

The Corporation of the Municipality of Brighton

By-Law No. 014-2018

Being a Trial By-Law to regulate the operation of Off-Road Vehicles on Municipal Highways within the Municipality of Brighton.

Whereas pursuant to Section 191.8(3) of the Highway Traffic Act, R.S.O., 1990, Chapter H8, as amended, the Council of a Municipality may pass By-Laws:

1. Permitting the operation of off-road vehicles with three (3) or more wheels on any highway within the Municipality that is under the jurisdiction of the Municipality, or on any part or parts of such highway;
2. Prescribing a lower rate of speed for off-road vehicles with three (3) or more wheels than that prescribed for off-road vehicles by regulation on any highway within the Municipality that is under its jurisdiction or on any part or parts of such highway, including prescribing different rates of speed for different highways or parts of highways.

And whereas pursuant to Section 191.8(4) of the Highway Traffic Act, R.S.O., 1990, Chapter H8, as amended, the Council of a Municipality may pass By-Laws:

1. A By-Law passed under Section 191.8(3) of the Highway Traffic Act, R.S.O., 1990, Chapter H8, as amended, may permit the operation of off-road vehicles with three (3) or more wheels on any highway or on any part or parts of a highway only during specified months or hours.

Now, therefore the Council of the Corporation of the Municipality of Brighton enacts as follows:

Section 1.0 Definitions

In this By-Law:

"All-terrain vehicle" means an off-road vehicle that:

- (a) Has four (4) 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 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" 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;

"Multi-Purpose off-highway utility vehicle" means an off-road vehicle that:

- (a) Has four (4) 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.

“Off-road vehicle” has the same meaning as in the *Off-Road Vehicles Act*:

“Recreational off-highway vehicle” means an off-road vehicle that:

- (a) Has four (4) 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 centimetres.

Section 2.0 **General**

- 2.1 Operation of multi-purpose off-highway utility vehicles, recreational off-highway vehicles, and all-terrain vehicles shall be permitted, by by-law, upon all highways under the jurisdiction of the Municipality of Brighton and shall be subject to the provisions of this By-Law and in accordance with Ontario Regulation 316/03 of the Highway Traffic Act, as amended.
- 2.2 Operation of multi-purpose off-highway utility vehicles, recreational off-highway vehicles and all-terrain vehicles shall be permitted on highways under the jurisdiction of the Municipality of Brighton from April 1st to November 30th annually.
- 2.3 Operation of multi-purpose off-highway utility vehicles shall not be permitted on highways under jurisdiction of the Municipality of Brighton between the hours of 8:00 p.m. and 8:00 a.m.
- 2.4 Operation of Off-Road Vehicles shall be permitted on the extreme right hand side of the highway surface only and in accordance with Regulation 316/03 of the Highway Traffic Act and the Off-Road Vehicle Act, as amended.
- 2.5 This By-Law applies to all those lands within the Municipality of Brighton as depicted on Schedule A & B attached hereto.
- 2.6 Schedule A & B forms part of this by-law and must be read in conjunction with the by-law

Section 3.0 **Regulation of Off-Road vehicles on highways**

- 3.1 No Person shall operate an off-road vehicle on a highway under municipal jurisdiction unless it meets the equipment requirements of Sections 7 to 15 of O. Reg. 316/03 and it is operated in accordance with Sections 16 to 24 of O.Reg 316/03.
- 3.2 No Person shall operate an off-road vehicle 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; and
 - (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.
- 3.3 No Person shall operate an off-road vehicle on any Municipal Road;
 - a) Without wearing an approved helmet,
 - b) Without a valid driver's license,
 - c) Without valid insurance coverage,
 - d) Without a valid license plate.

- 3.4 No person shall operate an off-road vehicle on highways within the Municipality of Brighton with an exhaust system that has been changed or altered from the installed factory stock exhaust system. Modifications are not permitted.
- 3.5 All Off-Road vehicles shall travel on the shoulder of the highway, unless the shoulder of the highway is unsafe to travel on.

Section 4.0 Penalties

Any person who contravenes any section of this By-Law is guilty of an offence and upon conviction is liable to such fines and penalties as are provided for in the Provincial Offences Act, R.S.O. 1990, c.P-33, as amended.

Section 5.0 Validity

If any provision or requirement of this By-Law or the application thereof to any person shall to any extent be held to be invalid or unenforceable, the remainder of this By-Law or the application of such provision or requirement to all persons other than those to which it is held to be invalid or unenforceable shall not be affected thereby and is hereby declared to be the intention of Council that each provision and requirement of this By-Law shall be separately valid and enforceable to the fullest extent permitted by law.

