

The Corporation of the Township of Oro-Medonte

By-law No. 2021-xxx

**Being a By-law to Permit All-Terrain, Multi-Purpose Off-Highway Utility
[and Recreational Off-Highway Vehicles
on Municipal Highways
(Off-Road Vehicles By-law)
and to repeal By-Law No. 2019-079**

Whereas the Highway Traffic Act, R.S.O. 1990, Chapter H.8, Section 191.8(1), provides that no person shall drive an off-road vehicle on a highway except in accordance with the Highway Traffic Act regulations and any applicable municipal By-law;

And Whereas the Highway Traffic Act, R.S.O. 1990, Chapter H.8, Section 191.8(3), provides that a municipality may pass by-laws permitting certain off-road vehicles on highways under the jurisdiction of the municipality and providing speed limits for such vehicles;

And Whereas the Municipal Act, S.O. 2001, Chapter 25, Section 11(3), provides that a municipality may pass by-laws with respect to municipality owned roads, including parking and traffic on such highways;

And Whereas the operation of off-road vehicles on highways is a privilege and not a right;

And Whereas Council deems it necessary to enact a By-law to permit the use of off-road vehicles on certain municipal highways.

Now Therefore the Council of the Township of Oro-Medonte hereby enacts as follows:

1. That Appendix "A", Schedules "A", "B", "C" and "D" form part of this By-law.
2. This By-law may be cited as "The Township of Oro-Medonte Off-Road Vehicles By-law."
3. That By-law No. 2019-079 is hereby repealed in its entirety.
4. This By-law shall come into force and effect on the date of its final passing.

By-law read a First, Second and Third time, and Passed this 24th day of November 2021.

The Corporation of the Township of Oro-Medonte

Mayor, H.S. Hughes

Deputy Clerk, Janette Teeter

Appendix "A"

To By-law No. 2021xxx for the Corporation of the Township of Oro-Medonte

1.0 Definitions

For the purpose of this By-law, the following definitions shall apply:

"Boulevard" shall mean that part of the highway situated between the curb line and the property line of the lot abutting the highway, but does not include a sidewalk or shoulder.

"Council" means the Council for The Corporation of the Township of Oro-Medonte.

"Designated Trail Route" shall mean a trail that has been approved by Council and designated by agreement or memorandum of understanding with a recognized agency and includes extension of the agency's insurance coverage to terms acceptable to the Township.

"Highway" includes 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.

"Municipal Law Enforcement Officer" means a person duly appointed by the Corporation of the Township of Oro-Medonte for the purpose of enforcing the provisions of this By-law and who shall have the powers as set out in the Provincial Offences Act, R.S.O., 1990, c.P. 33, as amended.

"Municipality" shall mean The Corporation of the Township of Oro-Medonte.

"Off-Road Vehicle" shall mean an off-road vehicle intended for off-road and within the meaning of the Off-Road Vehicles Act, and as defined by the Highway Traffic Act and or the regulations thereto and includes off-road vehicles as defined as follows:

"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,
 - (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 is separate from the foot rests for the driver;

"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;

"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;

For the purposes of this By-law the terms off-road vehicle, multi-purpose off-highway utility vehicle, and recreational off-highway vehicle shall be referred to as "off-road vehicle" and treated as one in the same.

“Recognized Agency” shall be the Ontario Federation of All-Terrain Vehicle Clubs and the Central Ontario ATV Club.

“Settlement Area” for the purpose of this By-law shall include: Prices Corners/Bass Lake area, Shanty Bay area, Eight Mile Point Road area, Horseshoe Valley area, Sugarbush/Diamond Valley area, Braestone area, Moonstone Area and Scottdale Drive.

“Sidewalk/Footpaths” means that portion of a highway as is set aside by The Corporation of the Township of Oro-Medonte for the use of pedestrians.

“Township” shall mean The Corporation of the Township of Oro-Medonte.

