

THE CORPORATION OF THE TOWNSHIP OF ORO-MEDONTE

BY-LAW NO. 2013-203

**A By-law to Permit All-Terrain Vehicles to utilize specific Municipal Highways
within the Township of Oro-Medonte.
(All-Terrain Vehicle (ATV) By-law)
And to Repeal By-law No. 2010-189**

WHEREAS Section 191.8(1) of the Highway Traffic Act, R.S.O. 1990, c. H. 8, as amended provided that no person shall drive an off-road vehicle on a highway except in accordance with regulations and any applicable municipal by-law;

AND WHEREAS Section 191.8(3) of the Highway Traffic Act, R.S.O. 1990, c. H.8, as amended, provides that the council of a municipality may pass by-laws permitting the operation of off-road vehicles on any highway under the jurisdiction of the municipality and providing speed limits for such vehicles;

AND WHEREAS Section 191.8(4) of the Highway Traffic Act, R.S.O. 1990, c H.8, as amended, provides that by-laws passed under Section 191.8(3) may permit the operation of off-road vehicles during specific months or hours;

AND WHEREAS Section 11 of the Municipal Act, 2001, S.O. 2001, C. 25, as amended, provides that a municipality may pass by-law with respect to highways, including parking and traffic on highways, which the municipality has jurisdiction over;

NOW THEREFORE the Council of the Township of Oro-Medonte hereby enacts as follows:

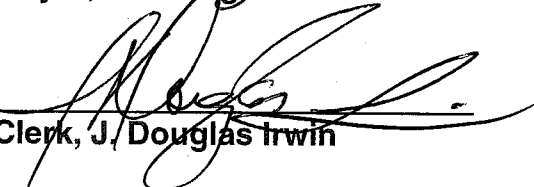
1. That Appendix "A" and Schedules "A" and "B" attached hereto form part of this By-law.
2. This By-law shall be cited as "The Township of Oro-Medonte All-Terrain Vehicle (ATV) By-law."
3. That By-law No. 2010-189 is hereby repealed in its entirety.
4. And that this By-law shall come into force and effect on the date of its final passing.

**BY-LAW READ A FIRST, SECOND AND THIRD TIME, AND PASSED THIS 6TH DAY
OF NOVEMBER 2013.**

THE CORPORATION OF THE TOWNSHIP OF ORO-MEDONTE



Mayor, H.S. Hughes



Clerk, J. Douglas Irwin

Appendix “A”

1.0 DEFINITIONS

For the purpose of this By-law, the following definitions shall apply:

“All-Terrain Vehicle” means an off-road vehicle that;

- i) has four wheels, the tires of all of which are in contact with the ground,
- ii) has steering handle bars,
- iii) has a seat that is designated to be straddled by the driver, and
- iiii) is designated to carry a driver only and no passengers;

“Boulevard” means any and all lands within the road allowance of the Township that lie between the curb, shoulder or edge of the travelled portion of the roadway and the property line that abuts the roadway;

“Council” means the Council for The Corporation of the Township of Oro-Medonte;

“Highway” means a common and public highway, street, avenue, road, parkway, square, place, bridge, viaduct or trestle, designed and intended for, or used by the general public for the passage of vehicles, including unopened and unassumed highways;

“Municipal Law Enforcement Officer” means a person duly appointed by the Corporation for the purpose of enforcing the provisions of this By-law and who shall have the powers as set out in the *Provincial Offences Act*, R.S.O., 1990, c.P. 33, as amended;

“Off-Road Vehicle” means the same as identified in the *Off-Road Vehicle Act*;

“Roadway” means that portion of a road improved, designed or ordinarily used for vehicular traffic, but does not include the shoulder;

“Shoulder” means that part of the highway immediately adjacent to the roadway;

“Sidewalk/Footpaths” means that portion of a highway as is set aside by The Corporation of the Township of Oro-Medonte for the use of pedestrians;

