THE CORPORATION OF THE TOWN OF GRAVENHURST
BY-LAW NO. 2015–119

Being a By-law to amend 2014-02

WHEREAS section 8 of the Municipal Act, S.O. 2001, c. 25 provides that the powers of a municipality under this 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, S.O. 2001, c.25 provides that a municipality has the capacity, rights, powers and privileges of a natural person for the purpose of exercising its authority under this 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 11 (3) of the Municipal Act, 2001, S.O. 2001 c.25 the Council of the Town of Gravenhurst may pass by-laws with respect to municipally owned roads including the parking and traffic on such highways;

AND WHEREAS Section 191.8 of the Highway Traffic Act, R.S.O. 1990, c. H8 provides that a municipality may pass by-laws permitting the operation of certain off-road vehicles, classified as All-Terrain 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 any highway within the municipality and other matters specifically set out in statute and regulations there under;

AND WHEREAS Section 1 of Ontario Regulation 316/03, defines what an all-terrain vehicle is;

NOW THERFORE THE COUNCIL OF THE CORPORATION OF THE TOWN OF GRAVENHURST HEREBY ENACTS AS FOLLOWS:

That

The definition of "all terrain vehicle" in 1. 1 be deleted and be replaced with

"all-terrain vehicle" (ATV) means an off-road vehicle as defined in Ontario Regulation 316/03 Part 1.1 (as amended)

FORCE AND EFFECT

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

SHORT TITLE

2. This by-law shall be referred to as the "ATV By-law".

READ A FIRST, SECOND AND THIRD TIME and finally passed this 17th day of November 2015.

P. Dmaldon

Mayor

Clerk

THE CORPORATION OF THE TOWN OF GRAVENHURST
BY-LAW NO. 2014 – 02

Being a By-law to Permit the Use of all-terrain vehicles on
Certain Municipal Roads within the Town of Gravenhurst

WHEREAS section 8 of the Municipal Act, S.O. 2001, c. 25 provides that the powers of a municipality under this 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, S.O. 2001, c.25 provides that a municipality has the capacity, rights, powers and privileges of a natural person for the purpose of exercising its authority under this 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 11 (3) of the Municipal Act, 2001, S.O. 2001 c.25 the Council of the Town of Gravenhurst may pass by-laws with respect to municipally owned roads including the parking and traffic on such highways;

AND WHEREAS Section 191.8 of the Highway Traffic Act, R.S.O. 1990, c. H8 provides that a municipality may pass by-laws permitting the operation of certain off-road vehicles, classified as All-Terrain 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 any highway within the municipality and other matters specifically set out in statute and regulations there under;

AND WHEREAS Section 1 of Ontario Regulation 316/03, defines what an all-terrain vehicle is;

AND WHEREAS requests have been received to permit all-terrain vehicles on certain Gravenhurst roads within the boundary of the Town of Gravenhurst;

AND WHEREAS it has been determined to grant the request on a limited and conditional basis;

NOW THERFORE THE COUNCIL OF THE CORPORATION OF THE TOWN OF GRAVENHURST HEREBY ENACTS AS FOLLOWS:

DEFINITIONS

1. In this by-law:

   "all-terrain vehicle" (ATV) means an off-road vehicle as defined in the Highway Traffic Act, including, but not limited to the following:

   a) has four wheels, the tires of all of which are in contact with the ground,

b) has steering handlebars,

c) has a seat that is designed to be straddled by the driver,

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;

LIMITED AND CONDITIONAL PRIVILEGE

2. No person shall operate an all-terrain vehicle on a permitted Gravenhurst highway (road) except in accordance with, and subject to this by-law.

3. Conditional permission shall be and is granted to persons to operate all-terrain vehicles on all Gravenhurst highways (roads), except for those roads contained within the boundary identified in Schedule "A" attached hereto, and forming part of this by-law.

4. The conditional permissions contained in Section 3 of this By-law are limited to the period of time between sunrise and sunset.

5. No person shall operate an all-terrain vehicle on a Gravenhurst highway (road) unless it meets the specifications of an all-terrain vehicle as defined in O. Reg. 316/03 and this By-law.

6. No person shall operate an all-terrain vehicle on a Gravenhurst highway (road) unless all of the provisions of O. Reg. 316/03, as amended from time to time, and other provincial legislation governing the use of all-terrain vehicles are complied with.

7. The permission extended in sections 2 - 6 do not apply to sidewalks, town parks, the Muskoka Wharf, Gravenhurst walking trails or unopened road allowances.

ENFORCEMENT AND PENALTY

8. Any person operating an all-terrain vehicle in contravention of provincial statute or this by-law shall upon conviction be guilty of an offence and subject to the penalties under the authority of the Highway Traffic Act.

