



A BY-LAW TO PROHIBIT THE OPERATION OF MOTORIZED SNOW AND ALL-TERRAIN VEHICLES IN THE TOWN OF COBOURG.

WHEREAS pursuant to Section 7 (2) of the *Motorized Snow Vehicles Act*, R.S.O. 1990 c. M.44 which 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 pursuant to Section 27 (1) of the *Municipal Act 2001*, c. 25 which provides that a municipality may pass by-laws in respect of a highway only if it has jurisdiction over the highway;

AND WHEREAS Subsection 3 of Section 191.8 of the *Highway Traffic Act*, R. S. O. 1990, c. H8, provides that the council of a municipality may pass by-laws permitting the operation of off-road vehicles with three or more wheels and low pressure bearing tires than that prescribed for off-road vehicles by regulation:

- a) on any highway within the municipality that is under the jurisdiction of the municipality, or any part or parts of such highway;
- b) prescribing a lower rate of speed on any highway within the municipality that is under its jurisdiction or on any part or parts of such highway, including prescribing different rates of speed for different highways or parts of highways; 1999, c. 12, Sched. R, s. 17.;
- c) on any highway or on any part or parts of a highway only during specified months or hours; 1999, c. 12, Sched. R, s. 17.;

AND WHEREAS the *Highway Traffic Act*, R. S. O. 1990, c. H8, Ontario Regulation 316/03, defines an “all-terrain vehicle” and provides the regulations governing the operation of all-terrain vehicles upon highways within municipalities;

AND WHEREAS Section 11. (1), Item 1., of the *Municipal Act, 2001*, S. O. 2001, c. 25 as amended, provides that a single tier municipality may pass by-laws respecting highways, including parking and traffic on highways;

AND WHEREAS Section 425 of the *Municipal Act, 2001*, S. O. 2001, c. 25 as amended, provides that any person who contravenes any by-law of the municipality, passed under this Act, is guilty of an offence;

AND WHEREAS The Cobourg Municipal Council deems it expedient to prohibit such vehicles in Cobourg;

NOW THEREFORE the Municipal Council of the Corporation of the Town of Cobourg enacts as follows:

DEFINITIONS

1. In this by-law:

“Act” means the Highway Traffic Act;

“All-terrain vehicle” means an off-road vehicle that:

- a) Has three or four wheels, the tires of all of which are in contact with the ground,
- b) Has steering handlebars,
- c) Has a seat designed to carry a driver only and no passengers
Authority: Ontario Regulation 316/03, Part 1, Section 1;

“Highway”

1. The following are highways unless they have been closed:


- a) All highways that existed on December 31st, 2002.
- b) All highways established by by-law of a municipality on or after January 1st, 2003.
- c) All highways transferred to a municipality under the *Public Transportation and Highways Improvement Act*.
- d) All road allowances made by the Crown Surveyors that are located in municipalities
- e) All road allowances, highways, streets and lanes shown on a registered plan of subdivision, and includes,
 - (i) a common and public highway, street, avenue, parkway, driveway, square, place, bridge, viaduct, trestle, any part of which is intended for or used by the general public for the passage of vehicles and includes the area between the lateral property lines thereof. “low pressure bearing tire” means a wide, balloon-type tire with a rounded cross section and no distinct shoulder area and that is designed to operate with inflation pressures of no greater than 70 kpa (10 psi).
 - (ii) “highway” 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;


“Motorized snow vehicle” means a self-propelled vehicle designed to be driven primarily on snow.

2. That the operation of motorized snow and all-terrain vehicles within the Municipality of the Town of Cobourg including any highways therein or any part or parts thereof is prohibited.

3. The provisions of Section 2 shall not apply to Police, Municipal Utility Vehicles, Fire Department Vehicles or any such vehicle required in the case of an emergency or said vehicles actually engaged in works undertaken for or on behalf of the Town of Cobourg
4. The provisions of Section 2 shall not apply to the use of an all-terrain vehicle for clearing of snow from driveways.
5. Any person who contravenes any portion of this By-law is guilty of an offence and upon conviction is liable to such fines and other penalties as provided for under the *Provincial Offences Act*, R.S.O. 1990, c.P.33 as amended.
6. By-laws No. 69-70 and No. 106-99 of the Town of Cobourg are hereby repealed.
7. If any section or sections of this By-law or parts thereof are found by any Court to be illegal or beyond the power of Council to enact, such section or sections or parts thereof shall be deemed to be severable and all other sections or parts of this By-law shall be deemed to be separate and independent there from and continue in full force and effect unless and until similarly found and this By-law shall be enacted and such.
8. This by-law shall become effective upon the final passing hereof.

READ a first, second and third time and finally passed in Open Council
this 5th day of December, 2011.


MAYOR


MUNICIPAL CLERK - Deputy