

Report

Report No. OCS-2018-011	To: Council	Prepared By: Shawn Binns
Meeting Date: March 28, 2018	Subject: Off-Road Vehicle use on Municipal Roadways	Motion # _____
Roll #:		R.M.S. File #:

Recommendation(s):	Requires Action <input checked="" type="checkbox"/>	For Information Only <input type="checkbox"/>
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It is recommended:

1. That Report No. **OCS-2018-011** be received and adopted;
2. And that Staff proceed as directed by Council.

Background:

The Township of Oro-Medonte By-law 2013-203 regulates the permissible use of *All Terrain Vehicles* (ATVs) on Municipal roadways within the Township of Oro-Medonte. Currently the By-law permits for the use of ATVs on specific roads, generally from Hwy. 11 south from Lake Simcoe and within the Township's eastern and western boundaries (with certain exclusions). A copy of the By-law is attached for reference.

Since the inception of Ontario Regulation 316/03 (2003) under the Highway Traffic Act, the Township has received and reviewed several formal requests to permit the use of ATV's on Municipal Roads and has passed By-laws regulating their use under the regulation. A summary is included below in **Table 1**.

Background Report / By-law	Decision / Outcome
Staff Report PW2004-06 (COW June 17, 2004)	Denied request of OFATV to open roadways until such time as a maintained trail system is in operation.
Staff Report RC2007-29 (COW December 19, 2007)	Request to open roadways from North Simcoe ATV Club / OFATV denied and staff to work with Club on risk management, parking and the development of a regional trail network.

Staff Report RC2010-24 (Council, November 10, 2010)	Approved the use of ATV's on specific Municipal roads from designated parking areas to Lake Simcoe access points for winter months (Jan 1. – March 15) for recreational purposes. \$5000 approved for signage.
By-law 2010 – 034 By-law to permit off-road vehicles on specific Municipal roads	By-law to regulate the above for 1-year trial.
By-law 2010-189 By-law to permit off-road vehicles on specific Municipal roads	By-law amended to remove time period of 1-year and changed to any given year.
Staff report RC2011-20	Approved expansion of permissions to regulate the use of ATV's on specific Municipal roadways generally from Hwy.11 South to Lake Simcoe to eastern and western boundaries from Jan 1 – March 15 for 1-year.
By-law 2012-184 By-law to permit off-road vehicles on specific Municipal roads	Expansion of permissions to regulate the use of ATV's on specific Municipal roadways generally from Hwy.11 South to Lake Simcoe to eastern and western boundaries for winter months for 1 – year period.
Staff report RC2012-025	Extended the By-law to remove the 1-year limitation.
By-law 2013-203 By-law to permit off-road vehicles on specific Municipal roads	Renewal of the By-law referenced above to remove the annual timeframe of 1-year of the By-law. No changes

Table 1 – Summary of background reports/By-laws on ATV use on Municipal Roads.

At its meeting of June 21, 2017, Council received a request from Mr. Shawn Scott and Mr. Luke Sternberg accompanied by the Central Ontario ATV Club (COATV) requesting consideration to revise the By-law to open up the use All Terrain Vehicles (ATV) and Off Road Vehicles (ORV) on all Municipal roadways. Council received the request and referred the matter to staff for a report. The following report will review the request and outline options for Council's consideration.

Analysis:

Legislation

Municipal Act

Sections 11 and 27 of the Municipal Act, provides the authority to pass By-laws with respect to highways within its jurisdiction. Section 27 identifies situations of joint jurisdiction, requiring By-laws by all Municipal having jurisdiction over the highway.

Off Road Vehicles Act

Generally regulates Off-Road Vehicles (ORV's) including ATV's when they are operating off road on private lands, frozen waterways and unorganized territories.

