



## The Corporation of the Municipality of Highlands East

### By-law # 2020-67

#### Being a By-law to Permit Off-Road Vehicles on Municipal Highways within the Municipality of Highlands East

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**Whereas** Section 8 of the Municipal Act, 2001 S.O. 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 11(3) of the Municipal Act, S.O. 2001 as amended, provides that a municipality may pass by-laws with respect to municipality owned roads, including parking and traffic;

**And Whereas** the Highway Traffic Act, R.S.O. 1990, Section 191.8, subsection (3), chapter H.8, as amended, provides that the Council of a municipality may pass by-laws 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 highways and which by-laws may prescribe a lower rate of speed for off-road vehicles by regulation on any highway within the municipality that is under its jurisdiction, or any part or parts of such highway;

**And Whereas** Council deems it necessary to enact a by-law to permit the use of off-road vehicles on municipal highways;

**Now therefore the Council of the Municipality of Highlands East hereby enacts the following:**

#### **1.0 Short Title**

1.1 The short title of this by-law is the "Off-Road Vehicle By-law"

#### **2.0 Definitions**

In this By-law,

2.1 **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 that is designed to be straddled by the driver, and
- (d) is designed to carry,



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- (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;
- 2.2 **Extreme Terrain Vehicle:** means 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.
- 2.3 **Highway:** includes a common or public highway, street, road, avenue, parkway, driveway, square, place, bridge, viaduct or trestle, any part of which is intend for or used by the general public for the passage of vehicles and includes the area between the lateral property lines thereof.
- 2.4 **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.
- 2.5 **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,



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- (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.
- 2.6 **Off-Road Vehicle:** means an off-road vehicle within the meaning of the Off-Road Vehicle Act R.R.O.1990, Regulation 863 General, and includes “all-terrain vehicles” (both single rider and two-up), “multi-purpose off-highway vehicles”, “recreational off-highway vehicles”, “extreme terrain vehicles”, and “off-road motorcycles”.
- 2.7 **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 centimeters.
- 2.9 **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.
- 3.0 **Regulation of Off-Road Vehicles on Highways:**
- 3.1 Off-road vehicles (All terrain vehicles, multi-purpose off-highway utility vehicles, recreational off-highway vehicles, extreme terrain vehicles, and off-road motorcycles) shall be permitted on municipal roads within the Municipality of Highlands East in accordance with Ontario regulation 316/03 of the Highway Traffic Act and the provisions of the Off-Roads Vehicle Act, as amended.



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- 3.2 An off-road vehicle shall not be operated on highways unless it meets the requirements of Section 7 to 15 of O. Reg. 316/03 and it is operated in accordance with Sections 16 to 24 of O. Reg. 316/03.
- 3.3 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 or by Municipal By-law 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 By-law for that part of the highway is greater than 50 kilometres per hour.

#### **4.0 Validity and Severability**

- 4.1 Should any section, sub-section, clause, paragraph or provision of this By-law be declared by a court of competent jurisdiction to be invalid or unenforceable, the same shall not affect the validity or enforceability of any other provision of this By-law or of the By-law as a whole.

#### **5.0 Penalty**

- 5.1 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 under the Highway Traffic Act, R.S.O. 1990, as amended.

#### **6.0 Repealed**

- 6.1 By-law No. 2015-39 is hereby repealed.



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**7.0 Force and Effect:**

7.1 This By-law shall come into full force on the date of enactment.

**Enacted, Approved and Signed with the Corporate Seal attached hereto, this 13 day  
of October, 2020.**

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Dave Burton, Mayor

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Robyn Rogers, Municipal Clerk