

# The Corporation of the Township of Douro-Dummer

## By-law Number 2024-05

### Being a By-Law to regulate the operation of off-road vehicles on municipal highways within the Township of Douro-Dummer and to Repeal By-law 2019-11 and By-law 2021-37

**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:

(a) 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, subject to any limitations prescribed under clause (2.1) (b);

(b) prohibiting 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 highway, in accordance with a regulation under clause (2.1) (a);

(c) prescribing a lower rate of speed for off-road vehicles 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. 2019, c. 14, Sched. 16, s. 15 (4).

**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:

(4) A by-law passed under subsection (3) may apply only during specified times. 2019, c. 14, Sched. 16, s. 15 (4).

**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, as amended;

**“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 and that the operation of multi-purpose off-highway utility vehicles, recreational off-highway vehicles, and all-terrain vehicles shall not be permitted on any other Highways under the jurisdiction of the Township of Douro-Dummer or on any property owned by the Township of Douro-Dummer.

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 the Twelfth Line Road and Simpson Road in the Dummer Ward of the Township of Douro-Dummer from dawn until dusk.
3. 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.
4. Helmets are required on all Township Highways along with a valid driver's license and insurance.
5. 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.
6. This By-law does not apply to police, fire, ambulance, search and rescue or other emergency vehicles.
7. 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 municipally owned or municipally maintained lands such as parks, sports fields, playgrounds, trails, sand dunes or beach areas 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. Over or upon any unopened road allowance;
  - e. Any cemetery under the jurisdiction of the Township;
  - f. Any municipal public property in the Township without consent of the Township;
  - g. Upon any sidewalk or boulevard within the Township;
  - h. 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 or the Municipal By-law Enforcement Officer or their designate is hereby authorized and empowered to 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.
5. The Short Name of this By-law shall be "ORV 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. Repeal**

That By-law Number 2019-11 a By-law to regulate the operation of off-road vehicles on municipal highways within the Township of Douro-Dummer, and By-law Number 2021-37 a By-law to regulate the operation of off-road vehicles on municipal highways within the Township of Douro-Dummer are hereby repealed.

**VIII. 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.

Passed in open Council this 20<sup>th</sup> day of February, 2024.

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Mayor, Heather Watson

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Clerk, Martina Chait-Hartwig

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

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**Schedule 'A'**

**Part 1 Provincial Offences Act**

<b>Item</b>	<b>Column 1 Short form wording</b>	<b>Column 2 Provision creating or defining offence</b>	<b>Column 3 Set Fine</b>
<b>1</b>	<b>Operating an ORV on a municipal highway</b> Exemption: Twelfth Line Road and Simpson Road, Dummer	<b>Section III.1</b>	<b>\$200.00</b>
<b>2</b>	<b>Operating an Off-Road vehicle between Dusk and Dawn on Twelfth Line Road and Simpson Road, Dummer</b>	<b>Section III.2</b>	<b>\$200.00</b>
<b>3</b>	<b>Having a Modified Exhaust system on an Off-Road vehicle</b>	<b>Section III.3</b>	<b>\$200.00</b>
<b>4</b>	<b>Operating an ORV on an unopened road allowance</b>	<b>Section III.7</b>	<b>\$200.00</b>
<b>5</b>	<b>Operating an ORV on a sidewalk or boulevard</b>	<b>Section III.7</b>	<b>\$200.00</b>
<b>6</b>	<b>Operating an ORV on municipally owned property including a municipal parks or sports fields</b>	<b>Section III.7</b>	<b>\$200.00</b>

"Note: the general penalty provision for the offences listed above is Section IV of By-law 2024-05, a certified copy of which has been filed".