



The Corporation of the Town of Orangeville

By-law Number 024 - 2017

A by-law to regulate the teaching of persons to operate motor vehicles on certain highways within the Town of Orangeville

Whereas pursuant to subsection 11(3), of the *Municipal Act, 2001*, S.O. 2001, c. 25, highways, including traffic on highways, is a sphere of jurisdiction assigned to an upper-tier municipality non-exclusively and therefore, both the upper-tier municipality and its lower-tier municipalities have the power to pass by-laws under that sphere or part; and

Whereas pursuant to subsection 27 (1) of the *Municipal Act, 2001*, S.O. 2001, c. 25, a municipality may pass by-laws in respect of a highway only if it has jurisdiction over the highway.

Now therefore the Council for The Corporation of the Town of Orangeville enacts as follows:

1. Definitions

For the purposes of this by-law, the following definitions shall apply:

"Authorized Sign" means any sign, pavement marking or other device which has been placed, installed or erected on a highway under authority of this by-law to designate, regulate and/or enforce the provisions of this by-law;

"Driving School" means any business or establishment which employs driving school instructors, to teach persons to operate motor vehicles;

"Driving School Instructor" means a person who for compensation teaches others to drive a motor vehicle as a driving instructor and who is employed by a driving school operator or is self-employed in the business of teaching persons to operate a motor vehicle;

"Driving School Motor Vehicle" means a motor vehicle that is being used by a driving school instructor for the purpose of teaching a person to operate a motor vehicle;

"Driving School Operator" means a person who runs, operates or carries on the business of a driving school;

"Enforcement Officer" means a member of the Orangeville Police Service or a person authorized to enforce the *Highway Traffic Act* or the *Provincial Offences Act*;

"Highway" includes a common and public highway, street, avenue, parkway, driveway, any part of which is intended for or used by the general public for the passage of vehicles and includes the area between the lateral property lines thereof;

"Director" means the Director of By-law Enforcement or any successor thereof, or his or her designate;

"Motor Vehicle" means an automobile, motorcycle, motor assisted bicycle, unless otherwise indicated in the *Highway Traffic Act*, and any other vehicle propelled or driven other than by muscular power, but does not include a street car or other motor vehicles running only upon rails, or a motorized snow vehicle, traction engine, farm tractor, self-propelled implement of husbandry or road-building machine;

"Person" means an individual, firm, corporation, association or partnership.

2. Restrictions

2.1 No driving school instructor or operator shall cause or permit driving instruction to be given upon any street abutting and within 150 metres of a school.

2.2 Notwithstanding Section 2.1, a driving school motor vehicle may be operated within the areas described, provided that:

- i) the student to whom driving school instruction is being provided lives within the restricted area;
- ii) while in the restricted area the student carries with him or her proof of residence and presents such proof of residence to an enforcement officer upon demand; and
- (iii) the driving school instructor proceeds to and from the student's residence using the most direct route to and from the closest area outside the restricted area.

3. Enforcement and Administration

- 3.1 An Enforcement Officer is hereby vested with the authority to administer and enforce the provisions of this by-law.
- 3.2 The Director is hereby authorized to place, erect and maintain such authorized signs as may be necessary to give effect to the provisions of this by-law or which are authorized by the schedule to this by-law.

4. Obstruction

- 4.1 No person shall hinder or obstruct, or attempt to hinder or obstruct, any person exercising a power or performing a duty under this By-law.

5. Penalty

- 5.1 Every person who contravenes any provision of this by-law is guilty of an offence.
- 5.2 Every person who is convicted of an offence is liable to a fine under the Provincial Offences Act, of not more than \$5,000.00, exclusive of costs.

6. Severability

- 6.1 If a Court of competent jurisdiction declares any section or part of a section of this by-law invalid, the invalidity does not affect other provisions of this by-law and the remainder of the by-law shall continue to be in force and effect.

7. Effective Date

- 7.1 This By-law shall come into force and take effect on the day of its passing and shall remain in effect until otherwise amended or repealed.

Passed in open Council this 20th day of March, 2017.



Jeremy D Williams, Mayor



Susan Greatrix, Clerk