

## THE CORPORATION OF THE TOWN OF BRUCE MINES

### BY-LAW NUMBER 2015-25

**BEING A BY-LAW to regulate the operation of OFF-ROAD VEHICLES (ORVs) and All Terrain Vehicles (ATVs) on highways in the Town of Bruce Mines.**

**WHEREAS** the Highway Traffic Act, Ontario Regulation 316/03 as amended by O.Reg. 135/15, authorizes Councils of local Municipalities to pass by-laws regulating, governing or prohibiting the operation of Off-Road Vehicles and All Terrain Vehicles within the municipality including any highways therein or any part or parts thereof;

**AND WHEREAS** it is deemed advisable to regulate, govern and prohibit the operation of Off Road Vehicles and All Terrain Vehicles.

**THEREFORE** The Council of The Corporation of the Town of Bruce Mines hereby **ENACTS AS FOLLOWS:**

1. Off Road Vehicles and All Terrain Vehicles are permitted to be operated on any road or street in the Town of Bruce Mines, provided that they are operated at speeds in accordance with the provisions set out in the Highway Traffic Act Ontario Regulation 316/03 and amendments thereto.
2. Subject to section 1, All Terrain Vehicles are prohibited to be operated on the following:
  - a) any sidewalk within the Town of Bruce Mines
  - b) any municipal property that is not an open road or street
  - c) between the hours of midnight and 6:00 a.m.
3. Council may temporarily suspend this by-law or any part thereof for one or more days during an event or festival. Any such suspension must be by bylaw or resolution.
4. Any person, operating an Off Road or All Terrain Vehicle in contravention to this by-law, shall be guilty of an offence and liable to a fine subject to the Highway Traffic Act.
5. This by-law rescinds by-law 2003-48 and shall come into effect on the day of its passing.

**READ A FIRST, SECOND AND THIRD TIME THIS 20<sup>TH</sup> DAY OF JULY, 2015.**

  
MAYOR LORY PATTERI

  
CLERK DONNA BRUNKE

<u>Schedule A</u>	Highways prohibited to all off-road vehicles
<u>Schedule B</u>	Highways permitted to all-terrain vehicles
<u>Schedule B</u>	Highways permitted to all-terrain vehicles, multi-purpose off-highway utility vehicles and recreational off-highway vehicles
<u>Schedule C</u>	Areas in far northern ontario and unorganized territory

## PART I

### DEFINITIONS

#### Definitions

1. In this Regulation,

**Note: On July 1, 2015, section 1 of the Regulation is amended by adding the following definitions: (See: O. Reg. 135/15, s. 1 (2))**

“multi-purpose off-highway utility vehicle” means 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;

“recreational off-highway vehicle” means 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 centimetres;

“seat belt assembly” means 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.

“all-terrain vehicle” means an off-road vehicle that,

- (a) has four wheels, the tires of all of which are 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 driver only and no passengers;

**Note: On July 1, 2015, the definition of “all-terrain vehicle” in section 1 of the Regulation is revoked and the following substituted: (See: O. Reg. 135/15, s. 1 (1))**

“all-terrain vehicle” 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,

- (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;

“off-road vehicle” has the same meaning as in the *Off-Road Vehicles Act*. O. Reg. 316/03, s. 1.

## PART II

### OPERATION ON CLASSES OF HIGHWAYS

#### Operation on highways generally prohibited

2. An off-road vehicle shall not be driven on any highway except,

- (a) as specified in this Part;
- (b) as permitted by Part IV; or
- (c) as permitted by clause 2 (2) (a) of the *Off-Road Vehicles Act*. O. Reg. 316/03, s. 2.

#### Prohibited highways

3. Except as permitted by section 28, no off-road vehicle shall be driven on a highway listed in Schedule A. O. Reg. 316/03, s. 3.

#### Permitted highways for ATVs

4. (1) Subject to subsection (2), no off-road vehicle shall be driven on a highway listed in Schedule B. O. Reg. 316/03, s. 4 (1).

