

CORPORATION OF THE TOWN OF AMHERSTBURG

BY-LAW NUMBER 2008-53

BEING A BY-LAW TO PERMIT, REGULATE AND RESTRICT THE OPERATION OF ALL – TERRAIN VEHICLES (ATVs) ON HIGHWAYS UNDER THE JURISDICTION OF THE CORPORATION OF THE TOWN OF AMHERSTBURG

WHEREAS THE ESSEX COUNTY ATV CLUB WISHES TO USE SELECT HIGHWAYS IN THE TOWN OF AMHERSTBURG;

AND WHEREAS the *Highway Traffic Act*, R.S.O. 1990, c. H.8, as amended, and the *Municipal Act, 2001*, S.O. 2001, c. 25, as amended authorizes the Council of a municipality to pass by-laws permitting the operation of All-Terrain Vehicles, hereinafter referred to as ATV(s) on any part or parts of a highway under the jurisdiction of the municipality;

AND WHEREAS the Council of the Town of Amherstburg has agreed to permit the use subject to certain conditions;

NOW THEREFORE THE COUNCIL OF THE CORPORATION OF THE TOWN OF AMHERSTBURG HEREBY ENACTS AS FOLLOWS:

INTERPRETATION

1. In this by-law:

“ATV” means an “Off Road Vehicle” as defined in the *Off Road Vehicles Act* R.S.O. 1990, as amended;

“Club” means the Essex County ATV Club;

“Municipal Highway” includes a common and public highway, road, street, avenue, parkway, driveway, square, place bridge, viaduct or trestle designed and intended for, or used by the general public for the passage of vehicles and is under the jurisdiction of the municipality;

“Highway Traffic Act” means the *Highway Traffic Act*, R.S.O. 1990, c.H.8, as amended;

“Police Officer” means a member of the Amherstburg Police Services

“Roadway” means that part of the highway that is improved, designed or ordinarily used for vehicular traffic, but does not include the shoulder, and where a highway includes two or more separate roadways, roadway refers to any one roadway separately and not to all the roadways collectively;

“Shoulder” means that portion of the highway lying adjacent to the roadway, where there is no barrier curb, that is improved with granular or paved surface and extends for a maximum width of three metres;

“Town” means the Corporation of the Town of Lakshore;

“Traffic Infraction Notice” means a Certificate of Offence issued pursuant to Part 1 of the Provincial Offences Act;

REGULATION AND OPERATION OF ATV’S ON

8th CONCESSION BETWEEN MIDDLE SIDEROAD AND TEXAS ROAD

2. The Town agrees to permit the Club to use the highways listed in Schedule “A” of this By-law.
3. The Club shall pay all costs associated with the use.

4. The Club agrees to notify the Amherstburg Police Department with respect to the need for additional Police Officers required for any events and to pay the cost for the additional Police Officers.
5. The Club shall provide the Town on an annual basis with written proof of liability insurance in an amount of not less than \$5,000,000.00 (Five Million Dollars) and shall also include the Municipality as an additional insured.
6. The Club shall insure all ATV riders participating in events are:
 - (a) Formally registered as participants.
 - b) Meet all of the ATV operational requirements of the relevant Provincial legislation and accompanying Regulations, including but not limited to the Highway Traffic Act.
7. No person shall participate in events unless they have formally registered with the Club prior to the commencement of the said event.
8. No person shall participate in events unless they have met all of the ATV operational requirements of the relevant Provincial Legislation and accompanying Regulations, including but not limited to the Highway Traffic Act.

ENFORCEMENT

9. Members of the Amherstburg Police Service shall have the duty of enforcing the provisions of this by-law.

EXEMPTION

10. The provisions of this by-law shall not apply to any municipally owned Fire Department ATVs, Police Department ATVs, or to any ambulance ATV, while the said ATVs are responding to a call, but this exemption shall not excuse a driver of any such ATV from exercising due care.

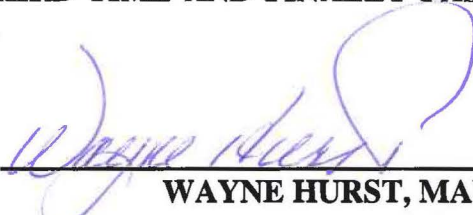
PENALTY

11. Every person who contravenes any of the provisions of this by-law is guilty of an offence and upon conviction is liable to a penalty as provided in the *Provincial Offences Act* and or the *Highway Traffic Act* exclusive of costs.

SEVERABILITY

12. Should a court of competent jurisdiction declare any section, clause or provision of this by-law invalid the same shall be deemed to be severable and shall not affect the remainder of this by-law.

**READ A FIRST, SECOND AND THIRD TIME AND FINALLY PASSED
THIS 18TH DAY OF AUGUST, 2008.**



WAYNE HURST, MAYOR



PAMELA MALOTT, CAO/CLERK

Schedule A

