

The Corporation of the Township of North Huron

By-law No. 56-2020

A by-law to permit and regulate the operation of off-road vehicles on municipal highways within the Township of North Huron.

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**The Corporation of the Township of North Huron**

**By-law No. 56-2020**

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**A by-law to permit and regulate the operation of off-road vehicles on municipal highways within the Township of North Huron**

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WHEREAS pursuant to Section 191.8 (1) of the Highway Traffic Act, R.S.O. 1990, c.H.8, as amended, no person shall drive an off-road vehicle on a highway except in accordance with the Highway Traffic Act regulations and any applicable municipal by-laws;

AND WHEREAS pursuant to Section 191.8 (3) of the Highway Traffic Act, R.S.O. 1990, c H.8, as amended, the Council of a municipality may pass by-laws,

- (a) Permitting the operation of off-road vehicles or classes of 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,
- (b) Prohibiting the operation of 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,
- (c) Prescribing a lower rate of speed for off-road vehicles than that prescribed for 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 WHEREAS Section 191.8 (4) of the Highway Traffic Act, R.S.O. 1990, c H.8, as amended, provides that a by-law passed under Section 191.8 (3) may apply only during specified times to allow for municipalities to regulate times of operation;

AND WHEREAS the operation and the equipment and safety requirements for off-road vehicles are defined in Ontario Regulation 316/03, as amended;

AND WHEREAS pursuant to the Municipal Act, 2001, S.O. c.25, as amended, the Council of the Corporation of the Township of North Huron may pass by-laws with respect to municipally owned roads including parking and traffic on such highways;

AND WHEREAS pursuant to Section 9 (3) of the Municipal Act, 2001, S.O. c.25, as amended, a by-law passed under Section 11 of the Municipal Act, 2001, S.O. c.25, as amended, may regulate the matter and, as part of any regulations respecting the matter, require persons to do things respecting the matter;

AND WHEREAS pursuant to Section 14 of the Municipal Act, 2001, S.O. c.25, as amended, municipal by-laws are without effect only to the extent of conflict with federal or provincial legislation;

AND WHEREAS requests have been received to permit off-road vehicles on municipally-owned roads within the boundary of the Township of North Huron;

AND WHEREAS the Council of the Township of North Huron deems it in the public interest to permit and regulate the operation of off-road vehicles on certain municipal highways;

NOW THEREFORE the Council of the Township of North Huron enacts as follows:

**1. Short Title**

- 1.1. This by-law may be cited as the "Off-road Vehicles By-law".

**2. Definitions**

In this by-law,

- 2.1. **“All-Terrain Vehicle (ATV)”** as defined by Ontario Regulation 316/03, means an off-road vehicle that,
- Has four wheels, the tires of which are all in contact with the ground,
  - Has steering handlebars,
  - Has a seat that is designed to be straddled by the driver, and
  - Is designed to carry, (i) a driver only and no passengers, or (ii) a driver and only one passenger, if the vehicle has one passenger seat that is designed to be straddled by the passenger while sitting facing forward behind the driver, and is equipped with foot rests for the passenger that are separate from the foot rests for the driver;
- 2.2. **“Boulevard”** shall mean that part of the highway situated between the curb line and the property line of the lot abutting the highway, but does not include a sidewalk or shoulder;
- 2.3. **“Extreme Terrain Vehicle (ETV)”** as defined by Ontario Regulation 316/03, means an off-road vehicle that,
- Has six or eight wheels, the tires of which are all in contact with the ground,
  - Has no tracks that are in contact with the ground,
  - Has seats that are not designed to be straddled, and
  - Has a minimum cargo capacity of 159 kilograms;
- 2.4. **“Highway”** includes any open road allowance under the jurisdiction of the Corporation of the Township of North Huron including a common and public highway, street, avenue, parkway, driveway, square, place, bridge, viaduct or trestle, any part of which is intended for use or used by the general public for the passage of vehicles and includes the area between the lateral property lines thereof;
- 2.5. **“Multi-Purpose Off-Highway Utility Vehicle (UTV)”** as defined by Ontario Regulation 316/03, means an off-road vehicle that,
- Has four or more wheels, the tires of which are all in contact with the ground,
  - Has a steering wheel for steering control,
  - Has seats that are not designed to be straddled, and
  - Has a minimum cargo capacity of 159 kilograms;
- 2.6. **“Off-road Motorcycle (ORM)”** as defined by Ontario Regulation 316/03, means an off-road vehicle that,
- Has steering handlebars,
  - Has two wheels, the tires of which are all in contact with the ground,
  - Has a minimum wheel rim diameter of 250 millimetres,
  - Has a minimum wheelbase of 1,016 millimetres,
  - Has a seat that is designed to be straddled by the driver,
  - Is designed to carry a driver and no passengers, and
  - Does not have a sidecar;
- 2.7. **“Off-road Vehicle (ORV)”** as defined by the Off-Road Vehicles Act, means a vehicle propelled or driven otherwise than by muscular power or wind and designed to travel,
- On not more than three wheels, or
  - On more than three wheels and being of a prescribed class of vehicle;
- 2.8. **“Recreational Off-Highway Vehicle (ROV)”** as defined by Ontario Regulation 316/03, means an off-road vehicle that,
- Has four or more wheels, the tires of which are all in contact with the ground,
  - Has a steering wheel for steering control,
  - Has seats that are not designed to be straddled, and
  - Has an engine displacement equal to or less than 1,000 cubic centimeters;
- 2.9. **“Roadway”** means that portion of a highway that is improved, designed or ordinarily used for the passage of vehicles, but does not include the shoulder;
- 2.10. **“Shoulder”** means a portion of a highway that provides lateral support to the roadway and that may accommodate stopped motor vehicles and emergency use;

