

## **The Corporation of the Town of South Bruce Peninsula**

### **By-Law Number 98-2015**

#### **Being a By-Law to Regulate and Control the Movement and Time of Movement of Off Road Vehicles Also Known as ORV's on Any Highways or Road Allowances Under the Control of the Town of South Bruce Peninsula**

**Whereas** the Municipal Act, 2001, Chapter 25 Section 28 as may be amended from time to time, provides that a municipality may pass by-laws in respect of a highway only if it has jurisdiction over the highway;

**And whereas** the Highway Traffic Act R.S.O. 1990, C.H.8 Subsection 191.8(3) as may be amended from time to time provides that a municipality may pass by-laws permitting the operation of off road vehicles on highways under the jurisdiction of the municipality and may permit operation during specified months or hours;

**And whereas** the Town of South Bruce Peninsula deems it expedient to regulate and control the movement and time of movement of off road vehicles on all highways under the jurisdiction of the Town of South Bruce Peninsula.

**Now therefore the Council of the Corporation of the Town of South Bruce Peninsula enacts as follows:**

#### **1. Definitions**

- 1.1 Beach shall mean any sand surface which is maintained for the purpose of recreational enjoyment adjacent to a body of water and so designated as a beach by the Town of South Bruce Peninsula.
- 1.2 Highway shall include a common and public highway, street, avenue, parkway, square place, drive, 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.

Highways will include both open and unopened, maintained and unmaintained road allowances.

- 1.3 Off Road Vehicle (ORV), for the purpose of this by-law means:

- 1.3.1 an all terrain vehicle that:
  - a) has four wheels, the tires of which are in contact with the ground
  - b) has steering handlebars
  - c) has a seat that is designed to be straddled by the driver

- d) is designed to carry a driver only and no passengers
  - e) a driver and only one passenger if the vehicle has one passenger seat that is designed to be straddled by the passenger while sitting facing forward behind the driver and is equipped with foot rests for the passenger that are separate from the foot rests for the driver.
- 1.3.2 a multi-purpose off-highway utility 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
  - d) has a minimum cargo capacity of 159 kilograms.
- 1.3.3 a recreational off-highway 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
  - d) has an engine displacement equal to or less than 1,000 cubic centimeters
- 1.3.4 For the purpose of this by-law, ORV does not include dune buggies, 2 or 3 wheeled vehicles or vehicles propelled or driven other than by muscular power or wind unless so defined herein.
- 1.4 Park shall mean any property maintained for the purpose of recreation and so designated as a park by the Town of South Bruce Peninsula.
- 1.5 Sand dune shall mean any man made or naturally occurring accumulation of sand which forms a mound, ridge or hill or is other than flat.
- 1.6 Shore Road Allowance shall mean an area between a body of water and land usually 66 feet in width and may also be referred to as a marine allowance.
- 2. General Provisions**
- 2.1 No driver of an ORV shall drive on a municipal highway without a helmet that has been approved for such use.
- 2.2 No driver of an ORV shall operate such vehicle on any municipal highway without a valid class A, B, C, D, E, F, G, G2, M or M2 driver's license issued under the Highway Traffic Act, as may be amended from time to time unless the driver is exempt under the Act.
- 2.3 No driver of an ORV shall carry any passenger while operating on any municipal highway unless the ORV is designed by the manufacturer to carry a passenger.

- 2.4 No driver of an ORV shall operate without valid insurance coverage on said vehicle on any municipal highway.
- 2.5 No driver of an ORV shall operate on any municipal highway without licensing such vehicle.
- 2.6 No driver of an ORV will operate the ORV on a municipal highway in a direction which is opposite to the traffic using the travelled portion of the municipal highway.
- 2.7 All drivers of ORV's shall operate the ORV on the shoulder of the highway, but may operate on the travelled portion of the highway if the shoulder is not safe.
- 2.8 No person shall operate an ORV in such a way as to disturb or distort the natural environment including fish habitat, property, flora or fauna.
- 2.9.1 The use of any highway for the purposes of establishing, expanding, instituting or in any way making a trail for ORV travel will be with the express permission and under the direction of the Town.
- 2.9.2 Any use of any highway for trail purposes will be subject to approval from outside agencies including any studies or consultations when and where required and may be subject to any agreements or provisions as determined by the Town to be required.

### **3. Travel Prohibited**

- 3.1 Except as otherwise provided in this by-law, no person shall operate an ORV:
  - 3.1.1 On Berford Street from Elm Street to Jenny Street at any time.
  - 3.1.2 On Lakeshore Blvd North from Main Street to Sauble Falls Road from May 1 to September 30 in each year.
  - 3.1.3 On Main Street from the Southampton Parkway to Lakeshore Blvd North from May 1 to September 30 in each year.
  - 3.1.4 On Sauble Falls Road from Lakeshore Blvd North to the end of Sauble Falls Road (Groves Point) from May 1 to September 30 in each year.
  - 3.1.5 On Clarence Avenue south from Hendry Street to County Road 13 at any time.
- 3.2 No person shall operate an ORV at any time on any beach or sand dune under the jurisdiction of the Town of South Bruce Peninsula.
- 3.3 No person shall operate an ORV at any time in any park which is under the

jurisdiction of the Town of South Bruce Peninsula.

