

THE CORPORATION OF THE MUNICIPALITY OF SHUNIAH



BY-LAW NO. _____

A By-law to regulate the operation of all-terrain vehicles on all highways under the jurisdiction of the Municipality of Shuniah.

1. Recitals:

- 1.1. The *Highway Traffic Act*, R.S.O . 1990, Ch. 8, as amended, provides that a Municipality may pass By-Laws that:
- 1.2. Permits the operation of All-Terrain and Off Road Vehicles on any highway within the municipality that is under the jurisdiction of the municipality, or on any part or parts of such highway;
- 1.3. Prescribes a lower rate of speed for All-Terrain and Off Road Vehicles by regulation 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; and
- 1.4. Limits the operation of the off-road vehicle on the highway or part of the highway within the municipality to certain months or hours.

2. Municipal Jurisdiction:

- 2.1. This By-law regulates the use of all-terrain and off-road vehicles as described under the Highway Traffic Act, Ontario Regulation 316/03 as amended, on all highways under the jurisdiction of the Municipality of Shuniah only. This By-law does NOT provide authority for:
- 2.2. Provincial highways
- 2.3. Private roads or private property
- 2.4. Any highways situated outside the Municipality of Shuniah including the portion of any boundary road not owned by the Municipality of Shuniah.

3. Definitions:

- 3.1. "**All-terrain vehicle**" or "**ATV**" shall have the same meaning as defined in Ontario Regulation 316/03 and the Off Road Vehicle Act and for the purposes of this By-law, Off Road Vehicles and All Terrain Vehicles are inclusive.
- 3.2. "**Highway**" shall have the same meaning as defined in the Highway Traffic Act, but shall not include any portion of a Municipal road allowance that is not an opened road allowance or otherwise intended for vehicular use and shall not include any portion of the shoreline road allowance, or road allowance that leads to any water body.
- 3.3. "**Off Road Vehicles**" or "**ORV**" shall have the same meaning as defined in Ontario Regulation 316/03 and the Off Road Vehicle Act and for the purposes of this By-law Off Road Vehicles and All Terrain Vehicles are inclusive.
- 3.4. "**Sunrise**" and "**Sunset**" shall mean the standard times of solar rise/set for the City of Thunder Bay, Ontario as set out by the National Research Council of Canada.
- 3.5. "**Grounds**" shall mean any area not intended or dedicated for vehicular traffic; such areas shall include but are not limited to pathways, grassed and treed areas, sidewalks, boulevards, sports fields, patios, paths, bicycle trails or other public trail systems unless otherwise allowed. Grounds do not include parking lots, access and entry driveways or areas approved by Council resolution.

4. Regulations:

- 4.1. An ATV/ORV shall not be driven in contravention of the Highway Traffic Act, Ontario Regulation 316/03 and Schedule A attached thereto, and the Off Road Vehicle Act, Motor Vehicle Safety Act, any other Provincial or Federal Regulations or in any manner set out herein.
- 4.2. An ATV/ORV shall not be operated on any Municipal highway between the times (1) hour after sunset to one (1) hour before sunrise.
- 4.3. No person shall operate an ATV/ORV on any municipal highway at a speed greater than:
 - a) 20 km/h if the posted speed is 50 km/h or less or
 - b) 40 km/h if the posted speed is greater than 50 km/h
- 4.4. No person shall operate an ATV/ORV in or on any municipal gravel pit or quarry, or the grounds of any municipal recreation centre, municipal park, municipal administration building or municipal fire hall.
- 4.5. No person shall operate an ATV/ORV on any municipal roadway that is not opened, travelled and maintained by the municipality.
- 4.6. No person shall operate an ATV/ORV on any Municipal shoreline road allowance or road allowance that leads directly to a water body.
- 4.7. No person shall operate an ATV/ORV in such a manner as to disturb or distort the natural environment including fish habitats, property, and any flora or fauna.
- 4.8. Sections 4.2, 4.4, 4.5, 4.6, and 4.7 shall not apply to an ATV/ORV being operated by Police, Fire or Ambulance or other Emergency Service during an emergency.

5. Penalties:

- 5.1. Every person who contravenes the Highway Traffic Act or its Regulations or the Regulations in this by-law is guilty of an offence and upon conviction is liable to a fine as provided for in the Provincial Offences Act.
- 5.2. The provisions of this by-law shall be enforceable by a Municipal By-law Enforcement Officer, Provincial Offences Officer, Police Officer, or other duly appointed individual.
- 5.3. No person shall obstruct, hinder, or otherwise interfere with a Municipal Law Enforcement Officer, Provincial Offences Officer, Police Officer or other duly appointed individual in the lawful carrying out of their duties and responsibilities under the provisions of this by-law.

6. Validity:

- 6.1. If any section, clause or provision of this By-law is for any reason declared 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 that section, clause or provision so declared to be invalid and it is hereby declared to be the intention that all the remaining sections, clauses or provisions of the By-law shall remain in full force and effect until repealed, notwithstanding that one or more provisions thereof shall have been declared to be invalid.
- 6.2. Where any By-law, passed prior to this By-law, conflicts with the terms of this By-law, this By-law shall prevail.

7. Enactment:

7.1. That this By-law shall come into force and take effect on **March 1, 2017**

READ A FIRST AND SECOND TIME THIS DAY OF ,2017

Mayor

Clerk

READ A THIRD TIME AND FINALLY PASSED THIS DAY OF ,2017

Mayor

Clerk

DRAFT