

**The Corporation  
of The  
Municipality of Huron East**

**By-law No. 050 for 2022**

Being a By-law to Permit and Regulate the Operation  
of Off-Road Vehicles on Municipal Highways within  
The Corporation of the Municipality of Huron East and  
Repeal By-law 63-2010

**Whereas** pursuant to Section 191.8(1) of the *Highway Traffic Act*, R.S.O. 1990, c.H.8, as amended, 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-laws;

**And Whereas** pursuant to Section 191.8 (3) of the *Highway Traffic Act*, the Council of a municipality may pass by-laws,

- a) permitting the operation of off-road vehicles or classes 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;
- b) prohibiting the operation of off-road vehicles on any highway within the municipality that is under the jurisdiction of the municipality, or on any parts of such highway; and
- c) prescribing a lower rate of speed for off-road vehicles than that prescribed for off-road vehicles by regulation on any highway within the municipality that is under its jurisdiction, or on any part or parts of such highway, including prescribing different rates of speed for different highways or parts of highways;

**And Whereas** Section 191.8 (4) of the *Highway Traffic Act* provided that a by-law passed under Section 191.8(3) may apply only during specified times to allow for municipalities to regulate times of operation;

**And Whereas** the operation and the equipment and safety requirements for off-road vehicles are defined in Ontario Regulation 316/06, as amended;

**And Whereas** pursuant to the Municipal Act, 2001, S.O. C.25, as amended, the Council of the Corporation of the Municipality of Huron East may pass by-laws with respect to the municipality owned roads including parking and traffic on such highways;

**Now Therefore**, the Council of the Corporation of the Municipality of Huron East **Enacts As Follows:**

**1. Definitions**

In this By-law:

**“All-Terrain Vehicle (ATV)”** means an off-road vehicle that

- a) has four wheels, the tires 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 a driver and no passengers, or 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 foot rests for the passenger that are separate from the foot rests for the driver.

**“Extreme terrain vehicle”** means an off-road vehicle that:

- a) has six or eight wheels, the tires of which are all in contact with the ground;
- b) has no tracks that are in contact with the ground;
- c) has seats that are not designed to be straddled; and
- d) has a minimum cargo capacity of 159 kilograms.

**“Highway”** means 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;

**“Multi-purpose off-highway utility vehicle (UTV)”** 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.

**“Municipality”** means the Corporation of the Municipality of Huron East

**“Off-road motorcycle (ORM)”** means an off-road vehicle, designed primarily for recreational use, that:

- a) has steering handlebars;
- b) has two wheels, the tires of which are all in contact with the ground;
- c) has a minimum wheel rim diameter of 250 millimetres;
- d) has a minimum wheelbase of 1,016 millimetres;
- e) has a seat that is designed to be straddled by the driver;
- f) is designed to carry a driver on and no passengers; and
- g) does not have a sidecar.

**“Off-Road Vehicle (ORV)”** means an off-road vehicle within the meaning of the *Off-Road Vehicles Act* and the various vehicles as defined under this section of the By-law.

**“Recreational off-highway vehicle”** means an off-road vehicle that:

- a) has four 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.

**“seat belt assembly”** means a device or assembly composed of a strap or straps, webbing or similar material that restrains the movement of a person in order to prevent or mitigate injury to the person.

**“Urban Area”** means any area in the Municipality of Huron East where the highway speed limit is 50 km/hr or less.

## **2. Regulation of Off-Road Vehicles on Highways**

- a) The types of off-road vehicles that are applicable to this by-law are the following:
  - i. All-terrain vehicles (ATV), including both single rider ATVs and two-up ATVs;
  - ii. Recreational off-highway vehicles (ROV);
  - iii. Multi-purpose off-highway utility vehicles (UTV);
  - iv. Extreme terrain vehicles (ETV); and
  - v. Off-road motorcycles (ORM).
- b) No person shall operate an off-road vehicle on any highway within the Municipality except in accordance with, and subject to the provisions of this by-law. Every person shall comply with the following:
  - i. Off-road vehicles shall be permitted upon the highways under the jurisdiction of the Municipality, in accordance with Ontario Regulation 316/03 of the Highway Traffic Act, as amended, and the Off-Road Vehicles Act, as amended.
  - ii. In any urban area, operation of an off-road vehicle shall only be permitted on highways to allow the operator to depart or return from inside/outside the urban limits by the closest and most direct route for the sole purpose for the operator to depart or return to their residence or abode; or the operator stopping at an eating establishment to obtain meals/refreshment, and/or at a service station refuel.
- c) No person shall operate an off-road vehicle on highways unless it meets the equipment and safety requirements of sections 7 and 15 of Ontario Regulation 316/3, as amended, and is operated in accordance with the operation requirements of sections 16-24 of Ontario Regulation 316/03, as amended.
- d) No person shall operate an off-road vehicle at a rate of speed greater than,
  - i. 20 kilometers per hour, if the speed limit established under the Highway Traffic Act or Municipal By-law for that part of the highway is not greater than 50 kilometers per hour, or
  - ii. 50 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 greater than 50 kilometers per hour.
- e) No person shall operate an off-road vehicle within the Municipality between the hours of 11:00 p.m. and 7:00 a.m. the following day.
- f) No person shall operate an off-road vehicle on any of the following under the jurisdiction of the Municipality: Community Centre; park, sports field, playground or trail; cemeteries; municipal public property within the municipality without the consent of the Municipality; any unopened road allowance unless such vehicle is

required for emergency response purposes or unless prior permission has been obtained by the Municipality; and any sidewalk or boulevard.

