

## **The Corporation of the Township of Douro-Dummer**

### **By-law Number 2017-63**

#### **Being a By-Law to regulate the operation of off-road vehicles on municipal highways within the Township of Douro-Dummer**

**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:

1. permitting the operation of off-road vehicles with three or more wheels on any highway within the municipality that is under the jurisdiction of the municipality, or on any part or parts of such highway;
2. prescribing a lower rate of speed for off-road vehicles with three or more wheels 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,

**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 may pass by-laws:

1. A by-law passed under Section 191.8(3) of the Highway Traffic Act, R.S.O., 1990, Chapter H8, as amended, may permit the operation of off-road vehicles with three or more wheels on any highway or on any part or parts of a highway only during specified months or hours.

**Now Therefore be it resolved** that the Council for The Corporation of the Township of Douro-Dummer enacts as follows:

#### **I. Definitions**

**"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 seats 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;

**"Council"** means the Council of The Corporation of The Township of Douro-Dummer;

**"Dawn"** means the period in time one half hour following sunrise, for the purpose of this By-law;

**"Dusk"** means the period in time one half hour before sunset, for the purpose of this By-law;

**"Highway(s)"** includes a common and public highway, street, avenue, park way, driveway, any part of which is intended for use or used by the general public for the passage of vehicles and includes the area between the lateral 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. O. Reg. 316/03, s.1.;

**"Recognized Agency"** means the Peterborough County Trails ATV Club;

**"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;

**"Township"** means the Corporation of The Township of Douro-Dummer.

## **II. Regulation of Off-Road Vehicles on Highways**

- 1) No person shall operate an off-road 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.
- 2) No person shall operate an off-road vehicle 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, or
  - 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 highways is greater than 50 kilometers per hour.

## **III. General**

1. Operation of multi-purpose off-highway utility vehicles, recreational off-highway vehicles, and all-terrain vehicles shall be permitted, by by-law, upon the Twelfth Line Road and Simpson Road in the Dummer Ward of the Township of Douro-Dummer, under the jurisdiction of the Township of Douro-Dummer 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. Subject to Part III, Section 1 of this By-Law, operation of multi-purpose off-highway utility vehicles, recreational off-highway vehicles, and all-terrain vehicles shall be permitted on Highways under the jurisdiction of the Township of Douro-Dummer from dawn on April 1<sup>st</sup> to dusk on November 30<sup>th</sup> annually.
3. Subject to Part III, Section 1 of this By-Law, no person shall operate an off-road vehicle on Highways within the Township of Douro-Dummer between time periods of Dusk and Dawn as defined in this By-law.

4. No person shall operate on off-road vehicle on Highways within the Township of Douro-Dummer with an exhaust system that has been changed or altered from the installed factory stock exhaust system. Modifications are not permitted.
5. Helmets are required on all Township Highways along with a valid driver's license and insurance.
6. Travel must be in the same direction as traffic and multi-purpose off-highway utility vehicles, recreational off-highway vehicles, and all-terrain vehicles must travel on the shoulder of the road, but may travel on the road only if the shoulder is unsafe.
7. This By-law does not apply to police, fire, ambulance, search and rescue or other emergency vehicles.
8. Unless such lands form part of a trail route approved and maintained by a Recognized Agency, no person shall operate an off-road vehicle over or upon the following areas:
  - a. Any Community Centre under the jurisdiction of the Township;
  - b. Any park, sports field, playground, trail, sand dune or beach area under the jurisdiction of the Township;
  - c. Beyond the north and or northwesterly limit of any shoreline road allowance under the jurisdiction of the Township;
  - d. Any cemetery under the jurisdiction of the Township;
  - e. Any municipal public property in the Township without consent of the Township;
  - f. Upon any sidewalk or boulevard within the Township;
  - g. In any settlement area except as means of direct access to the trail routes or to obtain core services.

#### **IV. Enforcement & Penalties**

1. Penalties: Every person who contravenes any section of this By-law is guilty of an offence and upon conviction, where a fine for the contravention is not otherwise provided under the Highway Traffic Act, is liable to such fines and penalties as are provided for in the Provincial Offences Act or Schedule "A" of this By-Law- whichever is the greater.

Where a Police Officer finds a person in violation of any provisions of this By-law, the Police Officer may serve an Offence Notice under the Provincial Offences Act with a set fine on such person.

2. Schedule A Shall Apply: Every person operating an off-road vehicle on Highways within the Township of Douro-Dummer is subject to all relevant regulations contained in Schedule A of this By-law.
3. Enforcement: Ontario Provincial Police Officers may enforce this By-law.
4. Multiple Offences: The conviction of an offender for the breach of any provisions of this By-law shall not operate as a bar to a prosecution against the same offender upon any subsequent or continued breach of any provision of this By-law.

#### **V. 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 intension of the Council that each provision and requirement of this By-law shall be separately valid and enforceable to the fullest extent permitted by law.

**VI. Monitoring**

That this By-law shall be monitored by the C.A.O. or a designate who shall prepare a report to Council in the event that the results of the review become a concern.

**VII. Effect and Force**

That this By-law shall come into force and take effect immediately upon the passing thereof by the Council of The Corporation of the Township of Douro-Dummer. This By-law will have effect for one (1) year from the date of passage unless rescinded at an earlier date by the Council of the Township of Douro-Dummer.

By-law 2017-63 be introduced and deemed to be read a first, second, and third time, passed and properly signed and sealed this 5th day of December, 2017.

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Deputy Mayor, Karl Moher

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Deputy Clerk, Martina Chait-Hartwig

By-law 2017-63

Schedule A

Township of Douro-Dummer

PART 1 Provincial Offences Act

By-Law # 2017-63: Regulate the Operation of Off-Road Vehicles on Municipal Highways within the Township of Douro-Dummer

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Item	Column 1 Short Form Wording	Column 2 Provision creating of defining offence	Column 3 Voluntary payment within 7 days	Column 4 Set Fine
1.	Operating an Off-Road vehicle between midnight on November 30 <sup>th</sup> and April 1 <sup>st</sup>	Section III.2	\$150.00	\$200.00
2.	Operating an Off-Road vehicle between Dusk and Dawn	Section III.3	\$150.00	\$200.00
3.	Having a Modified Exhaust system on an Off-Road vehicle	Section III.4	\$110.00	\$150.00

"Note: the general provision for the offence created above is Section IV of By-law 2017-63, a certified copy of which has been filed".