

The Corporation of the Municipality of West Grey
By-law Number 20 - 2016

Being, a by-law to permit and regulate Off-Road Vehicles (ORVs) on municipally maintained highways, and designated unopened municipal 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 hereby enacts as follows:

I. Definitions

In this by-law,

"Off-Road Vehicle" means a type of Off-Road Vehicle defined as follows:

- i) Single-Rider All-Terrain Vehicle (ATV) – designed to travel on four low-pressure tires, having a seat designed to be straddled by the operator, handlebars for steering control and must be designed by the manufacturer to carry a driver only and no passengers; or,
- ii) Two-up All-Terrain Vehicle (ATV) – designed, and intended for use by an operator or an operator and a passenger. It is equipped with a seating position behind the operator designed to carry only one passenger; or
- iii) Side-by-Side All-Terrain Vehicle (ATV) – has two abreast seats, typically built with a hood, and uses a steering wheel instead of a motorcycle steering handlebar; and
- iv) Utility Terrain Vehicle (UTV) – similar characteristics to a side-by-side ATV, but typically also features a box bed. UTVs are generally designed for utility rather than for the recreational purposes.

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

"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, as well as designated unopened municipal highways.

"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).

"Officer" means any Police Officer or Municipal By-law Enforcement Officer so designated by the Council of the Municipality of West Grey.

II. General Provision and Regulation of Off-Road Vehicles on Highways:

- 1. No person shall operate an Off-Road Vehicle on municipally maintained highways, or designated unopened municipal highways, unless it meets the equipment requirements of Section 7 to 15 of O.Reg. 316/03 and it is operated in

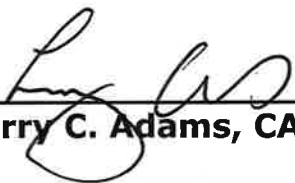
accordance with Sections 16 to 24 of O.Reg. 316/03 made under the Highway Traffic Act.

2. No person shall operate an Off-Road 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 Off-Road 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 Off-Road 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 Off-Road Vehicles used for snow removal must be equipped with a plow and a visible intermittent flashing amber light.
4. No person shall operate an Off-Road Vehicle within the Municipality of West Grey between the hours of 10:00 P.M. and 5:00 A.M.
5. No person shall operate an off-Road Vehicle at a speed greater than 30 kilometres per hour below the posted speed limit.
6. No person shall operate an Off-Road Vehicle on municipally owned property, including but not limited to, community centres, parks, playgrounds, and beaches, save and except for permitted municipally maintained highways and designated unopened municipal highways.
7. No person shall operate an Off-Road Vehicle near a church or funeral home when services are in progress.
8. Persons are permitted to operate Off-Road Vehicles on designated unopened municipal highways described in Schedule "C" and shown on Schedule "D", attached hereto, subject to holding a current Ontario Federation of All Terrain Vehicles (OFATV) or Eastern Trail Alliance trail permit.
9. Schedule "B" lists person(s) or groups or organizations exempt from this by-law.
10. No person shall interfere or obstruct an officer carrying out his/her duties enforcing this by-law.
11. 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.
12. Council shall review this by-law at least once during each term of Council.
13. By-law Number 23-2013 is hereby rescinded.
14. 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 21st day of March, 2016.

Read a third time and finally passed, this 21st day of March, 2016.


Kevin Eccles, Mayor


Larry C. Adams, CAO/Deputy Clerk



Schedule "A" to By-law Number 20 - 2016

**Off-Road 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 20 - 2016

EXEMPTIONS

The following are exempt from By-law Number 20 - 2016:

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 Off-Road Vehicles in prohibited areas.

