

## TOWN OF AMHERSTBURG

### BY-LAW 2025-051

#### BEING A BY-LAW TO REGULATE THE USE OF GOLF CARS IN THE TOWN OF AMHERSTBURG

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**WHEREAS** sections 8, 9 and 11 of the Municipal Act, 2001 authorize the Town of Amherstburg to pass by- laws necessary or desirable for municipal purposes, and in particular paragraphs 5 and 8 of subsection 11(2) authorize by-laws respecting: the economic, social and environmental well-being of the municipality; and the protection of Persons and property.

**AND WHEREAS** subsection 8(3) of the Municipal Act, 2001 provides that a by-law under section 11 of that Act respecting a matter may regulate or prohibit and, as part of the power to regulate or prohibit respecting the matter, may require a Person to do things respecting the matter, or may provide for a system of licences respecting the matter;

**AND WHEREAS** section 425 of the Municipal Act, 2001 authorizes the Town of Amherstburg to pass by- laws providing that a Person who contravenes a by-law of the Town of Amherstburg passed under that Act is guilty of an offence;

**AND WHEREAS** subsection 391(1) of the Municipal Act, 2001 further authorizes the Town of Amherstburg, amongst other things, to impose fees or charges on Persons for services or activities provided or done by or on behalf of it;

**AND WHEREAS** Ontario Regulation 407/21 Pilot Project – Golf Cars to the Highway Traffic Act authorizes the use of a golf car on a highway in the Town of Amherstburg within the urban area of Bois Blanc Island as described in the Municipality's Official Plan, if a by-law of the municipality permits the golf car to be driven on the highway;

**AND WHEREAS** it is deemed necessary to regulate the use of Golf Cars, as recommended by the Manager of Licensing and Enforcement at the July 14<sup>th</sup>, 2025 Council meeting;

**NOW THEREFORE** the Council of The Corporation of Town of Amherstburg ENACTS AS FOLLOWS:

#### **Short Title**

This by-law shall be referred to as the "Golf Car By-law".

#### **TERMINOLOGY**

1. In this By-law;

**"By-Law Enforcement Officers"** means a person appointed by the Municipality as a By-law Enforcement Officer pursuant to the *Provincial Offences Act*;

**"Bois Blanc Island"** means the urban area of Town of Amherstburg as described in the Municipality's Official Plan;

**"Business Day"** means Monday to Friday, except for a Holiday;

**"Clerk"** means the clerk of the Municipality appointed pursuant to the Municipal Act, 2001;

**"Council"** means the municipal council of the Town of Amherstburg;

**"Fee"** means a fee paid to the Municipality as required by this by-law and/or prescribed in the User Fee By-law;

**"Golf Car"** means a motor vehicle that is intended for use primarily on golf courses or on roadways where access and use of other motor vehicles is controlled;

**"Hearing Committee"** means a committee appointed by Council to which Council has delegated the authority to handle appeals pursuant to this by-law;

**"Holiday"** means a statutory or civic holiday;

**"Municipality"** means the Town of Amherstburg, or the geographic area of the Town of Amherstburg, depending on the context;

**"Permit"** means a Permit issued pursuant to Part 1 of this by-law and includes a renewal Permit;

**"Permit Issuer"** means the Person appointed as the Clerk and includes their authorized designate or designates with respect to any authority delegated by the Permit Issuer to such designate;

**"Permittee"** means the Person issued a Permit under this by-law;

**"Person"** includes an individual, a corporation, a partnership, and an unincorporated association, as the context requires;

**"Police"** means the police force contracted to provide local policing for the Municipality pursuant to the Police Services Act or the Community Safety and Policing Act, 2019;

**"Premises"** means a building or part of a building and any land appurtenant to the building or part of the building and includes a vacant lot;

**"Regulation"** means Ontario Regulation 407/21: Pilot Project – Golf Cars under the Highway Traffic Act;

**"Road"** means a highway as defined by the Highway Traffic Act, under the jurisdiction of the Municipality with the intended use for motor vehicle traffic, on which the prescribed rate of speed is 50 kilometres per hour or lower; and

**"User Fee By-law"** means the Municipality's By-law to Establish User Fees for Certain Services Provided by the Municipality.

## **APPLICATION**

2. The provisions of this by-law apply to the entire geographic area of the Municipality.
3. The requirements of this by-law are in addition to requirements contained in any other applicable by-laws of the Municipality or applicable provincial or federal statutes or regulations.
4. If there is a conflict between a provision of this by-law and any other by-law of the Municipality or a provincial or federal statute or regulation, the most restrictive in relation to the regulation of use of Golf Cars prevails.
5. The provisions of this by-law do not apply to the use of a Golf Car on private land.