2.0 Regulation of Off-Road Vehicles on Township Highways

2.1 Prohibition

2.2 No person shall operate an Off-Road Vehicle or permit an Off-Road Vehicle to be operated on a highway:

2.2.1 under the jurisdiction of the Township that is an unopened road allowance except upon those highways (unopened road allowances) or portions thereof set out in Schedule “B” of this By-law and during the dates listed therein unless otherwise established as a Designated Trail Route;

2.2.2 under the jurisdiction of the Township outside of a Settlement Area except upon those highways or portions thereof set out in Schedules “A” and “D” of this By-law and during the dates listed therein unless otherwise established as Designated Trail Route ; and

2.2.3 under the jurisdiction of the Township within a Settlement Area (identified in Schedule “C” of this By-law).

2.3 On those highways under the Township’s jurisdiction where Off-Road Vehicle use is permitted under section 2.2, no persons shall operate such Off-Road Vehicle at a rate of speed greater than:

2.3.1 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 50 kilometers per hour or less;

2.3.2 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.

2.4 On those highways under the Township’s jurisdiction where Off-Road Vehicle use is permitted under section 2.2, no persons shall operate such Off-Road Vehicle during the following period;

2.4.1 two (2) hours after sunset through till two hours prior to sunrise the following day..

2.5 On those Highways under the Townships jurisdiction where Off-Road Vehicles use is permitted under section 2.2, no person shall operate such Off-Road Vehicle between December 16th through till March 31st of the following year, except as identified in Schedules “A” and “B” of this By-law.

2.6 Notwithstanding section 2.4, upon written request Council may approve by resolution, a modification to the regulated hours therein where such request is made in association with a special event or other activity that is legally permitted.

2.7 No person shall park an off-road vehicle on a municipal highway except in accordance with the (Parking By-law) or where otherwise authorized by signage displayed and indicating that Off-Road vehicle parking is permitted.

2.8 Notwithstanding the permission granted under section 2.2 no person shall operate an Off-Road Vehicle:

2.8.1 upon any Sidewalks/Footpaths, or

2.8.2 within any ditches, drainage areas or other portions of the highway outside of the travelled portion (of the highway).

3.0 Off-Road Vehicles on Municipal Property Other than Highways

4.1 On all municipally owned lands, other than highways, no person shall operate an Off-Road Vehicle except:

3.1.1 in areas permitted as identified in Schedule "B" of this By-law

4.0 Enforcement

4.1 The provisions of this By-law shall be enforceable by a police officer, municipal law enforcement officer, or other such persons as appointed by the municipality.

4.2 Failure to stop when directed by a police officer, municipal law enforcement officer, or appointed person shall be an offence of obstruction.

5.0 General

5.1 In the event that any provisions of this By-law are found by a court of competent jurisdiction to be without effect under Section 14. (1) of the Municipal Act, S.O. 2001, as amended, such provisions shall be deemed to be severed and the remainder of this By-law shall remain in full force and effect.

5.2 This By-law shall apply in addition to the provisions of any other Township by-law and the Municipal Act, 2001, S.O. 2001 c. 25, as amended, provided that in the event of conflict, the provisions of any other Township by-law or the Municipal Act, 2001, S.O. 2001 c. 25, as amended, shall not be paramount over this By-law, provided such provisions are not contrary to law.

6.0 Offences

6.1 No person shall obstruct, hinder, or otherwise interfere with a police officer, municipal law enforcement officer or other duly appointed individual in the lawful carrying out of their duties and responsibilities under the provisions of this By-law.

6.2 Every person who contravenes any provision of this By-law is guilty of an offence and shall be liable to a fine pursuant to the Municipal Act, as amended, every such fine is recoverable under the Provincial Offences Act, as amended.

Schedule "A"

to By-law No. 2021-xxx for
The Corporation of the Township of Oro-Medonte

Areas Permitted December 16st – March 31

All highways under the jurisdiction of the Township of Oro-Medonte within the following boundaries:

- Northern Boundary -Old Barrie Road
- Southern Boundary -Lake Simcoe
- Western Boundary -Line 1 North/South to Lake Simcoe
- Eastern Boundary -Line 14 North/South from Old Barrie Road to the Rail Trail. The boundary then continues from Line 15 South from the Rail Trail to Lake Simcoe.

