

## THE CORPORATION OF THE TOWNSHIP OF TINY

### BY-LAW 20-037

#### Being a By-law to establish regulations for the use of ATVs and ORVs on Municipally Assumed Roads within the Township of Tiny

**WHEREAS** the *Highway Traffic Act, R.S.O. 1990, Chapter H.8*, Section 191.8(1), (Highway Traffic Act) 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 by-laws;

**AND WHEREAS** the Highway Traffic, Section 191.8(3), provides that a municipality may pass by-laws permitting certain ATVs/ ORVs/ on highways under the jurisdiction of the municipality and providing speed limits for such vehicles;

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

**AND WHEREAS** Council deems it desirable and expedient to enact a by-law to permit the use of ATVs/ORVs on Township assumed roadways;

**NOW THEREFORE** the Council of The Corporation of the Township of Tiny hereby enacts as follows:

#### A. Definitions

1. **"ATV"** 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,
    - a. A driver only and no passengers, or
    - b. A driver and only one passenger, if the vehicle,
      - i. has one passenger seat that is designed to be straddled by the passenger while sitting facing forward behind the driver, and
      - ii. is equipped with foot rests for the passenger that is separate from the foot rests for the driver.
2. **"Beach Area"** any shoreline, beach park, sand dune or general sand area owned by the Township of Tiny.
3. **"Boulevard"** means that portion of the highway, paved or unpaved between the Township property line representing the lateral limits of the highway and the travelled portion of the highway, but does not include the sidewalk.
4. **"Community Center"** facility and grounds owned by the Township of Tiny for public and recreational use.
5. **"County Road"** a road or highway assumed and maintained by the County of Simcoe.
6. **"Highway Traffic Act"** Ontario legislation that regulates all transportation related use of roadways including privileges and responsibilities of road users.

7. **“Liability Insurance”** Insurance providing the insured part with protection against claims resulting from injury or damage to people or properties.
8. **“Municipally Assumed Roads”** any road or highway maintained by the Township of Tiny that is open for use.
9. **“Municipal Land”** any land owned by the Township of Tiny.
10. **“ORVs”** off-road vehicles are multi-track or multi-wheel capable of driving on or off paved or gravel surfaces.
11. **“Parks”** any Township-owned land designated as a public area for recreational use including play equipment, fields and/ or resting areas.
12. **“Parking Area”** shall mean those lands owned by or in the jurisdiction of the municipality and identified as controlled parking areas for motor vehicles owned by the general public.
13. **“Parking Space”** means a portion of the surface of a highway or parking area as indicated by the lines marked out on the surface for the parking of vehicles.
14. **“Provincial Road”** a class of highway maintained by the provincial government.
15. **“Settlement Area”** a colony or small community of people including Lafontaine, Wyevale, Wyebridge, Perkinsfield and Toanche.
16. **“Shoreline Road Allowance”** a Township-owned section of land that acts as a pathway to access public shoreline.
17. **“Sidewalk”** portion of a highway as is set aside by The Corporation of the Township of Tiny for the use of pedestrians.
18. **“Special Event”** an exhibition, concert, festival or other organized event held for profit or otherwise.
19. **“Trails”** a section of land owned by the Township designated for use as a recreational walking/ biking path.
20. **“Unsummed Right of Ways”** a section of Township owned land designated for use as a roadway that has not yet been developed and is therefore not permitted to be used by motorized vehicles.

## B. Authorization and Enforcement

1. Allow the use of ATVs/ ORVs on municipally assumed roads only in accordance to the rules and regulations of the Highway Traffic Act and in accordance with this By-law.
2. For the period of 2020 and 2021 the following would be the only approved route:

Road	From	To
Concession Road 4 W	339 Concession Road 4 W	Simcoe County Road 6
Concession Road 4 E	County Road 6	Dawson's Side Road
Dawson's Side Road	Concession Road 4 E	Concession Road 2 E
Concession Road 2 E	Dawson's Side Road	Baseline Road S
Baseline Road S	Concession Road 2 E	Townline with Springwater

3. ATVs/ ORVs will not be permitted on Unassumed Right of Ways, Parks, Municipal Lots, or on the Tiny Trail routes.
4. Members of the Ontario Provincial Police shall be and are hereby authorized and empowered to enforce the use of vehicles on Municipal Roads in accordance with the Highway Traffic Act and this By-law.
5. Township of Tiny By-law Officers shall be and are hereby authorized and empowered to enforce the Municipal By-laws related to parkland, trails and other Municipal lands.