Section 6.0 Monitoring

The By-Law Officer will monitor on a monthly bases during the trial period, complaints received by the O.P.P and the Municipality. Calls for service for the Off Road Vehicles to the O.P.P will also be noted. A monthly report will be submitted to the Chief Administrative Officer from the By-Law Enforcement Officer.

Section 7.0 Repeal

That By-law No. 1996-898 is hereby repealed.

Section 8.0 Effective Date

This trial By-Law shall come into force and effect April 1st, 2019 and will expire on November 30th, 2019 at 8:00 p.m.

This By-law shall come into force and effect upon the date of final passing thereof.

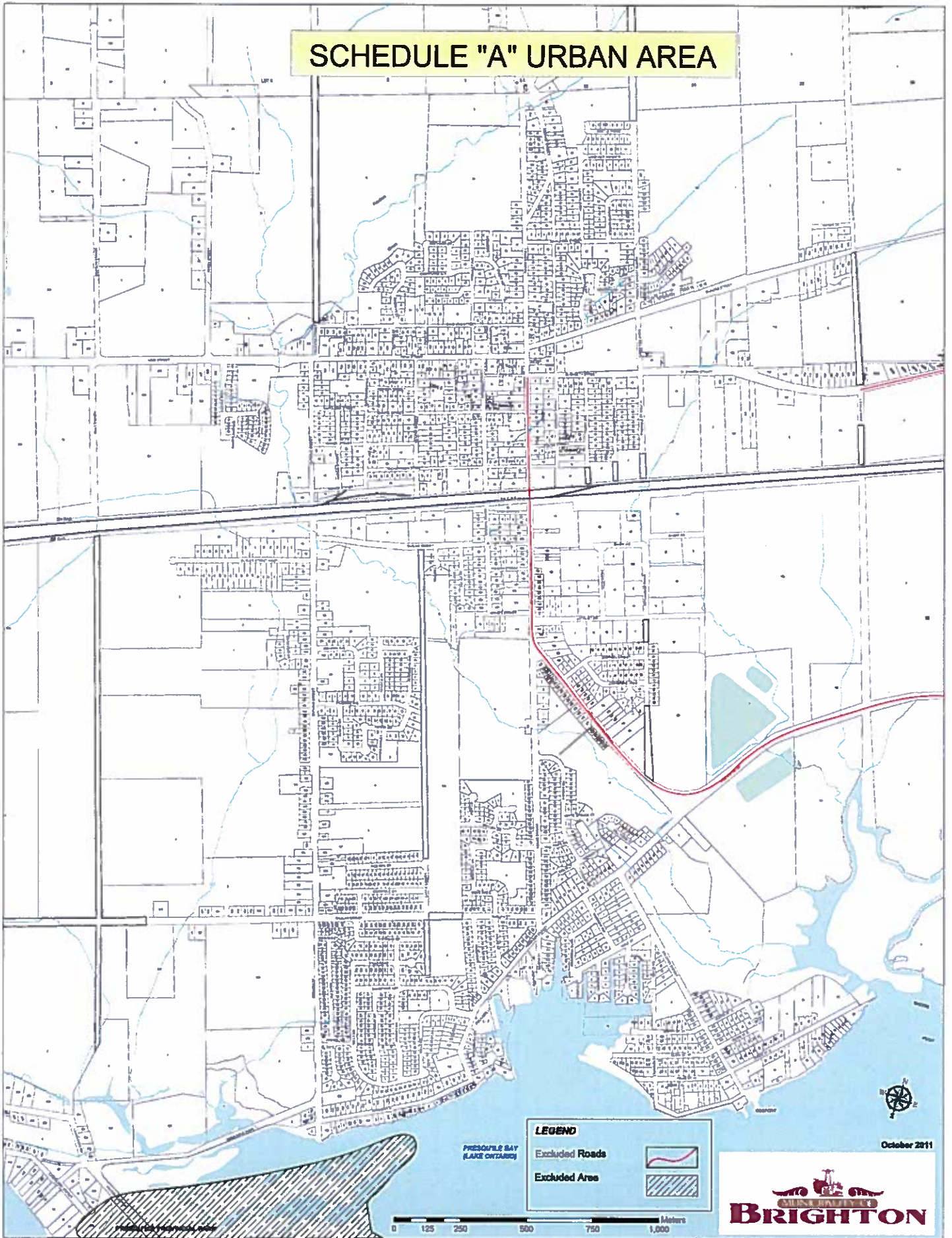
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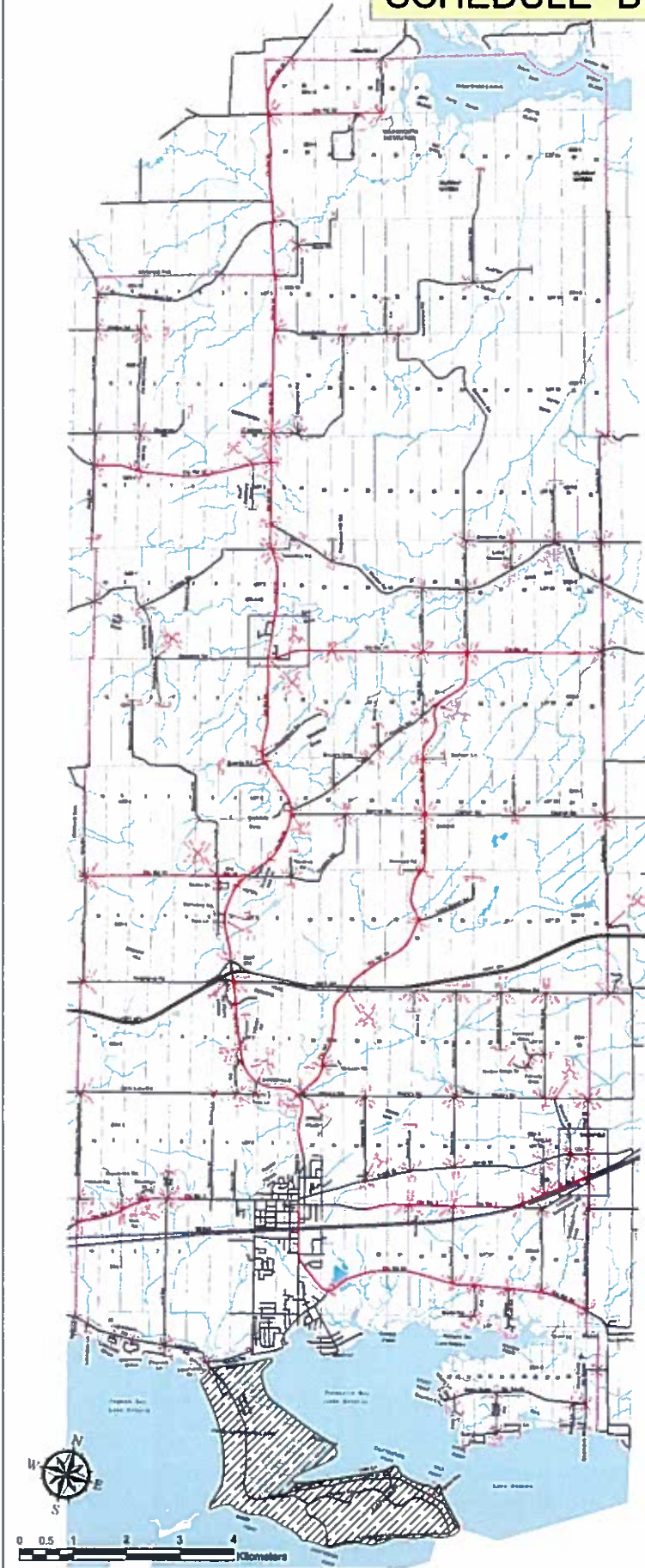
Brian Ostrander, Mayor

Candice Doiron, Clerk

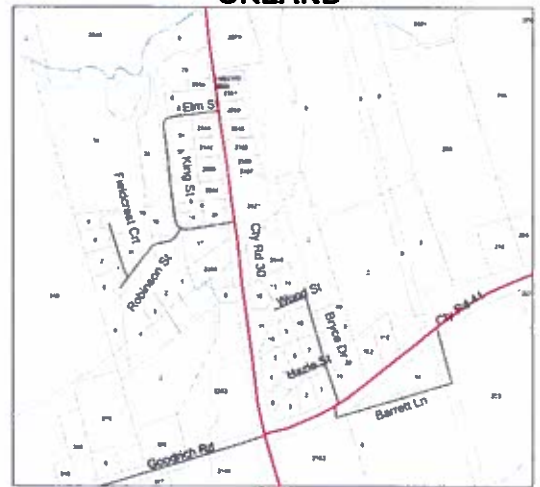
SCHEDULE "A" URBAN AREA



SCHEDULE "B" RURAL AREA



ORLAND



SMITHFIELD



LEGEND	
Excluded Roads	
Excluded Area	

BRIGHTON
MUNICIPALITY