

THE CORPORATION OF THE TOWNSHIP OF TAY

BY-LAW NO. 2006-04

**Being a by-law to prohibit the use of Motorized
Vehicles on Township property previously known
as the Canadian National rail corridor**

WHEREAS Section 8 of the Municipal Act, S.O. 2001 provides that a municipality has the capacity, rights, powers and privileges of a natural person for the purpose of exercising its authority;

AND WHEREAS Section 9 of the Municipal Act, 2001 provides that Sections 8 and 11 of the Act shall be interpreted broadly so as to confer broad authority on municipalities to enable them to govern their affairs as they consider appropriate and to enhance their ability to respond to municipal issues;

AND WHEREAS Section 128 of the Municipal Act, 2001 authorizes local municipalities to prohibit and regulate with respect to public nuisances;

AND WHEREAS Section 130 of the Municipal Act, 2001 authorizes municipalities to regulate matters related to the health, safety and well being of the inhabitants of the municipality;

AND WHEREAS the Township is the owner of the former Canadian National rail corridor known as the Midland Subdivision extending from Waubaushene to the Wye River, in the Township of Tay, being mile 62.13 to mile 72.32, including without limitation the interest (if any) formerly owned by Trans Canada Trail - Sentier Transcanadien in the beds of the Wye River, Sturgeon River, Hogg River and in any bridges over said rivers including the entirety of the wooden trestle bridge over the Wye River;

AND WHEREAS the Township has established a recreational trail on the said lands for the purpose of hiking, cycling, cross-country skiing and limited use by Snowmobiles;

AND WHEREAS Council have received complaints with respect to use of the said Trail by Motorized Vehicles;

AND WHEREAS Council is concerned that use by unauthorized Motorized Vehicles is inconsistent with the recreational uses intended for the Trail and poses a threat to public safety and a public nuisance;

AND WHEREAS Council deems it expedient to prohibit the use of unauthorized Motorized Vehicles on the Trail;

**NOW THEREFORE THE COUNCIL OF THE CORPORATION OF THE TOWNSHIP OF TAY ENACTS
AND BE IT ENACTED AS FOLLOWS:**

1.0 DEFINITIONS

In this by-law,

“Township of Tay” means The Corporation of the Township of Tay or the geographic Township of Tay as the case requires;

“Council” means the council of the Township of Tay;

“Motorized Vehicle” means an automobile, motorcycle, power assisted bicycle, Snowmobile or any other vehicle propelled or driven otherwise than by muscular power as defined by the Ministry of Transportation;

“Personal Mobility Device” means a motorized wheel chair or similar vehicle specifically designed for transportation of the physically handicapped and that is not classified under any other vehicle definition as outlined by the Ministry of Transportation;

“Physically Handicapped” means an individual as defined by the Ministry of Transportation requirements for the purpose of obtaining an Accessible Parking Permit who is unable to walk without assistance of a cane, crutch or similar device, suffers from respiratory, cardiovascular or musculoskeletal condition;

“Trail” means the former Canadian National rail corridor known as the Midland Subdivision extending from Waubaushene to the Wye River, in the Township of Tay, being mile 62.13 to mile 72.32, including without limitation the interest (if any) formerly owned by Trans Canada Trail - Sentier Transcanadien in the beds of the Wye River, Sturgeon River, Hogg River and in any bridges over said rivers including the entirety of the wooden trestle bridge over the Wye River;

“Snowmobile” means a motorized, self-propelled vehicle designed to be driven primarily on snow;

“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; and

“Trail Grooming Machine” means a machine designed for the purpose of grooming snow to provide a maintained surface on which Snowmobiles travel.

2.0 GENERAL PROHIBITION

Subject to Section 4.0 hereof, no person shall operate a Motorized Vehicle on the Trail.

3.0 PENALTY

Any person who contravenes any of the provisions of this by-law is guilty of an offence and upon conviction is liable to a fine or imprisonment as provided for by the Provincial Offences Act, R.S.O. 1990, c. P.33, as amended.

4.0 EXEMPTIONS

This by-law shall not apply to any of the following:

- Emergency Vehicles,
- Motorized Vehicles operated by the Ontario Provincial Police for enforcement or patrol purposes,
- Motorized Vehicles operated by the Corporation of the Township of Tay for maintenance, enforcement or patrol purposes,
- Motorized Vehicles authorized by resolution of Council for special occasions or purposes,
- Personal mobility devices specifically designed for transportation of the physically handicapped,
- Snowmobiles on that portion of the Trail leased by the Georgian Bay Snowriders during the time frame authorized by the lease and which display a valid trail permit as provided for by the Motorized Snow Vehicle Act, R.S.O. 1990, c. M.44, and
- Trail Grooming Machines operated by the Georgian Bay Snowriders.

5.0 EFFECTIVE DATE

This by-law shall come into full force and effect immediately upon the final passage thereof.

BY-LAW READ A FIRST, SECOND AND THIRD TIME AND FINALLY PASSED THIS 10th DAY OF DECEMBER, 2008.

THE CORPORATION OF THE TOWNSHIP OF TAY

Mayor

Clerk

HB/rd