## **INTERPRETATION**

6. The following rules of interpretation shall be applied to the interpretation of this by-law:

- a) References to items in the plural include the singular, as applicable. "Their" may refer to both the singular and the plural and includes references to a Person or thing that is feminine, masculine or non-binary.
- b) The words "include", "including" and "includes" are not to be read as limiting the phrases or descriptions that precede them. Any examples provided are intended to be representative examples and not intended to be an exhaustive list.
- c) Headings are inserted for ease of reference only and are not to be used as interpretation aids.
- d) Specific references to laws or by-laws are meant to refer to the current laws applicable at the time that this by-law was enacted and shall be interpreted to include amendments, restatements and successor legislation.
- e) Any reference to periods of time, stated in numbers of days, shall be deemed applicable on the first Business Day after a Sunday or a Holiday if the expiration of the time period occurs on a Sunday or Holiday.
- f) The obligations imposed by this by-law are in addition to obligations otherwise imposed by law or contract.
- g) Where this by-law provides metric and imperial units of measure, the metric unit of measure shall prevail. For convenience only, approximate imperial measurements may be provided but are of no force or effect. The abbreviation "mm" stands for millimetres and "m" stands for metres.
- h) Terms with capitals shall be read with the meaning in section 1 and other words shall be given their ordinary meaning.
- i) If any court of competent jurisdiction finds any provision of this by-law is illegal or ultra vires of the jurisdiction of the Municipality, such provision shall be deemed to be severable and shall not invalidate any of the other provisions of this by-law.
- j) Nothing in this by-law relieves any Person from complying with any provision of any federal or provincial legislation or any other by-law of the Municipality.
- k) Where a provision of this by-law conflicts with the provisions of another by-law in force in the Municipality, or any of the provisions of any federal or provincial states or regulation, the provision that establishes the higher standard to protect the health, safety and welfare of the general public shall prevail.

#### **l) Part 1: Use of Golf Cars**

##### **Permissions**

- 7. The Municipality authorizes the operation of Golf Cars on Roads on Bois Blanc Island from the period of April 1 to November 30 each year.
- 8. The authorization in section 7 is subject to obtaining a Permit annually and pay the applicable user fee as approved the Town's User Fee By-law. Proof of Permit shall be affixed to each Golf Car that has been issued a Permit.
- 9. Every Person operating a Golf Car shall conform with all provisions of this bylaw and the requirements of the Regulation, as may be amended from

time to time.

### **Prohibitions**

10. No Person shall operate a Golf Car on a Road in any area of the Municipality outside of Bois Blanc Island.
11. No Person shall operate a Golf Car on a Road on Bois Blanc Island without a Permit.
12. No Person shall operate a Golf Car on a Road in a manner that is not permitted by this by-law or in full compliance with the Regulation.

### **Permits for the Use of Golf Cars**

13. An application for a Permit shall be made in writing to the Permit Issuer on the prescribed form and shall include the payment of any Fees required pursuant to the User Fee By-law.
14. An application for a Permit shall include at minimum:
  - a) Proof of current driver's licence as required by the Regulation;
  - b) A description of the Golf Car and a photograph of each side of the Golf Car;
  - c) Certificate of insurance, in a form satisfactory to the Permit Issuer, identifying the Golf Car, with a minimum liability coverage of \$2 million; and
  - d) A signed waiver of liability, in a form satisfactory to the Permit Issuer, in favour of the Municipality and the County of Essex for any injury or damages that may occur from the operation of a Golf Car on a Road.
15. The Permit Issuer shall grant a Permit for a Golf Car if they are satisfied that all requirements of this by-law and the Regulation have been met.
16. The Permit Issuer may issue a Permit that is subject to additional terms and conditions they deem reasonably necessary in the public interest.
17. A Permit is issued for a specific Golf Car and is non-transferable. A Person operating more than one Golf Car shall be required to obtain Permit for each Golf Car.

### **Refusal to Issue Permit**

18. The Permit Issuer shall refuse to issue a Permit where the Permit Issuer is not satisfied that:
  - a) the application is complete and applicable Fees have been paid;
  - b) the application complies with the provisions of this by-law; or
  - c) after inspection by a By-law Enforcement Officer, the applicant has failed to satisfy the standards of this by-law.

### **Expiry of Permit**

19. A Permit shall expire upon the date set out in the Permit as the expiry date.

### **Revocation of Permit**

20. The Permit Issuer shall have the right to revoke the Permit in the event that:
  - a) the Permit was issued in error or as a result of false information provided in the application;
  - b) the application fee is not paid in full whether it be through error, as a result of a cheque being returned marked not sufficient funds, a credit card

charge being refused, or for any other reason; or  
c) the Permittee:

- I. fails to submit a satisfactory new certificate of insurance to the Permit Issuer after the expiry of the certificate of insurance submitted with the application;
- II. after inspection by a By-law Enforcement Officer, fails to satisfy the requirements set out in the Permit; or
- III. is convicted of an offence under this by-law.

