

THE CORPORATION OF THE VILLAGE OF SUNDRIDGE

BY-LAW NUMBER 2020-035

**Being a By-law to regulate the use of Off-Road Vehicles
within the Village of Sundridge**

WHEREAS Section 191.8 (3) of the *Highway Traffic Act*, R. S. O. 1990, c. H8, provides that the Council of a municipality may pass by-laws permitting the operation of off-road vehicles with three or more wheels and low pressure bearing tires than that prescribed for off-road vehicles by regulation:

- a) on any highway within the municipality that is under the jurisdiction of the municipality or any part or parts of such highway;
- b) prescribing a lower rate of speed 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; 1999, c. 12, Schedule. R, s. 17.
- c) on any highway or on any part or parts of a highway only during specified months or hours; 1999, c. 12, Schedule. R, s. 17.

AND WHEREAS the *Highway Traffic Act*, R. S. O. 1990, c. H8, Ontario Regulation 316/03: *Operation of Off-Road Vehicles on Highways Act*, defines an “**all-terrain vehicle**”, an “**extreme terrain vehicle**”, a “**multi-purpose off-highway utility vehicle**”, an “**off-road motorcycle**” and a “**recreational off-highway vehicle**” and provides the regulations governing the operation of these off-road vehicles upon highways within municipalities;

AND WHEREAS the *Highway Traffic Act*, R. S. O. 1990, c. H8, Ontario Regulation 316/03: *Operation of Off-Road Vehicles on Highways Act*, regulates the equipment and operational requirements of off-road vehicles;

AND WHEREAS Section 8 of the *Municipal Act, 2001*, SO. 2001, as amended, empowers a municipality to govern its affairs as it considers appropriate and to enhance the municipality’s ability to respond to municipal issues;

AND WHEREAS Section 11 (1) of the *Municipal Act, 2001* S.O. 2001, c.25 as amended, provides that a single tier municipality may pass by-laws respecting highways, including parking and traffic on highways;

AND WHEREAS Section 425 of the *Municipal Act, 2001*, S. O. 2001, c. 25 as amended, provides that any person who contravenes any by-law of the municipality, passed under this *Act*, is guilty of an offence;

AND WHEREAS The Corporation of the Village of Sundridge deems it necessary to develop detailed off-road vehicle safety regulations that allow off-road vehicles to have increased access to specific highways within the Municipality under safe circumstances;

NOW THEREFORE THE COUNCIL OF THE VILLAGE OF SUNDRIDGE HEREBY ENACTS AS FOLLOWS.

1. Short Title

This by-law may be referred to as “Off-Road Vehicle By-law”.

2. Definitions

Act means the *Highway Traffic Act*, R. S. O. 1990, c. H8, Ontario Regulation 316/03: *Operation of Off-Road Vehicles on Highways Act*.

All-terrain vehicle (ATV) means an off-road vehicle that,

- a) has four wheels, the tires of all of which are in contact with the ground,
- b) has steering handlebars,
- c) has a seat that is designed to be straddled by the driver, and
- d) is designed to carry,
 - i) a driver only and no passengers, or
 - ii) a driver and only one passenger, if the vehicle,
 - A. has one passenger seat that is designed to be straddled by the passenger while sitting facing forward behind the driver, and
 - B. is equipped with foot rests for the passenger that are separate from the foot rests for the driver.

Extreme terrain vehicles means an off-road vehicle that,

- a) has six or eight wheels, the tires of which are all in contact with the ground,
- b) has no tracks that are in contact with the ground,
- c) has seats that are not designed to be straddled, and
- d) has a minimum cargo capacity of 159 kilograms;

Highway - What constitutes a highway?

