

The Corporation of the Township of Southgate

By-law Number 89-2015

Being a by-law to permit Off-Road Vehicles to be driven on certain roadways under the jurisdiction of the Township of Southgate as regulated in accordance with Ontario Regulation 316/03

Whereas, Sections 8(1) and 9 of the Municipal Act, 2001, S.O. 2001, c. 25 (as amended) provide that the powers of a municipality shall be interpreted broadly so as to enable the Municipality to govern its affairs as it considers appropriate and to respond to issues; and

Whereas, Section 191.8(3) of the Highway Traffic Act, R.S.O. 1990, c. H.8 (as amended) authorizes Council to pass a by-law permitting the operation of Off-Road Vehicles on any roadway that is under the jurisdiction of the Municipality or on any part or parts of such a roadway; and

Whereas, Council of the Township of Southgate deems it expedient and necessary to permit Off-Road Vehicles to be driven on certain roadways under the jurisdiction of the Township of Southgate;

The Council of The Corporation of the Township of Southgate enacts as follows:

1. Definitions

a) **"All-Terrain Vehicle" or "ATV"** 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 designated to be straddled by the driver, and
- is designed to carry,
 - a driver only and no passengers, or
 - 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 the foot rests for the passenger that are separate from the foot rests for the driver.

b) **"Helmet"** means a protective head covering made of hard material, such as metal, or plastic that has a chin strap that is securely fastened and has Canadian Standards Association (CSA) Approval.

- c) **“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.
- d) **“Multi-Purpose Off-Highway Utility Vehicle”** 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.
- e) **“Off-Road Vehicle”** has the same meaning as in the Off-Road Vehicles Act, R.S.O. 1990, c. O.4 (as amended) and for the purposes of this by-law:
- All-Terrain Vehicles
 - Multi-Purpose Off-Highway Utility Vehicles, and
 - Recreational Off-Highway Vehicles.
- f) **“Recreational Off-Highway Vehicle”** 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.
- g) **“Settlement Area”** means a defined area shown in the County of Grey Official Plan.

2. Permitted Roadways

The operation of Off-Road Vehicles shall be permitted upon a roadway under the jurisdiction of the Township of Southgate and in accordance with Ontario Regulation 316/03 of the Highway Traffic Act (as amended), the Off-Road Vehicles Act (as amended), and in accordance with the provisions of this by-law.

Off-Road Vehicles are not permitted in any park, playground and sidewalk that is under the jurisdiction of the Township of Southgate.

3. Regulations

A permitted Off-Road Vehicle shall not be operated on a roadway unless it meets the requirements of Sections 7 to 15 of Ontario Regulation 316/03 of the Highway Traffic Act (as amended) and is operated in accordance with Sections 16 to 24 of the Regulation.

Exemptions shall apply as outlined in Part IV of Ontario Regulation 316/03 of the Highway Traffic Act.

A helmet shall be worn while operating any type of Off-Road Vehicle as outlined in Section 19. (1) and (2) of Ontario Regulation 316/03 of the Highway Traffic Act.

A driver of the off-road vehicle shall hold a valid driver's license as outlined in Section 18. (1), (2), (3), (4) and (5) of the Ontario Regulation 316/03 of the Highway Traffic Act.

The off-road vehicle shall be insured in accordance with section 2 of the Compulsory Automobile Insurance Act and section 15 of the Off-Road Vehicles Act. O. Reg. 316/03, s 17.

4. Penalties

Any person who contravenes any section of this by-law is guilty of an offence and upon conviction is liable to a fine as provided by the Provincial Offences Act, R.S.O. 1990, c. P.33 (as amended).

No person shall interfere or obstruct an officer carrying out duties in the enforcement of this by-law.

5. Effective Date and Review

In the event of any conflict between any provisions of this by-law and any other by-law hereto are passed; the provisions of this by-law shall prevail.

That this by-law shall come into full force and effect on the date of passing.

Read a first and second time, this _____ day of _____, 2015.

Read a third time and finally passed, this _____ day of _____, 2015.

Anna-Marie Fosbrooke, Mayor

Raylene Martell, Clerk