The *Off-Road Vehicles Act* prescribes the equipment and operational requirements for off-road vehicles, including the following:

- Requirements and guidelines for equipment (performance and safety requirements)
- Operational requirements
 - Registration (plates)
 - Insurance
 - Must be 12 years of age (unless supervised) / 16 years with license and insurance to cross a highway (HTA)
 - Can only cross highways/roadways
 - Helmet requirements for driver and passengers.

Highway Traffic Act (HTA)

Generally regulates Motorized Vehicles and their operation on Highways across the province. Off road vehicles are classified as motor vehicles under the Act.

Part X.3, Section 191.8 (3) of the **Highway Traffic Act** enables the Council of a Municipality to pass By-laws permitting the operation of "off-road vehicles" on any highway within its jurisdiction, as well as prescribing a lower rate of speed for off-road vehicles on its highways that are under its jurisdiction. Municipalities may also restrict and regulate time of day, specific roads where use is permitted and dates throughout the year.

HTA Regulation 316/03

This regulation of the HTA generally prohibits the use of Off Road Vehicles on any highway, including highways under municipal jurisdiction.

ORVs that meet the requirements under Section 1 of the Highway Traffic Act (HTA) and Regulation 316/03 may operate on permitted provincial highways and municipal roads where a By-law exists to permit their use.

The operation of off-road vehicles, including ATV's on highways, when authorized, is regulated under **Ontario Regulation 316/03** of the HTA and the **Off-Road Vehicles Act**.

The regulation outlines the following requirements:

Equipment Requirements	Operation Requirements
Weight and dimensions	Permit
Tires	Insurance
Motor vehicle safety standards	Driver's license
Equipment configurations and performance requirements	Helmet
Safety equipment	Seat belts
Equipment installed at time of manufacture and manufacturer's label	Passengers / no passengers under the age of eight
Braking system	No riding on trailer
Lamps	Application of HTA and ORVA
Windshield	Maximum speed : (a) 20 kilometres per hour, if the speed limit established under the Act 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 Act for that part of the highway is greater than 50 kilometres per hour. O. Reg. 316/03, s. 22.
No obstruction of view	Environmental protection
	Rules of the road

The regulation also provides specific exemptions for crossing a highway (see ORVA), farmers and trappers (modified requirements), public works functions as well specific prohibitions to certain provincial highways.

In July of 2015, the Province implemented new changes to off-road vehicle use. The changes include:

- Allowing more types of off-road vehicles (ORVs) and all-terrain vehicles (ATVs) - including two-up ATVs, side-by-side ORVs and utility terrain vehicles (UTVs) - on the shoulder of public roads, where permitted;
- Mandating that all riders - including drivers and passengers of all ages - wear an approved motorcycle helmet and use a seatbelt or foot rests, where applicable;
- Children under the age of eight will not be allowed as a passenger on any ATV/ORV operating on-road;
- Limiting the number of passengers to the number of available seating positions;
- Requiring compliance labels on all ATVs/ORVs;
- Clarifying access and exemptions for farmers and trappers and for Far Northern Ontario municipalities.

Other relevant legislation

Occupiers Liability Act – Imposes a duty to take such care as in all the circumstances of the case is reasonable to see that persons entering on the premises, and the property brought on the premises by those persons are reasonably safe while on the premises. The duty of care applies whether the danger is caused by the condition of the premises or by an activity carried on the premises.

Trespass to Property Act – Governs protection of private property.

Criminal Code of Canada – Codifies most criminal offences and procedures in Canada.

Liquor License Act – Sec. 32 (1) relates to “driving” or “having care and control”

Motorized Snow Vehicles Act – Regulates the use of Snowmobiles on Highways. Unlike regulation 316/03 which generally restricts the use of ORV’s on highways, the act permits the operation of snowmobiles unless prohibited by lower tier By-law. The act also requires a trail permit be obtained which is administered through the Ontario Federation of Snowmobile Clubs.

Municipal By-laws

A review of ATV By-laws in municipalities bordering the Township Oro-Medonte has been undertaken. It was found that many jurisdictions have current All-Terrain Vehicle By-laws that have been updated after the July 1, 2015 provincial update.