- 2.11. **“Sidewalk”** means that portion of a highway between the curb line or edge of a roadway and the adjacent property line that is designed and intended for the use of pedestrians;
- 2.12. **“Township”** shall mean the Township of North Huron; and
- 2.13. **“Urban Area”** means any area in the Township of North Huron where the highway speed limit is 50 kilometres/hour or less.

### 3. Regulation of Off-Road Vehicles on Highways

- 3.1. The types of off-road vehicles that are applicable to this by-law are the following:
- All-terrain vehicles (ATVs), including both single rider ATVs and two-up ATVs,
  - Recreational off-highway vehicles (ROVs),
  - Multi-purpose off-highway utility vehicles (UTVs),
  - Extreme terrain vehicles (ETVs), and
  - Off-road motorcycles (ORMs);
- 3.2. No person shall operate an off-road vehicle on any highway within the Township of North Huron except in accordance with, and subject to the provisions of this by-law.
- 3.2.1. Off-road vehicles shall be permitted upon the highways under the jurisdiction of the Township of North Huron, with the exception of Schedule A and in accordance with Ontario Regulation 316/03 of the Highway Traffic Act, as amended, and the Off-Road Vehicles Act, as amended;
- 3.2.2. In any urban area, operation of an off-road vehicle shall only be permitted on highways to allow the operator to depart or return from inside/outside the urban limits by the closest and most direct route for the sole purpose of the following:
- The operator departing or returning to his or her residence or abode; or
  - The operator stopping at an eating establishment to obtain meals/refreshments, and/or at a service station to refuel the ORV.
- 3.3. No person shall operate an off-road vehicle over or upon the following areas:
- Any Community Centre under the jurisdiction of the Township;
  - Any park, sports field, playground or trail under the jurisdiction of the Township;
  - Any cemetery under the jurisdiction of the Township;
  - Any municipal public property in the municipality without the consent of the Township;
  - Any unopened road allowance unless such vehicle is required for emergency response purposes or unless prior permission has been obtained by the Township;
  - Upon any sidewalk or boulevard within the Township.
- 3.4. No person shall operate an off-road vehicle on highways unless it meets the equipment and safety requirements of sections 7 to 15 of Ontario Regulation 316/03, as amended, and it is operated in accordance with the operation requirements of sections 16 to 24 of Ontario Regulation 316/03, as amended.
- 3.5. Every person shall comply with the following requirements. An off-road vehicle shall not be driven at a rate of speed greater than:
- 20 kilometres per hour, when traveling on the authorized highways with a posted speed limit of 50 kilometres per hour; or
  - 50 kilometres per hour, when traveling on the authorized highways with a posted speed limit of 80 kilometres per hour.
- 3.6. No person shall operate an off-road vehicle within the Township of North Huron between the hours of 11:00pm and 7:00am the following day, except where approved in advance by Council in association with a special event or other activity.
- 3.7. No person shall operate an off-road vehicle on the roadway, except where the shoulder of the road is not present or is unsafe for operation of an off-road vehicle.

- 3.8. No person shall operate an off-road vehicle in such a way to disrupt or destroy the natural environment, or create a nuisance by method of frequency of operation on any municipal property or upon any highway within the municipality.
- 3.9. No person shall operate an off-road vehicle near churches and funeral homes when services are in progress and shall keep completely away from hospitals and nursing homes unless absolutely necessary.
- 3.10. No person shall leave an off-road vehicle within the municipal road allowance unless it is within designated parking lot spaces and or designated on-street parking spaces or where otherwise authorized signage is displayed indicating that off-road vehicle parking is permitted.
- 3.11. No person shall operate an off-road vehicle on private property within the limits of the Township of North Huron, except if authorized to do so by the owner of the private property concerned.
- 3.12. All persons purporting to operate off-road vehicles under the permission granted in this by-law shall have adequate insurance at all times. In the event that such insurance is inadequate in terms of deductibles, terminated or limited coverage or otherwise, any and all losses and costs which, the Township of North Huron may incur as a result of such inadequate insurance coverage, are a debt due to the Township of North Huron, which the person shall pay on demand forthwith.

