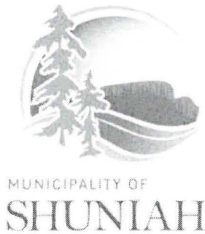


THE CORPORATION OF THE MUNICIPALITY OF SHUNIAH



BY-LAW NO. 2928-17

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:
 - a) Provincial highways
 - b) Private roads or private property
 - c) 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. No person shall operate an ATV/ORV 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. No person shall operate an ATV/ORV 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 and 4.6, shall not apply to an ATV/ORV being operated by Police, Fire or Ambulance or other Emergency Services during an emergency.

5. Enforcement and Fines

- 5.1. 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..
- 5.2. 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.
- 5.3. Every person who contravenes any Provision of this By-law is guilty of an offence and upon conviction shall be liable to a fine in the amount to be determined pursuant to the Provincial Offences Act, as amended. Every such fine is recoverable under the Provincial Offences Act, as amended.

6. Schedule

- 6.1. Schedule "A" attached hereto forms part of this By-Law.

7. Short Title

- 7.1. This By-Law may be referred to as the "ATV By-law".

8. Severability

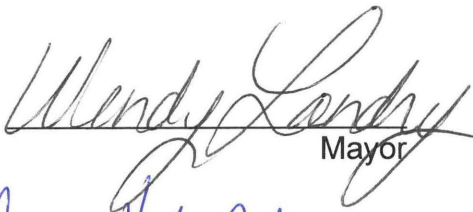
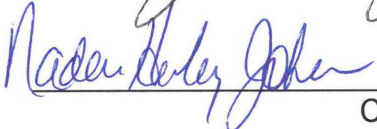
- 8.1. If a court of competent jurisdiction should declare any section or part of any section of this Bylaw to be invalid, such section or part of a section shall not be construed as having persuaded or influenced Council to pass the remainder of this Bylaw as being invalid and is hereby declared that the remainder of the Bylaw shall be valid and remain in force.

9. Enactment

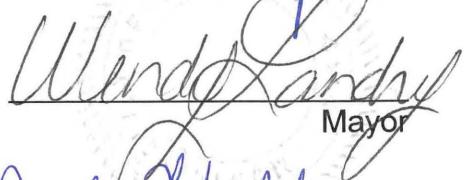

9.1. This By-law shall come into force and take effect on March 1, 2017 and;

9.2. Schedule "A" to this by-law being forwarded to and approved by the Senior Regional Justice of the Ontario Court of Justice

READ A FIRST AND SECOND TIME THIS 24th DAY OF January, 2017


Mayor

Clerk

READ A THIRD TIME AND FINALLY PASSED THIS 14th DAY OF February, 2017


Mayor

Clerk

Set Fine Schedule "A"

By-law No. 2928-17

**Part 1 Provincial Offences
Municipality of Shuniah**

**A By-Law To Permit And Control The Operation of "All-Terrain Vehicles"
(ATV's) on Highways Under The Jurisdiction Of The Corporation Of The
Municipality of Shuniah Under Part 1 of The Provincial Offences Act**

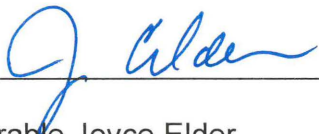
Item#	Column 1 Short Form Wording	Column 2 Provisions Creating or Defining Offence	Column 3 Set Fine
1	Operate ATV during prohibited periods	4.2	\$100.00
2	Operate ATV in or on prohibited area	4.4	\$200.00
3	Operate ATV on unopened or unmaintained road allowance	4.5	\$200.00
4	Operate ATV on Municipal shoreline road allowance or road allowance leading to a water body	4.6	\$200.00

****NOTE: The general penalty provision for the offences indicated above is section 61 of the Provincial Offences Act, R.S.O. 1990, Chapter P.33.**

PROVINCIAL OFFENCES ACT

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 the offences in the attached schedule of offences under the Provincial Statutes and Regulations thereunder and By-law No. 2928-17, Part I, of the Municipality of Shuniah, Thunder Bay District, attached hereto are the set fines for these offences, to take effect March 1st, 2017.

Dated at Thunder Bay this 1st day of March, 2017.



The Honourable Joyce Elder
Regional Senior Justice
Northwest Region