

**THE CORPORATION OF THE MUNICIPALITY OF WHITESTONE**

**BY-LAW NO. 04-2008**

---

**Being a By-Law to regulate the movement and time of movement of “All Terrain Vehicles” also known as ATV’s on any highway or road allowances under the control of the Municipality of Whitestone**

---

**WHEREAS** the Municipal Act 2001, Section 8, the powers of natural person exercise of authority and Section 11(1) spheres of jurisdiction;

**AND WHEREAS** the operation and requirements for all terrain vehicles are defined in Ontario Regulation 316/03 as amended;

**AND WHEREAS THE** Said by-law to regulate the movement and time of movement of “All Terrain Vehicles” also known as ATV’s on any highway or road allowances under the control of the Municipality of Whitestone was authorized by Resolution No. 2008-11 was passed by Council at its Regular Meeting held on Monday, January 7, 2008;

**AND WHEREAS** the Highway Traffic Act R.S.O. 1990, Section 191.8 subsection (3) Chapter H.8, as amended, provides that the Council of a Municipality may pass by-laws; which governs items such as: helmets, licences, insurance, speeding and also:

- a) Permitting the operation of all terrain vehicles, as defined in Ontario Regulations 316/03 and amendments thereto on any part or parts of highways under the jurisdiction of a local Municipality;
- b) Providing for a lower rate of speed for off road vehicles by regulation on any highway, or any part or parts of such highway within the Municipality that is under it’s jurisdiction;
- c) Providing for the time of operation restrictions of off road vehicles on any highway, or any part or parts of such highway within the Municipality that is under its jurisdiction.

**Definitions**

1. Highway includes a common or public highway, street, avenue, parkway, square, place, drive, bridge, viaduct or trestle, any part which is intended for or used by general public for the passing of vehicles and includes the area between the lateral property lines thereof.

2. In this by-law an all terrain vehicle (ATV) means an off road vehicle that:

Is defined by Ontario Regulation 316/03 and amendments thereto.

Have regulation headlights and regulation tail lights that must be on at all times.

Has operating regulation brake lights.

**NOW THEREFORE** the Council of the Corporation of the Municipality of Whitestone hereby enacts the following that ATV's will be allowed on all Municipal Maintained Roads as per By-Law #29-2003, 45-2006 and 85-2007 with the following provisions.

**General Provisions**

1. No person shall operate an ATV on any municipal property, namely: Community Centre property, parks, rink park, playground and beaches without written consent of the Municipality.
2. Schedule "A" attached, lists person(s) or groups or organizations exempt from this by-law.
3. All applicable provisions of the Highway Traffic Act, R.S.O. 1990 as amended and Ontario Regulation 316/03 as amended shall apply to the operation of All-Terrain Vehicles on Municipal Highways.
4. Any person(s) 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 and the Compulsory Automobile Insurance Act and The Provincial Offence Act.

**NOW THEREFORE** the Council of the Corporation of the Municipality of Whitestone hereby enacts the following on all municipal maintained roads as per By-Law #29-2003, 45-2006 and 85-2007.

This by-law shall come into force and take effect upon passage by Council.

**Read a First and Second** time this 21<sup>st</sup> day of January, 2008.

---

**Mayor** Chris Armstrong

---

**Deputy-Clerk** Tammy Wylie

**Read a Third** time and **Passed, Signed and Sealed** this 21<sup>st</sup> day of January, 2008.

---

**Mayor** Chris Armstrong

---

**Deputy-Clerk** Tammy Wylie

Schedule "A" to By-Law No. 04-2008

The following are exempt from this ATV By-Law:

1. By-Law Department employees for the Municipality of Whitestone.
2. All Police Officers while performing their duties.
3. All Fire Department personnel while performing their duties.
4. All Medical Rescue personnel while performing their duties.
5. All employees of the Municipality of Whitestone while performing their duties.
6. Hydro One employees and their contractors while performing their duties
7. Ministry of Natural Resources employees while performing their duties.
8. Farmers, Trappers, and Public Utility Workers and type of vehicle are exempt.
9. Any person(s) or group that has written permission from the Municipality of Whitestone to operate ATV's in prohibited areas.

=====

The following is a brief summary of the current situation in the Municipality of Whitestone with no ATV By-Law

- Patrolled and Enforced by the OPP for Highway Traffic Act Offences and offences under the Off-Road Vehicle Act.
- Tickets are issued solely by the OPP for infractions.

=====

The following is a brief summary with an ATV By-Law in place.

- The OPP will continue to enforce the Highway Traffic Act and the Off-Road Vehicle Act.
- ATV's will be permitted on municipally maintained municipal roads.
- The By-Law Enforcement Officer will enforce the ATV By-Law
- Tickets for infraction will be \$150.00 (with the approval from the Attorney Generals Department)

=====

The following short form wording will be requested for the ATV By-Law:

Operate ATV on Municipal Property within the Municipality of Whitestone \$150.00