- Springwater Township does have a By-law in place that allows users to enter an agreement with the Township to use their ORV on municipal roads. This is currently under review.
- Severn Township has opened their roads to ORV use with restrictions and riding times imposed.
- Tiny Township is in the process of implementing a pilot project relating to a COATV association request for a trail system to link Simcoe County Forests. They have not yet passed a By-law indicating the roads designated for their pilot project but the intent would be to provide access to specific road segments to link a ORV trail network.
- Tay Township does not allow ORV’s on their roadways.

Table 2 provides a list of municipalities within Simcoe County and a summary of their current By-laws for permitting the use of ORVs on Municipal roadways.

Municipality	By-law	By-law # (if Available)	Certain or All Roads	Comments / Other
Adjala-Tosorontio	Yes	17-14	All	
Barrie	No		N/A	
Bradford West Gwillimbury	No			
Clearview	Yes	17-46	Designated route	
Collingwood	No			
Essa	Yes	2005-24	All	Authorization on unopened road allowances require written permission
Innisfil	Yes	099-05	All	Not permitted between 11pm and 6am
Midland	No			
New Tecumseth	No			
Orillia	No			
Oro-Medonte	Yes	2013-203	Certain	Highway 11 to Lake Simcoe January 1st to March 15th
Penetanguishene	No			
Ramara	Yes	2015-49		Not permitted between 10pm and 6am
Severn	Yes	2015-68	All	Authorization between 1/2 hr after sunrise to 1/2 hr before sunset
Springwater	Yes	2011-029 / 2011-44	Certain	Authorization provided in writing by Twsp through Agmt. w. ATV or ORV Club
Tay	Yes	2006-04	No	Prohibit use of All-Terrain Vehicles on Tay Trail
Tiny	No			
Wasaga Beach	Yes	2015-69	All	Not permitted between 11pm and 7am
County of Simcoe	No			

Table 2 - Status of Municipalities Current ORV/ATV By-laws

Simcoe County Forest - Trail Networks

The County regulates the recreational uses in Simcoe County Forests through a Recreation Use Policy. Motorized use must occur on approved designated trails and only where there is an agreement with an organization with insurance coverage extended to the County.

ATV/ORV trail networks are currently limited to a few select Simcoe County forest tracts in Springwater Township and Tiny Township. All Off-Road Motorized Vehicle Use must be on approved trails and with a valid permit (this includes snowmobile, ATV/ORV, and off-road motorcycle) and are regulated under the Simcoe County Recreation Policy. The Simcoe County Off-Road Riders Association (SCORRA) have trails in County

Forests throughout the County. This association consists of both off road motorcycles and on/off road motorcycles.

There are currently forest tracts in Oro-Medonte which have motorcycle trails and snowmobile trails. There have been requests to Simcoe County for ATV/ORV routes in Oro-Medonte in the past, however they have not gained traction due to challenges in gaining regional permissions (for "on road" linkages), the capacity of the local club which is volunteer run, and the fact that there is no provincial requirement for ORV trail permits.

Trends Related to ATV/ORV Use

ORVs/ATVs have become very popular in recent years for various types of uses. Many use ORVs/ATVs for recreation, hunting, farming and work related activities. Statistics from the Canadian Off Highway Vehicles Distributors Council have shown consistent sales in Ontario of approximately 12,000 units per year since 2010. In addition, sales of off road utility vehicles and off road recreational vehicles (ex. side by side) have seen significant growth in recent years.

Existing Road Infrastructure

Current road infrastructure in Oro-Medonte consists of arterial, collector and residential roadways comprised mainly of rural cross sections that consist of ditches, granular shoulder and a surface of asphalt (470 km), surface treatment (118 km) or gravel (10 km). Road widths vary from 6.0 m to 7.0 m with shoulder widths ranging from 1.0 m to 0.50 m. Limited shoulder width and ditches result in an unfavourable location for ATV or ORV to travel on the shoulder as there is not a safe path of travel. This will result in ORV's having to travel on the far-right side of the roadway.

