

THE CORPORATION OF THE TOWNSHIP OF WOLLASTON BY-LAW 05-2021

Being a By-law to regulate the use of Off-Road Vehicles within the Township of Wollaston

WHEREAS Section 191.8 (3) of the *Highway Traffic Act*, R. S. O. 1990, c. H8, provides that the Council of a municipality may pass by-laws permitting the operation of off-road vehicles with three or more wheels and low-pressure bearing tires than that prescribed for off-road vehicles by regulation:

- a) on any highway within the municipality that is under the jurisdiction of the municipality or any part or parts of such highway;
- b) prescribing a lower rate of speed 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; 1999, c. 12, Schedule. R, s. 17.
- c) on any highway or on any part or parts of a highway only during specified months or hours; 1999, c. 12, Schedule. R, s. 17.

AND WHEREAS the Highway Traffic Act, R. S. O. 1990, c. H8, Ontario Regulation 316/03: Operation of Off-Road Vehicles on Highways Act, defines an “**all-terrain vehicle**”, an “**extreme terrain vehicle**”, a “**multi-purpose off-highway utility vehicle**”, an “**off-road motorcycle**” and a “**recreational off-highway vehicle**” and provides the regulations governing the operation of these off-road vehicles upon highways within municipalities;

AND WHEREAS the Highway Traffic Act, R. S. O. 1990, c. H8, Ontario Regulation 316/03: Operation of Off-Road Vehicles on Highways Act, regulates the equipment and operational requirements of off-road vehicles;

AND WHEREAS Section 8 of the Municipal Act, 2001, SO. 2001, as amended, empowers a municipality to govern its affairs as it considers appropriate and to enhance the municipality’s ability to respond to municipal issues;

AND WHEREAS Section 425 of the Municipal Act, 2001, S. O. 2001, c. 25 as amended, provides that any person who contravenes any by-law of the municipality, passed under this *Act*, is guilty of an offence;

AND WHEREAS The Municipal Corporation of the Township of Wollaston deems it necessary to develop detailed off-road vehicle safety regulations that allow off-road vehicles to have increased access to specific highways within the Municipality under safe circumstances;

AND WHEREAS The Municipal Corporation of the Township of Wollaston deems it necessary to ensure that a Permit is required for use of the Multi-use trail, as defined below;

NOW THEREFORE THE COUNCIL OF THE TOWNSHIP OF WOLLASTON HEREBY ENACTS AS FOLLOWS.

1. SHORT TITLE

This by-law may be referred to as “Off-Road Vehicle By-law”.

2. DEFINITIONS

Act means the *Highway Traffic Act*, R. S. O. 1990, c. H8, Ontario Regulation 316/03: *Operation of Off-Road Vehicles on Highways Act*.

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 designed to be straddled by the passenger while sitting facing forward behind the driver, and
- B. is equipped with footrests for the passenger that are separate from the footrests for the driver.

ATVs means all-terrain vehicles.

Extreme terrain vehicles mean an off-road vehicle that,

- a) has six or eight wheels, the tires of which are all in contact with the ground,
- b) has no tracks that are in contact with the ground,
- c) has seats that are not designed to be straddled, and
- d) has a minimum cargo capacity of 159 kilograms;

Highway - What constitutes a highway?

The following are highways unless they have been closed:

- a) All highways that existed on December 31st, 2014.
- b) All highways established by by-law of the municipality on or after January 1st, 2015.
- c) All highways transferred to a municipality under the Public Transportation and Highways Improvement Act.
- d) All road allowances made by the Crown Surveyors that are located in municipalities.
- e) All road allowances, highways, streets and lanes shown on a registered plan of subdivision; and includes,
 - i) a common and public highway, street, avenue, parkway, driveway, square, place, bridge, viaduct, 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.

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;

Multi-use trail means the trail owned by the Township, located within the boundaries of the Township and commonly known as the Wollaston Rail Trail.

Municipality means the Township of Wollaston.

Off-road motorcycle means an off-road vehicle, designed primarily for recreational use, that,

- a) has steering handlebars,
- b) has two wheels, the tires of which are all in contact with the ground,
- c) has a minimum wheel rim diameter of 250 millimetres,
- d) has a minimum wheelbase of 1,016 millimetres,
- e) has a seat that is designed to be straddled by the driver,
- f) is designed to carry a driver only and no passengers, and
- g) does not have a sidecar;

Off-road vehicle means an off-road vehicle within the meaning of the *Operation of Off-Road Vehicles on Highways Act, R S O 1999, Chapter O.4*.

