

BY-LAW 17-46

THE CORPORATION OF THE TOWNSHIP OF CLEARVIEW

Being a By-law to permit all-terrain, multi-purpose off-highway utility and recreational off-highway vehicles (off-road vehicles) on the shoulder of municipal roads

WHEREAS the Highway Traffic Act, R.S.O. 1990, Chapter H.8, Section 191.8(1), provides that no person shall drive an off-road vehicle on a highway except in accordance with the Highway Traffic Act regulations and any applicable Municipal Bylaw;

AND WHEREAS the Highway Traffic Act, R.S.O. 1990, Chapter H.8, Section 191.8(3), provides that a municipality may pass By-laws permitting certain off-road vehicles on highways under the jurisdiction of the municipality and providing speed limits for such vehicles;

AND WHEREAS the operation of off-road vehicles on highways is a privilege and not a right;

AND WHEREAS the Municipal Act, S.O. 2001, Chapter 25, Section 11 (3), provides that a municipality may pass By-laws with respect to municipality owned roads, including parking and traffic on such highways;

AND WHEREAS requests have been received to permit off-road vehicles on certain municipally owned highways within the boundary of the Township of Clearview;

AND WHEREAS Council deems it necessary to enact a by-law to permit the use of off-road vehicles on certain Municipal Highways.

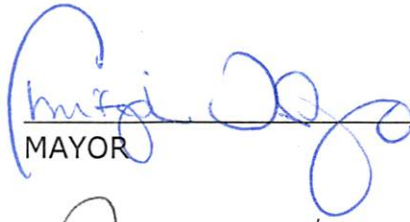
NOW THEREFORE the Council of the Corporation of the Township of Clearview enacts as follows:

1. That all-terrain, multi-purpose off-highway utility and recreational off-highway vehicles (off-road vehicles) be permitted as defined in Schedule "A" & "B" attached to this by-law.
2. That "Definitions" and "Regulations" attached as Schedule "A" forms part of this By-law.
3. That the "Only Roadways to be Used" attached as Schedule "B" forms part of this By-law.

Consolidated By-law 17-46, amended by By-law 17-79

4. This By-law shall come into force and take effect on the date of final passing.

By-law Number 17-46 read a first, second and third time and finally passed this 5th day of June, 2017.



Maggi D'Amico

MAYOR



Pamela Kettles

CLERK

SCHEDULE "A"
TO
BY-LAW 17-46

I. DEFINITIONS:

In this by-law,

"Off-Road Vehicle" shall mean an off-road vehicle intended for off-road and within the meaning of the *Off-Road Vehicles Act*, and as defined by the *Highway Traffic Act* and or the regulations thereto and includes off-road vehicles as defined as follows:

"all-terrain vehicle" means an off-road vehicle that,

- a) has four wheels, the tires of which are all 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 is separate from the foot rests for the driver;

"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;

"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 straddle; and,
- d) has an engine displacement equal to or less than 1,000 cubic centimeters.

"seat belt assembly" means a device or assembly composed of a strap or straps, webbing or similar material that restrains the movement of a person in order to prevent or mitigate injury to the person.

"Township of Clearview Roadways" shall mean any and all public highways assumed and maintained under the jurisdiction and ownership of the Township of Clearview.

"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 area between the lateral property lines thereof.

"Recognized Agency" shall be the Ontario Federation of All-Terrain Vehicle Clubs and the Central Ontario ATV Club.

"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.

II. REGULATION OF OFF-ROAD VEHICLES ON HIGHWAYS:

- a. Off-road vehicles shall be permitted upon the highways under the jurisdiction of the Township of Clearview under and in accordance with Ontario Regulation 316/03 of the *Highway Traffic Act*, as amended, and the *Off Roads Vehicle Act*, as amended.
- b. Unless such lands form part of a trail route approved and maintained by a Recognized Agency for off-road vehicle use, no person shall operate an off-road vehicle over or upon the following areas:
 - i. Any Community Centre under the jurisdiction of the Municipality;
 - ii. Any park, sports field, playground, trail, under the jurisdiction of the Municipality;
 - iii. Any cemetery under the jurisdiction of the Municipality;
 - iv. Any municipal public property in the Municipality without the consent of the Municipality;
 - v. Upon any sidewalk or boulevard within the Municipality;
 - vi. On any road except roadways outlined for use in Schedule "B" to this by-law.
- c. An off-road vehicle shall not be operated on highways unless it meets the equipment requirements of Section 7 to 15 of O. Reg. 316/03, as amended, and it is operated in accordance with Sections 16 to 24 of O. Reg. 316/03, as amended.
- d. The off-road vehicle shall not be driven at a rate of speed greater than:
 - i. 20 kilometers per hour, if the speed limit established under the Highway Traffic Act or by Municipal By-law for that part of the highway is not greater than 50 kilometers per hour, or
 - ii. 50 kilometers per hour, if the speed limit established under the Highway Traffic Act or by Municipal By-law for that part of the highway is greater than 50 kilometers per hour, or