Reg. 316/03, s. 24 identifies rules of the road and states where ORV and ATV are to be operated. Specifically:

24. (1) The off-road vehicle shall be driven on the shoulder of the highway in the same direction as the traffic using the same side of the highway. O. Reg. 316/03, s. 24 (1).

24. (2) Despite subsection (1), the off-road vehicle may be driven on the roadway in the same direction as the traffic using the same side of the highway if,

(a) there is no shoulder;

(b) the shoulder of the highway is obstructed and cannot be used by the off-road vehicle; or

(c) the shoulder is not wide enough to allow the off-road vehicle to be driven with all of its tires remaining completely off of the roadway. O. Reg. 316/03, s. 24 (2); O. Reg. 135/15, s. 7 (1).

Public Safety

Of primary concern when considering ORV use on municipal roadways, Council must have regard for public safety.

Consideration must be given to the fact that ORVs are not designed for use on roadways. The HTA prohibits their operation on roadways for this reason. While regulation 316/03 provides for safety controls including reduced speed limits, compliance through enforcement is difficult to achieve.

The Ontario Provincial Police have reported that between 2011-2015 there were 891 reported collisions involving ORV's. Of these 71 resulted in a fatality, 697 resulted in injury and 123 resulted in property damage. They have also reported that 41.8% of all ORV collisions occur on Highways with 37.6% of these being on Municipal/Township roads, 24.1% occurring on private property and 34.1% on trails or other "off highway" locations.

The Canadian Institute for Health Information report that in 2015, Ontario saw 580 cases of injuries that required hospitalization from ATV use.

The use of ORV on roadways may also negatively impact the safety of other roadway users.

Community Impact

Consideration should be given to the impact that ORV use can have on residents and communities within the Township should their use on roadways be expanded by By-law. Public information sessions conducted in 2007, demonstrated a strong divergence of opinion on the matter. The Township also regularly receives complaints for ORV riding in areas where they not permitted and concerns related to noise, environmental degradation and damage to property. The limited use permissions under the current By-law 2013-203 have resulted in very few complaints or damages.

Environmental Impacts

ORVs can cause significant damage to the ground, particularly when saturated or in wet areas such as ditches, wetlands, streams etc. Expanding permissions to municipal roadways will increase access to these areas as well as protected lands, such as the Copeland Forest, the Oro Moraine and other environmentally sensitive areas, thereby increasing the probability of negative impact on the environment.

Additionally, mud on ORV's and trail equipment can harbor invasive plant species/seeds and contribute to their spread.

Maintenance and Inspection

If the Township expands its permissions for the use of ORV's on municipal roadways a "duty of care" would be required to ensure minimum maintenance standards are being met. This would result in a requirement to establish a level of service and a formalized maintenance and inspection program.

Enforcement

Should the By-Law be expanded, a component of the duty of care would be addressed through an enforcement program. Enforcement of the Highway Traffic Act falls under the jurisdiction of the Ontario Provincial Police for the (HTA) and Municipal Law Enforcement for enforcement of Municipal By-laws.

With the increasing popularity of ATV's, there is an increasing demand on Municipal Law Enforcement (MLE) to investigate a growing number of complaints of unauthorized ATV use on private property, in addition to public properties such as the Rail Trail and parks. Expanding permissions for the use of ATV's on roads would likely require an increase in the level of enforcement required from MLE for enforcement of such a By-law as well as existing By-laws (Parkland, Noise etc.).

Risk Management

Careful consideration should be given to the liability of expanded permissions for ORV use on Municipal roadways. Insurance premiums are among the fastest growing municipal costs. Since 2011 the Township's liability premiums have increased 92% from \$318,351 in 2011 to \$610,828 in 2017.