(2) All-terrain vehicles may be driven on a highway listed in Schedule B only if, in addition to meeting the requirements of Part III, there is only one driver and no passenger on the all-terrain vehicle at the time. O. Reg. 316/03, s. 4 (2).

**Note: On July 1, 2015, section 4 of the Regulation is revoked and the following substituted: (See: O. Reg. 135/15, s. 2)**

#### Permitted provincial highways for certain off-road vehicles

4. (1) Subject to subsection (2), no off-road vehicle shall be driven on a highway listed in Schedule B. O. Reg. 135/15, s. 2.

(2) All-terrain vehicles, multi-purpose off-highway utility vehicles and recreational off-highway vehicles may be driven on a highway listed in Schedule B if the requirements of Part III are met. O. Reg. 135/15, s. 2.

#### Permitted municipal highways for certain off-road vehicles

4.1 (1) Subject to subsection (2), an off-road vehicle may be driven on a highway or part of a highway in a municipality if,

- (a) a by-law made by the municipality under subsection 191.8 (3) of the Act permits the operation of the off-road vehicle on the highway or part of the highway;
- (b) the off-road vehicle is driven only during the months or hours specified in the by-law, in the case where the by-law limits the operation of the off-road vehicle on the highway or part of the highway within the municipality to certain months or hours; and

(c) the requirements of Part III are met. O. Reg. 135/15, s. 2.

(2) Subsection (1) does not apply to an off-road vehicle other than,

(a) an all-terrain vehicle;

(b) a multi-purpose off-highway utility vehicle; and

(c) a recreational off-highway vehicle. O. Reg. 135/15, s. 2.

Highways in parks

5. An off-road vehicle may be driven on a highway that is within a provincial park or public park if the road authority or governing body of the park permits the operation of off-road vehicles in the park. O. Reg. 316/03, s. 5.

**Note: On July 1, 2015, section 5 of the Regulation is revoked and the following substituted: (See: O. Reg. 135/15, s. 2)**

Highways on Crown lands or within provincial parks or conservation reserves

5. An off-road vehicle may be driven on a highway or part of a highway that is on Crown land administered under the *Public Lands Act* or that is within a provincial park or conservation reserve within the meaning of the *Provincial Parks and Conservation Reserves Act, 2006*, unless the operation of the off-road vehicle on the highway or part of the highway is prohibited by the road authority or is otherwise prohibited by law. O. Reg. 135/15, s. 2.

PART III  
REGULATION OF OFF-ROAD VEHICLES ON HIGHWAYS

Conditions for off-road vehicles to be operated on highways

6. An off-road vehicle shall not be operated on a highway unless it meets the requirements of sections 7 to 15 and it is operated in accordance with sections 16 to 24. O. Reg. 316/03, s. 6.

EQUIPMENT REQUIREMENTS

Weight and dimensions

7. (1) The off-road vehicle must weigh 450 kilograms or less. O. Reg. 316/03, s. 7 (1).

(2) The off-road vehicle must have an overall width not greater than 1.35 metres, excluding mirrors. O. Reg. 316/03, s. 7 (2).

**Note: On July 1, 2015, section 7 of the Regulation is revoked and the following substituted: (See: O. Reg. 135/15, s. 3)**

Weight and width of multi-purpose off-highway utility vehicles , etc.

7. (1) If the off-road vehicle is a multi-purpose off-highway utility vehicle, it must,

(a) weigh 1,814 kilograms or less; and

(b) have an overall width not greater than 2.03 metres, excluding mirrors. O. Reg. 135/15, s. 3.

(2) If the off-road vehicle is a recreational off-highway vehicle, it must,

(a) weigh 1,700 kilograms or less; and

(b) have an overall width not greater than 2.03 metres, excluding mirrors. O. Reg. 135/15, s. 3.

Weight of all-terrain vehicles