

THE CORPORATION OF THE MUNICIPALITY OF SIOUX LOOKOUT

BY-LAW NO. 35-14

BEING A BY-LAW TO CONTROL THE USE OF ALL TERRAIN VEHICLES IN THE MUNICIPALITY OF SIOUX LOOKOUT

WHEREAS Section 191.8(3) of the Highway Traffic Act, R.S.O. 1990, Chapter H8, provides that the council of a municipality may pass by-laws permitting the operation of off-road vehicles with three or more wheels and low pressure bearing tires:

- a) on any highway within the municipality that is under the jurisdiction of the municipality, or any part or parts of such highway;
- b) prescribing a lower rate of speed on any highway within the municipality that is under its jurisdiction or on any part or parts of such highway, including prescribing different rates of speed for different highways or parts of highways;
- c) on any highway or on any part or parts of a highway only during specified months or hours; and

WHEREAS the Highway Traffic Act, R.S.O. 1990, Chapter H. 8, Ontario Regulation 316/03, defines an “all-terrain vehicle” and provides the regulations governing the operation of all-terrain vehicles upon highways within municipalities; and

WHEREAS the operation of all-terrain vehicles is a privilege and not a right; and

WHEREAS the Council of The Corporation of the Municipality of Sioux Lookout has deemed it necessary to adopt a By-law that permits all-terrain vehicles to have increased access to specific highways within the Municipality under safe circumstances;

NOW THEREFORE, THE COUNCIL OF THE CORPORATION OF THE MUNICIPALITY OF SIOUX LOOKOUT ENACTS AS FOLLOWS:

1.0 Definitions

For the purposes of this By-law the following words or terms shall have the definitions associated herewith:

Paragraph Number	Word/Term	Definition
1.1	Act	Highway Traffic Act, R.S.O. 1990, Chapter H.8
1.2	All-terrain Vehicle (ATV)	As defined in Ontario Regulation 316/03, Part 1, Sec. 1 of the Highway Traffic Act shall mean any off-road vehicle that: (a) has four wheels, the tires of which are all in contact with the ground; (b) has a steering wheel or handlebars; (c) has a seat designed to be straddled by the driver; (d) is designed to carry a driver only and no passengers.
1.3	Authorized Person	Any person authorized by the Municipality.
1.4	Enforcement Officer	A By-law Enforcement Officer, the Fire Chief/Emergency Services Manager, or other

		person appointed by the Corporation to enforce by-laws, a Police Officer, or a Conservation Officer.
1.5	Highway	Includes a common or public highway, street, avenue, parkway, square, place, drive, bridge, viaduct, trestle, or 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.
1.6	Low Pressure Bearing Tire	As defined in Part X.3, Section 191.8 (5) of the Act, 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 (10psi).
1.7	Municipality or Corporation	The Corporation of the Municipality of Sioux Lookout and all lands associated therein.
1.8	Noise	Any unwanted and unwarranted sound or vibration (also see "unwarranted").
1.9	Off-road Vehicle (ORV)	As defined in the Off-Road Vehicles Act, R.S.O.1990, Chapter 0.4 Part 1, Section 1 shall mean a vehicle propelled or driven otherwise than by muscular power or wind and designed to travel: (a) on not more than three wheels, or (b) on more than three wheels and being of a prescribed class of vehicle.
1.10	Owner/Occupier	Any person that owns, leases or rents property.
1.11	Peace Officer	Shall include: (a) a Police Officer appointed under the Ontario Police Services Act; (b) a Conservation Officer appointed under the Fish and Wildlife Conservation Act; (c) a Park Warden appointed under the Provincial Parks Act; (d) a By-law Enforcement Officer appointed by the Municipality; (e) the Municipal Fire Chief/Emergency Services Manager/By-law Enforcement Manager; and (f) any other person authorized by the Municipality to enforce the By-laws of the Corporation (Authorized Person).
1.12	Sidewalk	A path or strip of land paved or otherwise in or alongside a highway and designed and intended for or used by the general public for pedestrian travel. In addition, sidewalk includes any property of the Municipality that is, or hereafter may be, physically set apart or made available and intended for pedestrian use.

1.13	Statutory Holiday	Any holiday proclaimed as a Statutory Holiday or Public Holiday by the Province of Ontario or the Government of Canada, including but not limited to: New Year's Day (January 1 st), Family Day (third Monday in February), Good Friday (Friday before Easter Sunday), Victoria Day (Monday preceding May 25 th), Canada Day (July 1 st), Labor Day (first Monday in September), Thanksgiving Day (second Monday in October), Remembrance Day (November 11 th), Christmas Day (December 25 th), Boxing Day (December 26 th).
1.14	Unwarranted	With respect to noise within the Municipality any noise which unnecessarily disturbs the peace, quiet, or comfort of residents in the Municipality.