- 3.4 No person shall operate an ORV at any time on any shore road allowance which is under the jurisdiction of the Town of South Bruce Peninsula.

#### **4. Exemptions**

- 4.1 Subject to the provisions contained within this by-law, the following persons are exempt from the provisions of this by-law:
- 4.1.1 All employees for the Town of South Bruce Peninsula while in the performance of their duties.
- 4.1.2 All police officers while in the performance of their duties.
- 4.1.3 All fire department personnel while in the performance of their duties.
- 4.1.4 All medical rescue personnel while in the performance of their duties.
- 4.1.5 All public utility and/or utility personnel while in the performance of their duties.
- 4.1.6 All Ontario or Canada ministry personnel while in the performance of their duties.
- 4.1.7 All farmers and trappers while in the performance of their farming and trapping operations.
- 4.1.8 All employees for the County of Bruce while in the performance of their duties.
- 4.2 Persons listed in this section are exempt from the provisions of this by-law but shall not be exempt from any requirement to comply with the Highway Traffic Act, Bruce County by-laws, other municipal by-laws or any Act or legislation, all which may be amended from time to time.
- 4.3 Persons listed in this section shall not be exempt from the requirement to wear personal protective equipment, including but not being limited to a helmet.

#### **5. Enforcement and Penalty Provisions**

- 5.1 This by-law shall be enforced by an officer or officers appointed or authorized by the Town of South Bruce Peninsula. This shall include any police officer or peace officer authorized to enforce this by-law.
- 5.2 No person shall interfere with an officer carrying out his/her duties while enforcing this by-law.
- 5.3 Every person(s) who violates a provision of this by-law is guilty of an offence and

upon conviction is liable to the penalty as provided in Section 61 of the Provincial Offences Act, RSO 1990, Chapter 33 as amended from time to time.

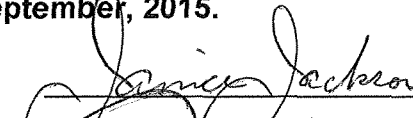

**6. Severability, Force and Effect**

6.1 If a court of competent jurisdiction should declare any section or part of a section of this by-law to be invalid, such section or part section shall not be construed as having persuaded or influenced Council to pass the remainder of the by-law and it is hereby declared that the remainder of the by-law shall be valid and shall remain in full force and effect.

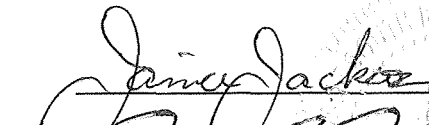
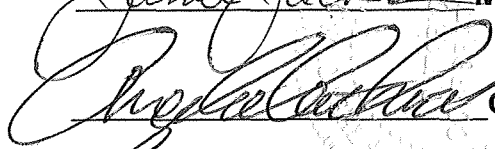
6.2 This by-law shall come into full force and effect upon the final passing thereof.

6.3 Any by-law which is inconsistent with this by-law is hereby repealed.

**Read a first and second time this 15<sup>th</sup> day of September, 2015.**

  
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\_\_\_\_\_  
Mayor Clerk

**Read a third time and finally passed this 15<sup>th</sup> day of September, 2015.**

  
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\_\_\_\_\_  
Mayor Clerk

**The Corporation of the Town of South Bruce Peninsula  
By-Law Number 98-2015: Regulate Off Road Vehicles  
Part 1 Provincial Offences Act  
Set Fine Schedule**

<b>Item</b>	<b>Column 1 Short Form Wording</b>	<b>Column 2 Offence Creating Provision</b>	<b>Column 3 Set Fine</b>
1	Drove ORV on Municipal Road Without Approved Helmet	Section 2.1	\$100.00
2	Operated ORV on Municipal Highway without Valid Driver's License	Section 2.2	\$100.00
3	Carried Passengers on ORV not Designed to Carry Passengers	Section 2.3	\$100.00
4	Drove ORV on Municipal Highway Without Valid Insurance	Section 2.4	\$100.00
5	Drove ORV on Municipal Highway Without Licensing Vehicle	Section 2.5	\$100.00
6	Drove ORV in Opposite Direction of Traffic	Section 2.6	\$100.00
7	Drove ORV on Travelled Portion of Highway When Shoulder Was Safe for Travel	Section 2.7	\$100.00
8	Operated ORV-Disturbed or Distorted Natural Environment	Section 2.8	\$100.00
9	Operated ORV on Municipal Highway Where Travel Prohibited	Section 3.1	\$100.00
10	Operated ORV on Beach or Sand Dune	Section 3.2	\$400.00
11	Operated ORV in Park	Section 3.3	\$400.00
12	Operated ORV on Shore Road Allowance	Section 3.4	\$100.00
13	Interfered With Officer While Carrying Out His/Her Duties to Enforce This By-Law	Section 5.2	\$200.00

Note: The penalty provisions for the offences indicated above is/are Section 5 of By-Law 98-2015, a certified copy of which has been filed.

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By-Law Number 98-2015: Regulate Off Road Vehicles  
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8	Operated ORV-Disturbed or Distorted Natural Environment	Section 2.8	
9	Operated ORV on Municipal Highway Where Travel Prohibited	Section 3.1	
10	Operated ORV on Beach or Sand Dune	Section 3.2	
11	Operated ORV in Park	Section 3.3	
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