### **Replacement Permit**

21. The Permit Issuer shall provide a replacement Permit upon being satisfied that a replacement Permit should be issued and payment of the applicable fee.

### **Change of Information**

22. The Permittee shall immediately advise the Permit Issuer in writing of a change in any information provided in the application for a Permit.

### **Appeal of Refusal to Issue Permit or Revocation of Permit**

23. The decision of the Permit Issuer to impose conditions, refuse to issue a Permit or revoke a Permit may be appealed if the Person files an appeal with the Clerk within 10 Business Days of the effective date of the decision.
- 23.1 An appeal shall be received only if filed in the form and with the information required by the Clerk and, if filed with the applicable Fee.
24. In the event that the Clerk determines that the appeal is not filed as required in subsections (1) or (2), the Clerk shall decline the request for a hearing.
25. In the case of an appeal of conditions or the revocation of a Permit, the Permittee must cease operating the Golf Car on Roads immediately, and not resume until such time as a hearing is held and a decision to reinstate the Permit is rendered.

### **Appeal Hearing Date**

26. If an appeal is filed in compliance with subsections 28(1) and 28(2), the Clerk shall set a date, time and place for a hearing before the Hearing Committee and give notice of the date, time and place of the hearing to the applicant in accordance with section 42.

### **Appeal Hearing**

27. On the date and time scheduled for the hearing, or such later date as may be set or consented to by the Hearing Committee, the Hearing Committee may hear and view any evidence provided by the Permit Issuer and appellant and may:
- I. reverse the decision of the Permit Issuer;
  - II. uphold the decision of the Permit Issuer; or
  - III. modify any or all of the conditions of the Permit Issuer.
- 27.1 The decision of the Hearing Committee is final.
- 27.2 The appellant bears the onus of providing evidence satisfactory to the Hearing Committee that the relief being sought should be granted.
- 27.3 Upon the Hearing Committee reaching a decision, the Clerk shall serve notice of the decision in writing to the appellant at the address for the applicant set out in the appeal form.

## **Part 2: Inspection and Enforcement**

### **Inspection Powers**

28. A By-law Enforcement Officer or Police may;
- a) at any reasonable time, enter onto land for the purpose of carrying out an inspection for the purpose of determining compliance with this by-law;
  - b) during an inspection, require production for inspection of documents or things relevant to the inspection and inspect and remove documents or things relevant to the inspection for the purpose of making copies or extracts and photograph such documents or things;
  - c) during an inspection require information from any Person concerning a matter related to the inspection;
  - d) during an inspection be accompanied by a Person or Persons who has relevant or expert knowledge in relation to this by-law or matters regulated by this by-law;
  - e) conduct or direct a Person possessing the relevant or expert knowledge to conduct such examinations or take tests, samples or photographs as the Bylaw Compliance Officer or Police believes necessary for the purposes of inspection;
  - f) conduct inspections prior to a determination as to whether to issue a Permit or to confirm compliance with a Permit or conditions of a Permit; and
  - g) require that a Permit holder or Person provide any such information as may be required for the enforcement of this by-law
29. In addition to any other provision of this by-law, and subject to the provisions of the Municipal Act, 2001, S.O. 2001, c. 25, as amended, a provincial judge or justice of the peace may issue an order authorizing a By-law Compliance Officer and any Person under the Officer's direction to enter onto or into any Premises, including a room or place actually being used as a dwelling for the purpose of carrying out an inspection to determine compliance with this by-law or a Permit issued under this by-law.
30. No Person shall refuse or neglect to produce for inspection any document or thing required by a By-law Enforcement Officer or Police pursuant to this by-law.

#### **Obstruction and Omission**

31. No Person shall hinder or obstruct, or attempt to hinder or obstruct, any Person who is exercising a power or performing a duty under this by-law.
- 31.1 No Person shall omit information or provide a false or intentionally misleading statement or representation in any application, agreement, investigation or inspection.

#### **Offence and Penalty**

32. (1) Any Person who contravenes any provision of this by-law, a Permit, or any condition to a Permit, is guilty of an offence and upon conviction is subject to such penalty as is provided for under the Provincial Offences Act, R.S.O. 1990, c. P.33, as amended.
- (2) An offence under this By-law may constitute a continuing offence or a multiple offence as set out in the Municipal Act, 2001, S.O. 2001, c. 25, as amended.
- (3) Any director, employee or officer of a corporation who knowingly authorizes, permits or acquiesces in the contravention of this by-law, a Permit, or any condition to a Permit, is guilty of an offence and subject to prosecution pursuant to the Provincial Offences Act, R.S.O. 1990, c. P.33, as amended.
- (4) For the purposes of subsections (1) and (2), each day on which a Person,

including a director or officer of a corporation, contravenes any of the provisions of this by-law shall be deemed to constitute a separate offence under this by-law.

