

THE CORPORATION OF THE MUNICIPALITY OF NORTH BRUCE
PENINSULA

BY-LAW NUMBER 2015-06

A BY-LAW TO REGULATE AND CONTROL THE MOVEMENT AND TIME OF
MOVEMENT OF OFF ROAD VEHICLES [ALSO KNOWN AS A.T.V. (S)] ON ANY
HIGHWAYS OR ROAD ALLOWANCE'S UNDER THE CONTROL OF THE
MUNICIPALITY OF NORTHERN BRUCE PENINSULA.

WHEREAS, pursuant to the Municipal Act, 2001, S.O. 2001, c. 25 as amended, Sections 8 (1) and 9 provide 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 the municipality to govern its affairs as it considers appropriate and to enhance the municipality's ability to respond to municipal issues and 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 191.8 (3) of the Highway Traffic Act, R.S.O. 1190, c.H.8, as amended, authorizes the Council of a municipality to pass by-laws permitting the operation of off-road vehicles (ATV's) on any highway within the municipality that is under the jurisdiction of the municipality or on any part or parts of such highway;

AND WHEREAS Section 11 (1) (3) of the Municipal Act, 2001, S.O. 2001, c. 25, as amended, gives broad authority to lower-tier municipalities to provide any service or thing that the municipality considers necessary or desirable for the public and respecting matters within the sphere of jurisdiction highways, including parking and traffic on highways;

NOW THEREFORE the Council of the Corporation of the Municipality of Northern Bruce Peninsula enacts as follows:

Section 1: Definitions

(a) "ATV" means an off road vehicle that:

1. Has four wheels, the tires of which are in contact with the ground
2. Has steering handle bars
3. Has a seat that is designed to be straddled by the driver
4. Is designed to carry a driver only
5. Has headlights, tail lights, which must be on at all times
6. Must have operating brake light
7. Has all-terrain vehicle licence plate and insurance
8. Windshields must meet requirement of motorcycle windshields

b) For the purpose of this By-law, ATV vehicle does not include dune buggies, Side by Side ATV, Two-Up ATV or vehicles propelled or driven other than by muscular power or wind.

(c) "Officer" shall mean a by-law enforcement officer appointed by Council to enforce the provisions of this by-law.

(d) "Municipality" shall mean the Corporation of the Municipality of Northern Bruce Peninsula.

(e) "Highway" means and includes a common and public highway, open or

unmaintained road allowance, street, avenue, parkway, square, place, driveway, bridge, viaduct or trestle, any part which is intended for or used by the general public for the passing of vehicles and includes the area between the lateral property lines thereof.

Section 2: General Provisions

- (a) No driver of an ATV vehicle shall drive on a Municipal road without a motorcycle helmet that has been approved as such.
- (b) No driver of an ATV vehicle shall operate such vehicle on any Municipal road without a valid G2/M2 or greater driver's licence.
- (c) No driver of an ATV vehicle shall carry any passenger while operating on any Municipal road.
- (d) No driver of an ATV vehicle shall operate without a valid insurance coverage on said vehicle on any Municipal road covered by this by-law.
- (e) No driver of an ATV vehicle shall operate on any Municipal road covered by this by-law without licensing such vehicle.
- (f) No driver shall operate an ATV except in same direction as traffic.
- (g) All drivers shall operate ATV's on the shoulder of road except if the shoulder is unsafe.
- (h) No person shall operate an ATV in any park that is under the jurisdiction of the Municipality of Northern Bruce Peninsula.

Section 3: Exemptions

Schedule A lists person(s) or companies exempt from this by-law.

Section 4: Penalty and Enforcement

- 1. Any person(s) who contravenes any provision of this by-law is guilty of an offence and upon conviction is liable to a fine or penalty for each offence, exclusive costs and upon conviction is liable to a fine as set out in the Provincial Offences Act, R.S.O. 1990, Chapter P. 33
- 2. No person(s) shall willfully obstruct, hinder or otherwise interfere with an Officer in the performance of the Officer's duties, right, functions, powers or authority under this by-law.
- 3. Where an Officer has reasonable grounds to believe that an offence under this by-law has been committed by a person(s), the Officer may require the name, address and proof of identity of that person(s), and the person(s) shall supply the required information.
- 4. If, for any reason, any section, clause or provision of this By-law is deemed by a court of competent jurisdiction to be invalid, the same shall not affect the validity of the by-law as a whole or any part thereof other than the part which was declared to be invalid.

Section 5: Enactment

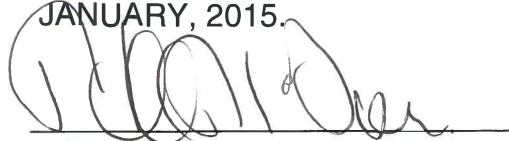
- 1. THAT this by-law shall come into force and take effect upon the final passing thereof.

Section 6: Repeal

1. This by-law shall supersede and rescind By-law No. 2004-27 and any other by-law inconsistent with this by-law.

READ A FIRST AND SECOND TIME THIS 26th DAY OF JANUARY, 2015.

READ A THIRD TIME, FINALLY PASSED, SIGNED AND SEALED THIS 26th DAY OF JANUARY, 2015.