#### 4. Warranty and Indemnity

- 4.1. In recognition that the permission granted in this by-law is privilege, every person purporting to exercise the permission shall be deemed to have agreed to all of the terms and conditions in this by-law.
- 4.2. Each person exercising the permission granted in this by-law acknowledges and accepts that the Township of North Huron does not, in any way, warrant, represent or undertake that the public highways to which the permission applies are suitable for or maintained to permit use by off-road vehicles. Each such person shall not, at any time, under any circumstances, claim or attempt to claim, at any time, in any proceedings whatsoever that the public highway was not suitable for off-road vehicle use or not maintained properly.
- 4.3. Where the Township of North Huron incurs any loss, costs or damages as a result of any person exercising the permission in this by-law, each such person shall, upon request, reimburse the Township of North Huron for all such loss, costs and damages.

#### 5. Enforcement

- 5.1. Where applicable, the provisions of this by-law shall be enforceable by Members of the Ontario Provincial Police, Township of North Huron By-law Enforcement Officers and other such persons appointed by the Township.
- 5.2. No person shall obstruct, hinder, or otherwise interfere with a Member of the Ontario Provincial Police, North Huron By-law Enforcement 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. Failure to stop when directed by a Member of the Ontario Provincial Police or Township of North Huron By-law Enforcement Officer shall be an offence of obstruction.
- 5.4. Every person who contravenes any provision of this by-law is guilty of an offence and upon conviction is liable to a fine provided for by the Provincial Offences Act, R.S.O., 1990, Chapter P.33, as amended.
- 5.5. This by-law may be enforced by means of a ticket in the form prescribed in the Set Fine Schedule attached hereto as Schedule "B" to this by-law.
- 5.6. In any court proceeding of any kind whatsoever, in which the presence of an off-road vehicle on a Township of North Huron highway is an issue, the provisions of this by-law are not a defense unless the person claiming the benefits of this by-law establishes that he/she was in fact in compliance with the requirements herein at the time the defense is put forward. Any person who is unable or

unwilling to provide such evidence shall be deemed to be trespassing on the Township of North Huron highway.

6. General

- 6.1. That in the event that any of the provisions of this by-law are found by a Court of competent jurisdiction to be without effect under Section 14 (1) of the Municipal Act, 2001, S.O. 2001, c.25, as amended, such provisions shall be deemed to be severed and the remainder of this by-law shall remain in full force and effect.
- 6.2. That this by-law shall apply in addition to the provisions of any other Township by-law and the Municipal Act, 2001, S.O. 2001, c.25, as amended, provided that in the event of conflict, the provisions of any other Township by-law or the Municipal Act, 2001, S.O. 2001, c.25, as amended, shall not be paramount over this by-law, provided such provisions are not contrary to law.
- 6.3. That it is hereby recognized this by-law may be amended, revoked or repealed at any time.
- 6.4. That nothing in this by-law shall limit any other statutory or common law rights or powers of the Township or any Officer to enter on land.
- 6.5. That this by-law shall come into force and take effect on the day of the final passing thereof.

Read a first and second time this 21<sup>st</sup> day of September, 2020.

Read a third time and passed this 21<sup>st</sup> day of September, 2020.