The Township's insurer, the Frank Cowan Company suggests that Staff/Council give careful consideration to the following risk management considerations:

1. Does the Municipality have the resources to manage increased maintenance and inspection responsibilities? In the event of a loss, the courts would look to maintenance and inspection records to see if minimum maintenance standards were being met; and
2. From a liability perspective, is this the type of activity that the municipality would want the insurance program exposed to?

An expansion to the existing By-Law (i.e. expanding the number of roads where ORV use is permitted, times etc.) increases the Township's level of risk exposure and therefore there is increased potential for negative impacts on the Township's insurance program.

There are four to ways to deal with risk and liability:

- 1) Avoid
- 2) Reduce
- 3) Transfer
- 4) Retain or Accept

The strategy deployed should consider the probability of an occurrence and the potential impact (severity) of an occurrence weighed against the benefits of the decision.

Probability and impact are very difficult to predict, however the nature of the Township's Road Network (topography, curves, narrow roads and limited shoulders) and difficulty to enforce both the HTA and Municipal By-laws increase probability of occurrence while the operation of ORVs which are not designed for safe "on road" use, increases the potential for significant incident. For example, the statistics reported by the OPP demonstrate that 8% of reported ORV collisions resulted in a fatal injury.

The Frank Cowan Company further recommends the following considerations for risk management for the operation of ORVs on municipal roads.

- Let the public know (via newspaper/radio/social media/ website) that ORVs are allowed/are not allowed on municipal roads;
- Specify the roads and the months of operation as well as the hours of operation on municipal roads in all communications;
- Post signage as drivers approach the designated roads, such as "You are now entering an area where ORVs are allowed to operate – please share the road."
- Post speed limits for ORV vehicles;
- Determine inspection and maintenance requirements and update your existing road policies/ procedures and documentation;
- Gravel shoulders and drop-offs must be properly maintained for common law duty of care purposes;
- Review the sufficiency of the shoulder that would permit the operation of the ORV on the shoulder;
- If the ORV must be operated on the roadway, are there stopping sight distance constraints (horizontal or vertical alignment) on the roadway that would cause a motorist overtaking an ORV to take evasive action to avoid a collision with a slower moving ORV.

Central Ontario ATV Club

The Central Ontario ATV Club (COATV) is the local chapter organized under the Ontario Federation of All-Terrain Vehicle Clubs (OFATV). The OFATV operates under a model similar to that of the Ontario Federation of Snowmobile Clubs (OFSC). The Club maintains a \$15 million dollar commercial general liability policy which extends coverage to landowners who have signed land use agreements. The OFATV has well established trail networks in Northern Ontario where crown lands and forest tracts are abundant.

The COATV is once again attempting to establish a trail network throughout the County, but require road access to connect a network of various forests tracts. Unlike the OFSC, legislation prohibits the use of ORVs unless a Municipal By-law is enacted and there is no provincial requirement for trail permit.

Options for Council's consideration

Option #1: Permit the use of ORV's on Township Roadways

This scenario would involve amending the By-law to "open up" Municipal roads to permit the operation of ORV's.

This option provides ORV owners the benefit of being able to operate their vehicles on municipal roads. This benefit is predominantly recreational in nature, allowing an alternate method of transportation throughout the Township and the ability to reach Lake Simcoe for winter recreation, as well to link to other Municipalities where ORV use is permitted.