(5) The levying and payment of any fine as provided for under the Provincial Offences Act, R.S.O. 1990, c. P.33, as amended, shall not relieve a Person from the necessity of compliance with the obligations under this by-law.

### **Prohibition Order**

33. (1) If this by-law is contravened and a conviction entered, in addition to any other remedy and to any penalty imposed by the by-law, the court in which the conviction is entered and any court of competent jurisdiction thereafter may make an order:
- a) prohibiting the continuation or repetition of the offence by the Person convicted; and,
  - b) requiring the Person convicted to correct the contravention in the manner and within the period that the court considers appropriate.

### **Collection of Fees**

34. All Fees and charges payable under this by-law are due on demand and are a debt owing to the Municipality bearing interest at the rate established in the User Fee By-law from the date of demand until payment in full. The debt may be enforced by any means available to the Municipality, and without limiting the generality of the foregoing, the debt in the nature of fees may, if applicable, be added to the tax roll of any property for which all of the owners are responsible for payment of the debt, and thereafter collectable as property taxes. All remedies open to the Municipality are cumulative.
- 34.1 All Fees and charges incurred under this by-law are payable whether or not there is a charge laid, and whether or not any charge laid leads to a conviction and whether or not a fine has been paid as a result of a charge being laid.
- 34.2 Fines owing to the Municipality that are in default pursuant to section 69 of the Provincial Offences Act, R.S.O. 1990, c. P.33, as amended, shall be added by the Treasurer to the tax roll for any property in the Municipality for which the owner is responsible for paying the fine and the fine may be collected in the same manner as municipal taxes.

## **Part 3: General**

### **Administration and Delegation**

35. The administration of this by-law is assigned to the Permit Issuer who is delegated the authority to:
- a) make all decisions required of the Permit Issuer under this by-law;
  - b) perform all administrative functions assigned under this by-law and those incidental to and necessary for the due administration and implementation of this by-law; and
  - c) establish and revise from time to time, such forms, documents, and such standards, protocols and procedures as the Permit Issuer may determine are required to implement and administer this by-law.
36. The Permit Issuer may delegate the performance of any one or more of their functions under this by-law to one or more Persons from time to time as the occasion requires and may impose conditions upon such delegation and may

revoke any such delegation. The Permit Issuer may continue to exercise any function delegated during the delegation.

- 36.1 Unless specifically provided to the contrary in this by-law, the decisions of the Permit Issuer are final and not subject to appeal.
- 37. This by-law shall be enforced by any By-law Enforcement Officer and Police and, where provided in this by-law, the Permit Issuer.
- 36.2 Unless specifically provided to the contrary in this by-law or otherwise at law, the decisions of the Permit Issuer and By-law Compliance Officer are final and not subject to appeal.

#### **General Requirement – Permit Application Requirements**

- 37.(1) Every Person applying for a Permit under this by-law shall provide to the Permit Issuer:
  - a) an application in the form established by the Permit Issuer from time to time;
  - b) information including, but not limited to, name, address, email address, and phone number;
  - c) such information, including evidence in support of the application, as may be deemed necessary by the Permit Issuer to process the application for a Permit; and
  - d) except as provided to the contrary in this by-law, payment of the applicable fee for applying for a Permit.

- 37.2 A Person applying for a Permit under this by-law must be a minimum of 18 years of age.

#### **Service of Notices**

- 38.(1) A notice under this by-law shall be deemed to have been served on a Person if:
  - a) delivered to the Person personally;
  - b) sent to the Person by regular mail to the address provided on the Permit application;
  - c) sent to the Person by registered mail to the address provided on the Permit application; or
  - d) posted in a visible location at the address provided on the Permit application.

- 38.(2) Service of a notice under this by-law shall be effective: In the case of personal service, on the date that personal service is effected;

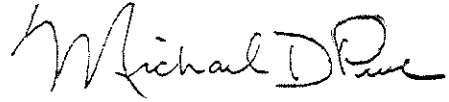
- a) In the case of personal service, on the date that personal service is effected;
  - b) In the case of regular or registered mail, 4 days following the date of mailing;
  - c) In the case of posting, 2 days after the date of posting.



## Enactment

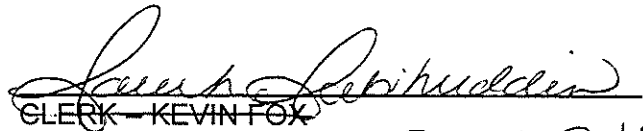
39. This by-law comes into force and effect on July 14<sup>th</sup>, 2025

Read, first, second and third time on July 14<sup>th</sup>, 2025



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MAYOR – MICHAEL PRUE



~~CLERK – KEVIN FOX~~

Deputy clerk – Sarah Sabihuddin