



COUNTY OF HURON

5, 2008

BY-LAW NO.

A BY-LAW OF THE CORPORATION OF THE COUNTY OF HURON TO AUTHORIZE EXECUTION OF AN AGREEMENT WITH THE MAITLAND ATV CLUB.

WHEREAS the County of Huron has been approached by the Maitland ATV Club with a request to use County highways in certain specific locations;

AND WHEREAS pursuant to Section 191.8 of the Highway Traffic Act, R.S.O. 1990, c.H.8, the County may pass by-laws permitting the operation of certain off-road vehicles on highways under the jurisdiction of the County;

AND WHEREAS the County is agreeable to grant certain limited authorization for these vehicles to have access to certain sections of the County highways;

AND WHEREAS the Maitland ATV Club has agreed to enter into an Agreement with the County for that purpose;

NOW THEREFORE, the Council of the Corporation of the County of Huron enacts as follows:

1. The Corporation of the County of Huron is hereby authorized to enter into an Agreement with the Maitland ATV Club, in the form attached.
2. The Warden and the Clerk are hereby authorized to execute the said Agreement.
3. This By-law shall come into force and take effect on the day of its passing and shall remain in effect until otherwise amended or repealed.

Read a first time March 5, 2008
Read a second time March 5, 2008
Read a third time April 2, 2008

BARBARA A. LEAMEN, County Clerk

JOHN BEZAIRE, Warden

WARDEN

COUNTY CLERK

THIS AGREEMENT dated this 18th day of March, 2008.

B E T W E E N:

THE CORPORATION OF THE COUNTY OF HURON
(Hereinafter referred to as the "County")

OF THE FIRST PART

- and -

THE MAITLAND ATV CLUB
(Hereinafter referred to as "the Club")

OF THE SECOND PART

WHEREAS the County has jurisdiction over those highways which form part of the County highway system;

AND WHEREAS the Club is composed of various members who own and/or operate All-Terrain Vehicles (ATVs) within the County;

AND WHEREAS the Club has requested from the County permission to operate ATVs on certain sections of County highways;

AND WHEREAS, pursuant to the *Highway Traffic Act*, R.S.O. 1990, c.H.8, the County may grant permission for the operation of certain off-road vehicles on highways under its jurisdiction;

NOW THEREFORE, in consideration of these presents, and the sum of TWO DOLLARS (\$2.00) paid by the Club to the County, the receipt and sufficiency of which is hereby acknowledged, the parties herein agree as follows:

1. In this Agreement:

- (a) "All-Terrain Vehicle" (ATV) is defined as an Ontario Regulation 316/03 under the *Highway Traffic Act*.
- (b) "Highway" means any common and public highway under the jurisdiction of the County of Huron and includes any bridge, trestle, viaduct or other structure forming part of the highway and, except as otherwise provided, includes a portion of a highway.

- 2. The operation of ATVs shall be permitted between May 1 and October 31 in each year, on those specific sections of the County Highways as indicated in Schedule "A" hereto. Operation of such vehicles shall, at all times, be in accordance with the provisions of the *Highway Traffic Act*, R.S.O. 1990, c.H.8, as amended, Regulation 316/03 under the *Highway Traffic Act* and such other Acts and Regulations as may be applicable.
- 3. The County shall install appropriate signage with respect to the use of the designated sections of highway by the Club. The cost of installation and maintenance of such signage shall be paid for on a full cost recovery basis by the Club.
- 4. The Club shall, upon request by the County, reimburse the County (on a full-cost recovery basis) for all costs of repair and maintenance of the highway with respect to any wear and tear or damage which may result from the use of the highway by the Club.
- 5. The Club will have in force a policy of insurance in a minimum amount of \$5,000,000.00 per incident with no less than \$5,000,000.00 aggregate limit per year. The Corporation of the County of Huron will be listed as a named insured on such policy. The Club will provide the

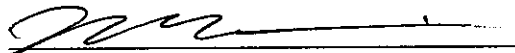
County with annual proof of insurance and such other proof as may be required by the County from time-to-time.

6. The Club, on behalf of its members, invitees and guests, shall indemnify the County and hold the County harmless with respect to any and all injury or damage that may result from their use of the County's highways as provided herein. This indemnity shall include but not be limited to damages resulting from the use of the highway and shoulders by members of the Club, any damage to the highway surface or shoulders resulting from use as well as any damage or injury resulting from failure to maintain signage on the roads as required herein.
7. The County has adopted Minimum Maintenance Standards for the areas of road allowance covered by this by-law which are to be considered to be a supplement to the existing Minimum Maintenance Standards for County Highways. A copy of these Minimum Maintenance Standards is attached as Schedule "B" hereto.