The key considerations of this option are:

- ORV's are not designed for "on road" use and the Township's roadway infrastructure is not designed for ORV use.
- The existing By-law was established to provide recreational access to Lake Simcoe for ice fishing as such, it is limited to the winter months. ORV users accessing Lake Simcoe would be more likely to travel slower as they would presumably carrying gear and passengers. Furthermore, ORV users would be less likely to use their vehicles as an alternate method of transportation given they would be exposed to the winter elements, as such the Township has not seen much ORV use in the areas permitted outside of access to the Lake. Damage to shoulders, ditches and other areas is minimized as ground is frozen.
- There is no current established trail network. As such, ORVs will mainly be operated on roadways.
- The community at large has not had an opportunity to provide input into the potential change in policy. Given the considerations noted and from experience in previous consultation, mixed public opinion should be anticipated and broader public input sought.
- This option would raise the Township's risk exposure and would require maintenance and inspection, signage and enforcement controls which have not yet been established or quantified.
- Presents potential adverse impacts to safety, public and private property and the environment as previously discussed.

Should Council pursue this option the following is recommended:

- Undertake a community consultation program on the proposed change to the By-law;

- Review the potential operational and financial impact of risk management controls;
- Staff report back to Council with analysis on the above prior to the execution of a By-law.

Option #2: Consider access to select Municipal roadways to establish regional trail system

This option has the potential to be developed as a collaborative effort between the Township, neighbouring municipalities, the County of Simcoe and the COATV Club using select road segments to link to County Forests and private properties.

A designated route has yet to be determined, but would conceptually move in an east-west direction in the north and central portion of the Township, connecting existing trail networks in Springwater and Severn Township and providing access to Simcoe County Forests Tracts. The COATV club has initial plans for a regional trail network and has been working with the County of Simcoe and neighbouring municipalities for approvals to establish this network.

Once a trail network has been finalized. the Township would be able to work with the Club to determine appropriate roadways for ORV use.

The benefits of this option are:

- ORV owners would have a route in which they could legally ride their vehicles. It is recognized that without a place to ride there is a higher likelihood that ORVs will be operated illegally;
- Economic benefits – A regional trail would provide opportunities to link to businesses and would likely have a positive economic impact, similar to OFSC trails.

The key considerations of this option are:

- Aligns with previous direction from Council;
- Provides ORV owners a place to ride and minimizes “on road” use, keeping ORVs on trails;
- Like Option 1, there is an elevated risk over status quo. However, risks could be better managed through:
 - Potential for the extension of the COATV/OFATV’s \$15 Million liability insurance coverage to the Township for road segments that form part of the trail. (This would be subject to review to ensure appropriate coverage for use of ORVs/ATV’s on roadways).
 - Review of appropriateness of roadways considered for ORV use;
 - Responsibilities for signage and risk controls could be placed on the COATV club mitigating cost and minimizing the responsibility of the Township. This would be consistent with agreements with Snowmobile Clubs;
 - Education/enforcement programs provided by the COATV;

- Controlled access of ORVs to Municipal roadways;
- Consistent management of a regional trail system between municipalities and the County of Simcoe;
- Agreement would be subject to periodic review.

Should Council consider this option the following is recommended:

- Continue work with the COATV, County of Simcoe, and neighbouring municipalities to finalize regional trail network including what roadways may be required;
- Require the OFATV/COATV to extend insurance coverage to the Township for “on road” trail links – review insurance coverage to ensure adequacy of coverage to Municipality;
- Require the OFATV/COATV to be responsible for any costs of signage and for support with enforcement and education;
- Conduct a community consultation program on the proposed trail network and associated road segments;
- Draft an agreement for Council's consideration.

Option 3: Maintain Status Quo

This option would involve maintaining the roadways and specified times of year for ORV use identified in By-law 2013-203.

If this option is considered, an update to the current By-law would be required to reflect the 2015 Provincial regulatory changes relating to ORV's.

Corporate Strategic Goals:

Quality of Life
 Safe and Healthy Community
 Enhanced Communications and Customer Service

Consultations:

Chief Municipal Law Enforcement Officer
 Chief Financial Officer
 County of Simcoe, Forrester
 Township of Tiny
 Town of Wasaga Beach
 Township of Oro-Medonte Emergency Services
 COATV – Soren Klemmenson
 Frank Cowan Company
 Ontario Provincial Police
 Ontario Good Roads Association

Attachments:

By-law 2013-203 All-Terrain Vehicle By-law

Conclusion:

Report OCS2018-011 has reviewed the considerations and implications of amending the existing ATV By-law to allow for the use of ORVs on Municipal Roadways and outlined options for Council's consideration.

