area

Sections 3.9, 3.10(1) and 3.10(2) do not apply to a motorized snow vehicle while it is driven in a racing area sanctioned as such by the council of the municipality within which the racing area is located.

3.11(1) Driver Shall Wear Helmet

No person shall drive a motorized snow vehicle or ride on a motorized snow vehicle or on a cutter, toboggan, sled or similar conveyance towed by a motorized snow vehicle unless he or she is wearing a helmet that complies with the regulations and the chin straps of the helmet is securely fastened under the chin;

(2) Exemption

This section doesn't apply to a person driving a motorized snow vehicle on and occupied by the owner of the vehicle.

3.12 Driver Shall Obey Signs

Every driver of a motorized snow vehicle shall obey the instructions and directions indicated on any signs erected for the purpose of this By-law.

**PART 4
EXEMPTIONS****SECTION**

- 4.1** In this By-law, sections 3.3, 3.4, 3.8 and 3.12 shall not apply to a Peace Officer in the lawful execution of his or her duties and to fire, ambulance, search and rescue and any other emergency motorized snow vehicle while engaged in lawful activities.
- 4.2** Sections 3.3, 3.4 and 3.12, shall not apply to a municipal employee, hired contractor authorized to operate motorized snow vehicle during the course of their work duties, utility companies or when authorized by the municipality for special public community activities and/or private events for motorized snow vehicle.
- 4.3** In this By-law, sections 3.3, 3.4 and 3.12 shall not apply to licenced trappers while engaged in trapping activities on properties where they have legal authority

**PART 5
NOTICE**

SECTION

5. In accordance with section 3(1) and 5(1)(a) of the *Trespass to Property Act, R.S.O. 1990, c. T.21*, as amended, notice of the prohibitions set out in sections 3.3, 3.4 and 3.12 as defined in Schedule "A" and forming part of this By-law is hereby given.

**PART 6
PENALTIES**

SECTION

- 6.1 Every person who contravenes any provisions of this By-law is guilty of an offence and upon conviction is liable to a fine as provided for in the *Provincial Offences Act, R.S.O. 1990, c. P.33*, as amended.
- 6.2 **Owner May Be Charged and Convicted**
The owner of a motorized snow vehicle may be charged with and convicted of an offence under the *Motorized Snow Vehicles Act* or the regulations or any municipal by-law regulating, governing or prohibiting the operation of motorized snow vehicles, for which the driver of the motorized snow vehicle is subject to be charged unless, at the time of the offence, the motorized snow vehicle was in possession of a person other than the owner without the owner's consent and on conviction, the owner is liable to the penalty prescribe for the offence.

**PART 7
SCHEDULES**

SECTION

- 7.1 The following Schedule(s) are hereby incorporated into and forms a part of this By-law.
- 7.2 **Schedule "A"**
List of areas and highways prohibited from the operation of motorized snow vehicles, as amended from time to time.
- 7.3 **Schedule "B"**
List of designated signed parking areas for motorized snow vehicles, as amended from time to time.
- 7.4 **Schedule "C"**
A map delineating the prohibited area(s) listed in Schedule "A", as amended from time to time, and the designated signed parking area(s) listed in Schedule "B" as amended from time to time.

**PART 8
REPEALS**

SECTION

8. Repeals

Be it further enacted that the following By-law and all amendments to the said By-law hereinafter set forth are hereby repealed: By-law No. 2009-34

9. THAT this By-law shall come into force on the date of its final passing.

READ A 1ST AND 2ND TIME this day of , 2018 and
READ A 3rd TIME AND FINALLY enacted this day of , 2018.