IN WITNESS WHEREOF the parties have affixed their corporate seals duly attested by their proper officers in that behalf.

SIGNED, SEALED AND DELIVERED


**THE CORPORATION OF THE
COUNTY OF HURON**

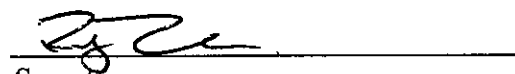
Per: 
Warden

Per: *Barbara A. Leamer*
Clerk

We have authority to bind the Corporation.

THE MAITLAND ATV CLUB

Per: 
President

Per: 
Secretary

We have authority to bind the Corporation.

SCHEDULE “A”

1. Huron County Road 31, from Maitland Line to Huron County Road 15 (7.5 km).
(Bridge Crossing)
2. Huron County Road 25 from Nile Road to Sandhill Line (3.0 km). (Bridge Crossing)

SCHEDULE “B”

COUNTY OF HURON

MINIMUM MAINTENANCE STANDARDS

For

ATV TRAILS ON COUNTY ROADS

Definitions

ATV means an All-Terrain Vehicle as defined by Ontario Regulations 316-03, Section 1.

ATV Trails on County Roads refers to those specific sections of County Roads which the County permits ATV usage, under the authority of a By-Law.

Limits of Operations refers to the months specified in the Agreement, during which ATV's are permitted to travel on County Roads. The months of operations commence on May 1 and end on October 31 each year.

County Road refers to the road allowance, containing paved surfaces, gravel shoulders, grassed sideslopes, and all appurtenances generally located within the road allowance.

Shoulders refers to the portion of the highway that provides lateral support to the roadway and that may accommodate stopped motor vehicles and emergency use. These areas are generally gravel and are identified as the area for ATV use in Ontario Regulation 316-03.

ATV Signage refers to the signage recommended by the County of Huron, to be installed and maintained along the proposed ATV Trail located on County Roads.

MINIMUM STANDARDS

1. Routine Patrolling

The Highways Department shall patrol those areas designated as ATV Trails for deficiencies concurrently with their regular patrols.

2. Shoulder Drop-Offs

The acceptable tolerances for shoulder drop-offs are set out in the Minimum Maintenance Standards for Municipal Highways.

The County will repair the shoulder drop-off within the time set out in the Minimum Maintenance Standards for Municipal Highways.

3. Dust Control

The County will provide dust suppressant a maximum of 2 times per year to the gravel road shoulders for which ATV travel has been authorized under this by-law. Dust suppressant will be applied:

- at the discretion of the Public Works Department; or
- upon written request from the Maitland ATV Club; or
- if valid complaints are received from the public.

Dust control will be applied within 7 days of the condition being reported.

4. ATV Trail Signage

The County shall be responsible for installing and maintaining the Recommended Signage on County Roads for ATV Trails.

All ATV signage shall be repaired or replaced within 21 days after becoming aware of the missing or damaged signage.

RECOMMENDED SIGNAGE ON COUNTY ROADS for ATV TRAILS

In the absence of Provincial Standards for ATV Signage on municipal roads, the following is recommended as a guideline to notify all roadway users (i.e. motorists, cyclists, hikers, ATV operators, etc.) of the ATV Trail limits, ATV road crossings, etc.

ATV USING ROADWAY	<ul style="list-style-type: none">• to identify those areas where ATV's are permitted on County Roads• recommend 1 sign at the start and end of each section of trail and at each road intersection, on both sides of the roadway.
ATV CROSSING	<ul style="list-style-type: none">• to identify those areas where ATV's are permitted to cross the roadway, perpendicular to the direction of travel, when safe to do so.
ATV USING BRIDGE	<ul style="list-style-type: none">• to be posted the same distance before the bridge as stop sign warning signs are currently posted

The County Highways Department shall be responsible for installing and maintaining all regular and warning signage as specified in the Manual of Uniform Traffic Control Devices published by the Ministry of Transportation, in accordance with the Minimum Maintenance Standards for Municipal Highways (Ontario Regulation 239/02).

The County Highways Department shall be responsible for installing and maintaining the above proposed ATV signage in accordance with the criteria outline in the Minimum Maintenance Standards for ATV Trails on County Roads, as adopted by the County.

The County shall not be responsible nor liable for marking guide rail, curb and gutter, asphalt swales, catch basins, utility poles or braces, mail boxes or any other roadway appurtenances on or adjacent to the areas designated for ATV travel along County Roads.