

# Corporation of the County of Grey

## By-Law 4945-16

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A By-law to Permit Off-Road Vehicles on Certain Roadways under the Jurisdiction of the County of Grey as regulated in accordance with Ontario regulation 316/03

WHEREAS Section 8(1) and 9 of the *Municipal Act*, 2001, S.O. 2001, c.25 as amended provide that the powers of a municipality shall be interpreted broadly so as to enable the Municipality to govern its affairs as it considers appropriate and to respond to issues;

AND WHEREAS Section 191.8(3) of the *Highway Traffic Act*, R.S.O. 1990, c. H.8 (as amended) authorizes Council to pass a by-law permitting the operation of Off-Road Vehicles on any roadway under the jurisdiction of the Municipality or on any part or parts of such a roadway;

AND WHEREAS the Council of the County of Grey adopted the recommendations of the Transportation and Public Safety Committee at its June 23 and August 18, 2016 meetings the approving of operation of Off-Road Vehicles on certain roadways under the jurisdiction of the County of Grey with exceptions as specified in Schedule 'A';

NOW THEREFORE BE IT RESOLVED THAT THE COUNCIL OF THE CORPORATION OF THE COUNTY OF GREY HEREBY ENACTS AS FOLLOWS:

### 1. Definitions

- 1.1 “**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 designated 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,
      - Has one passenger seat that is designed to be straddled by the passenger while sitting facing forward behind the driver, and
      - Is equipped with the foot rests for the passenger that are separate from the foot rests for the driver.
- 1.2 “**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.
- 1.3 “**Off-Road Vehicle**” has the same meaning as in the *Off-Road Vehicles Act*, R.S.O. 1990, c. o.4 (as amended) and for the purpose of this by-law and Sections 2.0 and 3.0 is limited to:
- a) All-Terrain Vehicles
  - b) Multi-Purpose Off-Highway Utility Vehicles, and
  - c) Recreational Off-Highway Vehicles.
- 1.4 “**Owner**” has the same meaning as operator and is the person to whom the Off-Road Vehicle is registered to and/or the person who has care and control of the Off-Road Vehicle.
- 1.5 “**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.
- 1.6 “**Roadway**” includes a common and public highway, street, avenue, parkway, driveway, square, place, bridge, viaduct or trestle, or 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. Private roads and unopened road allowances are excluded.

## **2. Permitted Uses and Restrictions**

- 2.1 No person shall operate an Off-Road Vehicle except as permitted upon a roadway under the jurisdiction of the County of Grey 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 and any Schedule hereto.
- 2.2 No person shall operate Off-Road Vehicles on a Roadway between sunset and sunrise as determined by the National Research Council of Canada.
- 2.3 No Person shall operate Off-Road Vehicles between November 10 and May 1. Off-Road Vehicles being used for snow removal must be equipped with a plow and visible intermittent flashing amber light.

## **3. Regulations**

- 3.1 No person shall operate a permitted Off-Road Vehicle on a roadway unless it meets the requirements of Section 7 to 15 of Ontario Regulation 316/03 of the Highway Traffic Act (as amended) and is operated in accordance with Sections 16 to 24 of Ontario Regulation 316/03.
- 3.2 Exemptions shall apply as outlined in Part IV of Ontario Regulation 316/03.

## **4. Penalties**

- 4.1 Any person who contravenes any section of this by-law is guilty of an offence and upon conviction is liable to a fine as provided by the Provincial Offences Act, R.S.O. 1990, c. P.33 (as amended).
- 4.2 No person shall interfere or obstruct an officer carrying out duties in the enforcement of this by-law.

## **5. Effective Date and Review**

- 5.1 In the event of any conflict between any provisions of this by-law and any other by-law hereto passed, the provisions of this by-law shall prevail.
- 5.2 This by-law shall be reviewed no later than September 30, 2017.
- 5.3 The Warden and Clerk are hereby authorized and directed to execute and the County to affix the Corporate seal thereto.
- 5.4 Schedules "A" and "B" form part of this by-law.
- 5.5 That By-law 4673-10 is hereby rescinded.

ENACTED AND PASSED this 6<sup>th</sup> day of September, 2016.

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WARDEN: Alan Barfoot

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CLERK: Sharon Vokes

### Schedule 'A' By-law 4945-16

Licensed and Insured All Terrain Vehicles will be permitted on all Grey County roads from sunrise to sunset between May 1<sup>st</sup> and November 10<sup>th</sup> with the following exceptions:

GREY ROAD NO.	FROM	TO
1 (2 <sup>nd</sup> Avenue West, Owen Sound)	10 <sup>th</sup> Street West (Owen Sound)	14 <sup>th</sup> Street West (Owen Sound)
2	Grey Dufferin Townline	Highway 26
4 (10 <sup>th</sup> Street, Hanover)	Bruce County	East Hanover Town Limits
4 (Durham Road West, Bruce Street North, Lambton Street West, Lambton Street East, Durham Street)	East Hanover Town Limits	Wilcox Lake Rd.
4	30 <sup>th</sup> Sideroad	Grey Road 124
5 (2 <sup>nd</sup> Avenue East, Owen Sound)	1 <sup>st</sup> Street SW (Owen Sound)	1st Street E (Owen Sound)
7	Sideroad 10B	Euphrasia/St. Vincent Townline
9	Dufferin Road 9	Grey Road 124
10 (7 <sup>th</sup> Avenue)	Knappville Road	Grey Road 28/Bruce Road 22
12	11 <sup>th</sup> Line	Euphrasia/St. Vincent Townline
13	Grey Road 4	8 <sup>th</sup> Concession
13 (Matilda Street, Marsh Street, Bruce Street South)	12 <sup>th</sup> Concession B	Highway 26
14	Artemesia/Southgate Townline	Grey Road 4
18	Inglis Falls Road	Highway 6 and Highway 21 Intersection (Springmount)
19	Grey Road 2	Highway 26
21	Grey Road 19	Highway 26
28	Concession 2 SDR	Grey Road 10 / 7 <sup>th</sup> Ave (Hanover)
30	Grey Road 12	Grey Road 13
31	Grey Road 2	8 <sup>th</sup> Concession B
32	Highway 10	Grey Road 30
40	Grey Road 29	Highway 26
113 (Alfred St. West)	Grey Road 13 (Bruce Street South)	Highway 26
119	Grey Road 13	Roundabout (Grey Road 19 and Gord Canning Drive intersection)
124	Grey Dufferin Townline	Grey Road 4

**The Corporation of the County of Grey**

**By-Law 4945-16 Off-Road Vehicle Regulation Schedule 'B'  
Set Fine Schedule  
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>
1	Operate Off-Road Vehicle on Highway Between November 10 and May 1	Section 3.1	\$110.00
2	Operate Off-Road on Highway Between the Hours of sunset and sunrise	Section 3.1	\$110.00
3	Operate Off-Road Vehicle on Municipal Roads that are Prohibited	Section 3.1	\$110.00
4	Operate improperly equipped Off-Road Vehicle	Section 3.1	\$110.00

The penalty provision for the offences cited above is Section 5.1 of By-law Number 4945-16 a certified copy of which has been filed.