The following are highways unless they have been closed:

- a) All highways that existed on December 31st, 2014.
- b) All highways established by by-law of the municipality on or after January 1st, 2015.
- c) All highways transferred to a municipality under the *Public Transportation and Highways Improvement Act*.
- d) All road allowances made by the Crown Surveyors that are located in municipalities.
- e) All road allowances, highways, streets and lanes shown on a registered plan of subdivision; and includes,
 - i) a common and public highway, street, avenue, parkway, driveway, square, place, bridge, viaduct, trestle, any part of which is intended for or used by the general public for the passage of vehicles and includes the area between the lateral property lines thereof.

Multi-purpose off-highway utility vehicle means an off-road vehicle that,

- a) has four or more wheels, the tires of which are all in contact with the ground,
- b) has a steering wheel for steering control,
- c) has seats that are not designed to be straddled, and
- d) has a minimum cargo capacity of 159 kilograms;

Off-road motorcycle means an off-road vehicle, designed primarily for recreational use, that,

- a) has steering handlebars,
- b) has two wheels, the tires of which are all in contact with the ground,
- c) has a minimum wheel rim diameter of 250 millimetres,
- d) has a minimum wheelbase of 1,016 millimetres,
- e) has a seat that is designed to be straddled by the driver,
- f) is designed to carry a driver only and no passengers, and
- g) does not have a sidecar;

Off-road vehicle means an off-road vehicle within the meaning of the *Operation of Off-Road Vehicles on Highways Act, R S O 1999, Chapter O.4*.

Peace officer for the purposes of this by-law includes:

- a) a police constable appointed under the *Ontario Police Act*,
- b) a conservation officer under the *Fish and Wildlife Conservation Act*,
- c) a park warden appointed under the *Provincial Parks Act*, and
- d) a by-law enforcement officer appointed by the Village.

- Recreational off-highway vehicle** means an off-road vehicle that,
- a) has four or more wheels, the tires of which are all in contact with the ground,
 - b) has a steering wheel for steering control,
 - c) has seats that are not designed to be straddled, and
 - d) has an engine displacement equal or less than 1,000 cubic centimeters;

Street means a “highway” as defined.

Village means the Village of Sundridge.

3. Off-Road Vehicles Permitted

- 3.1 Only those “off-road vehicles” falling within the definition of “all-terrain vehicle (ATV)”, “extreme terrain vehicle”, “multi-purpose off-highway utility vehicle”, “off-road motorcycle” and “recreational off-highway vehicle” in this by-law, may be driven on highways under the jurisdiction of the Village of Sundridge provided that:
- i) the all-terrain vehicle meets the equipment requirements set out in the Highway Traffic Act, R. S. O. 1990, c. H8, Ontario Regulation 316/03: Operation of Off-Road Vehicles on Highways Act; and
 - ii) the all-terrain vehicle is driven in accordance with the operational requirements set out in the Highway Traffic Act, R. S. O. 1990, c. H8, Ontario Regulation 316/03: Operation of Off-Road Vehicles on Highways Act.

4. Prohibitions for Off-road Vehicles

- 4.1 The authority to drive an off-road vehicle on highways under the jurisdiction of the Village of Sundridge does not include:
- i) any sidewalk, footpath or other area meant solely for pedestrian traffic;
 - ii) any lands within a municipal park or on a municipal beach;
 - iii) private roads or driveways without the consent of the owner thereof;
 - iii) any highway falling under the jurisdiction of the Province of Ontario or any other government authority;
 - iv) any highway under the jurisdiction of the Village of Sundridge where the common law right of passage has been removed or restricted under a by-law passed pursuant to Section 35 of the Municipal Act, 2001.
 - vi) unopened road allowances.

5. Exemptions

- 5.1 The exemptions governing crossing a highway, farmers and trappers and public work functions as set out in Section 25, 26, 27 and 28, of *Highway Traffic Act*, R. S. O. 1990, c. H8, Ontario Regulation 316/03: *Operation of Off-Road Vehicles on Highways Act* shall apply to this by-law.

6. Parking

- 6.1 Off-road vehicles shall be subject to all regulations and by-laws governing the parking of vehicles within the Village.

