

# **THE CORPORATION OF THE TOWNSHIP OF WHITE RIVER**

## **BY-LAW NO. 2015-09 BEING A BY-LAW TO AMEND BY-LAW 2005-03 PERMITTING THE OPERATION OF ALL-TERRAIN VEHICLES ON CERTAIN HIGHWAYS WITHIN THE TOWNSHIP OF WHITE RIVER**

**WHEREAS** pursuant to Section 11 (1) of the Municipal Act 2001, a Municipality may pass by-laws with respect to highways, including parking and traffic on highways;

**AND WHEREAS** pursuant to Section 27 of the Municipal Act 2001, a Municipality may pass by-laws with respect to highways over which it has jurisdiction;

**AND WHEREAS** pursuant to Section 191.8 (3) of the Highway Traffic Act, a Municipality may pass by-laws permitting the operation of off-road vehicles on any part or parts of a highway within the Municipality that is under the jurisdiction of the Municipality;

**AND WHEREAS** pursuant to Section 191.8 (4) of the Highway Traffic Act, a Municipality, in a by-law passed under Section 191.8 (3) of the Highway Traffic Act, may permit the operation of the off-road vehicles on any part or parts of a highway within the Municipality only during the hours prescribed herein;

**NOW THEREFORE** the Council of the corporation of the Township of White River, pursuant to Sections 191.8 (3) and 191.8 (4) of the Highway Traffic Act hereby enacts as follows:

### **1. Definitions**

In this by-law the definitions are as per the Highway Traffic Act, Ontario Regulation 316/03 subsequently amended by O. Reg. 135/15, attached hereto as Schedule "B".

### **2. Operation of Previously Identified Vehicles**

- (a) The operation of previously identified vehicles is permitted on all highways within the Corporation of the Township of White River except for those parts of the highways within the Corporation of the Township of White River more particularly described as Prohibited Highways and Prohibited Areas in schedule "A" attached to and forming part of this by-law on which the operation of off-road vehicles remains prohibited pursuant to Ontario Regulation 316/03 passed pursuant to the provisions of the Highway Traffic Act.
- (b) Notwithstanding the provisions of paragraph (a), a person may operate an all-terrain vehicle on or across those portions of highways within the Corporation of the Township of White River described as Prohibited Highways in Schedule "A" attached hereto and forming part of this by-law if:
  - (i) the operation is for access to a trail provided that the shortest, safest route to the trail is taken, the off-road vehicle is operated in accordance with the operation of off-road vehicles on highways prescribed in Ontario Regulation 316/03 enacted pursuant to the provisions of the Highway Traffic Act and the off-road vehicle is conforming with the provisions of the Off-Road Vehicles Act; and
  - (ii) previously identified vehicles equipped with a plow for snow removal purposes are permitted on or across the said prohibited highway for snow plowing purposes only.
- (c) All persons operating previously identified vehicles within the Corporation of the Township of White River pursuant to the provisions of this by-law shall comply with the operation requirements set out in Sections 16 to 24, both

inclusive, of Ontario Regulation 316/03 passed pursuant to the provisions of the Highway Traffic Act.

**3. Time of Operation**

Permission for the operation of all-terrain vehicles within the Corporation of the Township of White River granted under Section 3 of this by-law applies only between the hours of 6:00 a.m. to 12:00 midnight on any day.

**4. Speed Limit**

Where the operation of an all-terrain vehicle is permitted under the provisions of this by-law within the Corporation of the Township of White River, the speed of such vehicles shall not exceed 20 kilometers per hour on any highway where the posted speed is 50 kilometers per hour and 50 kilometers per hour where the posted speed is more than 50 kilometers per hour.

**5. Penalty**

Any operator of an all-terrain vehicle who is in contravention of any provision of this by-law shall be guilty of an offence and liable upon conviction to a fine that is consistent with the general penalty provisions found in the Provincial Offences Act.

**6. Short Title**

This by-law shall be known as the "All-Terrain Vehicle By-law".

**7. Effective Date**


This by-law shall come into force and take effect on the date of its passing


READ A FIRST AND SECOND TIME this 8 day of July, 2015.

  
Angelo Bazzoni, Mayor

  
Tina Forsyth, CAO

READ A THIRD AND FINAL TIME this 8 day of July, 2015.

  
Angelo Bazzoni, Mayor

  
Tina Forsyth, CAO

SCHEDULE "A"

to

THE CORPORATION OF THE TOWNSHIP OF WHITE RIVER BY-LAW 2015-09

<u>PROHIBITED HIGHWAYS</u>	<u>FROM</u>	<u>TO</u>
1. Winnipeg Street (except at intersections)	Lisgar Street	Elgin Street
2. Elgin Street (except at intersections)	Winnipeg Street	Huron Street
3. Spruce Street	Elgin Street	St. Basil's School
4. Any sidewalk, paved shoulder or public walkway within the Municipality.		

PROHIBITED AREAS

1. The White River Community Centre grounds and property, except parking and access roads (designated)
2. Superior Street Park
3. Black Fly Park
4. Picnic Lake Beach
5. Tourist Information Centre grounds (except paved roads)
6. The Winnie-the-Pooh grounds and property
7. The White River Senior's Complex and grounds
8. The Municipal offices and grounds
9. The Medical Clinic and grounds (except when medical attention is required)
10. White River Ambulance Complex
11. Any cemeteries within the Township of White River
12. Water Treatment Complex
13. Water Reservoir grounds
14. The Cross Country Ski Trails
15. Pipeline Hill
16. The White River Fire Department grounds and property
17. The White River Public Works grounds and property
18. St. Basil's School grounds and property
19. Senior's Harmony Club
20. Private Property

SCHEDULE "B"  
(see attached)

(Schedule B is O.Reg. 316/03 - operation  
of off-road vehicles on highways) -