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Bernie Bailey, Reeve

CORPORATE SEAL

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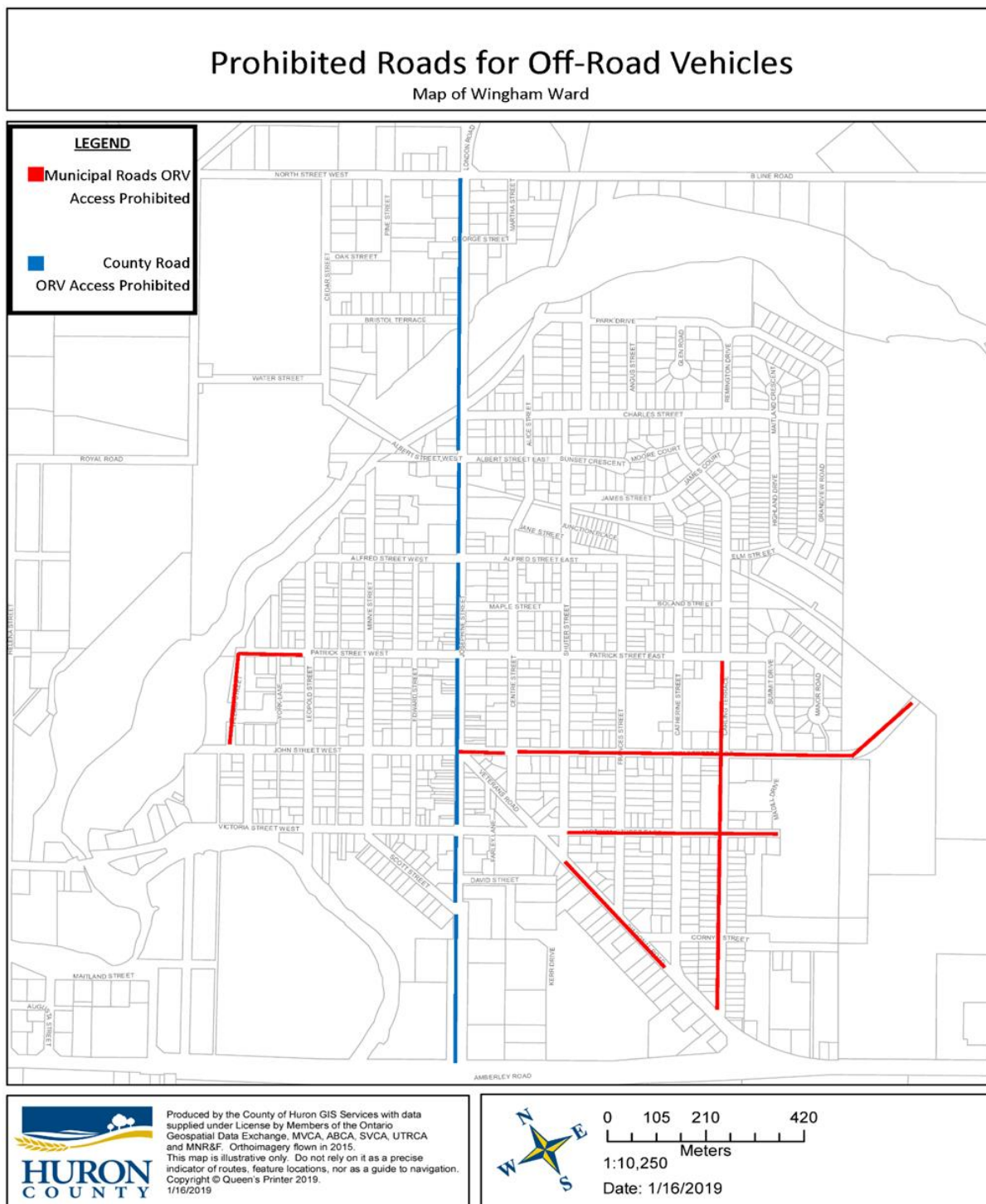
Carson Lamb, Clerk

Schedule "A" to By-law No. 56-2020  
Township of North Huron

Prohibited Access

The use of off-road vehicles, in accordance with the Highway Traffic Act, the Off-Road Vehicles Act, Ontario Regulation 316/03 and as stipulated in this by-law are permitted on all highways under the jurisdiction of the Corporation of the Township of North Huron, except:

Highway	From	To
William Street	John Street W.	Patrick Street W.
Patrick Street W.	William Street	Leopold Street
Diagonal Road	Shuter Street	Catherine Street
Victoria Street E.	Shuter Street	Madiill Drive
Carling Terrace	Diagonal Road	Patrick Street E.
John Street E.	Josephine Street	Maitland River Elementary School



Schedule "B" to By-law No. 56-2020

Township of North Huron

Set Fine Schedule- Part 1 Provincial Offences

<b>Item</b>	<b>Column 1 Short Form Wording</b>	<b>Column 2 Provision Creating or Defining Offence</b>	<b>Column 3 Set Fine</b>
1.	Operating an ORV in/on a prohibited area	Section 3.2.	\$200.00
2.	Operate an ORV on municipal property	Section 3.3.	\$200.00
3.	Operate an ORV on highway- fail to meet equipment and safety requirements	Section 3.4.	\$200.00
4.	Operating an ORV above speed limits	Section 3.5.	\$200.00
5.	Operating an ORV during prohibited hours	Section 3.6.	\$200.00
6.	Failure to operate ORV on shoulder when safe to do so	Section 3.7.	\$200.00
7.	Operating an ORV in a disruptive or destructive manner	Section 3.8.	\$200.00
8.	Operating an ORV during a church or funeral service or near a hospital or nursing home	Section 3.9.	\$200.00
9.	Leaving an ORV on a municipal road allowance	Section 3.10.	\$200.00
10.	Operating an ORV without proper insurance	Section 3.12.	\$200.00

NOTE: The general penalty provision for offences listed above is Section 5.4 of By-law 56-2020, a certified copy of which has been filed.