9. The Ontario Provincial Police are responsible for enforcing all provincial legislation relating to all-terrain vehicles on highways.

EXEMPTIONS

10. Exemptions under Part IV of O. Reg. 316/03 apply to this by-law.

FORCE AND EFFECT

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

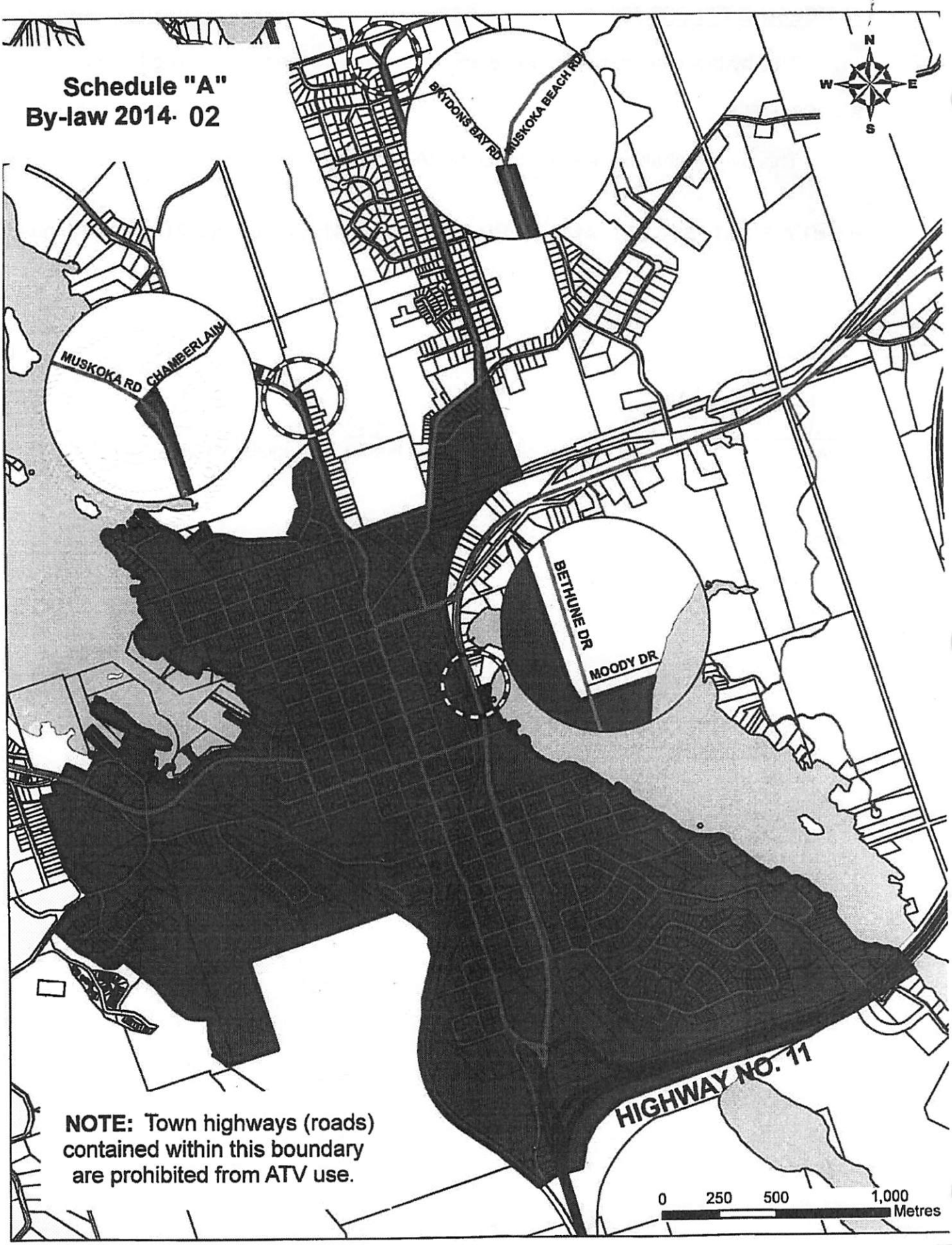
SHORT TITLE

12. This by-law shall be referred to as the "ATV By-law".

READ A FIRST, SECOND AND THIRD TIME and finally passed this 21st day of January, 2014

P. Dmaldon
Mayor

Director of Legislative Services/Clerk


Schedule "A"
By-law 2014- 02
N
W
E
S
BAYDONS BAY RD
MUSKOKA BEACH RD
MUSKOKA RD
CHAMBERLAIN
BETHUNE DR
MOODY DR
HIGHWAY NO. 11
NOTE: Town highways (roads) contained within this boundary are prohibited from ATV use.
0
250
500
1,000
Metres