

THE CORPORATION OF THE MUNICIPALITY OF SOUTH BRUCE BY-LAW 2021-62

BEING A BY-LAW TO PERMIT AND CONTROL THE OPERATION OF “ALL-TERRAIN VEHICLES” (ATV’S), “MULTI-PURPOSE OFF-HIGHWAY UTILITY VEHICLES”, “RECREATIONAL OFF-HIGHWAY VEHICLES” AND “MOTORIZED SNOW VEHICLES” (SNOWMOBILES) 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 or classes 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, subject to any limitations prescribed under clause (2.1) (b);

(b) prohibiting 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, in accordance with a regulation under clause (2.1) (a);

(c) prescribing a lower rate of speed for off-road vehicles 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. 2019, c. 14, Sched. 16, s. 15

AND WHEREAS the Highway Traffic Act, R.S.O. 1990, Chapter H. 8, Ontario Regulation 316/03, as amended, defines an all-terrain vehicle, a multi-purpose off-highway utility vehicle and a recreational off-highway vehicle and provides regulations governing the operation of all-terrain vehicles, multi-purpose off-highway utility vehicles and recreational off-highway vehicles on 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) multi-purpose off-highway utility vehicles and recreational off-highway vehicles, being classes of Off-Road Vehicles as defined in Section 1 of Ontario Regulation 316/03, as amended, 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 which are all 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,
 - 1) a driver only and no passengers, or
 - 2) 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;
 - c) "Multi-Purpose Off-Highway Utility Vehicle" means an off-road vehicle that,
 - i. has four or more wheels, the tires of which are all in contact with the ground,
 - ii. has a steering wheel for steering control,
 - iii. has seats that are not designed to be straddled, and
 - iv. has a minimum cargo capacity of 159 kilograms;
 - d) "Recreational Off-Highway Vehicle" means an off-road vehicle that,
 - i. has four or more wheels, the tires of which are all in contact with the ground,
 - ii. has a steering wheel for steering control,
 - iii. has seats that are not designed to be straddled, and
 - iv. has an engine displacement equal to or less than 1,000 cubic centimetres;
 - e) "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.
 - f) "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).
 - g) "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, as amended.
 - h) "Recognized Agencies" shall be the Ontario Federation of Snowmobile Clubs and the Ontario Federation of ATV Clubs.
 - i) "Snowmobile" means a self-propelled vehicle designed to be driven primarily on snow and described as a motorized snow vehicle within the meaning of the Motorized Snow Vehicles Act, R.S.O. 1990, Chapter M 44.
- 2) All-terrain vehicles, multi-purpose off-highway utility vehicles, recreational off-highway vehicles or snowmobiles shall be permitted upon the highways under the jurisdiction of the Municipality of South Bruce and in accordance with Ontario Regulation 316/03, as amended, 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, a multi-purpose off-highway utility vehicle, a recreational off-highway vehicle or snowmobile shall not be operated on highways unless it meets the equipment requirements of Sections 7 to 15 of Ontario Regulation 316/03, as amended and it is operated in accordance with Sections 16 to 24 of Ontario Regulation 316/03 as amended.

- 4) An all-terrain vehicle, multi-purpose off-highway utility vehicle, recreational off-highway vehicle or snowmobile 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.
 - d) In any rural area, an all-terrain vehicle, multi-purpose off-highway utility vehicle or recreational off-highway vehicle shall not be operated on highways as listed in Schedule "B" attached hereto.
- 5) The operator of an all-terrain vehicle, multi-purpose off-highway utility vehicle, recreational off-highway vehicle or snowmobile 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 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, 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, 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 trail routes approved and maintained by recognized motorized snow vehicle or all-terrain vehicle agencies, no person shall operate an all-terrain vehicle, multi-purpose off-highway utility vehicle, recreational off-highway vehicle or snowmobile:
 - 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, a multi-purpose off-highway utility vehicle, a recreational off-highway vehicle or snowmobile 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) That this by-law hereby repeals By-law #2006-57.
- 12) AND Further THAT this by-law shall come into force and takes effect on the final passing thereof.

THAT THIS BY LAW BE ENACTED, SIGNED AND SEALED THIS 13th DAY OF July, 2021.

Robert Buckle, Mayor

Leanne Martin, CAO/Clerk

SEAL.

Schedule “A”

Motorized Snow Vehicle, All Terrain Vehicle, Multi-Purpose Off-Highway Utility Vehicle and Recreational Off-Highway 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

Schedule “B”

**All Terrain Vehicle, Multi-Purpose Off-Highway Utility Vehicle and
Recreational Off-Highway Vehicle Rural Area Restricted Use**

In the former Township of Culross, Sideroad 30, from Concession 2 through to
Concession 10 and including Scott Court.