

THE CORPORATION OF THE MUNICIPALITY OF NORTH BRUCE
PENINSULA

BY-LAW NO. 2018-42

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 ALLOWANCES UNDER THE CONTROL OF THE
MUNICIPALITY OF NORTHERN BRUCE PENINSULA.

WHEREAS, pursuant to the Municipal Act, 2001, R.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.

AND WHEREAS Section 191.8 (3) of the Highway Traffic Act, R.S.O. 1990, 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 R.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;

AND WHEREAS Ontario Regulation 316-03 "Operation of Off-road Vehicles on Highways" regulates the operation of off-road vehicles.

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

SECTION 1: DEFINITIONS

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

"All-Terrain Vehicle" means an off road vehicle that:

- a) has four wheels, the tires of which are all in contact with the ground
- b) has steering handle bars
- c) has a seat that is designed to be straddled by the driver
- d) Is designed to carry,
 - i. a driver only and no passenger, or
 - ii. a driver and only one passenger
 - iii. has one passenger seat that is designed to be straddled by the passenger while sitting facing forward behind the driver, and
 - iv. is equipped with foot rests for the passenger that is separate from the foot rests for the driver;

"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.

"Multi-Purpose Off-Highway Utility Vehicle" means an off-road vehicle that,

- a) has four or more wheels, the tires of which are all in contact with the ground,
- b) has a steering wheel for steering control,
- c) has seats that are not designed to be straddled, and
- d) has a minimum cargo capacity of 159 kilograms;

"Municipality" shall mean the Corporation of the Municipality of Northern Bruce Peninsula.

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

"Recreational Off-Highway Vehicle" means an off-road vehicle that,

- a) has four or more wheels, the tires of which are all in contact with the ground,
- b) has a steering wheel for steering control,
- c) has an engine displacement equal to or less than 1,000 cubic centimeters;

"Seat Belt Assembly" means a device or assembly composed of a strap or straps, webbing or similar material that restrains the movement of a person in order to prevent or mitigate injury to the person.

"Sidewalk" mean that portion of a highway between the curb line and the property line of the lot abutting the highway improved for the use of pedestrians.

SECTION 2: GENERAL PROVISIONS

For the purpose of this By-law, ORV/ATV vehicle does not include dune buggies, golf carts or vehicles propelled or driven other than by muscular power or wind.

1. No person shall operate an ORV/ATV:
 - (a) on a Municipal road without a motorcycle helmet that has been approved as such in section 19 of the Off-Road Vehicles Act. O. Reg. 135/15, s. 6.
 - (b) on any Municipal road without a valid G2/M2 or greater driver's licence.
 - (c) without a valid licence plate and insurance.
 - (d) except in same direction as traffic.
 - (e) on a Municipal road except if the shoulder is unsafe.
 - (f) in any park, playground, beach or trail area that is under the jurisdiction of the Municipality.
 - (g) on any shoreline road allowance under the jurisdiction of the Municipality.
 - (h) in any cemetery under the jurisdiction of the Municipality.
 - (i) without headlights, tail lights, which must be on at all times.
 - (j) without a windshield that meets requirement of motorcycle windshields. Motorcycle windshield under subsection 1 (10) of Schedule 6 to Regulation 611 of the Revised Regulations of Ontario, 1990. O. Reg. 316/03, s. 14.
 - (k) on any sidewalk or boulevard under the jurisdiction of the Municipality.
 - (l) on Highway 6 North of Dyers Bay Road in the Municipality.
 - (m) at a rate of speed greater than:
 - a. 20 kilometres per hour, if the speed limit established under the Highway Traffic Act or by Municipal By-law for that part of the highway is not greater than 50 kilometres per hour, or
 - b. 50 kilometres per hour, if the speed limit established under the Highway Traffic Act or by Municipal By-law for that part of the highway is greater than 50 kilometres per hour.
 - (n) in such a way as to disrupt or destroy the natural environment, create a nuisance by method or frequency of operation on any municipal property or upon any highway under the jurisdiction of the Municipality.

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.

SECTION 5: SHORT TITLE

This by-law shall be known as the "A.T.V/O.R.V By-law".

SECTION 6: VALIDITY

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 7: ENACTMENT

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


SECTION 8: REPEAL

This by-law shall supersede and rescind By-law No. 2015-06 and any other by-law inconsistent with this by-law.

READ A FIRST AND SECOND TIME THIS 11th DAY OF JUNE, 2018.

READ A THIRD TIME, FINALLY PASSED, SIGNED AND SEALED THIS 11TH DAY OF JUNE, 2018.


MAYOR – Milt McIver


CLERK – Mary Lynn Standen

SCHEDULE A TO BY-LAW NO. 2018-42

The following are exempt from the provisions of By-law No. 2018-42:

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 and Forestry 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.

PART I PROVINCIAL OFFENCES ACT

THE CORPORATION OF THE MUNICIPALITY OF NORTHERN BRUCE PENINSULA

BY-LAW NO. 2018-42 : A.T.V/O.R.V BY-LAW

Item	Column 1 Short form wording	Column 2 Provision creating or defining offence	Column 3 Set Fine
(1)	Drive ORV/ATV on Municipal Road Helmet Not Approved	Section 2 (1)(a)	\$100.00
(2)	Drive ORV/ATV on Municipal Road Without Valid Driver's License	Section 2 (1)(b)	\$100.00
(3)	Drive ORV/ATV on Municipal Road without valid plate and insurance	Section 2 (1)(c)	\$100.00
(4)	Operate ORV/ATV in any park, playground, beach or trail	Section 2 (1)(f)	\$100.00
(5)	No Driver shall operate ORV/ATV except in same direction as traffic	Section 2(1)(d)	\$100.00
(6)	Interfere with Officer while carrying out his/her duties to enforce this by-law	Section 4(2)	\$200.00
(7)	Operate ORV/ATV on any shoreline road allowance	Section 2 (1)(g)	\$100.00
(8)	Operate ORV/ATV in any cemetery	Section 2(1)(h)	\$100.00
(9)	Operate ORV/ATV in such a way as to disrupt or destroy the natural environment	Section 2(1)(n)	\$100.00

Note: The penalty provisions for the offences indicated above is/are Section 4(1) of by-law No. 2018-42, a certified copy has been filed.

PART I PROVINCIAL OFFENCES ACT

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(5)	No Driver shall operate ORV/ATV except in same direction as traffic	Section 2(1)(d)	
(6)	Interfere with Officer while carrying out his/her duties to enforce this by-law	Section 4(2)	
(7)	Operate ORV/ATV on any shoreline road allowance	Section 2 (1)(g)	
(8)	Operate ORV/ATV in any cemetery		
(9)	Operate ORV/ATV in such a way as to disrupt or destroy the natural environment	Section 2(1)(h)	

Note: The penalty provisions for the offences indicated above is/are Section 4 of by-law No. 2018-42, a certified copy has been filed.