

The Corporation of the Municipality of Northern Bruce Peninsula

By-law No. 2021-09

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 the Municipality of Northern Bruce Peninsula deems it expedient to regulate and control the movement of off road vehicles on all highways under the jurisdiction of the Municipality of Northern Bruce Peninsula.

Now therefore the Council of the Corporation of the Municipality of Northern Bruce Peninsula enacts as follows:

Section 1: Definitions

- 1.1 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 handlebar
 - 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 footrests for the passenger that is separate from the footrests for the driver;
- 1.2 Beach shall mean any sand surface, which is maintained for recreational enjoyment adjacent to a body of water and so designated as a beach by the Municipality.
- 1.3 Cemetery means land set aside to be used for the interment of human remains and cremated human remains and includes a mausoleum, columbarium or other structure intended for the interment of human remains.
- 1.4 Extreme Terrain Vehicles (XTV's) commonly referred to as Argos are 6+ wheeled off-road vehicles capable of riding in multiple terrains, including through water.
- 1.5 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.

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

- 1.6 Off-Road Motorcycles (ORMs) means a 2 wheeled off-road vehicle that come in varying configurations such as, but not limited to: Recreational ORMs, Trail ORMs, Competition ORMs, Dual sport ORMs.
- 1.7 Park means any property maintained for the purpose of recreation and so designated as a park by the Municipality.
- 1.8 Playground means an outdoor area provided for children to play in and/or for the use of the public and so designated as a playground by the Municipality.
- 1.9 Shore Road Allowance means an area between a body of water and land usually 66 feet in width.
- 1.10 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;
- 1.11 Municipality means the Corporation of the Municipality of Northern Bruce Peninsula.
- 1.12 Officer means a By-law Enforcement Officer appointed by the Council of Northern Bruce Peninsula to enforce the provisions of this by-law.
- 1.13 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;
- 1.14 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.
- 1.15 Sidewalk means 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

- 2.1 For the purpose of this By-law, ATV/ORV vehicle 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.
- 2.2 No person shall operate an Extreme Terrain Vehicle (XTV's) on any Municipal highway under the jurisdiction of the Municipality.
- 2.3 No person shall operate an Off-Road Motorcycle (ORM's) on any Municipal highway under the jurisdiction of the Municipality.
- 2.4 No person shall operate an ATV/ORV:
 - a) on a Municipal road without a motorcycle helmet that has been approved for such use.
 - b) on any Municipal road without a valid G2/M2 or greater driver's licence.
 - c) without a valid licence plate and insurance.
 - d) without a seat belt, where provided.
 - e) except in the same direction as traffic.
 - f) on a Municipal highway except if, the shoulder is unsafe.
 - g) in any park, playground, beach, or trail area that is under the jurisdiction of the Municipality.
 - h) on any shoreline road allowance under the jurisdiction of the Municipality.
 - i) in a cemetery under the jurisdiction of the Municipality.
 - j) without headlights, taillights, which must be on at all times.

- k) on any sidewalk or boulevard under the jurisdiction of the Municipality.
- l) at a rate of speed greater than 20 kilometres per hour if the posted speed limit is not greater than 50 kilometres per hour, and 50 kilometres if posted speed limit is greater than 50 kilometres per hour. (Highway Traffic Act, O. Reg 316/03)
- m) 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.
- n) unless they are at least 16 years old
- o) between sunset and sunrise (to account for seasonal changes to nighttime)

Section 3: Exemptions

3.1 Subject to the provisions contained with this by-law, the following persons are exempt from the provisions of this by-law:

- a) all employees for the Municipality of Northern Bruce Peninsula while in the performance of their duties.
- b) all police officers while in the performance of their duties.
- c) all fire department personnel while in the performance of their duties.
- d) all medical rescue personnel while in the performance of their duties.
- e) all public utility and/or utility personnel while in the performance of their duties.
- f) all Ontario or Canada ministry personnel while in the performance of their duties.
- g) all farmer(s) and trapper(s) while in the performance of their farming and trapping operations.
- h) all employees for the County of Bruce while in the performance of their duties.

3.2 Persons listed in section 3.1, 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 of which may be amended from time to time.

3.3 Persons listed in section 3.1, shall not be exempt from the requirement to wear personal protective equipment, including but not being limited to a helmet.

