

The Corporation of the Township of Georgian Bluffs

By-law Number 2020-128

Being a By-law to permit and regulate Off-Road Vehicles on Municipal Highways in the Township of Georgian Bluffs and repeal By-law 27-2016.

Whereas Section 191 8 (1) of the *Highway Traffic Act*, R.S.O. 1990, c. H.8, as amended provides that no person shall drive an off-road vehicle on a highway except in accordance with said Act, and associated regulations and any applicable Municipal By-laws; and

Whereas Section 191 8 (3) of the *Highway Traffic Act*, R.S.O. 1990, c. H.8, as amended authorizes municipalities to pass by-laws permitting or prohibiting certain off-road vehicles on highways under the jurisdiction of the municipality and providing speeding limits for such vehicles; and

Whereas Section 11 (3) of the *Municipal Act*, S.O. 2001, c.25, provides that a municipality may pass by-laws with respect to municipal highways, including parking and traffic on such highways;

Now Therefore, the Council of the Corporation of the Township of Georgian Bluffs enacts the following:

1. Definitions

1.1. For the purposes of this by-law, the following definitions shall apply:

“Council” means the Council of the Corporation of the Township of Georgian Bluffs.

“Designated Trail Route” means a trail that has been approved by Council and designated by agreement or memorandum of understanding with a recognized agency.

“Highway” shall have the same meaning as that term under the *Highway Traffic Act*, R.S.O. 1990, c. H.8, and 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.

“Officer” means a Municipal Law Enforcement Officer appointed by Council or any authorized member of the Ontario Provincial Police or any other Police Service or any other person appointed or designated by Council to provide law enforcement services in the Township of Georgian Bluffs.

“Off-Road Vehicle” shall mean an off-road vehicle intended for off-road use, further to the *Off-Road Vehicles Act*, R.S.O. 1990, c.O.4 and the *Highway Traffic Act*, R.S.O. 1990, c. H.8., and the regulations therein, and shall include off-road vehicles described as follows:

“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 designed to be straddled by the driver, and
- d) Is designed to carry,
 - a. A driver only and no passengers, or
 - b. A driver and only one passenger, if the vehicle,
 - i. Has one passenger seat that is designed to be straddled by the passenger while sitting facing forward behind the driver, and

- ii. Is equipped with footrests for the passenger that is separate from the footrests for the driver.

“Multi-Purpose Off-Highway Vehicle” means an off-road vehicle that,

- a) Has four or more wheels, that 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 1000 cubic centimetres.

For the purposes of this by-law the terms “Off-Road Vehicle”, “Multi-Purpose Off-Highway Vehicle”, and “Recreational Off-Highway Vehicle” shall be referred to as “Off-Road Vehicle” and treated as one in the same.

“Recognized Agency” means the South Bruce Peninsula ATV Club, the Ontario Federation of All-Terrain Vehicle Clubs, and any other agency that Council deems to be recognized by the Township.

2. Regulation of Off-Road Vehicles on Highways

- 2.1. Off-road vehicles shall be permitted upon the highways under the jurisdiction of the Township of Georgian Bluffs under and in accordance with Ontario Regulation 316/03 of the *Highway Traffic Act, 1990*, as amended and the *Off Roads Vehicle Act, 1990*, as amended.
- 2.2. Off-road vehicles shall be permitted upon Designated Trail Routes, which have been approved by Council and designated by agreement or memorandum of understanding with a Recognized Agency.
- 2.3. Unless such lands form part of a Designated Trail Route approved and maintained by a Recognized Agency, no person shall operate an off-road vehicle on or over the following areas:
 - a) Upon any sidewalk, footpath or boulevard within the Township,
 - b) Any municipal property in the Township without the consent of the Township, including but not limited to parks, playgrounds or sports fields,
 - c) In any settlement area except as means of direct access to the designated trails routes,
 - d) Any privately owned property without the consent of the property owner.
- 2.4. Notwithstanding subsection 2.1, no person shall operate an off-road vehicle or permit an off-road vehicle to be operated on a highway or Designated Trail Route or portions thereof as set out in Schedule ‘A’ of this By-law, except for crossing the highways as permitted by subsection 26 of Ontario Regulation 316/03 of the *Highway Traffic Act, 1990*, as amended and the *Off Roads Vehicle Act, 1990*.

