

# THE CORPORATION OF THE TOWN OF SAUGEEN SHORES

## BY- LAW 3 - 2009

Being a By-Law to regulate the movement and time of movement of *All Terrain Vehicles* also known as ATVs on any highway or road allowances under the control of the Town of Saugeen Shores

**WHEREAS** the Municipal Act 2001, Section 8, the powers of natural person exercise of authority and Section 11(1) spheres of jurisdiction;

**AND WHEREAS** the operation and requirements for all terrain vehicles are defined in Ontario Regulation 316/03 as amended;

**AND WHEREAS** the Highway Traffic Act R.S.O. 1990, Section 191.8 subsection (3) Chapter H.8, as amended, provides that the Council of a Municipality may pass by-laws, which governs items such as, helmets, licenses, insurance, speeding, and:

- a) Permitting the operation of all terrain vehicles, as defined in Ontario Regulations 316/03 and amendments thereto on any part or parts of highways under the jurisdiction of a local Municipality;
- b) Providing for a lower rate of speed for off road vehicles by regulation on any highway, or any part or parts of such highway within the Municipality that is under its jurisdiction;
- c) Providing for the time of operation restrictions of off road vehicles on any highway, or any part or parts of such highway within the Municipality that is under its jurisdiction.

**NOW THEREFORE** the Council of the Town of Saugeen Shores hereby **ENACTS** as follows:

### 1. Definitions:

- 1.1 **Highway** includes a common or public highway, street, avenue, parkway, square, place, drive, bridge, viaduct or trestle, any part that is intended for or used by general public for the passing of vehicles and includes the area between the lateral property lines thereof.
- 1.2 **All terrain vehicle (ATV)** In this bylaw means an off road vehicle that:  
2.1 Is defined by Ontario Regulation 316/03 and amendments thereto.
- 1.3 **Urban Area** for the Town of Saugeen Shores shall be defined as the area included within the boundaries of the Local Official Plan as shown on Schedule "C".
- 1.4 **Sidewalk** means that portion of a highway between the curb line or edge of a roadway and the adjacent property line that is designed and intended for the use of pedestrians.
- 1.5 **Roadway** means that portion of a highway that is improved, designed or ordinarily used for the passage of vehicles, but does not include the shoulder.
- 1.6 **Shoulder** means a portion of a highway that provides lateral support to the roadway and that may accommodate stopped motor vehicles and emergency use.

### 2. General Provisions

The Council of the Corporation of the Town of Saugeen Shores hereby enacts the following that ATVs will be allowed on all municipal maintained roads; and trails approved for use by ATV's with the following provisions:

- 2.1 No person shall operate an ATV on the following municipal properties: Community Centre property, parks, playgrounds, and beaches without written consent of the Town.
- 2.2 No person shall operate an ATV within the urban areas, as set out on Schedule "C" attached hereto, except for the purpose of traveling from his/her residence to a highway approved by the Town and to return from such highway to his/her residence or for the purposes of obtaining food, gas or lodgings.
- 2.3 The operation of an ATV on highways within the boundaries as set out on Schedule "A" is prohibited.
- 2.4 That nothing in this by-law shall prohibit the operation of ATV's across any of the highways shown on Schedule "A" provided that the driver shall enter or cross at an angle of approximately 90 degrees to the direction of the highway.
- 2.5 That no person shall operate an ATV on any sidewalk in the Town of Saugeen Shores.
- 2.6 ATV's shall travel on the shoulder of the road, but may operate on the roadway if the shoulder is unsafe.
- 2.7 That no person shall operate an ATV on private property within the limits of the Town of Saugeen Shores except if authorized to do so by the owner of the private property concerned.
- 2.8 Operators of ATV's must keep machines away from churches and funeral homes when services are in progress and completely away from hospitals and nursing homes unless absolutely necessary.
- 2.9 The operation of ATV's on highways within Saugeen Shores is prohibited between the Hours of 23:00 and 7:00. Hunters are exempt from this provision only.
- 2.10 That the speed limit for ATV shall be 20 km/hr when traveling on the authorized highways with a posted limit of 50km/hr and 50km/hr when traveling on the authorized highways with a posted limit of 80km/hr
- 2.11 That the provisions of this by-law shall not apply to ATV's operated for emergency purposes by the Town of Saugeen Shores Police Service, Saugeen Shores Fire Department, the Ontario Provincial Police, Farmers, Trappers, County of Bruce Ambulance and any employees or agents performing their duties under the Town of Saugeen Shores, and includes all hydro, cable, gas and telephone utilities companies.

