

**THE CORPORATION OF THE MUNICIPALITY OF SOUTH
BRUCE
BY-LAW #2006-57**

Being a By-law to permit and control the operation of “All-Terrain Vehicles” (ATV’s) and “Motorized Snow Vehicles” (Snow Mobiles) on highways under the jurisdiction of The Corporation of the Municipality of South Bruce.

WHEREAS the Highway Traffic Act, R.S.O. 1990, Section 191.8, subsection (3), Chapter H. 8, as amended, authorizes the Council of a municipality to pass by-laws (a) permitting 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; (b) prescribing a lower rate of speed for Off Road vehicles by regulation on any highway within the municipality that is under its jurisdiction, or any part of parts of such highway including prescribing different rates of speed for different highways or parts of highways;

AND WHEREAS the Highway Traffic Act, R.S.O. 1990, Chapter H. 8, Ontario Regulation 316/03 defines an All-Terrain Vehicle and provides regulations governing the operation of All- Terrain Vehicles upon highways;

AND WHEREAS the Council of The Corporation of the Municipality of South Bruce deems it advisable to regulate the operation of All-Terrain Vehicles (ATV’s), being a class of Off-Road Vehicle as defined in Section 1 of Ontario Regulation 316/03, on highways within the jurisdiction of the municipality, or on any part or parts of such highways;

AND WHEREAS the Motorized Snow Vehicle Act, R.S.O. 1990, Chapter M.44, Section 7(2) allows a municipality to pass a by-law regulating, governing or prohibiting the operation of motorized snow vehicles within the municipality including any highway therein or any part or parts thereof;

AND WHEREAS the Motorized Snow Vehicle Act, R.S.O. 1990, Chapter M.44, Section 14 refers to the speed, Section 14 (4) requires that signs be posted;

AND WHEREAS the Council of the Corporation of the Municipality of South Bruce deems it advisable to regulate the operation of motorized snow vehicles on highways within the municipality, or on part or parts of such highways;

NOW THEREFORE the Council of The Corporation of the Municipality of South Bruce enacts as a By-law of The Corporation as follows:

- 1) In this By-law:
 - a) “Municipality” means the Municipality of the Corporation of South Bruce
 - b) "All-Terrain Vehicle" means an off-road vehicle that,
 - i) has four wheels, the tires of all of which are in contact with the ground,

- ii) has steering handlebars,
 - iii) has a seat that is designed to be straddled by the driver, and
 - iv) is designed to carry a driver only and no passengers;
 - c) "Highway" includes any open road allowance under the jurisdiction of the Corporation of the Municipality of South Bruce including common and public highway, street, road, avenue, laneway or bridge, any part of which is actually used by the general public for the passage of vehicles and includes the area between the lateral property lines thereof.
 - d) "Low Pressure Bearing Tires" means a wide, balloon-type tire with a rounded cross section and no distinct shoulder area and that is designed to operate with inflation pressure of no greater than 70KPA (10 psi).
 - e) "Off-Road Vehicle" means an off-road vehicle within the meaning of the Off-Road Vehicles Act, R.S.O. 1990, Chapter O.4., O Reg. 316/03, s. 1.
 - f) "Recognized Agencies" shall be the Ontario Federation of Snow Mobile Clubs and the Ontario Federation of ATV Clubs.
 - g) "Snow Mobile" means a self propelled vehicle designed to be driven primarily on snow with the meaning of the Motorized Snow Vehicles Act, R.S.O. 1990, Chapter M 44.
- 2) All-Terrain Vehicles or Snow Mobiles shall be permitted upon the highways under the jurisdiction of the Municipality of South Bruce and in accordance with Ontario Regulation 316/03 of the Highway Traffic Act, the Off Roads Vehicles Act and in Accordance with the Provisions of this By law.
 - 3) An All-Terrain Vehicle or Snow Mobile shall not be operated on highways unless it meets the equipment requirements of Sections 7 to 15 of Ontario Regulation 316/03 and it is operated in accordance with Sections 16 to 24 of Ontario Regulation 316/03, S.6.
 - 4) An All-Terrain Vehicle or Snow Mobile shall not be driven at a rate of speed greater than:
 - a) 15 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
 - b) 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.
 - c) In any urban area, an Off Road Vehicle shall only be operated on highways as listed in Schedule "A" attached hereto.
 - 5) The operator of an All-Terrain Vehicle or Snow Mobile shall ensure:
 - a) That when towing a trailing device, that the said trailing device shall be equipped with a rigid hitch and shall be fastened securely to the All-Terrain Vehicle.
 - b) That all trailing devices shall meet all requirements in accordance with the Highway Traffic Act, R.S.O. 1990, Chapter H.8 as amended and the Off-Road Vehicles Act, R.S.O. 1990, Chapter O.4 as amended.

- 6) The Exemptions set out in sections 25 through 28 of Ontario Regulation 316/03, as amended from time to time, regarding the operation of Off-Road Vehicles on highways shall apply to this By-law and the permissions granted hereunder.
- 7) The exemptions set out in Ontario Regulation 397/04, as amended from time to time, regarding the operation of motorized snow vehicles on highways shall apply to this By-Law and the permissions granted hereunder.
- 8) Unless such lands form part of a trail routes approved and maintained by recognized Motorized Snow Vehicle or All Terrain Vehicle Agencies, no person shall operate an All-Terrain Vehicle or Snow Mobile:
 - a) Over or upon the following areas, with the exception of recognized parking areas:
 - i) Any Community Centre under the jurisdiction of the Municipality
 - ii) Any Park, Playground or Beach Area under the jurisdiction of the Municipality
 - iii) Any Sports Field under the jurisdiction of the Municipality
 - iv) Any Cemetery under the jurisdiction of the Municipality
 - v) Any Fairgrounds or Agricultural Grounds under the jurisdiction of the Municipality
 - b) On any municipal public property without the consent of the municipality.
 - c) On any private property without consent of the owner.
 - d) Along any sidewalk or boulevard within the Municipality.
- 9) 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.
- 10) Any person operating an All Terrain Vehicle or Snow Mobile in contravention of this by-law shall be guilty of an offence and upon conviction is liable to a fine as provided for in the Provincial Offences Act
- 11) This by-law shall come into force and take effect upon final passage thereof.

Read a FIRST, SECOND and THIRD TIME and PASSED this 24th day of October, 2006.

Ralph Kreutzwiser, Mayor

Debra B. Roth, Clerk

Schedule “A”

Motorized Snow Vehicle and All Terrain Vehicle Route Exemptions

Highway	From	To
Absalom Street	The former CNR	15 metres east of Elora Street
Brownlee Street	Cassidy Street	Marcy Street
Cassidy Street	Clinton Street	Brownlee Street
Clinton Street	Southern boundary of Teeswater	Cassidy Street
Elora St.	Absalom St.	Southern Boundary of Mildmay
Hillcrest Street	Western Boundary of Teeswater	Eastern Boundary of Teeswater
Marcy Street	Brownlee Street	Its Eastern limit