In deciding the most appropriate course of action Council should weigh the benefits of each option against the potential costs and implications. While this report has conducted an initial analysis, specific recommendations and next steps for consideration are outlined in each of the options.

Respectfully submitted:



Shawn Binns, PBDM, MBA
Director, Operations and Community Services

SMT Approval / Comments:	C.A.O. Approval / Comments: 
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THE CORPORATION OF THE TOWNSHIP OF ORO-MEDONTE

BY-LAW NO. 2013-203

**A By-law to Permit All-Terrain Vehicles to utilize specific Municipal Highways
within the Township of Oro-Medonte.
(All-Terrain Vehicle (ATV) By-law)
And to Repeal By-law No. 2010-189**

WHEREAS Section 191.8(1) of the Highway Traffic Act, R.S.O. 1990, c. H. 8, as amended provided that no person shall drive an off-road vehicle on a highway except in accordance with regulations and any applicable municipal by-law;

AND WHEREAS Section 191.8(3) of 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 on any highway under the jurisdiction of the municipality and providing speed limits for such vehicles;

AND WHEREAS Section 191.8(4) of the Highway Traffic Act, R.S.O. 1990, c H.8, as amended, provides that by-laws passed under Section 191.8(3) may permit the operation of off-road vehicles during specific months or hours;

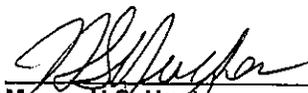
AND WHEREAS Section 11 of the Municipal Act, 2001, S.O. 2001, C. 25, as amended, provides that a municipality may pass by-law with respect to highways, including parking and traffic on highways, which the municipality has jurisdiction over;

NOW THEREFORE the Council of the Township of Oro-Medonte hereby enacts as follows:

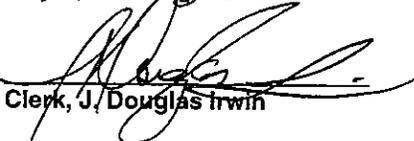
1. That Appendix "A" and Schedules "A" and "B" attached hereto form part of this By-law.
2. This By-law shall be cited as "The Township of Oro-Medonte All-Terrain Vehicle (ATV) By-law."
3. That By-law No. 2010-189 is hereby repealed in its entirety.
4. And that this By-law shall come into force and effect on the date of its final passing.

BY-LAW READ A FIRST, SECOND AND THIRD TIME, AND PASSED THIS 6TH DAY OF NOVEMBER 2013.

THE CORPORATION OF THE TOWNSHIP OF ORO-MEDONTE



Mayor, H.S. Hughes



Clerk, J. Douglas Irwin

Appendix "A"

1.0 DEFINITIONS

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

"All-Terrain Vehicle" means an off-road vehicle that;

- i) has four wheels, the tires of all of which are in contact with the ground,
- ii) has steering handle bars,
- iii) has a seat that is designated to be straddled by the driver, and
- iiii) is designated to carry a driver only and no passengers;

"Boulevard" means any and all lands within the road allowance of the Township that lie between the curb, shoulder or edge of the travelled portion of the roadway and the property line that abuts the roadway;

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

"Highway" means a common and public highway, street, avenue, road, parkway, square, place, bridge, viaduct or trestle, designed and intended for, or used by the general public for the passage of vehicles, including unopened and unassumed highways;

"Municipal Law Enforcement Officer" means a person duly appointed by the Corporation 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;

"Off-Road Vehicle" means the same as identified in the *Off-Road Vehicle Act*;

"Roadway" means that portion of a road improved, designed or ordinarily used for vehicular traffic, but does not include the shoulder;