- 2.5. An off-road vehicle shall not be operated on a highway unless it meets the equipment requirements of Sections 7 to 15 of Ontario Regulation 316/03 of the *Highway Traffic Act, 1990*, as amended and the *Off Roads Vehicle Act, 1990*, and is operated in accordance with Sections 16 to 24 of the same.
- 2.6. Further to Ontario Regulation 316/03 of the *Highway Traffic Act, 1990*, as amended and the *Off Roads Vehicle Act, 1990*, the off-road vehicle 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, 1990* 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, 1990* is greater than 50 kilometres per hour.
- 2.7 No person shall operate an off-road vehicle within the municipality during the period of 11:00 p.m. through to 7:00 a.m.
- 2.8 No person shall operate an off-road vehicle in such a way as to disrupt or destroy the natural environment, create a nuisance by method or frequency of operation on any municipal property, designated trail route or highway within the Township.
- 2.9 No person shall park an off-road vehicle on any highway or designated trail route, except in accordance with the in-effect Township Parking By-law, or as approved by a Recognized Agency.
3. Authorization
- 3.1 Township Council may authorize in writing the use of off-road vehicles on a trail or municipal property upon receipt of an application from a recognized agency, and such authorization may be made upon the terms and conditions deemed appropriate by the Township. Said authorization may require the recognized agency to enter into an agreement concerning such use.
- 3.2 For the purpose of subsection 3.1, agreements existing as of the date of passing of this By-law, entered into by the Township with a recognized agency regarding the creation, improvement and maintenance of off-road vehicle use on designated trail routes, shall be deemed to be authorized and recognized by the Township.
4. Enforcement
- 4.1 The provisions of this By-law shall be enforceable by a Police Officer, Municipal Law Enforcement Officer, or other such persons as appointed by the municipality.
5. Offences and Penalties
- 5.1 Every person who contravenes any of the provisions of this By-law is guilty of an offence and shall, upon conviction thereof, pay a penalty established under the *Off Road Vehicles Act, R.S.O. 1990, c.O.4* or the *Highway Traffic Act, R.S.O. 1990, c. H.8*, as applicable, and where such a penalty is not established under those Acts shall pay a penalty not exceeding the maximum fine permitted under the *Provincial Offences Act, R.S.O. 1990, c. P.33*.
6. Severability

- 6.1 If a court of competent jurisdiction should declare any section or part of a section of this By-law to be invalid the remainder of the By-law shall be valid and shall remain in force. Where a provision of this By-law conflicts with the provision of another by-law, the provisions that establish the higher standards to protect the health, safety and welfare of the general public shall prevail.
- 6.2 Where any legislative reference is made in this By-law it shall be deemed to include that legislation, any regulations thereunder, any amendments thereto and any successor legislation or section.
7. Repeal
- 7.1 That By-law 27-2016 is hereby repealed.
8. Force and Effect
- 8.1 That Schedule 'A' attached hereto form a part of this By-law.
- 8.2 That Schedule 'B' attached hereto form a part of this By-law.
- 8.2 That this By-law shall come into full force an effect upon the final passing thereof.

Read a first and second time this 25th day of November 2020.

Read a third time and passed this 25th day of November 2020.