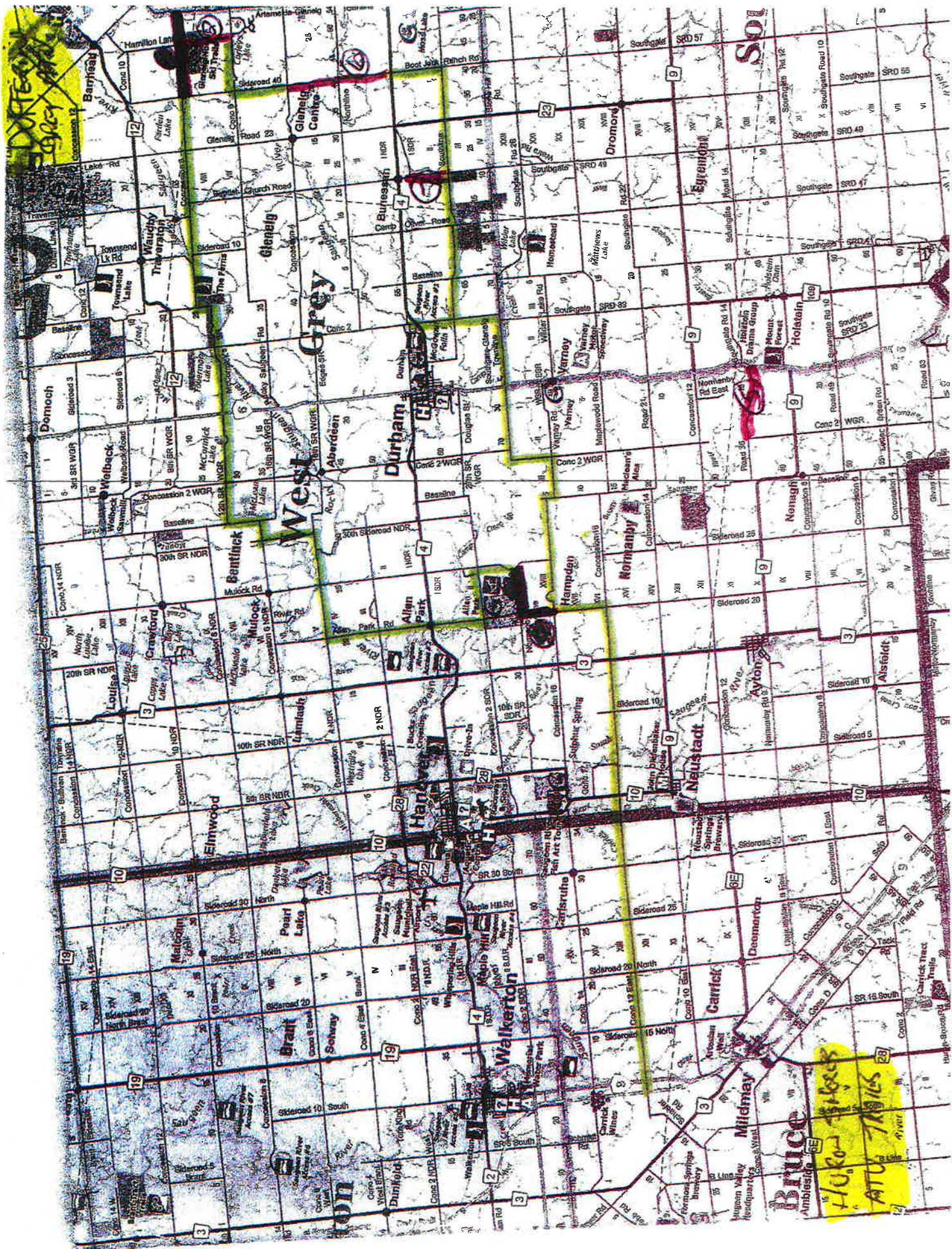
Schedule "C" to By-law Number 20 - 2016

Off-Road Vehicles are permitted on the following unopened municipal highways listed in this Schedule, and shown more particularly in Schedule "D":

- #2 Sideroad 50 from Concession 8 south to the Concession 6 Road, in the former Township of Glenelg;**
- #5 Sideroad 35 from Highway #6 west to the Concession 2 WGR Road, in the former Township of Normanby;**
- #6 Sideroad 40 from Grey Road 4 north to the Concession 4 Road, in the former Township of Glenelg;**
- #7 Baptist Church Road from Grey Road 4 south to the Southline Road, in the former Township of Glenelg.**
- #8 Park Street East from Aspen Street, in the former Town of Durham, east to the Concession 1 Road, in the former Township of Glenelg.**

