

**CORPORATION OF THE TOWN OF SMOOTH ROCK FALLS**

**BY-LAW #2015-19**

**BEING A BY-LAW TO AUTHORIZE THE OPERATION OF OFF-ROAD  
VEHICLES WITHIN THE TOWN OF SMOOTH ROCK FALLS**

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**WHEREAS** Subsection 3 of Section 191.8 of the *Highway Traffic Act*, R.S.O. 1990, c. H8, as amended, provides that the Council of a municipality may pass by-laws permitting the operation of off-road vehicles on any highway within of the municipality that is under the jurisdiction of the municipality, or on any part or parts of such highway.

**AND WHEREAS** the *Highway traffic Act*, R.S.O. 1990, c. H8, Ontario Regulation 316/03, defines an "off-road vehicle" and provides the regulations governing the operation of off-road vehicles upon highway within municipalities;

**AND WHEREAS** beginning July 1, 2015, the *Highway Traffic Act*, R.S.O. 1990, Chapter H. 8, Ontario Regulation 135/15 further defines off-road vehicles and expands upon their permitted use;

**AND WHEREAS** the Municipal Council of the Corporation of the Town of Smooth Rock Falls deems it desirable to enact a detailed off-road vehicle safety regulations that allow off-road vehicles to have increased access to highways in the municipality under safe circumstances.

**NOW THEREFORE** the Municipal Council of the Corporation of the Town of Smooth Rock Falls enacts as follows:

**1. Definitions**

**"All-terrain vehicle"** and shall mean 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 are separate from the foot rests for the driver;

**"Highway"** shall mean 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

**"Multi-purpose off-highway utility vehicle"** shall mean 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;

**" Municipality"** shall mean the Corporation of the Town of Smooth Rock Falls.

**"Off-Road Vehicle"** shall mean a vehicle propelled or driven otherwise than by muscular power or wind and designed to travel,

- (a) on not more than three wheels, or
- (b) on more than three wheels and being of a prescribed class of vehicle;  
("véhicule tout terrain")

and includes All-terrain vehicles, Multi-purpose off-highway utility vehicle and Recreational off-highway vehicle



**"Permit"** shall mean a permit issued under Section 5, of the off-road vehicles Act, R. S. O. 1990, c. 0.4, consisting of a vehicle portion and a plate portion.

**"Recreational off-highway vehicle"** shall mean 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 to or less than 1,000 cubic centimeters;

**"Seat Belt Assembly"** shall mean 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.

**2. Off-Road Vehicles Permitted**

2.1 Only those "off-road vehicles" falling within the definition of an "all-terrain vehicle (ATV)", a "multi-purpose off-highway utility vehicle" and a "recreational off-highway vehicle" in this by-law, may be driven on highways under the jurisdiction of the Municipality;

2.2 Off-road vehicles shall be permitted on roadways (highways) as defined in the *Highway Traffic Act* R.S.O. 1990 H.8.

**3. Prohibitions for Off-Road Vehicles**

3.1 The authority to drive an off-road vehicle on highways under the jurisdiction of the Town of Smooth Rock Falls does not include:

- i) sidewalks, footpaths or other area meant solely for pedestrian traffic;
- ii) any lands within a municipal park and cemeteries;
- iii) private roads or driveways without the consent of the owner thereof;
- iv) any highway falling under the jurisdiction of the Province of Ontario or any other government authority;

**4. Equipment**

An off-road vehicle operated on highways under the jurisdiction of The Corporation of the Town of Smooth Rock Falls must meet the equipment requirements as set out in Section 7 to 15 of O. Reg. 316/03, amended and it is operated in accordance with Sections 16 to 24 of O. Reg. 316/03 and in accordance with Ontario Regulation 135/15 of the *Highway Traffic Act*. R.S.O. 1990 H.8.

**5. Operating Requirements**

- i) The off-road vehicle shall be operated under the authority of a permit issued under section 5 of the *Off-Road Vehicles Act* and a number plate showing the number of the permit shall be displayed on the vehicle as required under that Act.
- ii) 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*.
- iii) The driver of the off-road vehicle shall hold a valid Class A, B, C, D, E, F, G, GS, M or M2 driver's license issued under the Act unless he or she is exempt, under section 34 of the Act, from the application of section 32 of the *Off-Road Vehicle Act*.
- iv) The driver of the off-road vehicle shall wear a helmet that complies with section 19 of the *Off-Road Vehicles Act*.
- v) The driver of the off-road vehicle and all of its passengers shall wear the complete seat belt assembly should one be provided with the vehicle as per section 19.1 of the *Off-Road Vehicles Act*.

**6. Maximum Speed**

As per Ontario Regulation 316/03 of the *Highway Traffic Act*, off-road vehicles 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

**7. Rules of the Road**

The off-road vehicle shall be driven in accordance with section 24 of Ontario Regulation 316/03 of the *Highway Traffic Act*.

**8. Parking**

The off-road vehicle shall be subject to all regulations and by-laws governing the parking of vehicles within the municipality.

**9. Contravention**

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*.

**10. Validity**

If a court of competent jurisdiction should declare any section or part of a 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 that the remainder of the By-law shall be valid and shall remain in force.

**11. Short Title**

This by-law may be referred to as "The Off-Road Vehicle By-law".

**12. Rescind**

That By-law 2004-34 is hereby repealed.

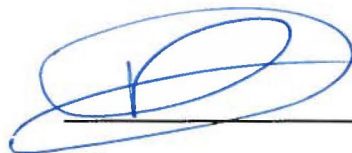
**13. Effective Date**

This by-law comes into force on the day on which it is passed. 13. This By-law shall come into force and take effect upon final passage thereof.

**READ THIS FIRST AND SECOND TIME** this 8<sup>th</sup> day of September, 2015



MAYOR

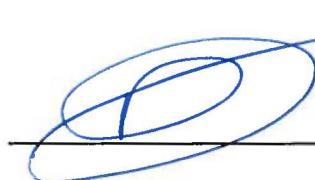


CLERK

**READ A THIRD AND FINAL TIME** this 8<sup>th</sup> day of September, 2015



MAYOR



CLERK