

# **The Corporation of the Township of Guelph/Eramosa**

## **By-law Number 30/2021**

### **A By-law to regulate the operation of off-road vehicles on certain highways within the jurisdiction of the Township of Guelph/Eramosa and to repeal by-law 17/2004**

**WHEREAS** the *Municipal Act, 2001, S.O. 2001, c. 25*, as amended, provides that the powers of a municipality shall be interpreted broadly so as to enable a municipality to govern its affairs as it considers appropriate and to respond to issues.

**AND WHEREAS** the *Municipal Act, 2001, S.O. 2001, c. 25*, as amended, section 11. (3), provides that a municipality may pass by-laws with respect to municipal owned highways, including parking and traffic on such highways.

**AND WHEREAS** the *Highway Traffic Act, R.S.O. 1990, c. H.8*, as amended, provides that the council of a municipality may pass by-laws permitting the operation of off-road vehicles or classes 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 only during specified times.

**AND WHEREAS** the Council of the Township of Guelph/Eramosa deems it in the public interest to permit and regulate the operation of off-road vehicles upon its highways or parts of its highways.

**NOW THEREFORE** the Council of the Corporation of the Township of Guelph/Eramosa enacts as follows:

#### **1. SHORT TITLE**

1.1 This by-law shall be known as “The Off-Road Vehicle By-law”.

#### **2. DEFINITIONS**

**2.1. Boulevard** shall mean the portion of a highway between the curb line or edge of a roadway and the adjacent property line except for the area that is used as a sidewalk.

**2.2. By-law** shall mean this by-law.

**2.3. Highway** shall mean 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.

**2.4. Median Strip** shall mean the portion of a highway so constructed as to separate traffic travelling in one direction from traffic travelling in the opposite direction by a physical barrier or an unpaved strip of ground.

**2.5. Officer** shall mean a Police Officer, or a Person employed by the Township to perform the duties of enforcing By-laws and appointed by Council as a Municipal Law Enforcement Officer.

**2.6. Off-road Vehicle or ORV**, shall mean a vehicle propelled or driven otherwise than by muscular power or wind and designed to travel,

- (a) On not more than three wheels, or
- (b) On more than three wheels and being of a prescribed class of vehicle which shall be limited to the following:

- i. **all-terrain vehicle or ATV** 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,
    - 1) a driver only and no passengers, or
    - 2) 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.
- ii. **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.
- iii. **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.
- iv. **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 millimeters,
  - d. has a minimum wheelbase of 1,016 millimeters,
  - 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.
- v. **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.
- vi. **motorized snow vehicle** means a self-propelled vehicle designed to be driven primarily on snow.

**2.4 Person** shall mean an individual, corporation, partnership or limited liability partnership.

**2.5 Property Owner** shall mean the registered owner, condominium corporation, assessed owner, occupant, tenant, person for the time being managing or receiving the rent for the property whether on his/her own account or as any agent or trustee or on account of any other person.

**2.6 Sidewalk** shall mean the portion of a highway between the curb line or edge of a roadway and the adjacent property line that is designated and intended for the use of pedestrians.

### **3. GENERAL PROVISIONS**

3.1 The operation of off-road vehicles shall be permitted upon the highways under the jurisdiction of the Corporation of the Township of Guelph/Eramosa and in accordance with *Ontario Regulation 316/03 of the Highway Traffic Act*, as amended, the *Off-Road Vehicles Act*, as amended, and in accordance with the provisions of this by-law.

3.2 No person shall operate an off-road motorcycle or an extreme terrain vehicle on any highway within the Township of Guelph/Eramosa.

3.3 No person shall operate a motorized snow vehicle, multi-purpose off-highway utility vehicle or recreational off-highway vehicle or in Rockwood, Eden Mills or any Rural Residential Zone anywhere within the Corporation limits pursuant to the current Zoning By-law.

3.4 No person shall operate an off-road vehicle at a rate of speed greater than that identified under the *Highway Traffic Act* and *Ontario Regulation 316/03* or any superseding legislation.

3.5 No person shall operate an off-road vehicle in Rockwood, Eden Mills or any Rural Residential Zone anywhere within the Corporation limits pursuant to the current Zoning By-law between the hours of 11:00 pm and 6:00 am.

3.6 No person shall operate an off-road vehicle over or upon:

- (a) any Community Centre grounds,
- (b) any park, sports field, playground, walking trail, or
- (c) any cemetery in the Township of Guelph/Eramosa

3.7 No person shall operate an off-road vehicle near any churches or funeral homes when services are in progress.

3.8 No person shall operate an off-road vehicle near a school, during the hours of 8:00 am to 4:30 pm during the school year.

3.9 No person shall operate an off-road vehicle on any sidewalk in the Township of Guelph/Eramosa other than for the purpose of crossing a sidewalk when travelling from private property to a highway.

