

THE CORPORATION OF THE TOWN OF INNISFIL

BY-LAW NO. 099-05

A By-Law of The Corporation of the Town of Innisfil to allow All Terrain Vehicles to operate on municipal roads within the Town.

WHEREAS Sections 11 and 27 of the *Municipal Act, 2001* S.O. 2001, c. 25 as amended, provides inter alia that a municipality may pass by-laws with respect to highways within its jurisdiction; and

WHEREAS Subsection 191.8 of the *Highway Traffic Act, R.S.O. 1990 c. H. 8* as amended enables a municipality to pass by-laws permitting and regulating the operation of certain Off-Road Vehicles, commonly known as All Terrain Vehicles, on certain highways within the jurisdiction of the municipality, and to regulate the operating hours and speed of said vehicles while on Municipal Highways and other matters specifically set out in the statute and regulations thereunder; and

WHEREAS the Council of the Town of Innisfil desires to permit the operation of All Terrain Vehicles on certain Municipal Highways under certain conditions.

NOW THEREFORE the Council of The Corporation of the Town of Innisfil enacts the following:

1. In this by-law:

- (a) "All Terrain Vehicle" means an Off-Road Vehicle that;
 - i) has four wheels, the tires of which are in contact with the ground,
 - ii) has a steering handle bar,
 - iii) has a seat that is designed to be straddled by the driver,
 - iv) is designed to carry a driver only, and no passengers,
 - v) has headlights, tail lights, and that these lights are on at all times,
 - vi) has low pressure bearing tires within the meaning of s.191.8(5) of the *Highway Traffic Act, R.S.O. 1990 c. H. 8* as amended,
 - vii) has an operating brake light,
 - viii) displays the required number plate and permit as prescribed by statute.

- (b) "Municipal Highway" a includes a common and public highway, street, avenue, parkway, driveway, square, place, bridge, viaduct or trestle, or any part of which is under the jurisdiction of the Town of Innisfil and is intended for the use of the general public for the passage of vehicles and includes the area between the lateral property lines thereof.

- (c) "Off-Road Vehicle" means a vehicle intended for off road use within the meaning of the *Off-Road Vehicles Act R.S.O. 1990*.

2. All Terrain Vehicles shall be permitted on all Municipal Highways within the Town of Innisfil under and in accordance with the *Highway Traffic Act, R.S.O. 1990 c. H. 8*, Ontario regulation 316/03 made under the *Highway Traffic Act, R.S.O 1990 c. H. 8* and the *Off-Road Vehicles Act*

to By-law 099-05

R.S.O. 1990, as amended.

3. An All Terrain Vehicle shall not be operated on Municipal Highways unless it meets the equipment requirements and is operated as outlined in Ontario Regulation 316/03 made under the *Highway Traffic Act, R.S.O 1990 c. H. 8*.
4. An All Terrain Vehicle shall not be operated on Municipal Highways between the hours of 11:00 p.m. one day and 06:00 a.m. the following day, inclusive.
5. An All Terrain Vehicle shall not be operated on Municipal Highways at a rate of speed greater than the lesser of the following and those rates of speed set out in s.22 of Ontario regulation 316/03 made under the *Highway Traffic Act, R.S.O 1990 c. H. 8* as amended;
 - (a) 20 kilometers per hour, if the speed limit established under the *Highway Traffic Act, R.S.O 1990 c. H. 8* for that part of the Municipal Highway is not greater than 50 kilometers per hour, or
 - (b) 50 kilometers per hour, if the speed limit established under the *Highway Traffic Act, R.S.O 1990 c. H. 8* for that part of the Municipal Highway is greater than 50 kilometers per hour.
6. No person shall operate an All Terrain Vehicle in such a way as to disrupt or destroy the natural environment or private or municipal property.
7. No person shall interfere or obstruct an officer carrying out his/her duties enforcing 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 provided for under the *Highway Traffic Act, R.S.O 1990 c. H. 8*.
9. This By-law shall take effect and come into force on and from the date it is passed by the Council of the Town of Innisfil.
10. This By-law will be enforced by the South Simcoe Police detachment.
11. Should any section, subsection, clause, paragraph or provision of this By-law be declared by a court of competent jurisdiction to be invalid, this shall not affect the validity of the By-law as a whole or any part thereof other than the provision(s) so declared to be invalid.

READ A FIRST AND TAKEN AS READ A SECOND AND THIRD TIME AND FINALLY PASSED THIS 14TH, DAY OF DECEMBER, 2005.

Brian H. Jackson, Mayor

Paul G. Landry, Clerk