- g) No person shall operate an off-road vehicle on the roadway, except where the shoulder of the road is not present or is unsafe for operation of an off-road vehicle.
- h) No person shall operate an off-road vehicle in such a way to disrupt or destroy the natural environment, or create a nuisance by method of frequency of operation on any municipal property or upon any highway with the municipality.
- i) No person shall operate an off-road vehicle near churches and funeral homes when services are in progress and shall keep completely away from hospitals and nursing homes unless absolutely necessary.
- j) No person shall leave an off-road vehicle within the municipal road allowance unless it is in within designated parking lot spaces and or designated on-street parking spaces or where otherwise authorized signage is displayed indicating that off-road vehicle parking is permitted.
- k) No person shall operate an off-road vehicle on private property within the limits of the Municipality of Huron East, except if authorized to do so by the owner of the private property.
- l) All persons purporting to operate off-road vehicles under the permission granted in this by-law shall have adequate insurance at all times. In the event that such insurance is inadequate in terms of deductibles, terminated or limited coverage or otherwise, any and all losses and costs, which the Municipality may incur as a result of such inadequate insurance coverage, are a debt due to the Municipality, which the person shall pay on demand forthwith.

### **3. Warranty and Indemnity**

- a) In recognition that the permission granted in this by-law is privilege, every person purporting to exercise the permission shall be deemed to have agreed to all of the terms and conditions in this by-law.
- b) Each person exercising the permission granted in this by-law acknowledges and accepts that the Municipality does not, in any way, warrant, represent or undertake that the public highways to which the permission applies are suitable for or maintained to permit use of off-road vehicles. Each such person shall not, at any time, under any circumstances, claim or attempt to claim, at any time, in any proceedings whatsoever that the public highway was not suitable for off-road use or not maintained properly.
- c) Where the Municipality incurs any loss, costs, or damages as a result of any person exercising the permission in this by-law, each such person shall, upon request, reimburse the Municipality for all such loss, costs and damages.

### **4. Penalties**

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 for in the Provincial Offences Act and attached as Schedule A to this By-law.

### **5. General**

The operation of off-road vehicles shall be permitted upon the highways under the jurisdiction of the Municipality of Huron East and in accordance with Ontario Regulation

316/03 of the Highway Traffic Act, the *Off Roads Vehicles Act*, and in accordance with the provisions of this By-law.

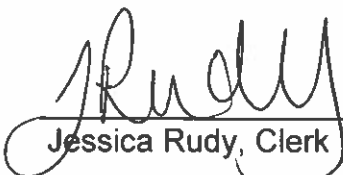
No person shall hinder or otherwise obstruct , nor attempt to hinder or obstruct, either directly or indirectly, an Officer, employee and/or agent of the Municipality in the lawful exercise of a power or duty under this By-law.

**6. Effective**

- a) That By-law 63-2010, A By-law to Regulate the Operation of Off-Road Vehicles on Municipal Highways within the Corporation of the Municipality of Huron East is hereby repealed.
- b) That this By-law shall come into force and take effect on the day of its passing.

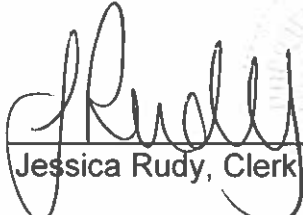
**Read** a first and second time this 5<sup>th</sup> day of July, 2022.

  
Bernie MacLellan, Mayor

  
Jessica Rudy, Clerk

**Read** a third time and finally passed this 19<sup>th</sup> day of July, 2022.

  
Bernie MacLellan, Mayor

  
Jessica Rudy, Clerk

**The Corporation of the Municipality of Huron East**  
**Schedule A to By-law 050 of 2022: Off-Road Vehicles**

**Set Fine Schedule – Part 1 Provincial Offences**

| <b>Item</b> | <b>Short Form Wording</b>  | <b>Provision for Creating or Defining Offence</b> | <b>Set Fine</b> |
|-------------|--|---|-----------------|
| 1           | Operating an ORV in/on a prohibited area   | Section 2(b)                                      | \$200           |
| 2           | Operate an ORV on highway – fail to meet equipment and safety requirements             | Section 2(c)                                      | \$200           |
| 3           | Operating an ORV above speed limits  | Section 2(d)(iv)                                  | \$200           |
| 4           | Operating an ORV during prohibited hours   | Section 2(e)                                      | \$200           |
| 5           | Operate an ORV on municipal property without authorization                             | Section 2(f)                                      | \$200           |
| 6           | Failure to operation ORV on shoulder when safe to do so                                | Section 2(g)                                      | \$200           |
| 7           | Operating an ORV in a disruptive or destructive manner                                 | Section 2(h)                                      | \$200           |
| 8           | Operating an ORV during a church or funeral service or near a hospital or nursing home | Section 2(i)                                      | \$200           |
| 9           | Leaving an ORV on a municipal road allowance   | Section 2(k)                                      | \$200           |
| 10          | Operating an ORV without proper insurance  | Section 2(l)                                      | \$200           |

Note: The penalty provision for the offences indicated above is section 4 of By-law 050-2022, a certified true copy of which has been filed.