### **3. Penalties/Enforcement**

Every person who violates a provision of this By-law is guilty of an offence and on conviction, except as otherwise provided in this By-law, is liable to the penalty provided in Section 61 of the Provincial Offences Act, R.S.O. 1990, Chapter P.33, as amended or re-enacted from time to time.

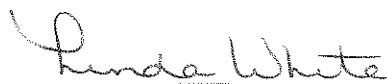
Short Form wording is listed in Schedule "B"

4. This bylaw shall come into force and take effect upon passage by Council.

READ A FIRST AND SECOND TIME THIS 12<sup>TH</sup> DAY OF JANUARY, 2009.

READ A THIRD TIME AND FINALLY PASSED AND SEALED THIS 12<sup>TH</sup> DAY OF JANUARY, 2009.

  
Mike Smith, Mayor

  
Linda White, Clerk

**Schedule "A"**  
**Bylaw 3 – 2009**

**ATV's PROHIBITED**

<b>Highway</b>	<b>From</b>	<b>To</b>
1. Goderch Street	CAW Sideroad/ Concession 6	Concession 10
2. High Street	Grenville Street	Huron Street
3. Albert Street N.	North Rankin Street	High Street
4. North Rankin Street	Albert Street N.	Craig Street
5. Albert Street S.	High Street	South Street

