

THE CORPORATION OF THE MUNICIPALITY OF WEST GREY

BY-LAW NUMBER 17 - 2009

Being a by-law to permit and regulate All-Terrain Vehicles (ATV) on municipally maintained highways as set out on Schedule "A" attached hereto.

WHEREAS, The Highway Traffic Act, R.S.O. 1990, Section 191.8, Subsection (3) and (4), Chapter H.8, as amended, provides that the Council of a municipality may pass by-laws respecting off-road vehicles;

NOW THEREFORE, the Council of the Corporation of the Municipality of West Grey enacts as follows:

I. DEFINITIONS

In this by-law,

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

- i) has four wheels, the tires of all of which are in contact with the ground,
- ii) has steering handlebars,
- iii) has a seat that is designed to be straddled by the driver, and
- iv) is designed to carry a driver only and no passengers.

"Fines" means fines imposed for violating this by-law and attached as Schedule "C" of this by-law.

"Low Pressure Bearing Tires" means a wide, balloon-type tire with a rounded cross section and no distinct shoulder area and that is designed to operate with inflation pressure of no greater than 70KPA (10psi).

"Highway" includes a common and public highway, street, avenue, parkway, driveway, square, place, bridge, viaduct or trestle, any part of which is intended for or used by the general public for the passage of vehicles and includes the traveled portion of the roadway and shoulders only.

II. GENERAL PROVISION AND REGULATION OF ALL-TERRAIN VEHICLES ON HIGHWAYS:

1. An All-Terrain Vehicle shall not be operated on municipally maintained highways unless it meets the equipment requirements of Section 7 to 15 of O.Reg. 316/03 and it is operated in accordance with Sections 16 to 24 of O.Reg. 316/03 made under the Highway Traffic Act.
2. All-Terrain Vehicles with four wheels and low pressure bearing tires shall be permitted on municipally maintained roads within the Municipality of West Grey except those listed on Schedule "A" attached hereto, under and in accordance with Ontario Regulation 316/03 made under the Highway Traffic Act and the Off Roads Vehicles Act as amended.
3. All-Terrain Vehicles may only be operated within the Municipality of West Grey between March 1 and December 15 of each year except those used for snow removal. All Terrain Vehicles used for snow removal must be equipped with a plow and a visible intermittent flashing amber light.
4. No person shall operate an All-Terrain Vehicle within the Municipality of West Grey between the hours of 9:00 P.M. and 5:00 A.M.
5. No person shall operate an All-Terrain Vehicle at a speed greater than 30 kilometres per hour below the posted speed limit.

6. No person shall operate an All-Terrain Vehicle on municipally owned property, including but not limited to, community centres, parks, playgrounds, and beaches, save and except for permitted municipally maintained highways.
7. No person shall operate an All-Terrain Vehicle near a church or funeral home when services are in progress.
8. Schedule “B” lists person(s) or groups or organizations exempt from this by-law.
9. No person shall interfere or obstruct an officer carrying out his/her duties enforcing this by-law.
10. Every person who contravenes any provision of this By-law is guilty of an offence and upon conviction is liable to a fine as provided for by the Provincial Offences Act, R.S.O. Chapter P.33.
11. Council shall review this by-law annually at the first Council meeting in December.
12. The Provisions of this by-law shall come into force and take effect on the final passing hereof.

Read a first and second time this 16th day of March, 2009.

Read a third time and finally passed, this 16th day of March, 2009.

 (SIGNED)
 Mayor – Kevin Eccles

 (SIGNED)
 CAO/Clerk – Christine Robinson

SCHEDULE “B” TO BY-LAW NUMBER 17 - 2009

EXEMPTIONS

The following are exempt from By-law Number 17 - 2009 :

1. All Police Officers while performing his or her duties.
2. All Fire Department personnel while performing his or her duties.
3. All Medical Rescue personnel while performing his or her duties.
4. All employees of the Municipality of West Grey while performing their duties.
5. Hydro One employee(s) and its' contractors while performing his or her duties.
6. Ministry of Natural Resources employees while performing his or her duties.
7. Farmer(s), Trappers(s), and Public Utility Worker(s) and type of vehicle are exempt, while performing his/her duties.
8. County of Grey By-Law Enforcement personnel while performing his or her duties.
9. Any person(s) or group that has written permission from the Council of the Municipality of West Grey to operate A.T.V.'s in prohibited areas.

SCHEDULE "C" TO BY-LAW NUMBER 17 - 2009

Part 1 – Provincial Offences Act

TITLE: ATV BY-LAW

| ITEM | COLUMN 1 SHORT FORM WORDING | COLUMN 2 OFFENCE CREATING PROVISION | COLUMN 3 SET FINE |
|-------------|---|--|------------------------------|
| 1 | OPERATE ALL-TERRAIN VEHICLE ON HIGHWAY BETWEEN DECEMBER 15 AND MARCH 1 | Section 3 | \$100.00 |
| 2 | OPERATE ALL-TERRAIN VEHICLE ON HIGHWAY BETWEEN THE HOURS OF 9:00 P.M. AND 5:00 A.M. | Section 4 | \$100.00 |
| 3 | SPEEDING MORE THAN 30 KILOMETRES AN HOUR BELOW POSTED SPEED LIMIT | Section 5 | \$100.00 |
| 4 | OPERATE ALL-TERRAIN VEHICLE IN PROHIBITED AREA | Section 6 | \$100.00 |
| 5 | OPERATE ALL-TERRAIN VEHICLE NEAR CHURCH OR FUNERAL HOME WHILE SERVICE IN PROGRESS | Section 7 | \$100.00 |

“The penalty provisions for the offences cited above is Section 9 of By-law Number 17 - 2009, a certified copy of which has been filed.”