Mayor – Dwight Burley

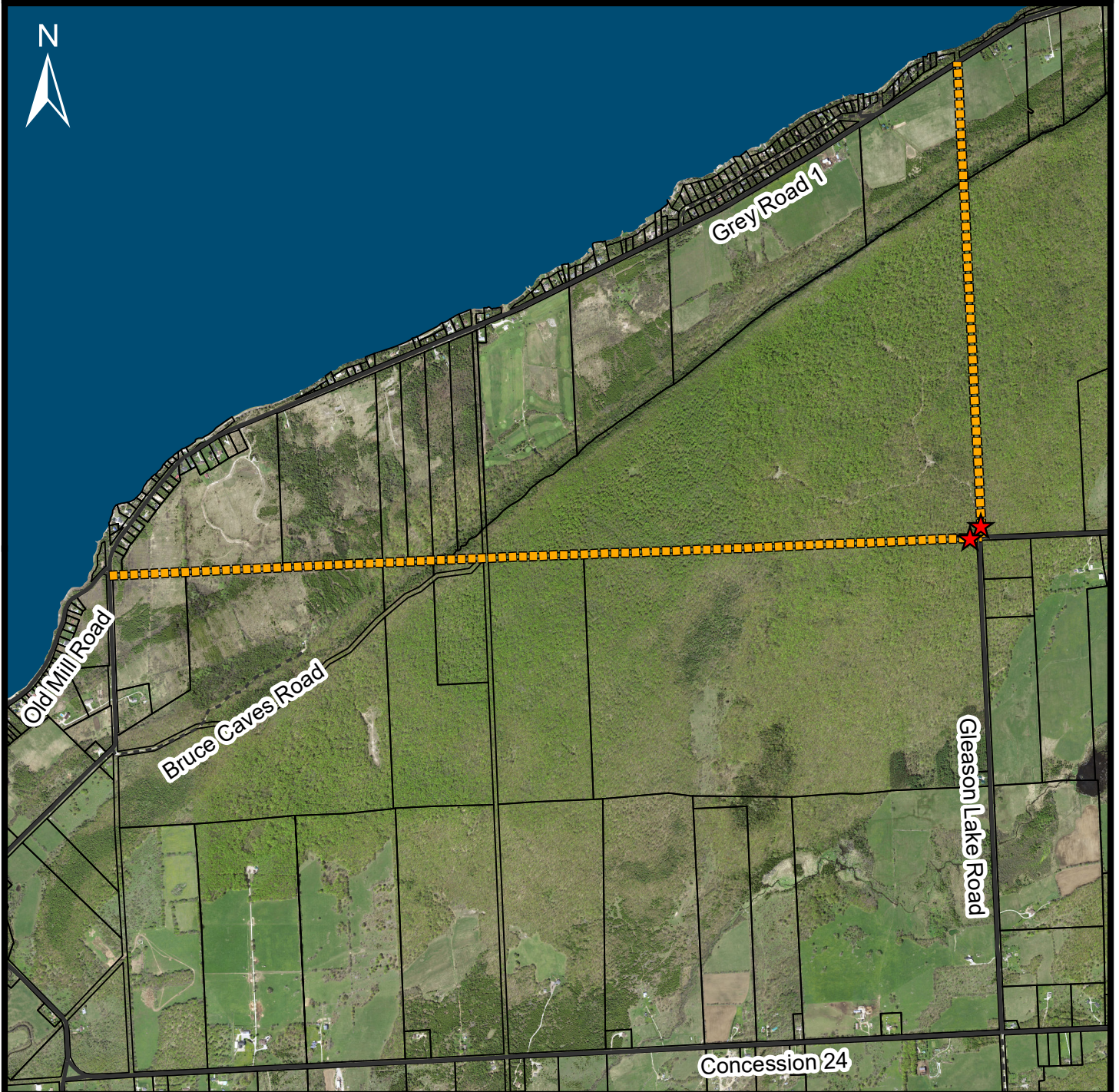
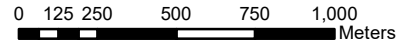
Clerk – Brittany Drury

Schedule A Areas of Prohibited ATV Use

Curly Harnden Side Trail and Len Holley Side Trail
Lots 16 to 20, Colpoy's Range
Geographic Township of Keppel
Township of Georgian Bluffs

LEGEND

- Trail
- Trail entrance



Schedule B

Part 1 Provincial Offences Act Fines

Item	Short Form Wording	Provision for Creating or Defining Offence	Set Fine
1	Operate on a Township sidewalk, footpath or boulevard.	2.3 a)	\$250.00
2	Operate an off-road vehicle on Township property without consent of the Township.	2.3 b)	\$250.00
3	Operate an off-road vehicle in a settlement area.	2.3 c)	\$250.00
4	Operate an off-road vehicle on a prohibited highway or trail area.	2.4	\$250.00
5	Operate an off-road vehicle during a prohibited time of day.	2.7	\$250.00
6	Operating an off-road vehicle in a way to disturb or destroy the natural environment or cause a nuisance.	2.8	\$250.00

Schedule B fines, as included in this By-law, are subject to approval by the Chief Justice prior to coming into force and effect.