



BY-LAW No. 2021-10

Being a by-law to permit the Operation of Off-Road Vehicles on Highways under the Jurisdiction of the Corporation of the Township of Dubreuilville.

WHEREAS the *Highway Traffic Act*, RSO 1990, c H.8 subsection 191.8(3), authorizes the Council of a municipality to 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 highway;

AND WHEREAS the *Highway Traffic Act*, RSO 1990, c H.8, Ontario Regulation 316/03 defines an off-road vehicle and provides regulations governing the operation of off-road vehicles upon highways;

AND WHEREAS beginning July 1, 2020, the *Highway Traffic Act*, RSO 1990, c H.8, Ontario Regulation 135/15 further defines off-road vehicles and expands upon their permitted use;

AND WHEREAS the Council of the Corporation of the Township of Dubreuilville deems it advisable to regulate the operation of off-road vehicles as defined in section 1 of Ontario Regulation 316/03 and 135/15, on certain highways within the jurisdiction of the Corporation of the Township of Dubreuilville, or on any part or parts of such highways;

NOW THEREFORE the Council of the Corporation of the Township of Dubreuilville enacts as follows:

1.0. DEFINITIONS

1.1. In this by-law:

- (a) “highway” means a highway as defined in the *Highway Traffic Act*, RSO 1990, c H.8;
- (b) “off-road vehicle” has the same meaning as in the *Off-Road Vehicles Act*, RSO 1990, c O.4.

2.0. INTERPRETATION

2.1. The headings used in this by-law are inserted for convenience of reference only, form no part of this by-law, and shall not affect in any way the meaning or interpretation of the provisions of this by-law;

- 2.2. Unless the context requires otherwise, references to items in the plural include the singular unless used with a number modifying the term, and words imparting the masculine gender include the feminine;
- 2.3. Notwithstanding anything else in this by-law, persons operating off-road vehicles are strongly encouraged to equip their off-road vehicles with a flag, mirrors, and a speedometer in order to promote safety for the operator and all highway users;
- 2.4. This by-law does not apply to police, fire, ambulance, search and rescue or other emergency vehicles.

3.0. REGULATIONS

- 3.1. Only those off-road vehicles falling within the definition of an “all-terrain vehicle”, a “multi-purpose off-highway utility vehicle” and a “recreational off-highway vehicle” in section 1 of Ontario Regulation 316/03, may be driven on highways that are within the Township of Dubreuilville and that are under the Jurisdiction of the Corporation of the Township of Dubreuilville provided that the off-road vehicle:
 - (i) meets the equipment requirements set out in Ontario Regulation 316/03 and Ontario Regulation 135/15; and
 - (ii) is driven in accordance with the operation requirements set out in Ontario Regulation 316/03 and Ontario Regulation 135/15.
- 3.2. No off-road vehicle shall be driven at a rate of speed greater than:
 - (a) Twenty (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.
- 3.3. The exemptions set out in Ontario Regulation 316/03 and Ontario Regulation 135/15, as amended from time to time, regarding the operation of off-road vehicles on highways shall apply to this by-law and the permissions granted thereunder.
- 3.4. No person shall operate an off-road vehicle:
 - (a) Other than on a paved surface, where it is paved, and not on a road shoulder, contrary to Ontario Regulation 316/03;
 - (b) Between the hours of 12:00 a.m. and 6:00 a.m.;
 - (c) Over any municipal owned or municipal maintained land used as parks, playgrounds or for utility purposes.
- 3.5. Any person operating an off-road vehicle under this By-law shall comply with the *Highway Traffic Act*, the *Off-Road Vehicles Act*, and all other Federal or Provincial laws and municipal by-laws, as applicable, or any regulations made under them as amended from time to time.

4.0. ENFORCEMENT, OFFENCES, FINES & PENALTIES

- 4.1. This by-law may be enforced by a police officer or a municipal by-law enforcement officer.
- 4.2. Any person who contravenes any of the provisions of this by-law is guilty of an offence.
- 4.3. Every person who is convicted of an offence under this by-law is liable to a fine as provided for in the *Provincial Offences Act*, RSO 1990, c P.33.
- 4.4. When a person has been convicted of an offence under this by-law:
- (a) the Ontario Court of Justice; or
 - (b) any court of competent jurisdiction thereafter;

may, in addition to any other penalty imposed on the person convicted, make an order prohibiting the continuation or repetition of the offence by the person convicted.

5.0. VALIDITY

- 5.1. If a court of competent jurisdiction should declare any section or part of a 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 that the remainder of the By-law shall be valid and shall remain in force.

6.0. EFFECTIVE DATE & REPEAL

- 6.1. By-law 2015-30 is hereby repealed.
- 6.2. This By-law shall come into force and take effect upon the passing thereof.

READ a first, second and third time and be finally passed this 14th day of February, 2021.


MAYOR


CAO-CLERK



