

THE CORPORATION OF THE MUNICIPALITY OF BROCKTON

BY-LAW #2007- 28

BEING A BY-LAW TO REGULATE AND CONTROL THE MOVEMENT OF “ALL TERRAIN VEHICLES”, ALSO KNOWN AS ATV(S) ON ANY HIGHWAYS OR ROAD ALLOWANCES UNDER THE CONTROL OF THE MUNICIPALITY OF BROCKTON.

WHEREAS the Municipal Act 2001, Section 8 (as amended) provides the powers of natural persons exercise of authority and section 11(1) as amended spheres of jurisdiction;

AND WHEREAS the ATV vehicle legislation and the Highway Traffic Act have been amended by Bill 11 of the Provincial Legislation to allow municipalities the authority to pass by-laws regulating and controlling the movement and time of movement on all roads under the jurisdiction of the Municipality in regard to ATV(s);

NOW THEREFORE the Council of the Corporation of the Municipality of Brockton **ENACTS AS FOLLOWS:**

I. Definitions

In this By-Law:

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

- a) Have four wheels, the tires of all which are in contact with the ground.
- b) Has steering handlebars.
- c) Has a seat that is designed to be straddled by the driver, and
- d) Is designed to carry a driver only and no passengers.

“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 and includes the area between the lateral property lines thereof.

“Urban Area” means any area in the Municipality of Brockton where the highway speed limit is 50 KM/HR or less.

II. General Provisions

The operation of ATV(s) shall be permitted upon highways under the jurisdiction of the Municipality of Brockton and in accordance with Ontario Regulation 316/03 of the Highway Traffic Act (as amended), the Off Roads Vehicles Act (as amended) and in accordance with the provisions of this by-law.

III. Regulations of All-Terrain Vehicles on Highways

1. An ATV shall not be operated on Highways unless it meets the requirements of Sections 7 to 15 of Ontario Regulations 316/03 (as amended) and it is operated in accordance with Sections 16 to 24 of Ontario Regulation 316/03 (as amended).
2. Schedule “A” attached hereto and forming part of this by-law lists person(s) or companies exempt from this by-law.
3. No person shall operate an ATV on any highway in an urban area except during the hours of 6:00 am to 10:00 pm on any day.

IV. Penalties

Any person who contravenes any section 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.

- V.** This by-law shall come into force and effect upon the third and final reading and the passing thereof.

READ A FIRST AND SECOND TIME THIS 26th DAY OF March, 2007.

MAYOR – Charlie Bagnato

CAO/CLERK – Richard Radford

READ A THIRD AND FINAL TIME THIS 26th DAY OF March, 2007.

MAYOR – Charlie Bagnato

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