2.0 Interpretation

- 2.1 This By-law may be cited as the "ATV By-law".
- 2.2 All reference made to the male gender shall include the female gender and all reference made to the singular shall include reference to the plural where applicable in this By-law.

3.0 General Prohibitions

- 3.1 Only those ORVs falling within the definition of an ATV in this By-law may be driven on Highways under the jurisdiction of the Municipality of Sioux Lookout provided that:
- (i) Each ATV shall qualify as an ATV as defined in this By-law.
 - (ii) The ATV is driven in accordance with this By-law.
 - (iii) The ATV is driven in accordance with the provisions of the Highway Traffic Act, R.S.O. 1990, as amended, and Ontario Regulation 316/03. The provisions of the Act and its Regulations applicable to motor vehicles apply with necessary modifications to the operation of an ATV on a Highway except as otherwise provided in this By-law.
 - (iv) The ATV is driven in accordance with the provisions of the Off-road Vehicles Act, R.R.O. 1990, as amended and Ontario Regulation 863. Provisions under the Act that apply to the operation of ORVs off the Highway apply with necessary modifications to the operation of an ATV on a Highway.

4.0 Prohibitions by Time

- 4.1 No person shall operate or permit the operation of an ATV within the Municipality including any Highways therein or any part or parts thereof, after 11:00 p.m. or before 7:00 a.m. Monday through Friday, in accordance with the Municipality's Noise By-law.
- 4.2 No person shall operate or permit the operation of an ATV within the Municipality including any Highways therein or any part or parts thereof, after 1:00 a.m. or before 7:00 a.m. Saturday, in accordance with the Municipal Noise By-law.

- 4.3 No person shall operate or permit the operation of an ATV within the Municipality including any Highways or roadways or any part or parts therein, after 1:00 a.m. or before 9:00 a.m. Sunday or Statutory Holiday, in accordance with the Municipal Noise By-law.
- 4.4 In case of a conflict between this By-law and the Municipal Noise By-law, the more restrictive provision shall prevail.

5.0 Prohibited Areas for All-terrain Vehicles

- 5.1 No person shall park, operate or permit the operation of an ATV at any time on or in those locations set out in Schedule B forming part of this By-law.
- 5.2 No person shall park, operate or permit to operate an ATV on private property without prior consent by the Owner/Occupier of the property to permit passage over such property.

6.0 Restricted Highways for All-terrain Vehicles

- 6.1 No person shall park, operate or permit to operate an ATV on those Highways or parts thereof, within the boundaries of the Municipality of Sioux Lookout, stated in Schedule B forming part of this By-law.

7.0 Exception

- 7.1 Notwithstanding Subsections 5.1 and 6.1 of this By-law, the provisions do not apply to restrict the operation of an ATV by those Authorized Persons stated in Schedule A, which forms part of this By-law, in the execution of his or her duties within the Municipality, or who are engaged in work which may be described as essential or emergency in nature and which work is being conducted for the primary purpose of insuring the health, safety and welfare of the inhabitants of the Municipality of Sioux Lookout.
- 7.2 Notwithstanding Subsections 5.1 and 6.1 of this By-law the provisions do not apply when the ATV is driven in a parade, contest or event that is held under the authority of a permit issued by or with written approval from the Municipality.

8.0 Permitted Highways for All-terrain Vehicles

- 8.1 ATVs may be driven on any Municipal Highway other than those Municipal Highways stated in Schedule B only if:
- (i) in addition to meeting the requirements of Sections 7 to 15 of the Act, the ATV is operated in accordance with Sections 16 to 24 of Ontario Reg. 316/03, s.6; and
 - (ii) the ATV is driven in accordance with this By-law.

9.0 Authority

- 9.1 The authority to drive an ATV on Highways under the jurisdiction of the Municipality of Sioux Lookout does not include any Highway under the jurisdiction of the Province of Ontario or any other government authority.

10.0 Maximum Speed

- 10.1 No person shall operate an ATV at a rate of speed greater than:
- (i) 20 kilometers per hour if the speed limit for that part of the Highway is not greater than 50 kilometers per hour; or

- (ii) 50 kilometers per hour, if the speed limit for that part of the Highway is greater than 90 kilometers per hour; and
- (iii) 10 kilometers per hour on any parking lot.

