

BY-LAW NO. 2005-35

of the

CORPORATION OF THE TOWN OF COLLINGWOOD



Being a By-law to Restrict use of Motorized Vehicles on
Certain Municipally Owned Property.

WHEREAS Section 130 of the Municipal Act, S.O. 2001 c. 25 as amended, authorizes a municipality to regulate matters not specially provided for by this Act or any other Act for the purposes related to the health, safety and well-being of the inhabitants of the municipality;

AND WHEREAS Section 128. (1) and (2) 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 Section 9 and 11 of the Municipal Act, S.O. 2001 c.25, confers power to a Municipality to regulate and prohibit matters with respect to Municipal Spheres of Jurisdiction;

AND WHEREAS Council deems it expedient to prohibit motorized vehicles on all municipally owned lands;

NOW THEREFORE BE THAT THE CORPORATION OF THE TOWN OF COLLINGWOOD ENACT AS FOLLOWS:

1. DEFINITIONS:

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

"Council" means the Council of the Town of Collingwood

"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.

"Town" means the Corporation of the Town of Collingwood;

"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.

2. PROVISIONS

No person shall operate a motorized vehicle:

- 2.1 In any park, beach, or other municipally owned or controlled lands within the municipality not designated as a highway or municipal parking area without the consent of the Town.
- 2.2 On any sidewalk under the jurisdiction of the Town.
- 2.3 On any unopened road allowance under the jurisdiction of the Town.

3. EXCEPTIONS

- 3.1 Written application made to the Town Clerk requesting permission to use a motorized vehicle on restricted municipally owned land for the purpose of gaining access to the property of the applicant, and authorization from the Clerk has been granted.
- 3.2 Personal assistive mobility devices are exempt from the provisions of this By-law.
- 3.3 Motorized Vehicles required in the maintenance and repair of the municipally owned property are exempt from the provisions of this By-law.

- 3.4 Motorized Snow Vehicles displaying a Collingwood Trail Permit and valid Ontario Federation of Snowmobile Club (OFSC) Trail Permit are permitted to use Memory Lane Trail southward from the OPP Station and the Train Trail to the junction of the OFSC Trail No.703 in compliance with the Motorized Snow Vehicles Act, 1990 c.M.44 as amended.
- 3.5 Emergency Service Vehicles are exempt from the provisions of this By-law.

4. ENFORCEMENT

- 4.1 Part XIV of the Municipal Act, 2001 c.25 as amended shall apply to the enforcement of this By-law.
- 4.2 This By-law shall be enforced by the Ontario Provincial Police.

5. PENALTY

- 5.1 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. Each day such violation is committed, or permitted to continue, shall constitute a separate offense and may be punishable as such thereunder. Such fine shall be recoverable under the Provincial Offences Act.
- 5.2 Where a person has been convicted of an offence under this By-law the Court may in addition to any other penalty imposed on the person convicted, issue an order prohibiting the continuation or repetition of the offense or the doing of any act by the person convicted directed toward the continuation or repetition of the offence.

6. VALIDITY

- 6.1 If a Court of competent jurisdiction declares any section or part of a section of this By-law invalid, it is the intention of Council that the remainder of the By-law shall continue to be in force.


7. CONFLICT


- 7.1 If any portion of this By-law is found to be in conflict with any other provision of any fire, safety, or other By-law of the Town, the provision which establishes the higher standard shall prevail.

8. EFFECTIVE DATE

- 8.1 This By-law shall come into full force and effect on the date of final passage hereof at which time all By-laws that are inconsistent with the provisions of this By-law and the same are hereby repealed.

ENACTED AND PASSED this 27th day of June, 2005.


MAYOR


CLERK