Mayor Andy Major

Margaret Hartling, CAO/Clerk-Treasurer

**THE CORPORATION OF THE TOWNSHIP OF MANITOUWADGE
SCHEDULE "A"**

**"PROHIBITED AREA FOR MOTORIZED SNOW VEHICLES"
(Refer to SCHEDULE "C" MAP)**

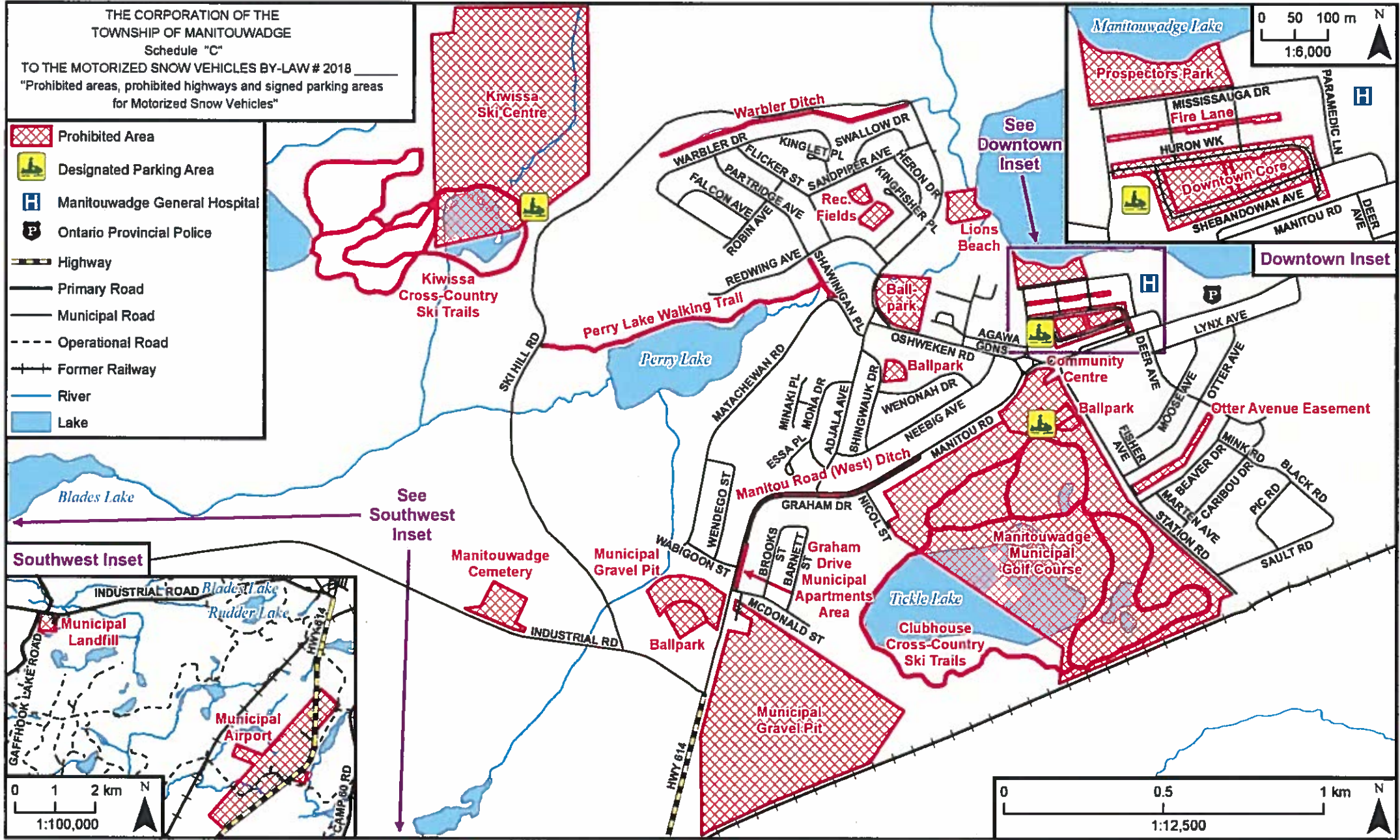
1. Pedestrian ways, including any sidewalk, pathway, footpath, or any other public facility intended for or used by the general public or set apart for the use of pedestrians and forming part of any highway or bridge, boulevard or other means of public communication;
2. Perry Lake Trail;
3. Any public park in the Township of Manitouwadge, including Prospector Park;
4. Within a 10-meter radius of the Lion's Beach Playground Area as defined on attached Schedule "C";
5. Any ballpark or recreation field;
6. Any municipal gravel pits;
7. Community Centre grounds and property except designated motorized snow vehicle parking area;
8. Kiwissa Ski Hill, except the posted designated motorized snow parking area;
9. Cross Country Ski Trails;
10. Manitouwadge Cemetery;
11. Municipal Golf Course;
12. Municipal Airport Property;
13. Municipal Landfill Site;
14. Downtown Core bordered by and including Huron Walk and Shebandowan Street, as well as all parking areas therein, except where designated parking signs are posted. (see attached Schedule "C" map);
15. Warbler Ditch;
16. Easement at rear of Otter Avenue and Beaver Drive from Station Road to Deer Avenue;
17. The ditch adjacent to Manitou Road West and Graham Drive.

**THE CORPORATION OF THE TOWNSHIP OF MANITOUWADGE
SCHEDULE "B"**

**DESIGNATED SIGNED PARKING AREAS FOR MOTORIZED SNOW
VEHICLES.**

1. Manitouwadge Community Recreation Centre, west side of rear parking lot;
2. Parking lot at the intersection of Mississauga Drive and Huron Walk, accessible via Mississauga Drive entrance;
3. Kiwissa Ski Hill signed parking area is located to the east of the main vehicle parking area.

THE CORPORATION OF THE TOWNSHIP OF MANITOUWADGE
SCHEDULE "C"



**PART 1
PROVINCIAL OFFENCES ACT
SET FINE SCHEDULE**

ITEM	COLUMN 1 Short Form Wording	COLUMN 2 Provision creating or defining offence	COLUMN 3 Set Fine
1	Failure to stop upon request	Section 1.3(2)	\$200.00
2	Interference or obstruction of a person when performing his/her duties	Section 1.4	\$250.00
3	Operate Motorized Snow Vehicle on prohibited highway	Section 3.3	\$150.00
4	Operate Motorized Snow Vehicle in prohibited area	Section 3.4	\$150.00
5	Parking Motorized Snow Vehicle on prohibited highway	Section 3.3	\$150.00
6	Parking Motorized Snow Vehicle in prohibited area	Section 3.4	\$150.00
7	Contravene Noise By-law	Section 3.9	\$100.00
8	Disobey sign	Section 3.12	\$150.00

“Note: The penalty provision for the offences indicated above is Section 6.1 of By-law No. 2018-___, a certified copy of which has been filed”