"Shoulder" means that part of the highway immediately adjacent to the roadway;

"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 of Oro-Medonte" means the Corporation of the Township of Oro-Medonte;

2.0 PROHIBITIONS

- 2.1 No person shall operate or use an all-terrain vehicle on a Township of Oro-Medonte highway, except for those sections of highways permitted and identified in Schedule "A" of this By-law.
- 2.2 No person shall operate or use an all-terrain vehicle on the sections of highways permitted and identified in Schedule "A" of this By-law, at a speed greater than;
 - 2.2.1 20 kilometers per hour, if the speed limit established under the *Highway Traffic Act*, R.S.O. 1990, c. H.8, as amended for that part of the highway that is not greater than 50 kilometers per hour.
 - 2.2.2 50 Kilometers per hour, if the speed limit established under the *Highway Traffic Act*, R.S.O. 1990, c. H.8, as amended for that part of the highway that is greater than 50 Kilometers per hour.
- 2.3 No person shall operate or use an all-terrain vehicle on the sections of highways identified in Schedule "A", attached hereto an forming part of this By-law, unless all of the provisions of Regulation 316/03 under the *Highway Traffic Act*, R.S.O. 1990, c. H.8, as amended, and any other legislation governing the use of off-road vehicles is complied with at all times.

- 2.4 No person shall operate or use an all-terrain vehicle on a boulevard, shoulder sidewalk or footpath within the Township.
- 2.5 No person shall operate or use an all-terrain vehicle on sections of highways as identified in Schedule "A" of this By-law between March 16th and December 31st of any given year.
- 2.6 No person shall operate or use an all-terrain vehicle on any sections of highway not identified in Schedule "A" of this By-law.
- 2.7 No person shall operate an all-terrain vehicle on sections of highways as identified in Schedule "A" of this By-law between the hours of 10:00 p.m. and 6:00 a.m. of any given day.

3.0 ENFORCEMENT

- 3.1 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. Any person who is alleged to have contravened any of the provisions of this by-law shall identify themselves to the officer upon request. Failure to do so shall be deemed to have obstructed or hindered the officer in the execution of their duties.
- 3.2 Every person who contravenes any provision of this By-law is guilty of an offence and shall be liable to a fine in the amount to be determined pursuant to the *Provincial Offences Act*, R.S.O. 1990, c.P 33, and every such fine is recoverable under the *Provincial Offences Act*.
- 3.3 This By-law shall be enforced by the Township's Municipal Law Enforcement Officers and the Ontario Provincial Police.

4.0 EXEMPTION

- 4.1 If compliance therewith be impractical, the provisions of this By-law shall not apply to:
 - 4.1.1 ambulance, police, fire department, or public utility emergency vehicles.

5.0 SEVERABILITY CLAUSE

- 5.1 In the event that any provision of this By-law is quashed or is declared or otherwise found to be ultra vires or unenforceable by the Township, such clause shall be deemed to have been severed from the remainder of the By-law.

Schedule "A" – By-law No. 2013-203

**Areas Permitted January 1st – March 15th of any given year
From 6:00 a.m. till 10:00 p.m.**

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

Northern Boundary -Hwy 11;
Southern Boundary -Lake Simcoe
Western Boundary -Line 1 South
Eastern Boundary -Line 14 South from Hwy 11 to the Railtrail. The boundary then continues from Line 15 South from the Railtrail to Lake Simcoe.

Exclusions

- Ridge Road/Shanty Bay Road-Under the jurisdiction of the County of Simcoe (only permitted to cross at 90 degree angle).
- Private driveways
- Sidewalks and walkways
- Ditches, drainage areas and other portions of road allowance other than the travelled portion
- Oro-Medonte Railtrail
- Unopened road allowances and right of ways

Schedule "B" – By-law No. 2013-203

Areas Permitted January 1st through till March 15th of any given year
From 6:00 a.m. till 10:00 p.m.