**SCHEDULE “B”**

**TOWN OF SAUGEEN SHORES  
Part 1 Provincial Offences Act  
BY-LAW 3-2009: ATV Regulation**

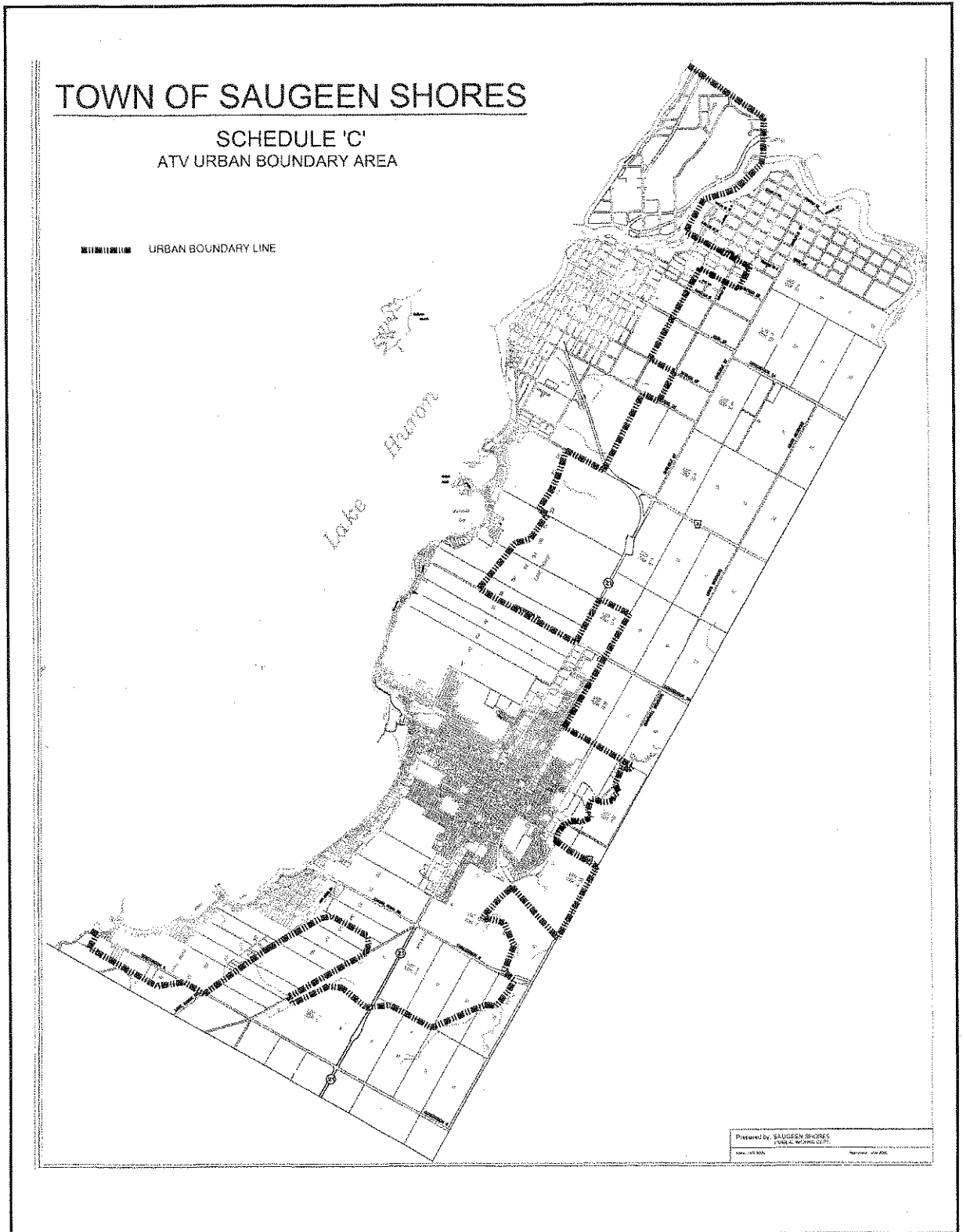
ITEM	COLUMN 1 Short Form Wording	COLUMN 2 Provision creating or defining Offence	COLUMN 3 Set Fine
1.	Operate a ATV in/on prohibited municipal property	2.1	\$100.00
2	Operate an ATV on prohibited urban areas	2.2	\$100.00
3	Operate an ATV on a sidewalk	2.5	\$100.00

***Note: The penalty provision for the offences indicated above is Section 3 of By-law No. 3-2009, a certified copy of which has been filed and Section 61 of the Provincial Offences Act R.S.O. 1990, c. P.33.***

SCHEDULE "C"

BY-LAW 3 – 2009

ATV URBAN BOUNDARY AREA



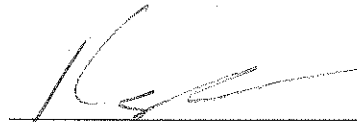
ONTARIO COURT OF JUSTICE

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 the By-law Number 3-2009, of the Town of Saugeen Shores, attached hereto is the set fine for that offence. This Order is to take effect June 1, 2010.

Dated at London, Ontario this 1<sup>st</sup> day of June 2010.



---

Kathleen E. McGowan  
Regional Senior Justice  
West Region

**SCHEDULE "B"**

**TOWN OF SAUGEEEN SHORES  
Part 1 Provincial Offences Act  
BY-LAW 3-2009: ATV Regulation**

ITEM	COLUMN 1 Short Form Wording	COLUMN 2 Provision creating or defining Offence	COLUMN 3 Set Fine
1.	Operate a ATV in/on prohibited municipal property	2.1	\$100.00
2	Operate an ATV on prohibited urban areas	2.2	\$100.00
3	Operate an ATV on a sidewalk	2.5	\$100.00

**Note:** *The penalty provision for the offences indicated above is Section 3 of By-law No. 3-2009, a certified copy of which has been filed and Section 61 of the Provincial Offences Act R.S.O. 1990, c. P.33.*