

THE CORPORATION OF THE TOWNSHIP OF PELEE

BY-LAW 2019-34

BEING A BY-LAW TO REGULATE THE OPERATION OF OFF ROAD VEHICLES

**WHEREAS** the Highway Traffic Act, R.S.O. 1990, Chapter H.8, Section 191.8, subsection (3) provides that a Council of a municipality may pass by-laws permitting the operation of off-road vehicles with three or more wheels on any highway (roadway) within the municipality that is under the jurisdiction of the municipality, or on any part or parts of such highway;

**AND WHEREAS** the Council of the Corporation of the Township of Pelee deems it desirable to amend the By-Law 2015-25 for off road vehicles;

**AND WHEREAS** the Council of the Corporation of the Township of Pelee repeals By-law 2015-25;

**NOW THEREFORE BE IT RESOLVED** that the Council of the Township of Pelee hereby enacts as follows:

1. That the following off-road vehicles as defined in Section 1 of O. Reg. 316/03 as amended by O. Reg. 135/15 be permitted on highways as defined in the Highway Traffic Act R.S.O. 1990, Chapter H.8.

**"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 centimetres;

**"all-terrain vehicle"** means an off-road vehicle that,

- (a) Has four wheels, the tires of all of which are 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
  - 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.

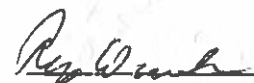
2. That off-road vehicles shall be permitted on roadways (highways) as defined in the Highway Traffic Act R.S.O. 1990, Chapter H.8.
3. That the off-road vehicle shall not be driven at a rate of speed greater than;

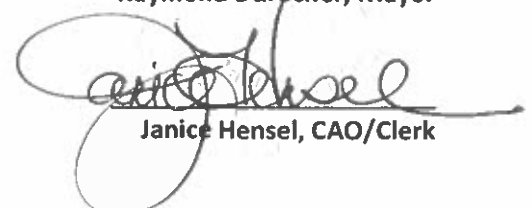
- a. 20 km/h if the speed established under the Highway Traffic Act or by municipal by-law for that part of the highway is not greater than 50 km/h; or
  - b. 50 km/h if the speed limit established under the Highway Traffic Act or by municipal by-law for that part of highway is greater than 50 km/h.
4. That an off-road vehicle shall not be operated on highways unless it meets all the equipment requirements and operation requirements of O. Reg. 316/03 as amended by O. Reg. 135/15.
  5. That an off-road vehicle shall not be permitted to travel on a municipal roadway (highway) if the exhaust system has been altered over the manufacturer's recommended decibel level. Operation and use of off-road vehicles must be in accordance with the Municipality of Pelee Noise By-Law.
  6. That any person who contravenes any of the provisions of this By-Law is guilty of an offence and on conviction, where a fine for the contravention is not otherwise provided under the Highway Traffic Act, is liable to a fine under the Provincial Offences Act.
  7. No person shall operate an off-road vehicle over and upon any municipally owned or municipally maintained land used as parks, playgrounds or for utility purposes.
  8. No person shall operate an off-road vehicle over and upon any municipally owned or municipally maintained trails as provided in Schedule 'A'.
  9. Travel must be in the same direction as traffic and off-road vehicles must travel on the shoulder of the road, but may travel on the road only in accordance with section 24 of O. Reg. 316/03 as amended by O. Reg. 135/15.
  10. This by-law does not apply to police, fire, ambulance, search and rescue or other emergency vehicles.
  11. That this by-law shall come into force and take effect on the date of passing.

**READ A FIRST TIME THIS 23<sup>rd</sup> DAY OF AUGUST, 2019.**

**READ A SECOND TIME THIS 23<sup>rd</sup> DAY OF AUGUST, 2019.**

**READ A THIRD TIME AND FINALLY PASSED THIS 23<sup>rd</sup> DAY OF AUGUST, 2019.**

  
Raymond Durocher, Mayor

  
Janice Hensel, CAO/Clerk

## **Schedule 'A'**

### **Trails Owned and/or Maintained by the Corporation of the Township of Pelee**


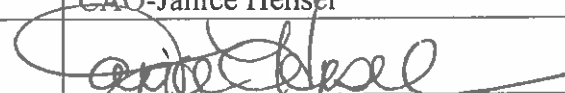
1. East Park Campground trails connecting to the Nature Conservancy of Canada lands that abut the north side of East West Road;
2. Browns Road trails, both north and south sides, owned by Nature Conservancy of Canada and private land owners;
3. Noah Garno Nature Trail on Browns Road;
4. Trails on the south side of Harris-Garno east of the quarry;
5. Strowbridge trails;
6. Wiebe trails off Henderson;
7. Sportsman's Club field
8. Crawford/Ladouceur property south side of East West Road.

The Corporation of the Township of Pelee  
 Regular Meeting of Council  
 COUNCIL RESOLUTION

Date: September 9, 2019

Resolution 2019-183	
Moved by: DAYNE MALLOCH	Seconded by: SHERRI SMITH

"Be it Resolved that the Council of the Corporation of the Township of Pelee hereby adopts By-Law 2019-34 after a third and final reading; Being a By-Law to Regulate the Operation of Off Road Vehicles."

RESOLUTION RESULT	RECORDED VOTE	
	YES	NO
CARRIED		
DEFEATED		
DEFERRED		
REFERRED		
PECUNIARY INTEREST DECLARED		
RECORDED VOTE (SEE RIGHT)		
WITHDRAWN		
MAYOR-Raymond Durocher	CAO-Janice Hensel	
		

The above is a certified to be true copy of resolution number 2019 - 183

Janice Hensel  
 CAO/Clerk