Schedule "D" to By-law Number 20 - 2016

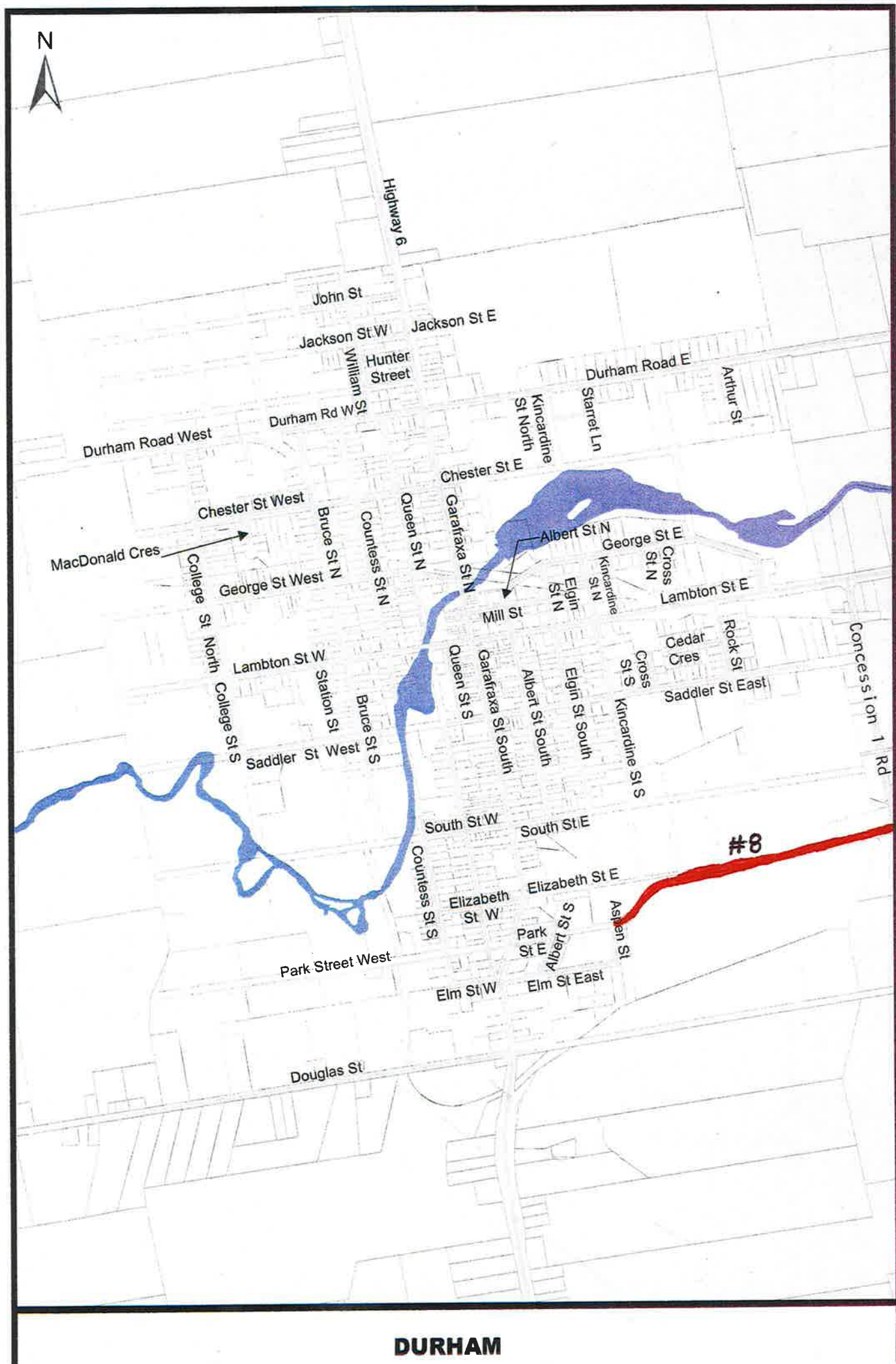
Designated Unopened Municipal Highways



Schedule "D" to By-law Number 20 - 2016 - continued



Designated Unopened Municipal Highways



Schedule "E" to By-law Number 20 - 2016

Part 1 – Provincial Offences Act

Title: Off-Road Vehicle By-law

The Corporation of the Municipality of West Grey

ITEM	COLUMN 1 SHORT FORM WORDING	COLUMN 2 PROVISION CREATING OR DEFINING OFFENCE	COLUMN 3 SET FINE
1	Operate Off-Road Vehicle on a Highway between December 15 and March 1	Section 3	\$100.00
2	Operate an Off-Road Vehicle between the hours of 10:00 p.m. and 5:00 a.m.	Section 4	\$100.00
3	Operate an Off-Road Vehicle in Prohibited Area	Section 6	\$100.00
4	Operate an Off-Road Vehicle near church or funeral home while service in progress	Section 7	\$100.00
5	Interfere or obstruct an Officer	Section 10	\$100.00

"The penalty provisions for the offences cited above is Section 11 of By-law Number 20 - 2016, a certified copy of which has been filed."

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

April 29, 2016

Mr. Mark Turner
Municipality of West Grey
402813 Grey Road 4, R.R. #2
Durham, Ontario N0G 1R0

Dear Mr. Turner:

**Re: Set Fines - Provincial Offences Act - Part I
By-law Number 20-2016, of the Municipality of West Grey**

Enclosed herewith is an 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.

I have forwarded the copy of the Order and the schedules of set fines to the Provincial Offences Court in Owen Sound, together with a copy of the By-law.

Yours truly,

A handwritten signature in black ink, appearing to read "Stephen J. Fuerth".

Stephen J. Fuerth
Regional Senior Justice
West Region

encl.
/cb



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. 20-2016 of the Municipality of West Grey, attached hereto are the set fines for those offences. This Order is to take effect April 29, 2016.

Dated at London this 29th day of April 2016.



Stephen J. Fuerth
Regional Senior Justice
West Region

Schedule "E" to By-law Number 20 - 2016

Part 1 – Provincial Offences Act

Title: Off-Road Vehicle By-law

The Corporation of the Municipality of West Grey

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5	Interfere or obstruct an Officer	Section 10	

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