

THE CORPORATION OF THE TOWN OF KAPUSKASING

BY-LAW NO. 2945

Being a by-law to regulate All Terrain Vehicles within the Town of Kapuskasing.

WHEREAS Section 8 of the Municipal Act, S. O. 2001, C. 25, as amended, confers broad authority upon municipalities and provides that a municipal power shall be exercised by by-law;

AND WHEREAS Section 10 of the Municipal Act, S.O. 2001, C. 25, as amended, provides that a municipality may pass by-laws to provide a service or thing that the municipality considers necessary or desirable;

AND WHEREAS subsection 191 8(3) of the Highway Traffic Act enables Municipal Councils to pass by-laws with respect to the operation of Off Road Vehicles on certain highways within the municipality and under the jurisdiction of the Municipality;

AND WHEREAS Kapuskasing Council deems it expedient to pass a By-Law to regulate and govern the operation of All Terrain Vehicles within the Municipal Boundaries of the Corporation of the Town of Kapuskasing;

NOW THEREFORE THE MUNICIPAL COUNCIL OF THE CORPORATION OF THE TOWN OF KAPUSKASING ENACTS AS FOLLOWS:

1. No person shall operate or permit the operation of an All Terrain Vehicle, as defined in Section 1 of Ontario Regulation 316/03, within the Town of Kapuskasing, including any highways therein or any part or parts thereof, after 11 p.m. or before 6:30 a.m. of any day.
2. No person shall operate or permit the operation of an all Terrain Vehicle, as defined in Section 1 of Ontario Regulation 316/03, along or upon any sidewalk, pathway, footpath used by or set apart for the use of pedestrians and forming part of any highway, bridge, boulevard or other means of public communication, with the exception of the sidewalks along the north side and the untravelled portion of the highway on the south side of the Kapuskasing River bridges.
3. No person shall operate or permit the operation of an All Terrain Vehicle, as defined in Section 1 of Ontario Regulation 316/03, on the property of any school, church, hospital, home for the aged, nursing home or municipal property.
4. No person shall operate or permit the operation of an All Terrain Vehicle, as defined in Section 1 of Ontario Regulation 316/03, along the highways within the Town of Kapuskasing, as stated on Schedule "A", which forms part of this by-law.
5. No person shall operate an All Terrain Vehicle, as defined in Section 1 of Ontario Regulation 316/03, along the permitted highways in the Town of Kapuskasing at a speed greater than 20 kilometers per hour.
6. All applicable provisions of the Highway Traffic Act, R.S.O. 1990 as amended and Ontario Regulation 316/03 as amended shall apply to the operation of All Terrain Vehicles.
7. Any person who contravenes any of the 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, as amended, and all the provisions of the said Act shall apply to any offence under the provisions of this by-law.

8. Any person who contravenes any of the provisions of this By-Law is guilty of an offence and upon conviction is liable to a fine as prescribed for under the Highway Traffic Act.
9. This by-law shall come into force and take effect on the date of its final passage.

READ A FIRST AND SECOND TIME THIS 16TH DAY OF JULY, 2007.

READ A THIRD TIME AND PASSED THIS 13TH DAY OF AUGUST, 2007.

UNDER THE SEAL OF THE CORPORATION OF THE TOWN OF KAPUSKASING.

_____**Mayor**

Clerk

SCHEDULE “A”
TO
BY-LAW NO. 2945

All Terrain Vehicle Prohibitions

1. Government Road (with exception to access the Kapuskasing River bridges)
2. McPherson Avenue.
3. Riverside Drive between Government Road and Mundy Avenue.
4. Circle Street.
5. Cain Avenue.
6. Byng Avenue between Riverside Drive and Sheppard Street and between Sheppard Street and Mundy Avenue.
7. Sheppard Street.
8. Brunetville Road between Sheppard Street and Nelson Avenue.
9. Queen Street.
10. Mundy Avenue between Drury Street and Byng Avenue.
11. Drury Street between Bowman Avenue and Riverside Drive.
12. Devonshire Street between Queen Street and Montgomery Avenue.
13. Anderson Avenue.
14. Montgomery Avenue between Devonshire Street and Egerton Street.
15. Avenue Road between Murdock Avenue and Clark Street.
16. Murdock Avenue.
17. Progress Crescent.
18. Kimberly Drive between Avenue Road and Clark Street.
19. Cedar Street.
20. Pine Crescent.
21. Ottawa Street between Hemlock Street and Nipigon Avenue.
22. Ash Street between Brunetville Road and Superior Street.
23. Ontario Street.
24. Brock Crescent.
25. Cité des Jeunes Boulevard.
26. Brunelle Road North between Government Road and Brunetville Road.
27. Brunelle Road South between Government Road and Gough Road.
28. Mill Street between Brunelle Road South and Hill Street.
29. Designated snowmobile trail during the period of winter months, when snow grooming is likely to occur.
30. On private property without consent of the property owner.
31. Use of an All Terrain Vehicle on above noted prohibited streets **is permitted** for the following purposes:
 - a) Access to a gasoline service station;
 - b) For residential driveway snow removal purposes; and
 - c) Travelling to an access point.