7. Enforcement

- 7.1 A peace officer may stop any person driving an off-road vehicle.
- 7.2 Every person who has been signaled to stop by a person authorized to do so under subsections 7.1 shall stop forthwith.
- 7.3 Every person stopped under this Section or subsection 7.1, shall when so requested; identify himself or herself by giving his or her name to the person who stopped him or her.

8. Duty to Stop for Red Flashing Light

- 8.1 Every driver of an off-road vehicle shall stop his or her vehicle when approached by another vehicle with a flashing red light.
- 8.2 No person except a peace officer shall operate an off-road vehicle that is equipped with a red lamp that produces flashes of red light.
- 8.3 Subsection 8.2 does not apply to prohibit the use of vehicle hazard warning lights commonly known as four way flashers.

9. Application of Highway Traffic Act

- 9.1 Except as otherwise provided in the regulation, the provisions of the Act and its regulations applicable to motor vehicles apply with necessary modifications to the operation of an off-road vehicle on a highway.
- 9.2 The Off-road Vehicles Act and the regulations made under the Act that apply to the operation of off-road vehicles off the highway apply with necessary modifications to the operation of an off-road vehicle on a highway.

10. Maximum Speed

The off-road vehicle shall not be driven at a rate of speed greater than,

- i) 20 kilometres per hour, if the speed limit established under the Act for that part of the highway is not greater than 50 kilometres per hour; or
- ii) 50 kilometres per hour, if the speed limit established under the Act for that part of the highway is greater than 50 kilometres per hour.
- iii) 10 kilometres per hour on any roadway or parking lot of a public park, school or beach within the Village.

11. Rules of the Road

- 11.1 The off-road vehicle shall be driven on the shoulder of the highway in the same direction as the traffic using the same side of the highway.
- 11.2 Despite subsection 11.1, the off-road vehicle may be driven on the roadway in the same direction as the traffic using the same side of the highway if,
 - i) there is no shoulder; or
 - ii) the shoulder of the highway is obstructed and cannot be used by the off-road vehicle.

- 11.3 Despite subsection 11.2 the off-road vehicle shall not be driven on the shoulder but shall be driven on the roadway in the same direction as the traffic using the same side of the highway if it is being driven across a level railway crossing.
- 11.4 When driven on the shoulder of the highway, the off-road vehicle shall be driven as close to and parallel with the right edge of the shoulder as can be done practicably and safely.
- 11.5 When driven on the roadway pursuant to subsection 11.2, the off-road vehicle shall be driven as close to and parallel with the right edge of the roadway as can be done practicably and safely.
- 11.6 When entering the shoulder or the roadway, the off-road vehicle shall yield the right of way to vehicles already using the shoulder or the roadway, as the case may be, and shall enter the shoulder or roadway only when it is safe to do so.
- 11.7 The off-road vehicle shall not be driven in the median strip of the highway.
- 11.8 The off-road vehicle shall not overtake and pass any moving motor vehicle or motorized snow vehicle at any time when both the off-road vehicle and the other vehicles are travelling on the same shoulder or roadway of the highway.
- 11.9 Despite subsection 11.8, an off-road vehicle may overtake and pass another off-road vehicle when both are travelling on the shoulder if the movement can be made safely while remaining on the shoulder and to the left of the off-road vehicle being overtaken and passed.

12. Severability

- 13.1 If a court of competent jurisdiction should declare any section or part of any section of this by-law 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 the by-law and it is hereby declared the remainder of the by-law shall be valid and remain in force.

13. Penalty

- 13.1 Any person who contravenes any of the provisions of this by-law is guilty of an offence and upon conviction is liable to a fine as provided for in the *Provincial Offences Act*.
- 13.2 All such penalties shall be recovered under the *Provincial Offences Act*.

14. Repeal

- 14.1 That By-law 2004-005 be repealed.

PASSED THIS 18 DAY of NOVEMBER 2020

Lyle Hall, Mayor

Nancy Austin, Clerk