**C. Prohibitions and Regulations**

1. ATVs/ ORVs shall be permitted upon the highways, noted in B) under the jurisdiction of the Township of Tiny in accordance with Ontario Regulation 316/03 of the Highway Traffic Act, as amended, and the *Off-Road Vehicles Act, R.S.O. 1990, c.O.4*, as amended.
2. Unless such lands form part of a trail route approved and maintained by a Recognized Agency, no person shall operate an ATV/ORV over or upon the following areas:
  - a) any Community Centre under the jurisdiction of the Municipality;
  - b) any Park, sports field, playground, trail, sand dune or beach area under the jurisdiction of the Municipality (By-Law 12-032 – Appendix 9, By-Law 03-053);
  - c) beyond the north or northwesterly limit of any shoreline road allowance under the jurisdiction of the Municipality;
  - d) any cemetery under the jurisdiction of the Municipality;
  - e) any municipal property without the consent of the Municipality;
  - f) any unopened road allowance unless such vehicle is required for emergency response purposes or unless prior permission has been obtained from the Township;
  - g) upon any sidewalk or boulevard within the Municipality;
  - h) in any settlement area except as a means of direct access to the trail routes or to obtain core services.
3. An ATV/ORV shall not be operated on highways unless it meets the equipment requirements of Sections 7 to 15 of Ontario Regulation 316/03 of the Highway Traffic Act, as amended, and it is operated in accordance with Sections 16 to 24 of Ontario Regulation 316/03 of the Highway Traffic Act, as amended.
4. No person shall operate an ATV/ORV within the Township of Tiny between sunset and sunrise the following day.
  - a) Except where approved in advance by Council in association with a special event or other activity.
5. No person shall operate or use an ATV/ORV within the Township of Tiny between November 30<sup>th</sup> and April 30<sup>th</sup> of any given year.
6. No person shall park an ATV/ORV within the municipal road allowance unless it is within a designated parking lot space and or designated on-street parking space or where otherwise authorized signage is displayed indicating that ATV/ORV parking is permitted.
7. In the event that the drawing of a trailer by an ATV/ORV on highways is permitted by the Highway Traffic Act, including any regulations thereto, the following requirements shall apply:

- a) Any and all provisions of the Highway Traffic Act and regulations thereto applicable to trailers generally shall apply to trailers drawn by ATVs/ ORVs.
  - b) The maximum width of the trailer shall be equal to the lesser of the width of the ATV/ORV which is drawing the trailer;
  - c) 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
  - d) 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.
- 8. Drivers must hold a valid G2 or greater driver's license.
  - 9. The ATV/ORV owner must have liability insurance.
  - 10. All riders, including drivers and passengers of all ages, shall wear an approved motorcycle helmet and use a seatbelt or foot rests, where applicable.
  - 11. Children under the age of eight will not be allowed as a passenger on any ATV or ORV operating on a Township of Tiny Highway.
  - 12. Each operator must drive the ATV/ORV on the far-right hand side of the roadway.
  - 13. ATVs/ ORVs shall not be operated on the Township of Tiny Highways at a rate speed greater than:
    - a) 20km/h, if the speed limit is not greater than 50km/h; or
    - b) 50km/h, if the speed limit is greater than 50km/h
  - 14. No person shall operate an ATV/ORV in such a way as to destroy the natural environment or private or municipal property.

**D. Effective Date**

That this By-law shall come into force and effect upon passage.

**READ A FIRST AND SECOND TIME THIS XX DAY OF XX 2020.**

**READ A THIRD TIME AND FINALLY PASSED THIS XXTH DAY OF 2020.**

**THE CORPORATION OF THE TOWNSHIP OF TINY**

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**MAYOR, George Cornell**

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**CLERK, Sue Walton**