

CORPORATION OF THE TOWN OF SHELBURNE

BY-LAW NO. 35-2011

BEING A BY-LAW TO REGULATE THE USE OF OFF-ROAD VEHICLES.

WHEREAS the Highway Traffic Act, R.S.O. 1990, Section 191.8, subsection (3), Chapter H.8, as amended, provides that the Council of the municipality may pass a by-law permitting the operation of off-road vehicles that must be four (4) wheels and low pressure bearing tires on any highway within the municipality that is under the jurisdiction of the municipality or on any part or parts of such highways;

AND WHEREAS the Council of the Corporation of the Town of Shelburne deems it in the best public interest to regulate, govern or prohibit the operation of off-road vehicles within the Municipality;

NOW THEREFORE THE COUNCIL OF THE CORPORATION OF THE TOWN OF SHELBURNE ENACTS AS FOLLOWS:

PART 1 - DEFINITIONS

- a) **“Highway”** means a highway as defined in the Highway Traffic Act, R.S.O. 1990
- b) **“All Terrain Vehicle”** means an off road vehicle that,
 - i. Has four wheels, the tires of all which are in contact with the ground,
 - ii. Has steering handlebars,
 - iii. Has a seat that is designed to be straddled by the driver, and
 - iv. Is designed to carry a driver only and no passengers;
- c) **“Off Road Vehicle”** has the same meaning as in the “Off Road Vehicles Act”.
- d) **“Low pressure bearing tire”** means a wide, balloon type tire with a rounded cross section and no distinct shoulder area and that is designed to operate with inflation pressures of no greater than 70 kpa (10 psi); (pounds per square inch).
- e) **“Sidewalk”** means a path or strip of land paved or otherwise in, on or alongside a highway and designed and intended for the use by the general public for pedestrian travel. In addition, sidewalk includes any property that is or hereafter may be physically set apart or made available and intended for pedestrian use.
- f) **“Private Property”** includes developed Municipally-owned property, Church property and School Board property, Hospital and Home for Aged property or Cemetery Board property.
- g) **“Publicly Owned Property”** includes land or premises of the Corporation of the Town of Shelburne.

PART 2 - GENERAL OPERATION

- 1) All terrain vehicles may not be driven on highways within the Corporation of the Town of Shelburne and may only be driven on the designated area for use outlined on the attached map identified as “Schedule A.” Use is restricted from April 1st to November 30th between the hours of 9:00 am to 8:00 pm.

- 2) Off road vehicles shall be prohibited from travelling in, over or upon the roads within the Town of Shelburne after 8:00 p.m. on weekdays and weekends.
- 3) No person shall operate an Off Road Vehicle over or upon the following areas:
 - a) On any municipal property, i.e. Community Centre, Parks, Playgrounds
 - b) On any sidewalk with the Town of Shelburne
 - c) Subsection (a) does not apply to members of the Ontario Provincial Police or to anyone with specific authorization from Council for a specific event.
- 4) No person shall operate an off road vehicle in or on any publicly owned property within the boundaries of the Town of Shelburne unless:
 - a) Authorized by the Shelburne Municipal Council
 - b) On authorized posted trails
- 5) No person shall operate an off road vehicle within 100 meters of any school property, in the Town of Shelburne, except if their permanent residence is situated within that area.
- 6) The operator of an off road vehicle shall ensure:
 - a) That when towing a trailing device, that the said trailing device shall be equipped with a rigid hitch and shall be fastened securely to the off road vehicle.
 - b) That all trailing devices shall meet all requirements in accordance with the Highway Traffic Act and the Off Road Vehicle Act.

PART 3 - OFFENCES

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 of no less than one hundred dollars (\$100.00) and not more than two thousand dollars (\$2000.00) exclusive of costs, for each offence.

This by-law shall come into force and take effect immediately upon the passing thereof and proclamation of all legislation that pertains to the Highway Traffic Act and by the Council of the Corporation of the Town of Shelburne.

READ A FIRST, SECOND AND THIRD TIME AND FINALLY PASSED IN OPEN COUNCIL THIS 27TH DAY OF JUNE, 2011

MAYOR

CAO/CLERK