3.10 No person shall operate an off-road vehicle on a boulevard in the Township of Guelph/Eramosa other than for the purpose of crossing a boulevard when travelling from private property to a highway.

3.11 No person shall operate an off-road vehicle on private property within the Township of Guelph/Eramosa without written consent of the property owner.

3.12 No person shall operate an off-road vehicle on highways as shown on Schedule "A" Off-Road Vehicles Prohibited.

- 3.13 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 of frequency of operation on any municipal property or upon any highway within the municipality.

#### **4. EXEMPTIONS**

- 4.1 This by-law shall not apply to off-road vehicles operated for emergency purposes by the Township of Guelph/Eramosa employees or agents, Guelph/Eramosa Fire Department, Wellington County OPP or Guelph-Wellington Paramedic Services.
- 4.2 This by-law shall not apply to off-road vehicles operated by a licensed farmer or trapper, provided that the driver of the vehicle holds a valid driver's licence and the number of passengers on the off-road vehicle does not exceed the number of seating positions that were installed at the time the vehicle was manufactured.

#### **5. ENFORCEMENT AND PENALTY PROVISIONS**

- 5.1 The enforcement of this By-law shall be conducted by an Officer.
- 5.2 Every Person who contravenes any provision of this By-law, is guilty of an offence and is liable to a fine, and such other penalties, as provided for in the *Provincial Offences Act*, R.S.O. 1990, c.P.33, as it may be amended from time to time.
- 5.3 No Person shall hinder or obstruct, or attempt to hinder or obstruct, any Officer exercising a power or performing a duty under this By-law.
- 5.4 Every Person who is alleged to have contravened any of the provisions of this By-law shall identify themselves to an Officer upon request, failure to do so shall be deemed to have hindered or obstructed an officer in the execution of his or her duties.
- 5.5 Upon conviction, any penalty imposed under this By-law may be collected under the authority of the Provincial Offences Act, R.S.O. 1990, c. P. 33, as amended.
- 5.6 Failure to stop when directed by an Officer shall be an offence of obstruction.
- 5.7 If a Person is convicted of an offence under this By-law, the court in which the conviction has been entered and any court of competent jurisdiction may, in addition to any other remedy and to any penalty imposed, make an order prohibiting the continuation or repetition of the offence by the Person convicted.

#### **6. SEVERABILITY**

- 6.1 Each and every one of the foregoing provisions of the by-law is severable and if any provisions of this by-law should, for any reason, be declared invalid by any court, it is the intention and desire of this council that each and every one of the then remaining provisions shall remain in full force and effect.

#### **7. SCHEDULES**

- 7.1 Schedules "A" appended to this By-law are incorporated into and form part of this By-law.
- 7.2 Schedule "B" (Short Form Wording and Set Fines) attached hereto does not form part of this By-law.

#### **8. REPEALS**

By-law 17/2004 is hereby repealed on the passing of this by-law.

**9. EFFECTIVE DATE**

This By-law shall come into force and takes effect on the date of its final passing.

READ three times and finally passed  
this 7<sup>th</sup> day of **June, 2021**.

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Chris White, Mayor

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Amanda Knight, Clerk

**SCHEDULE 'A' TO BY-LAW NO. 30/2021**

Township of Guelph/Eramosa By-law 30/2021  
All Off-Road Vehicles Prohibited

**Rockwood**

<b>Highway</b>	<b>From</b>	<b>To</b>	<b>Time of Day</b>
Rockmosa Drive	Entire Length	Entire Length	Anytime

**SCHEDULE 'B' TO BY-LAW NO. 30/2021**

**THE TOWNSHIP OF GUELPH/ERAMOSA**

**PART 1 PROVINCIAL OFFENCES ACT BY-LAW 30/2021: OFF ROAD VEHICLE  
BY-LAW**

Being a By-law to regulate the operation of off-road vehicles and motorized snow vehicles within the Township of Guelph/Eramosa

<b>Item #</b>	<b>Short Form Wording</b>	<b>Provision Creating or Defining Offence</b>	<b>Set Fine</b>
<b><u>HIGHWAYS</u></b>			
1	Operate a prohibited ORV	Section 3.2 and 3.3	\$150.00
2	Operate an ORV outside permitted hours	Section 3.5	\$150.00
3	Operate an ORV in a prohibited area	Section 3.6	\$200.00
4	Operate an ORV near a church/funeral home during services	Section 3.7	\$200.00
5	Operate an ORV near a school during prohibited hours	Section 3.8	\$200.00
6	Operate an ORV on a sidewalk	Section 3.9	\$200.00
7	Operate an ORV on a boulevard	Section 3.10	\$150.00
8	Operate an ORV on a prohibited highway	Section 3.12	\$200.00
9	Cause nuisance	Section 3.13	\$150.00
10	Obstruction	Section 5.3	\$500.00

NOTE: The general penalty provision for the offences indicated above is Section 5.2 of By-law **30/2021** as amended, a certified copy of which has been filed.