

THE CORPORATION OF THE TOWNSHIP OF ADJALA-TOSORONTIO

BY-LAW 15 - 30

**A BY-LAW TO RESTRICT THE USE OF MOTORIZED VEHICLES
WITHIN ANY PARK, RECREATIONAL TRAIL OR SIDEWALK UNDER THE
JURISDICTION OF THE TOWNSHIP**

WHEREAS Section 128 of the Municipal Act, S.O. 2001 c. 25 as amended, designates power to a local municipality to prohibit and regulate with respect to public nuisances, including matters that, in the opinion of Council, are or could become or cause public nuisances;

AND WHEREAS Council deems it expedient to prohibit motorized vehicles within any park, recreational trail or sidewalk under the jurisdiction of the Township;

NOW THEREFORE the Council of the Corporation of the Township of Adjala - Tosorontio enacts as follows:

1 DEFINITIONS

For the purposes of this By-law the following words shall have the following meanings:

- 1.1 "Council" means the Council of the Township of Adjala-Tosorontio.
- 1.2 "Emergency Vehicle" means a Motorized Vehicle required to attend a situation which arises suddenly and requires prompt action, and includes ambulance, fire, police and municipal law enforcement vehicles.
- 1.3 "Motorized Vehicle" means a vehicle including an automobile, motorcycle, motor assisted bicycle, all-terrain vehicle (as defined in the Highway Traffic Act), off-road vehicle (as defined in the Off-Road Vehicles Act), motorized snow vehicle, and any other vehicle propelled or driven otherwise than by muscular power.
- 1.4 "Parking Area" means an area that is physically laid out for the purpose of parking vehicles or that is designated by an authorized sign for such purpose in or on Township property.
- 1.5 "Personal Assistive Mobility Device" means a motorized wheelchair or medical scooter used to improve and/or assist the mobility of the operator having a physical disability, with the capacity to carry one (1) operator only and no passengers.
- 1.6 "Post" or "posted" means the erection or presence of a permissive, regulatory restricted, warning or prohibitive authorized sign and "Posted Area" means an area where such authorized signs are erected.
- 1.7 "Township" means the Corporation of the Township of Adjala-Tosorontio.

2. PROVISIONS

No person shall operate a motorized vehicle:

- 2.1 In any park.
- 2.2 On any sidewalk.
- 2.3 On any posted recreational trail including the posted recreational trail located on the west side of Concession Road 6 between County Road 5 and 15 Sideroad of former Tosorontio.
- 2.4 The above prohibitions shall not apply to any other portion of an open or unopened road allowance.

3. EXCEPTIONS

- 3.1 Personal assistive mobility devices.
- 3.2 Motorized Vehicles required in the maintenance, repair or patrol of municipally owned property.
- 3.3 Emergency Vehicles.
- 3.4 Motorized Vehicles operated by Township Staff in the course of their duties.
- 3.5 Motorized Vehicles operated by the Ontario Provincial Police for enforcement or patrol purposes.
- 3.6 Motorized Vehicles authorized by the Township for special occasions or purposes.
- 3.7 Motorized Vehicles used in conjunction with a Township approved Facility Rental Application.
- 3.8 Motorized Vehicles parked within a designated parking area.

4. ENFORCEMENT / PENALTIES

- 4.1 The provisions of this by-law shall be enforceable by a Municipal By-law Enforcement Officer, Provincial Offences Officer, Police Officer, or other duly appointed individual.
- 4.2 No person shall obstruct, hinder, or otherwise interfere with a Municipal Law Enforcement Officer, Provincial Offences Officer, Police Officer or other duly appointed individual in the lawful carrying out of their duties and responsibilities under the provisions of this by-law.
- 4.3 Every person who contravenes any provision of this By-law is guilty of an offence and upon conviction is liable to a fine not exceeding \$5,000.00 for each offense exclusive of costs, pursuant to section 61 of the *Provincial Offences Act*, R.S.O. 1990, c.P.33, as amended.
- 4.4 Each day of contravention shall be a separate offence.
- 4.5 All-Terrain Vehicles will be enforced through the Township All-Terrain Vehicle Use By-law.

5. SEVERABILITY

- 5.1 Should any section of this by-law be declared by a Court of competent jurisdiction to be ultra vires or illegal for any reason, the remaining parts shall nevertheless remain valid and binding,

and shall be read as if the offending section or part had been struck out.

5.2 Should the provisions of this By-law be found to conflict with the provisions of any other By-law of the Township the provisions of this By-law shall prevail.

6. **FORCE AND EFFECT**

6.1 This By-law shall come into force and effect upon its final passage thereof.

6.2 THAT, notwithstanding anything contrary to the rules of procedure, this By-law be introduced and read a first and second time and be considered read a third time and finally passed this 14th day of September, 2015.


MAYOR MARY SMALL BRETT



CLERK BARBARA KANE

PROVINCIAL OFFENCES ACT

PART I

IT IS ORDERED pursuant to the provisions of the *Provincial Offences Act* and the rules for the Ontario Court of Justice that the amount set opposite each of the offences in the attached schedule of offences under the Provincial Statutes and Regulations thereunder and Municipal By-law No. 15-30 for the Township of Adjala-Tosorontio attached hereto is the set fine for those offences. This Order is to take effect October 9, 2015.

DATED at Newmarket this 9th
day of October, 2015.



Simon Armstrong
Regional Senior Justice
Central East Region

Corporation of the Township of Adjala-Tosorontio

Schedule "A"

To

By-law No. 15 - 30

PART 1 Provincial Offences Act

By-law 15-30, being a by-law to restrict use of motorized vehicles within any park, recreational trail or sidewalk under the jurisdiction of the Township

Item #	COLUMN 1 Short Form Wording	COLUMN 2 Offence creating provision or defining offence	COLUMN 3 Set Fine
1	Operating a motorized vehicle in a park	s.2.1	\$90.00
2	Operating a motorized vehicle on any sidewalk	s.2.2	\$90.00
3	Operating a motorized vehicle on any posted recreational trail under the jurisdiction of the Township including the posted recreational trail located on the west side of Concession Road 6 between County Road 5 and 15 Sideroad of former Tosorontio	s.2.3	\$90.00
4	Hinder or obstruct, or attempt to hinder or obstruct, any person who is exercising a power or performing a duty under this by-law	s. 4.2	\$90.00

NOTE: Penalty provision for the offences indicated above is Section 4 of By-law 15-30, a certified copy of which has been filed.