“Township of Oro-Medonte” means the Corporation of the Township of Oro-Medonte;

2.0 PROHIBITIONS

- 2.1 No person shall operate or use an all-terrain vehicle on a Township of Oro-Medonte highway, except for those sections of highways permitted and identified in Schedule “A” of this By-law.
- 2.2 No person shall operate or use an all-terrain vehicle on the sections of highways permitted and identified in Schedule “A” of this By-law, at a speed greater than;
 - 2.2.1 20 kilometers per hour, if the speed limit established under the *Highway Traffic Act*, R.S.O. 1990, c. H.8, as amended for that part of the highway that is not greater than 50 kilometers per hour.
 - 2.2.2 50 Kilometers per hour, if the speed limit established under the *Highway Traffic Act*, R.S.O. 1990, c. H.8, as amended for that part of the highway that is greater than 50 Kilometers per hour.
- 2.3 No person shall operate or use an all-terrain vehicle on the sections of highways identified in Schedule “A”, attached hereto an forming part of this By-law, unless all of the provisions of Regulation 316/03 under the *Highway Traffic Act*, R.S.O. 1990, c. H.8, as amended, and any other legislation governing the use of off-road vehicles is complied with at all times.

- 2.4 No person shall operate or use an all-terrain vehicle on a boulevard, shoulder sidewalk or footpath within the Township.
- 2.5 No person shall operate or use an all-terrain vehicle on sections of highways as identified in Schedule "A" of this By-law between March 16th and December 31st of any given year.
- 2.6 No person shall operate or use an all- terrain vehicle on any sections of highway not identified in Schedule "A" of this By-law.
- 2.7 No person shall operate an all-terrain vehicle on sections of highways as identified in Schedule "A" of this By-law between the hours of 10:00 p.m. and 6:00 a.m. of any given day.

3.0 ENFORCEMENT

- 3.1 No person shall hinder or obstruct, or attempt to hinder or obstruct, any officer exercising a power or performing a duty under this By-law. Any person who is alleged to have contravened any of the provisions of this by-law shall identify themselves to the officer upon request. Failure to do so shall be deemed to have obstructed or hindered the officer in the execution of their duties.
- 3.2 Every person who contravenes any provision of this By-law is guilty of an offence and shall be liable to a fine in the amount to be determined pursuant to the *Provincial Offences Act*, R.S.O. 1990, c.P 33, and every such fine is recoverable under the *Provincial Offences Act*.
- 3.3 This By-law shall be enforced by the Township's Municipal Law Enforcement Officers and the Ontario Provincial Police.

4.0 EXEMPTION

- 4.1 If compliance therewith be impractical, the provisions of this By-law shall not apply to:
 - 4.1.1 ambulance, police, fire department, or public utility emergency vehicles.

5.0 SEVERABILITY CLAUSE

- 5.1 In the event that any provision of this By-law is quashed or is declared or otherwise found to be ultra vires or unenforceable by the Township, such clause shall be deemed to have been severed from the remainder of the By-law.

Schedule “A” – By-law No. 2013-203

**Areas Permitted January 1st – March 15th of any given year
From 6:00 a.m. till 10:00 p.m.**

All highways under the jurisdiction of the Township of Oro-Medonte within the following boundaries:

Northern Boundary -Hwy 11;
Southern Boundary -Lake Simcoe
Western Boundary -Line 1 South
Eastern Boundary -Line 14 South from Hwy 11 to the Railtrail. The boundary then continues from Line 15 South from the Railtrail to Lake Simcoe.

Exclusions

- Ridge Road/Shanty Bay Road-Under the jurisdiction of the County of Simcoe (only permitted to cross at 90 degree angle).
- Private driveways
- Sidewalks and walkways
- Ditches, drainage areas and other portions of road allowance other than the travelled portion
- Oro-Medonte Railtrail
- Unopened road allowances and right of ways

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From 6:00 a.m. till 10:00 p.m.**