MAYOR – Milt McIver
CLERK – Mary Lynn Standen

SCHEDULE A TO BY-LAW NO. 2015-06

The following are exempt from the provisions of By-law No. 2015-06:

1. By-law Department employees for the Municipality of Northern Bruce Peninsula.
2. All Police Officers while performing their duties.
3. All Fire Department personnel while performing their duties.
4. All Medical Rescue personnel while performing their duties.
5. All employees of the Municipality of Northern Bruce Peninsula while performing their duties.
6. Hydro One employee(s) and its contractors while performing their duties.
7. Ministry of Natural Resources employees while performing their duties.
8. Farmer(s), trapper(s), and public utility worker(s) and type of vehicle are exempt.
9. County of Bruce By-law Enforcement personnel while performing their duties.

The Corporation of the Municipality of Northern Bruce Peninsula

By-law No. 2015-06

Set Fine Schedule-Part 1 Provincial Offences Act

Item	Column 1 Short form wording	Column 2 Provision creating or defining offence	Column 3 Set Fine
(1)	Drive ATV on Municipal Road Helmet Not Approved	Section 2 (a)	\$100.00
(2)	Drive ATV on Municipal Road Without Valid Driver's License	Section 2 (b)	\$100.00
(3)	Carry passengers on ATV while driving on Municipal Road	Section 2 (c)	\$100.00
(4)	Drive ATV on Municipal Road without valid insurance	Section 2 (d)	\$100.00
(5)	Drive ATV on Municipal Road with no license on vehicle	Section 2 (e)	\$100.00
(6)	No Driver shall operate ATV except in same direction as traffic	Section 2(f)	\$100.00
(7)	Interfere with Officer while carrying out his/her duties to enforce this by-law	Section 3 sub 2	\$200.00
(8)	Operate ATV in a park in the Municipality of Northern Bruce Peninsula	Section 2 (h)	\$100.00

Note: The penalty provisions for the offences indicated above is/are Section 4.1 of by-law No. 2015-06 a certified copy has been filed.

The Corporation of the Municipality of Northern Bruce Peninsula

By-law #2015-

Set Fine Schedule-Part I Provincial Offences Act

Item	Column 1 Short form wording	Column 2 Provision creating or defining offence	Column3 Set Fine
(1)	Drove ATV on Municipal Road Helmet Not Approved	Section 2 (a)	
(2)	Drove ATV on Municipal Road Without Valid Driver's License	Section 2 (b)	
(3)	Carried passengers on ATV while driving on Municipal Road	Section 2 (c)	
(4)	Drove ATV on Municipal Road without valid insurance	Section 2 (d)	
(5)	Drove ATV on Municipal Road with no license on vehicle	Section 2 (e)	
(6)	Drove ATV opposite direction of Traffic	Section 2(f)	
(7)	Interfered with Officer while carrying out his/her duties to enforce this by-law	Section 3 sub 2	
(8)	Operated ATV in a park in the Municipality of Northern Bruce Peninsula	Section 2 (h)	

Note: The penalty provisions for the offences indicated above is/are Section 4.1 of by-law #2015- a certified copy has been filed.

OFFICE OF THE REGIONAL SENIOR JUSTICE
ONTARIO COURT OF JUSTICE
WEST REGION

80 DUNDAS STREET, 10th FLOOR, UNIT L
LONDON, ONTARIO N6A 6A8

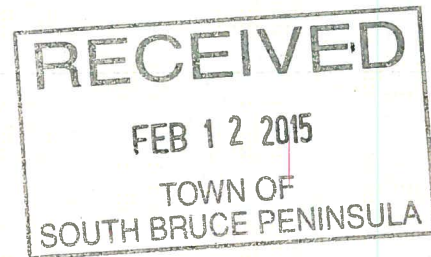


CABINET DU JUGE PRINCIPAL RÉGIONAL
COUR DE JUSTICE DE L'ONTARIO
RÉGION DE L'OUEST

80, RUE DUNDAS, 10^e ÉTAGE, UNITÉ L
LONDON (ONTARIO) N6A 6A8

TELEPHONE/TÉLÉPHONE (519) 660-2292
FAX/TÉLÉCOPIEUR (519) 660-3138

February 9, 2015



Ms. Carol Hopkins
Municipal By-Law Enforcement Officer
Town of South Bruce Peninsula
Box 310, 315 George Street
Warton, Ontario NOH 2T0

Dear Ms. Hopkins:

Re: Set Fines - Provincial Offences Act - Part I
By-law Numbers 2015-06, 2015-07 and 2015-08 of the municipality of Northern Bruce Peninsula

Enclosed herewith are the Orders, and the schedules of set fines for the above referenced By-Laws, the By-laws indicated in the schedules.

I have forwarded copies of the Orders and the schedules of set fines to the Provincial Offences Court in Owen Sound, together with a certified copy of the By-laws.

Yours truly,

A handwritten signature in black ink, appearing to read 'Stephen J. Fuerth'.

Stephen J. Fuerth
Regional Senior Justice
West Region

Enclosures

/jg

ONTARIO COURT OF JUSTICE

PROVINCIAL OFFENCES ACT

PART I

IT IS ORDERED pursuant to the provisions of the Provincial Offences Act and the rules for the Ontario Court of Justice that the amount set opposite each of the offences in the schedule of offences under the Provincial Statutes and Regulations thereunder and Municipal By-law No. 2015-06, of the municipality of Northern Bruce Peninsula, attached hereto are the set fines for those offences. This Order is to take effect February 9, 2015.

Dated at London this 9th day of February 2015.

A handwritten signature in black ink, appearing to read 'S. Fuerth', is written above the printed name.

Stephen J. Fuerth
Regional Senior Justice
West Region

The Corporation of the Municipality of Northern Bruce Peninsula

By-law No. 2015-06

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By-law #2015-

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