

**THE CORPORATION OF THE MUNICIPALITY OF WEST GREY**

**BY-LAW NUMBER 35 - 2009**

Being a by-law to permit and regulate All-Terrain Vehicles (ATV) on municipally maintained highways.

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. No person shall operate an All-Terrain Vehicle 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. No person shall operate an All-Terrain Vehicle with four wheels and low pressure bearing tires on any municipally maintained highways within the Municipality of West Grey listed on Schedule “A” attached hereto. No person shall operate an All Terrain Vehicle except under and in accordance with Ontario Regulation 316/03 made under the Highway Traffic Act and the Off Roads Vehicles Act as amended.
3. No person shall operate an All-Terrain Vehicle on a highway within the Municipality of West Grey between December 15 and March 1 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. By-law Number 17-2009 is hereby rescinded.
13. The Provisions of this by-law shall come into force and take effect on the final passing hereof.

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Read a first and second time this 21<sup>st</sup> day of May, 2009.

Read a third time and finally passed, this 21<sup>st</sup> day of May, 2009.

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Mayor – Kevin Eccles

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CAO/Clerk – Christine Robinson

**SCHEDULE “A” TO BY-LAW NUMBER 35 - 2009**

**All-Terrain Vehicles are prohibited from highways listed in this Schedule**

**DURHAM**

Saddler Street East..... Garafraxa Street to Rock Street  
College Street..... Durham Road West to George Street  
Chester Street West..... Bruce Street to dead end  
Garafraxa Street..... Durham Road East to Park Street  
Lambton Street..... Rock Street to Queen Street South and  
Countess Street to College Street  
Bruce Street..... Lambton Street to Chester Street

**NEUSTADT**

Mill Street..... Queen Street to William Street

**NORMANBY (Ayton)**

Louisa Street North ..... Victoria Street northerly to dead end

**SCHEDULE “B” TO BY-LAW NUMBER 35 - 2009**

**EXEMPTIONS**

The following are exempt from By-law Number                    - 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 35 - 2009**

**Part 1 – Provincial Offences Act**

**TITLE: ATV BY-LAW**

**THE CORPORATION OF THE MUNICIPALITY OF WEST GREY**

<b>ITEM</b>	<b>COLUMN 1 SHORT FORM WORDING</b>	<b>COLUMN 2 PROVISION CREATING OR DEFINING OFFENCE</b>	<b>COLUMN 3 SET FINE</b>
1	OPERATE ALL-TERRAIN VEHICLE ON A HIGHWAY BETWEEN DECEMBER 15 AND MARCH 1	Section 3	\$100.00
2	OPERATE ALL-TERRAIN VEHICLE BETWEEN THE HOURS OF 9:00 P.M. AND 5:00 A.M.	Section 4	\$100.00
3	OPERATE ALL-TERRAIN VEHICLE IN PROHIBITED AREA	Section 6	\$100.00
4	OPERATE ALL-TERRAIN VEHICLE NEAR CHURCH OR FUNERAL HOME WHILE SERVICE IN PROGRESS	Section 7	\$100.00
5	INTERFERE OR OBSTRUCT AN OFFICER	Section 9	\$100.00

“The penalty provisions for the offences cited above is Section 10 of By-law Number 35 - 2009, a certified copy of which has been filed.”