

# THE CORPORATION OF THE TOWNSHIP OF LAKE OF BAYS

## BY-LAW 2016-041

### A BY-LAW OF THE TO REGULATE THE USE OF OFF-ROAD VEHICLES (ORVs) ON MUNICIPAL ROADS IN THE TOWNSHIP OF LAKE OF BAYS

WHEREAS, pursuant to Section 8 of the Municipal Act, S.O. 2001, c. 25, as amended, 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, pursuant to Section 9 of the Municipal Act, S.O. 2001, c. 25, as amended, 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 pursuant to Section 11(3) of the Municipal Act S.O. 2001, c. 25, as amended, provides that a municipality has jurisdiction over all highways over which it had jurisdiction;

AND WHEREAS, pursuant to Section 28 of the Municipal Act, S.O. 2001, c. 25, as amended, provides that a municipality has jurisdiction over all highways over which it had jurisdiction on December 31, 2002;

AND WHEREAS, pursuant to Section 425 of the Municipal Act, S.O. 2001, c. 25, as amended, provides that any person who contravenes any by-law of a municipality passed under the authority of the Municipal Act is guilty of an offence;

AND WHEREAS, pursuant to 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, commonly known as Off-Road Vehicles (ORV's), 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, pursuant to Section 5 of the Trespass to Property Act, R.S.O. 1990, c.T.21, as amended, allows a municipality as occupier to post signs, regulating activities within an area as a method of giving notice;

AND WHEREAS the Council of the Corporation of the Township of Lake of Bays deems it expedient to enact a by-law to permit the use of All-Terrain Vehicles (ATV's) on all municipal roads except roads named on Schedule "A";

NOW THEREFORE THE COUNCIL OF THE CORPORATION OF THE TOWNSHIP OF LAKE OF BAYS ENACTS AS FOLLOWS:

#### 1. Schedules

The following schedule is included as part of this by-law:

##### a) Schedule "A"

- Municipal Roads Prohibiting ORV Use

## 2. Statutory References

Any reference in this by-law to a statutory provision is a reference to the statute of that name in effect in the Province of Ontario as amended from time to time.

## 3. DEFINITIONS

- a) **Off-Road Vehicle (ORV)** means an off-road vehicle as defined in the Highway Traffic Act under Ontario Regulation 316/03 as described in Section 1 of the definitions as; “all-terrain vehicle,” “multi-purpose off-highway utility vehicle” and “recreational off-highway vehicle”
- b) **Municipal Highway** means an open public highway under the jurisdiction of The Corporation of the Township of Lake of Bays.

## 4. REGULATIONS

- a) Off-Road Vehicles shall be permitted on all Municipal Highways within the Township of Lake of Bays except roads described in Schedule “A” attached to, and forming part of this By-law under and in accordance with the *Highway Traffic Act*, R.S.O. 1990, as amended.
- b) Off-Road Vehicles shall be permitted only between May 1st, to December 31st, between sunrise and sunset, on the shoulder (or move to the right hand side of the travelled portion on the Municipal Highway, except roads described in Schedule “A” , only if the shoulder is impassable or unsafe) of such Municipal Highways under the jurisdiction of The Corporation of the Township of Lake of Bays. Hunters lawfully hunting are permitted to operate off-road vehicles between sunset and sunrise during September 1st, to November 30th.
- c) No person shall operate an off-road vehicle on a Lake of Bays highway (road) unless it meets the specifications of an off-road vehicle as defined in the *Highway Traffic Act*.
- d) An off-road vehicle shall not be driven at a rate of speed greater than:
  - 20 kilometers 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 kilometers per hour; or
  - 50 kilometers 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 kilometers per hour.

## 5. ENFORCEMENT AND PENALTY

- a) Any person who contravenes the *Highway Traffic Act* or its regulations or 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, R.S.O. 1990, c. P.33, as amended.
- b) The Ontario Provincial Police are responsible for enforcing all provincial legislation relating to all-terrain vehicles on highways.

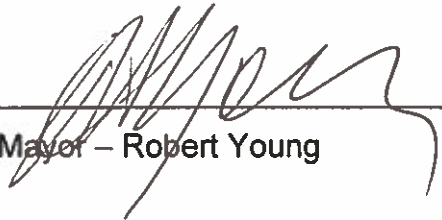
## 6. VALIDITY AND SEVERABILITY

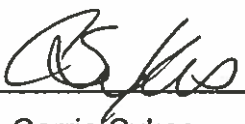
- a) Every provision of this By-law is declared severable from the remainder and if any provision of this by-law shall be declared invalid by a court of competent jurisdiction, such declaration shall not affect the validity of the remainder of this By-law and it is hereby declared that the remainder of the By-law shall be valid and shall remain in force.

**7. FORCE AND EFFECT**

- a) This by-law shall come into force and take effect on the final passing hereof and By-law 2015-087 is repealed in its entirety.

READ A FIRST, SECOND and THIRD TIME and finally passed this 19<sup>th</sup> day of April 2016.

  
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Mayor – Robert Young

  
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Clerk – Carrie Sykes



SCHEDULE "A"

ORVs are Not Permitted on the  
Following Roads

Arts Road  
Austin Lane  
Bayview Road  
Bigwin View Lane  
Channel Road  
East Walker Lake Drive  
Echo Bay Road  
Elder Drive  
Fox Point Road (Township portion)  
Hemlock Road  
Hermans Road  
Lake of Bays Lane  
Nithgrove Road  
Price Point Road  
Ronville Road  
Seabreeze Road  
Shoe Lake Road 100m beyond the intersection of Highway 35  
Tackaberry Road  
South Limberlost Road  
Upper Walker Lake Road  
Vandleaf Drive  
Walker Lake Circle  
Walker Lake Drive  
Walker Lane