



CORPORATION OF THE TOWN OF HUNTSVILLE

BY-LAW NUMBER 2015-52

Being a By-law to Regulate the Use of Off-road Vehicles (ORVs) on Municipal Roads

WHEREAS section 8 of the *Municipal Act*, S.O. 2001, (hereinafter referred to as the "*Municipal Act*") provides that the powers of a municipality under the *Municipal Act* or any other *Act* shall be interpreted broadly so as to confer broad authority on the municipality to enable the municipality to govern its affairs as it considers appropriate and to enhance the municipality's ability to respond to municipal issues;

AND WHEREAS section 9 of the *Municipal Act* provides that a municipality has the capacity, rights, powers and privileges of a natural person for the purpose of exercising its authority under the *Municipal Act* or any other *Act*;

AND WHEREAS section 28 of the *Municipal Act* provides that a municipality has jurisdiction over all highways over which it had jurisdiction on December 31, 2002;

AND WHEREAS section 191.8 of the *Highway Traffic Act*, R.S.O. 1990, provides that a municipality may pass by-laws permitting the operation of certain off-road vehicles, on any highway or parts thereof within the jurisdiction of the municipality; to regulate the operating hours and to prescribe a lower rate of speed for said vehicles while on Municipal highways and other matters specifically set out in the statute and regulations there under;

AND WHEREAS the Council of the Corporation of the Town of Huntsville deems it expedient to permit Off-road Vehicles on highways or parts thereof within the jurisdiction of the municipality, to regulate the operating hours, and to prescribe a lower rate of speed for said vehicles;

NOW THEREFORE THE COUNCIL OF THE CORPORATION OF THE TOWN OF HUNTSVILLE ENACTS AS FOLLOWS:

1. DEFINITIONS

- 1.1. **Off-road Vehicle (ORV)** means an off-road vehicle as defined in the *Highway Traffic Act*.
- 1.2. **Municipal Highway** means an open public highway under the jurisdiction of the Corporation of the Town of Huntsville.

2. REGULATIONS

- 2.1 Off-road Vehicles shall not be operated on any Municipal Highway unless it meets the operation requirements of off-road vehicles under the *Highway Traffic Act*.
- 2.2 Off-road Vehicles shall be permitted year-round, between the hours of sunrise and sunset, on such Municipal Highways under the jurisdiction of the Corporation of the Town of Huntsville more particularly described in Schedule "A" attached to, and forming part of this By-law.

2.3 An Off-road Vehicle shall not be driven at a rate of speed greater than:

2.3.1 20 kilometres per hour, if the speed limit established under the *Highway Traffic Act* or by municipal by-law for that part of the highway is not greater than 50 kilometres per hour; or

2.3.2 50 kilometres per hour if the speed limit established under the *Highway Traffic Act* or by municipal by-law for that part of the highway is greater than 50 kilometres per hour.

3. ENFORCEMENT AND PENALTY

3.1 Any person who contravenes any section of this By-law is subject to the penalties under the authority of the *Highway Traffic Act*.

4. VALIDITY AND SEVERABILITY

4.1 Every provision of this By-law is declared severable from the remainder and if any provision of this By-law shall be declared invalid by a court of competent jurisdiction, such declaration shall not affect the validity of the remainder of this By-law.

5. FORCE AND EFFECT

5.1 This By-law shall come into force and take effect on the final passing hereof.

6. SHORT TITLE

6.1 This By-law may be referred to as the "ORV By-law".

READ a first time this 27th day of July, 2015.

SIGNED

Mayor (Scott Aitchison)

SIGNED

CAO / Clerk (Denise Corry)

READ a second and third time and finally passed this 27th day of July, 2015.

SIGNED

Mayor (Scott Aitchison)

SIGNED

CAO / Clerk (Denise Corry)

Schedule "A"

