

# **The Corporation of the Municipality of Brighton**

## **By-Law No. 023-2020**

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

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**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:

- 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, 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) (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 (4).

**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 by by-law may regulate times of operation, a by-law passed under subsection (3) may apply only during specified times 2019, c.14, Sched 16, s. 15 (4).

**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;

**"Off-road vehicle"** means an off-road vehicle within the meaning of the "Off Road Vehicles Act, 2015, a vehicle propelled or driven otherwise than by muscular power or wind and designed to travel:

- (a) on not more than three wheels, or
- (b) on more than three wheels and being of a prescribed class of vehicle, intended for recreational use;

Examples of off-road vehicles include all-terrain vehicles (ATVs), two-up ATVs, side-by-side ATVs, utility terrain vehicles (UTVs), amphibious ATVs, off-road motorcycles and dune buggies.

## **Section 2.0            General**

- 2.1    Operation of off-road 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 off-road vehicles and all-terrain vehicles shall be permitted on highways under the jurisdiction of the Municipality of Brighton from April 1st to November 30<sup>th</sup> annually.
- 2.3    Operation of off-road vehicles and all-terrain vehicles shall not be permitted on highways under jurisdiction of the Municipality of Brighton between dusk and dawn.
- 2.4    Operation of off-road vehicles and all-terrain 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    Off-road vehicles and all-terrain vehicles used for the purpose of cleaning and clearing snow from private property driveways are permitted on the Municipal road as long as the vehicle registered owner is the registered property owner.
- 2.6    This By-Law applies to all those lands within the Municipality of Brighton as depicted on Schedule A & B attached hereto.
- 2.7    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 and/or all-terrain 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 vehicles and/or all-terrain vehicles 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 vehicles and/or all-terrain vehicles 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 vehicles and/or all-terrain vehicles 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 and all-terrain vehicles shall travel on the shoulder of the highway, unless the shoulder of the highway is unsafe to travel on.

#### **Section 4.0 Penalties**

- 4.1 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 Enforcement Officer will monitor on a monthly basis for a period of not more than 1 year, 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 Effective Date**

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

Read a first, second and third time and finally passed this 2<sup>nd</sup> day of March, 2020.