- e. THAT no person shall operate an off-road vehicle within the Township of Clearview between the hours of 11:00 p.m. and 7:00 a.m. the following day, inclusive.
 - a) Except where approved in advance by Council in association with a special event or other activity
- f. THAT no person shall operate or use an off-road vehicle within the Township of Clearview between November 30th and March 30th of any given year.
 - a) Except where approved in advance by Council in association with special event or other activity
- g. THAT no person shall operate an off-road vehicle in such a way as to disrupt or destroy the natural environment, create a nuisance by method or frequency of operation on any municipal property or upon any highway within the municipality.
- h. THAT no person shall park an off-road vehicle or trailer 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.
- i. THAT in the event that the drawing of a trailer by an off-road vehicle on highways is permitted by the Highway Traffic Act, including any regulations thereto, the following requirements shall apply:
 - i. Any and all provisions of the Highway Traffic Act and regulations thereto applicable to trailers generally shall apply to trailers drawn by off-road vehicles.
 - ii. The maximum width of the trailer shall be equal to the lesser of the width of the off-road vehicle which is drawing the trailer;
 - iii. Every trailer shall be supplied with mudguards, fenders and other devices adequate to reduce effectively the water spray or splash of water unless adequate protection is afforded by the body of the trailer; and
 - iv. The trailer shall not obstruct the view of any rear and/or brake lighting required unless equivalent lighting is affixed to the rear of the trailer and clearly visible to approaching traffic.
- j. THAT the use of ATV vehicles in the maintenance of snowmobile or ATV trails shall be permitted.
- k. Exemption:
If compliance therewith be impractical, the provisions of this By-law shall not apply to:
 - a) ambulance, police, fire department or public utility emergency vehicles

ENFORCEMENT:

- a) The provisions of this by-law shall be enforceable by the Ontario Provincial Police.
- b) No person shall obstruct, hinder, or otherwise interfere with the Ontario Provincial Police in the lawful carrying out of their duties and responsibilities under the provisions of this by-law.
- c) Failure to stop when directed by the Ontario Provincial Police, shall be an offence of obstruction.
- d) Any person who contravenes the *Highway Traffic Act* or its Regulations or this By-law is guilty of an offence and upon conviction is liable to a fine as provided for in the *Provincial Offences Act*.

GENERAL:

- a) THAT in the event that any 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, S.O. 2001*, as amended, such provisions shall be deemed to be severed and the remainder of this By-law shall remain in full force and effect.
- b) This By-law shall apply in addition to the provisions of any other Township Bylaw 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.
- c) THAT without limiting the powers of the Township of Clearview Council to amend, alter or revoke this By-law at any time, it is hereby recognized that this By-law may be revoked and repealed at any time.
- d) Nothing in this By-law shall limit any other statutory or common law rights or powers of the municipality or any Officer to enter on Land.

SCHEDULE "B" TO BY-LAW 17-79

"Only Roadways to be Used"

Roadway	From	To	
Freethy Road	Concession 12	Wasaga Beach Town Limits	Sunnidale
Concession 12	Freethy Road	Strongville Road	Sunnidale
Strongville Road	Concession 12	15/16 Sideroad	Sunnidale
Strongville Road	15/16 Sideroad	Highway #26	Sunnidale
15/16 Side Road	Strongville Road	Concession 7	Sunnidale
Concession 7	15/16 Sideroad	3/4 Side Road	Sunnidale
3/4 Sideroad	Concession 7	Concession 10	Sunnidale
Concession 10	3/4 Sideroad	Centre Line Road	Sunnidale
Klondike Park Road	Concession 12	Wasaga Beach Town Limits	Sunnidale
Creemore Avenue	Concession 7	9/10 Sideroad	Sunnidale
9/10 Sideroad	Creemore Avenue	Switzer Street	Sunnidale
Switzer Street	9/10 Sideroad	County Road 9	Sunnidale
Hogback Road	County Road 9	6/7 Sideroad	Sunnidale
6/7 Sideroad	Concession 2	Sunnidale/Tosorontio Townline	Sunnidale
Centre Line Road	Concession 10	18/19 Sideroad	Sunnidale
18/19 Sideroad	Centre Line Road	Concession 6	Nottawasaga
Concession 6	18/19 Sideroad	15/16 Sideroad	Nottawasaga
15/16 Sideroad	Concession 6	Concession 8	Nottawasaga
Concession 8	15/16 Sideroad	12/13 Sideroad	Nottawasaga
12/13 Sideroad	Concession 8	Concession 11	Nottawasaga
Concession 11	12/13 Sideroad	6/7 Sideroad	Nottawasaga
6/7 Sideroad	Concession 11	County Road 124	Nottawasaga
Sunnidale/Tosorontio Townline	6/7 Sideroad	County Road 10	Sunnidale

Note:

Permission must be gained from Simcoe County to operate on County Roadways.