10.2 No person shall engage in, or organize an ATV race unless approved by the Municipality.

11.0 Noise

11.1 No person shall operate an ATV unless it is equipped with a muffler that is in good working order and constant operation to prevent excessive or Unwarranted Noise and excessive smoke.

12.0 Enforcement

12.1 Delegation of Authority

The Municipality may delegate to any person or body the authority to investigate and enforce the provisions of this By-law as deemed necessary and where such person or body is authorized, he or it shall inform any applicable persons at the time of inspection or enforcement of this authority. Such authority may include, but is not limited to, a Peace Officer, a By-law Enforcement Officer, the Fire Chief/Emergency Services Manager or other person appointed or employed by the Municipality of Sioux Lookout to enforce By-laws of the Municipality.

12.1.1 An Authorized Person or Peace Officer may stop any person driving an ATV.

12.1.2 Every person who has been signaled to stop by an Authorized Person or Peace Officer shall stop forthwith.

12.1.3 Every person who has been signaled to stop by an Authorized Person or Peace Officer shall stop and identify himself.

12.1.4 That no person shall interfere or obstruct an Authorized Person or Peace Officer carrying out his duties within the Municipality.

13.0 Penalty

Every person who contravenes any provision in this By-law is guilty of an offence and, if convicted, is liable to a fine as provided for in the Provincial Offences Act.

14.0 Short Form Wordings

14.1 The Municipality shall make application to the Ministry of the Attorney General of Ontario for approval of Short Form Wordings and Set Fines in accordance with the Set Fine Schedule approved by resolution of Council, and such fines shall come into effect upon the approval or amendment by the Attorney General of Ontario or his designate.

14.2 Staff shall be authorized to make changes to the By-law or Set Fine Schedule without amendment to the By-law or Resolution of Council, if so recommended by the Attorney General or his designate in order for the Set Fines to be approved.

14.3 Council may, by Resolution, amend the Set Fines under this By-law at any time. Any amendment made to the Set Fines by Resolution of Council will come into force upon approval of the Attorney General or his designate.

15.0 Severability

If any provision or part of a provision of this By-law is declared by any court or tribunal of competent jurisdiction to be illegal or inoperative, in whole or in part, or inoperative in particular circumstances, the balance of the By-law or its application in any other circumstances, shall not be affected and shall continue to be in full force and effect.

16.0 Effective Date

This By-law shall come into force and take effect upon approval by the Attorney General or his designate of the Set Fines established under this By-law.

READ A FIRST TIME THIS EIGHTEENTH DAY OF JUNE, 2014.


Dennis Leney, Mayor


Brian P. MacKinnon, Deputy Clerk,
Culture and Communications Manager

READ A SECOND AND THIRD TIME AND PASSED THIS SIXTEENTH DAY OF JULY, 2014.

Dennis Leney, Mayor

Mary L. MacKenzie, Clerk

sj:mm
May 30/14

Schedule A

By-law No. 35-14

Persons Exempt from the ATV By-law

1. The following persons are exempt from this By-law while performing their duties:
 - (i) Fire Chief/Emergency Services Manager/By-law Enforcement Manager
 - (ii) Ontario Provincial Police Officers
 - (iii) Fire Department personnel
 - (iv) Medical Rescue personnel
 - (v) Hydro One employees, Sioux Lookout Hydro employees, and their contractors
 - (vi) Ministry of Natural Resources employees
 - (vii) A Conservation Officer appointed under the Fish and Wildlife Conservation Act
 - (viii) A Park Warden appointed under the Provincial Parks and Conservation Reserves Act
2. Any person(s) or group that has authorization, in writing, from the Municipality of Sioux Lookout to operate ATVs in prohibited or restricted areas is exempt from this By-law under circumstances as set out by the Municipality.

Schedule B

By-law No. 35-14

Areas Restricted for Travel

In accordance with Section 5.1 of this By-law, no person shall park, operate or permit the operation of an ATV in any of the following areas at any time on or in the following locations:

1. Along or upon any Sidewalk, pathway, footpath used by or set apart for the use of pedestrians, including the Umfreville Trail and the Cedar Bay Trail and any other such designated areas
2. On any lands designated for the Sioux Lookout Municipal Airport
3. On any lands within a Municipal park or Municipal beach
4. Hillcrest, Sacred Heart and Northway Cemeteries
5. On the property of any school, church, hospital, home for the aged, or nursing home
6. On Municipal property, except as allowed in this By-law, with the exception of Municipal parking lots
7. The Travel Information Centre Park (11 First Avenue), with the exception of the parking lot
8. Blueberry Hill being the sliding hill at the west end of King Street