Section 4: Penalty and Enforcement

4.1 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

4.2 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.

4.3 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

5.1 This by-law shall be known as the "ATV/ORV By-law".

Section 6: Validity

6.1 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 invalid.

Section 7: Enactment

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

Section 8: Repeal

8.1 This by-law shall supersede and rescind By-law No. 2019-28 and any other by-law inconsistent with this by-law.

Read a First and Second Time This 22nd Day of February 2021.

Read a Third Time, Finally Passed, Signed and Sealed This 22nd Day of February 2021.

Original Signed by Mayor, Milt McIver and Clerk, Cathy Addison.

The signed By-law is available upon request.

Part 1 Provincial Offences Act

The Corporation of the Municipality of Northern Bruce Peninsula

By-law 2021-09: A.T.V/O.R.V By-law

Item	Column 1 Short Form Wording	Column 2 Offence Creating or defining offence	Column 3 Set Fine
1	Operate an Extreme Terrain Vehicle (XTV's) on any Municipal highway no authorization	Section 2.2	\$300.00
2	Operate an Off-Road Motorcycle (ORM's) on any Municipal highway no authorization	Section 2.3	\$300.00
3	Drive ATV/ORV on Municipal Road Helmet not approved	Section 2.4 (a)	\$150.00
4	Drive ATV/ORV on Municipal Road without Valid Driver's Licence	Section 2.4 (b)	\$150.00
5	Drive ATV/ORV on Municipal Road without valid plate and insurance	Section 2.4 (c)	\$150.00
6	Operate ATV/ORV in any park, playground, beach, trail	Section 2.4 (g)	\$150.00
7	Operate ATV/ORV except in same direction as traffic	Section 2.4 (e)	\$150.00
8	Operate ATV/ORV on any shore road allowance	Section 2.4 (h)	\$150.00
9	Operate ATV/ORV in any cemetery	Section 2.4 (i)	\$150.00
10	Operate ATV/ORV in such a way as to disrupt or destroy the natural environment	Section 2.4 (m)	\$150.00
11	Interfere with Officer while carrying out his/her duties to enforce this by-law	Section 4.2	\$300.00

Note: The penalty provisions for the offences indicated above is/are Section 4.1 of by-law No. 2021-09, a certified copy has been filed.

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OFFICE OF THE REGIONAL SENIOR JUSTICE
ONTARIO COURT OF JUSTICE
WEST REGION

80 DUNDAS STREET, 10th FLOOR, UNIT L
LONDON, ONTARIO N6A 6A8



CABINET DU JUGE PRINCIPAL RÉGIONAL
COUR DE JUSTICE DE L'ONTARIO
RÉGION DE L'OUEST

80, RUE DUNDAS, 10^e ÉTAGE, UNITÉ L
LONDON (ONTARIO) N6A 6A8

TELEPHONE/TÉLÉPHONE (519) 660-2292
FAX/TÉLÉCOPIEUR (519) 660-3138

March 11, 2021

Carol Hopkins
Municipality of Northern Bruce Peninsula
56 Lindsay Road 5, RR 2
Lion's Head, ON N0H 1W0

bylaw@northernbruce.ca

Dear Ms. Hopkins:

**Re: Set Fines - Provincial Offences Act - Part I
By-law Number 2021-09, of the Municipality of Northern Bruce Peninsula**

Enclosed herewith are the original Order, and an original schedule of set fines for the above referenced By-Law, the By-law indicated in the schedule.

The setting of the fines does not constitute my approval of the short form of wording used to describe the offences.

Please ensure that a copy of the said documents is forwarded to the Provincial Offences Offices in Owen Sound with a copy of the By-Law.

Yours truly,

A handwritten signature in cursive script, appearing to read "J. LeRoy".

Jeanine E. LeRoy
Regional Senior Justice
West Region

encl.
/jg


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 Municipal By-law No. 2021-09, of the Municipality of Northern Bruce Peninsula, attached hereto are the set fines for those offences. This Order is to take effect March 16, 2021.

Dated at London this 16th day of March 2021.



Jeanine E. LeRoy
Regional Senior Justice
West Region

Part 1 Provincial Offences Act

The Corporation of the Municipality of Northern Bruce Peninsula

By-law 2021-09: A.T.V/O.R.V By-law

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