Exclusions to the above are hereby noted as follows:

Ridge Road/Shanty Bay Road -Under the jurisdiction of the County of Simcoe (only permitted to cross at 90-degree angle).



Schedule “B”

**to By-law No. 20121-xxxfor
The Corporation of the Township of Oro-Medonte**

Areas Permitted January 1st – March 15th of any given year

Operation of an off-road vehicle is permitted on the following unopened road allowance from January 1st till March 15th in any given year:

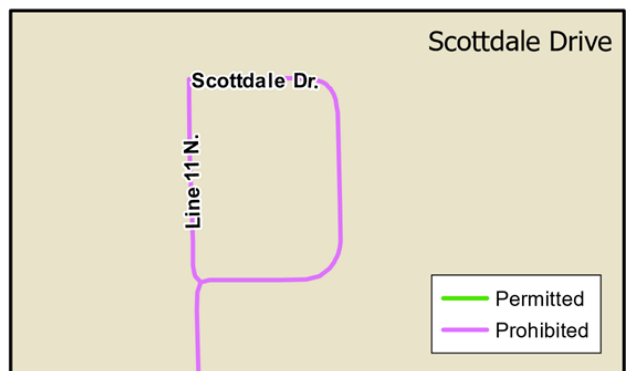
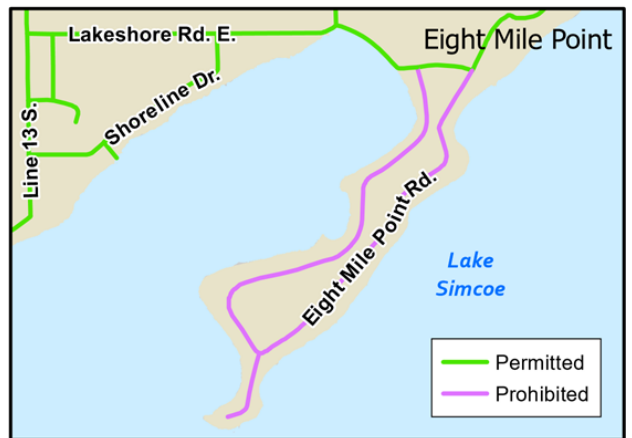
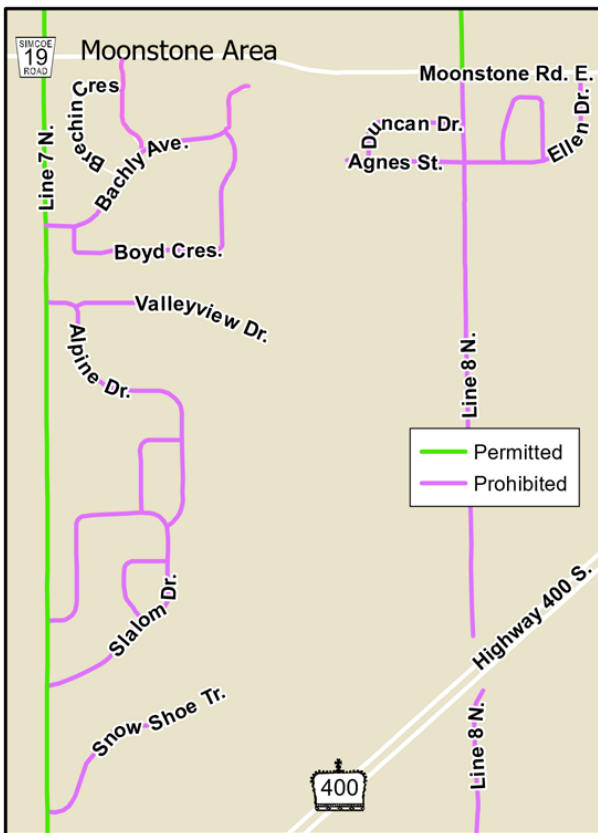
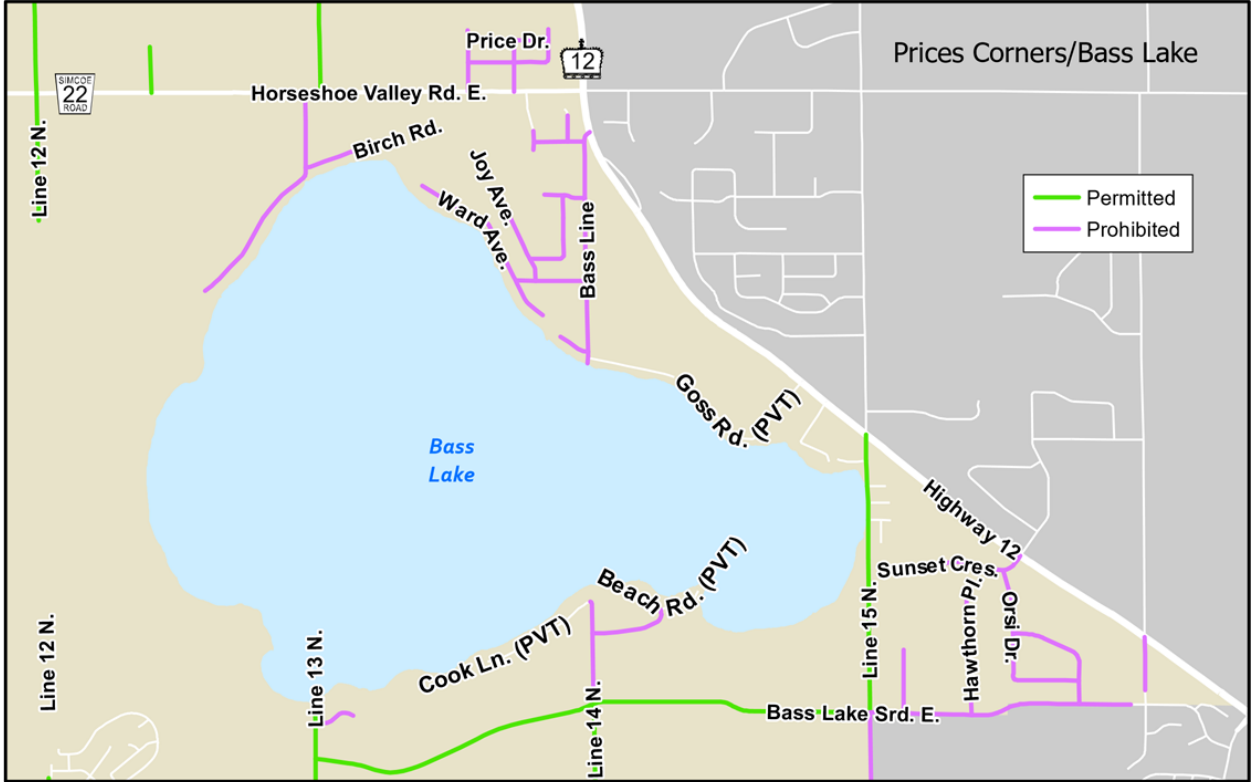
- a) Colborne Street
- b) Black Forest Road
- c) Ice Road
- d) Little Road
- e) Wilson Street
- f) Woodland Drive

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Schedule "C"

to By-law No. 2021-xxx for
The Corporation of the Township of Oro-Medonte

Settlement Areas-Continued



Schedule "C"

to By-law No. 2021-xxx for
The Corporation of the Township of Oro-Medonte

Settlement Areas-Continued



Schedule "D"

to By-law No. 2021-xxxfor
The Corporation of the Township of Oro-Medonte

Permitted/Prohibited Areas

All highways under the jurisdiction of the Township of Oro-Medonte coloured in green are permitted Township roads and all Township roads coloured in purple are prohibited. All roads in white are not in the Township's jurisdiction.