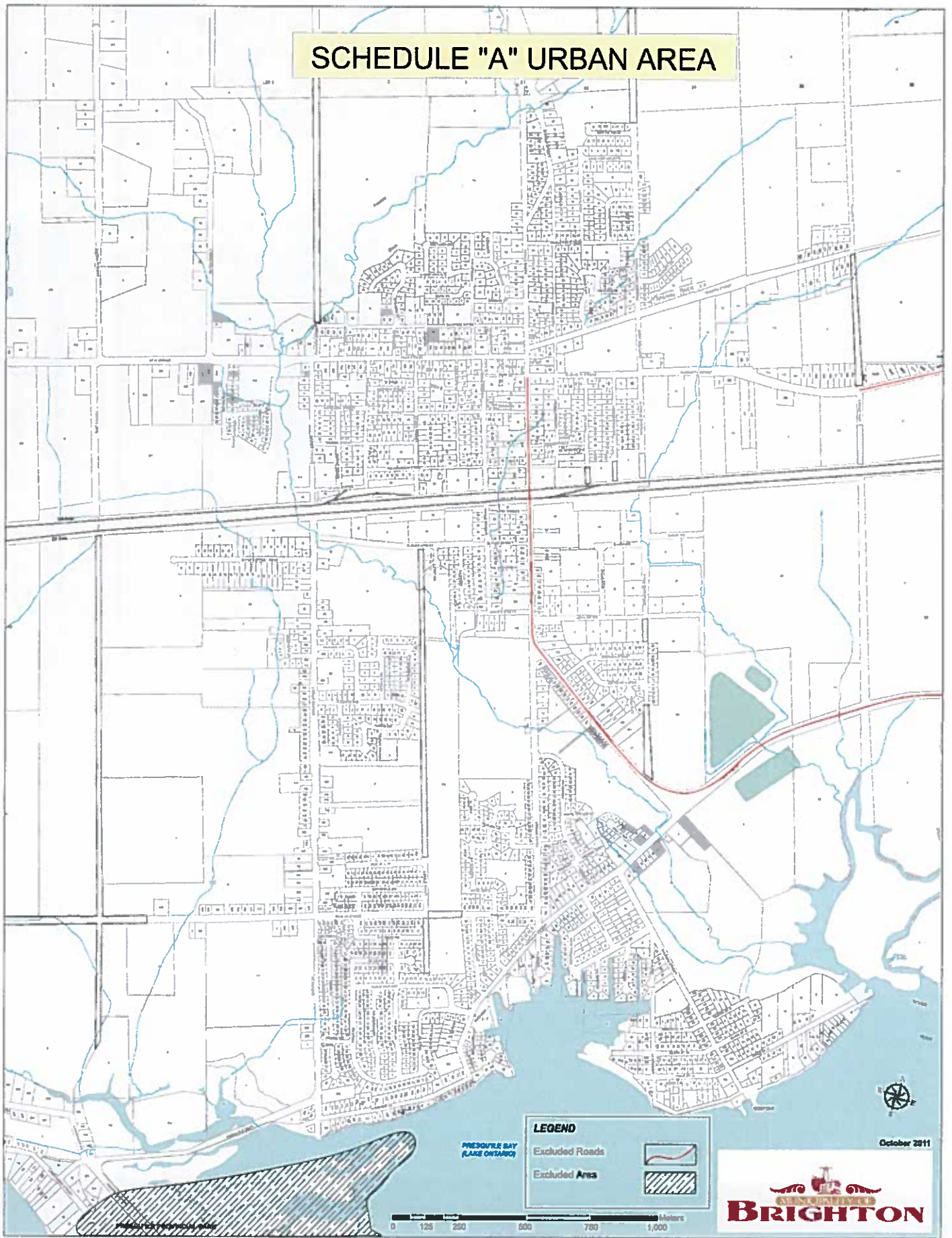
Brian Ostrander, Mayor



Candice Doiron, Clerk

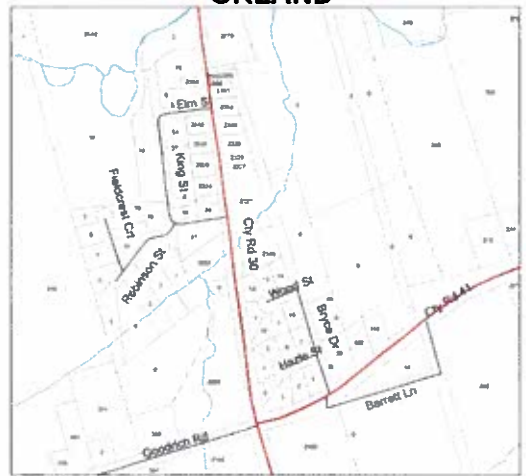


# SCHEDULE "A" URBAN AREA

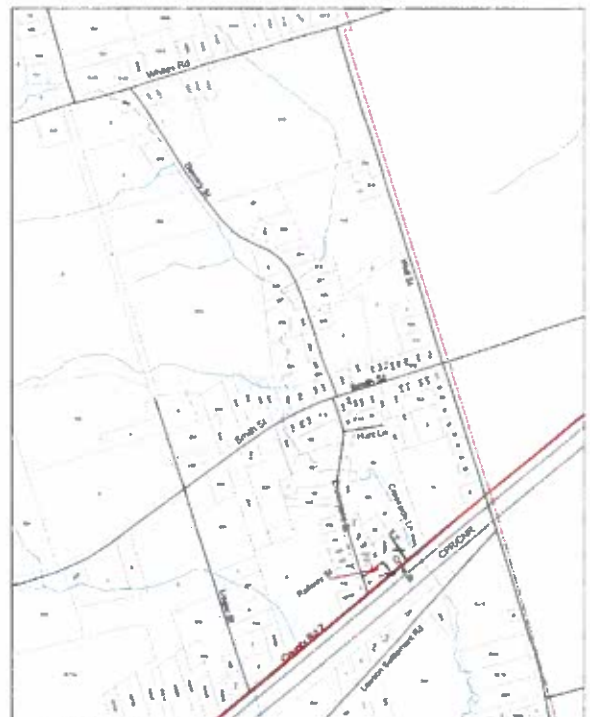


# SCHEDULE "B" RURAL AREA

## ORLAND



## SMITHFIELD



LEGEND

Excluded Roads

Excluded Area

