

THE CORPORATION OF THE TOWN OF  
NEW TECUMSETH

**BY-LAW**

*Number 2007-231*

**“MOTORIZED VEHICLES IN MUNICIPAL PARKS BY-LAW”**

A By-law to Regulate and prohibit the Use of Motorized  
Vehicles in Municipal Parks Within the Town of New Tecumseth

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**WHEREAS** Section 9 of the Municipal Act, S.O. 2001, c.25 (“The Municipal Act, 2001”), 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 this or any other Act;

**AND WHEREAS** Section 8 (1) of the Municipal Act, 2001, as amended, 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 to municipality to govern its affairs as it considers appropriate and to enhance the municipality’s ability to respond to municipal issues;

**AND WHEREAS** Section 8(3) of the Municipal Act, 2001, as amended, provides that without limiting the generality of subsections(1) and (2), a by-law under Section 11 respecting a matter may: (a) regulate or prohibit respecting the matter;

**AND WHEREAS** Section 11(3) of the Municipal Act, 2001, as amended, provides that a municipality may pass by-laws respecting matters within the spheres of jurisdiction set out therein including, inter alia, culture, parks, recreation and heritage;

**AND WHEREAS** the Council of the Corporation of the Town of New Tecumseth deems it necessary and expedient to enact a by-law to regulate and prohibit the use of motor vehicles in municipal parks within the Town of New Tecumseth

**NOW THEREFORE** the Council of the Corporation of the Town of New Tecumseth enacts as follows:

**1.0 DEFINITIONS**

For the purpose of this by-law:

- 1.1 “Council” means the Council of the Corporation of the Town of New Tecumseth.
- 1.2 “Lawfully Operating” means operating a recreational vehicle, which is registered, licensed and insured in compliance with requirements of the Province of Ontario and for which the operator is licensed to operate.
- 1.3 “Municipal Parks” for the purpose of this by-law means any and all land owned by, or made available by lease, agreement or otherwise to the Town of New Tecumseth that has been or hereafter may be set apart, designated, dedicated or established by the Town of New Tecumseth as public parkland, excluding existing or future approved trails.
- 1.4 “Operate” means to drive, ride, or be in possession or control of a recreational motorized vehicle.

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- 1.5 “Recreational Motorized Vehicle” means any vehicle propelled by power other than muscular power being used for recreational purposes and includes a “Motorized Snow Vehicle” as defined under the Motorized Snow Vehicles Act R.S.O., and an “Off-Road Vehicle” as defined under the Off-road Vehicles Act R.S.O.
- 1.6 “Recreational purpose” means the operation of a vehicle for pleasure, enjoyment or any other purpose that is not required for the care or maintenance of property.
- 1.7 “Town” shall mean the Corporation of the Town of New Tecumseth.

**2.0 OFFENCES**

- 2.1 No person shall operate a recreational motorized vehicle within any designated municipal park within the Town of New Tecumseth.
- 2.2 No person shall hinder or obstruct, or attempt to hinder or obstruct, any person who is exercising a power or performing a duty under this by-law.
- 2.3 Any person who has been alleged to contravene any section of this by-law and who fails to identify themselves is deemed to hinder or obstruct a person exercising a power or performing a duty under this by-law.

**3.0 EXEMPTIONS**

- 3.1 Anyone lawfully operating a motorized snow vehicle on an approved trail is exempt from the provisions of Section 2 of this By-law.
- 3.2 Anyone operating a recreational motorized vehicle for the purpose of participating in any event approved by Council or a Committee authorized by Council is exempted from the provision of Section 2 of this By-law.
- 3.3 The operation of a children’s battery operated vehicle is exempt from the provision of Section 2 of this By-law.
- 3.4 The operation of scooter or other type of battery-operated device to assist persons with disabilities is exempt from the provision of Section 3 of this By-law.

**4.0 ENFORCEMENT**

- 4.1 This By-law shall be enforced by Municipal Law Enforcement Officer(s) or such other person or persons as the Council may by By-law appoint and all such persons shall be considered inspectors under the terms of this By-law and any member of the Ontario Provincial Police.

**5.0 PENALTY**

- 5.1 Every person who contravenes any provision of this by-law is guilty of an offence and upon conviction shall be liable to a fine that shall not exceed One Hundred Thousand (\$100,000.00) dollars, as provided for in Section 429(3) of the Municipal Act, 2001, as amended.
- 5.2 Notwithstanding the provisions of Section 4 of this by-law, any person may make voluntary payment, upon presentation of an Infraction Notice issued by an officer or constable;
- 5.3 indicating the commission of an offence as set out in Sections 2.1, 2.2 and 2.3 of this by-law; and

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5.4 remit the appropriate fine as set out in Schedule "A" as finally approved by the Attorney General.

**6.0 SEVERABILITY**

6.1 Should any section of this By-law be declared by a Court of competent jurisdiction as 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.

7.0 That By-law No. 93-83 being the "Motorized Vehicles in Parks Prohibited" be repealed;

8.0 That this by-law shall be cited as the new "Motorized Vehicles in Parks" By-law.

9.0 That this by-law shall come into force and take effect on the date of final passing thereof.

**READ A FIRST, SECOND AND THIRD TIME AND FINALLY PASSED THIS 10<sup>TH</sup> DAY OF DECEMBER, 2007.**

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MAYOR

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CLERK

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Schedule "A"

**Motorized Vehicles in Municipal Parks Set Fine Schedule**

	<u>Set Fine Amt.</u>
Operate a recreational motorized vehicle within any designated municipal park	\$250.00
Hinder or obstruct, or attempt to hinder or obstruct, any person who is exercising a power or performing a duty under this by-law	\$250.00