Peace officer for the purposes of this by-law includes:

- a) a police constable appointed under the *Ontario Police Act*,
- b) a conservation officer under the *Fish and Wildlife Conservation Act*,
- c) a park warden appointed under the *Provincial Parks Act*, and
- d) a by-law enforcement officer appointed by the Township.

Permit means a trail access pass purchased by one of the following ATV Organizations to allow for travel on the Township owned multi-use trail: OFATV, EOTA, KATVA and HATVA.

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 or less than 1,000 cubic centimeters;

Street means a “highway” as defined.

Township means the Township of Wollaston

3. OFF-ROAD VEHICLES PERMITTED

3.1 Only those “off road vehicles” falling within the definition of “all-terrain vehicle (ATV)”, “extreme terrain vehicle”, “multi-purpose off-highway utility vehicle”, “off-road motorcycle” and “recreational off-highway vehicle” in this by-law, may be driven on highways under the jurisdiction of the Township of Wollaston provided that:

- i) the all-terrain vehicle meets the equipment requirements set out in the Highway Traffic Act, R. S. O. 1990, c. H8, Ontario Regulation 316/03: Operation of Off-Road Vehicles on Highways Act; and
- ii) the all-terrain vehicle is driven in accordance with the operational requirements set out in the Highway Traffic Act, R. S. O. 1990, c. H8, Ontario Regulation 316/03: Operation of Off-Road Vehicles on Highways Act.

4. PROHIBITIONS FOR OFF-ROAD VEHICLES

4.1 The authority to drive an off-road vehicle on highways under the jurisdiction of the Township of Wollaston does not include:

- i) any sidewalk, footpath or other area meant solely for pedestrian traffic;
- ii) any lands within a municipal park or on a municipal beach;
- iii) private roads or driveways without the consent of the owner thereof;
- iv) any highway falling under the jurisdiction of the Province of Ontario or any other government authority;
- v) any highway under the jurisdiction of the Township of Wollaston where the common law right of passage has been removed or restricted under a by-law passed pursuant to Section 35 of the Municipal Act, 2001.
- vi) unopened road allowances.

5. EXEMPTIONS

5.1 The exemptions governing crossing a highway, farmers and trappers and public work functions as set out in Section 25, 26, 27 and 28, of Highway Traffic Act, R. S. O. 1990, c. H8, Ontario Regulation 316/03: Operation of Off-Road Vehicles on Highways Act shall apply to this by-law.

6. PARKING

6.1 Off-road vehicles shall be subject to all regulations and by-laws governing the parking of vehicles within the township.

7. ENFORCEMENT

7.1 A peace officer may stop any person driving an off-road vehicle.

7.2 Every person who has been signaled to stop by a person authorized to do so under subsections 7.1 shall stop forthwith.

7.3 Every person stopped under this Section or subsection 7.1, shall when so requested; identify himself or herself by giving his or her name to the person who stopped him or her.

8. DUTY TO STOP FOR RED FLASHING LIGHT

8.1 Every driver of an off-road vehicle shall stop his or her vehicle when approached by another vehicle with a flashing red light.

8.2 No person except a peace officer shall operate an off-road vehicle that is equipped with a red lamp that produces flashes of red light.

8.3 Subsection 8.2 does not apply to prohibit the use of vehicle hazard warning lights commonly known as four-way flashers.

9. SEVERABILITY

9.1 If a court of competent jurisdiction should declare any section or part of any section of this by-law to be invalid, such section or part of a section shall not be construed as having persuaded or influenced council to pass the remainder of the

by-law and it is hereby declared the remainder of the by-law shall be valid and remain in force.

10. PENALTY

10.1 Any person who contravenes any of the provisions of this by-law is guilty of an offence and upon conviction is liable to a fine as provided for in the Provincial Offences Act.

10.2 All such penalties shall be recovered under the Provincial Offences Act.

11. REPEAL

11.1 This by-law repeals all previous By-laws and/or Motions of council pertaining to the same.

12. EFFECTIVE

12.1 This By-law shall come into force and take effect upon the passing there of by the Council of The Corporation of the Township of Wollaston.

PASSED this 11th day of January 2021.

MAYOR: LYNN KRUGER

SEAL

CLERK: BERNICE CROCKER