

THE CORPORATION OF THE TOWNSHIP OF SABLES-SPANISH RIVERS

BYLAW NUMBER 2015 - 26

Being a Bylaw to Permit the Operation of Off-Road Vehicles
on Highways Under the Jurisdiction of the Municipality

WHEREAS the Highway Traffic Act, R.S.O. 1990, Section 191.8(3), Chapter H.8 as amended, provides that municipalities may pass bylaws 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;

AND WHEREAS the Council of the Corporation of the Township of Sables-Spanish Rivers deems it appropriate to regulate the operation of Off-Road Vehicles as defined in Section 1 of Ontario Regulation 316/03 as amended by Ontario Regulation 135/15, on highways within the jurisdiction of the municipality, or on any part or parts of such highways;

NOW THEREFORE the Council of the Corporation of the Township of Sables-Spanish Rivers ENACTS AS FOLLOWS:

I. DEFINITIONS

“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,
 - (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 designated 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” means a 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 side property lines thereof.

“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;

“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 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,
- 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;

II. REGULATIONS OF OFF-ROAD VEHICLES ON MUNICIPAL HIGHWAYS

1. An off-road vehicle shall not be operated on highways unless it meets the equipment requirements of Section 7 to 15 of O. Reg. 316/03, as amended, and it is operated in accordance with Sections 16 to 24 of O. Reg. 316/03, as amended.
2. Off-road vehicles with four wheels are permitted to be operated on the travelled portion, including shoulder, of any highway within the rural areas of the municipality that is under the jurisdiction of the municipality.
3. Off-road vehicles with four wheels are permitted to be operated on the travelled portion, including shoulder, of the following designated streets within the urban areas of the municipality that is under the jurisdiction of the municipality;
Massey: Government Road, River Street, Bell Street, Station Road, Imperial Street North
Webbwood: Sims Street, Young Street, First Street South

4. Off-road vehicles may cross designated streets in the following manner only:
 - a) the operator shall first ensure that this movement can be made in safety and shall then drive the off-road vehicle directly across the said designated street; or
 - b) from the street of the private property of the off-road vehicle operator, directly to the closest designated street.

5. Off-road vehicles shall not be driven at a rate of speed greater than:
 - a) 20 kilometres per hour, if the speed limit established under the Highway Traffic Act or by municipal bylaw for that part of the highway is not greater than 50 kilometres per hour, or;
 - b) 50 kilometres per hour, if the speed limit established under the Highway Traffic Act or by municipal bylaw for that part of the highway is greater than 50 kilometres per hour.

6. Unless for use for municipal purposes by municipal staff or designate, no person shall operate an off-road vehicle over or upon the following areas, with the exception of recognized parking areas:
 - a) Massey and District Community Centre yard including baseball diamond, and side yard soccer field
 - b) Webbwood and Walford outdoor rink areas and playgrounds
 - c) Massey playground area
 - d) "Mouth" park and beach area
 - e) "Heritage Park"
 - f) on any sidewalk within the municipality
 - g) on any private property without consent of the owner
 - h) on any municipal public property without consent of the municipality.

7. All applicable provisions of the *Highway Traffic Act*, R.S.O. 1990, as amended and *Ontario Regulation 316/03, as amended*, shall apply to the operation of off-road vehicles on highways within the jurisdiction of the municipality.

III. VALIDITY

If a court of competent jurisdiction declares any provision, or any part of a provision of this bylaw to be invalid, or to be of no force and effect, it is the intention of Council in enacting this bylaw that each and every provision of this bylaw authorized by law be applied and enforced in accordance with its terms to the extent possible according to law.

IV. CONTRAVENTION

Any person who contravenes any of the provisions of this Bylaw is guilty of an offence and upon conviction is liable to a fine as provided for under the Highway Traffic Act.

This Bylaw shall rescind Bylaw No. 2004-18 in its entirety.

This Bylaw shall come into force and take effect upon third and final reading.

READ A FIRST AND SECOND TIME THIS 26TH DAY OF AUGUST, 2015.

MAYOR – L. GAMBLE

ACTING CLERK – A. WHALEN

READ A THIRD AND FINAL TIME AND PASSED IN OPEN COUNCIL THIS 26TH

DAY OF AUGUST, 2015.

MAYOR – L. GAMBLE

ACTING CLERK – A. WHALEN