

# **The Corporation of the Township of Southgate**

## **By-law Number 2020-089**

being a by-law to regulate the operation of All-Terrain Vehicles (ATV's), Multi-Purpose Off-Highway Utility Vehicles, Recreational Off-Highway Vehicles and Motorized Snow Vehicles on certain designated highways and unopened road allowances within the Township of Southgate

**Whereas** Sections 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** subsection 11(3) of the *Municipal Act*, 2001, S.O. 2001, c. 25 (as amended) provides that a lower-tier municipality may pass by-laws respecting highways, including parking and traffic on highways, and subsection 8 (3) provides that a by-law made under this section may regulate or prohibit respecting the matter; and

**Whereas** Section 191.8 (3) of the Highway Traffic Act, R.S.O. 1990, c. H.8 (as amended) authorizes a municipality to pass by-laws permitting and regulating the operation of Off-Road Vehicles with four or more wheels and low pressure bearing tires on any highway or part of a highway under the jurisdiction of the Municipality and further, to prescribe the rate of speed for such off-road vehicles as well as the specific months or hours during which they can be operated on a municipal highway or part of a highway; and

**Whereas** Ontario Regulation 316/03: Operation of Off-Road Vehicles on Highways, as amended, passed under the *Highway Traffic Act*, regulates the operation and requirements of ATV, Multi-Purpose Off-Highway Utility Vehicles, Recreational Off-Highway Vehicles, which are classes of off-road vehicles; and

**Whereas** Section 7(2) of the *Motorized Snow Vehicles Act* allows a municipality to pass by-laws regulating, governing or prohibiting the operation of Motorized Snow Vehicles within the municipality including any highways therein or any part or parts thereof; and

**Whereas** Section 35 of the *Municipal Act*, allows a municipality to restrict the common passage by the public on a highway within its jurisdiction; and

**Whereas** the Council of the Township of Southgate deems it in the public interest to permit and regulate the operation of All-Terrain Vehicles, Multi-Purpose Off-Highway Utility Vehicles, Recreational Off-Highway Vehicles and

Motorized Snow Vehicles on certain designated highways and unopened road allowances within the Township of Southgate on a non-exclusive basis, and to prohibit other motor vehicles from these highways and unopened road allowances; and

**Whereas** Ontario Regulation 316/03: Operation of Off-Road Vehicles on Highways, as amended, passed under the Highway Traffic Act, regulates the operation and requirements of Off-Road Motorcycles (ORM) and Extreme Terrain Vehicles (ETV), ORM and ETV's are prohibited for use on designated highways and unopened road allowances within the Township of Southgate,

**Now Therefore Be it Resolved that** the Council of the Corporation of the Township of Southgate hereby enacts as follows:

## **Section 1 – Definitions**

### **1. In this by-law:**

a) **“All-Terrain Vehicle”** or **“ATV”** means an off-road vehicle that,

- 1) has four wheels, the tires of which are all in contact with the ground,
- 2) has steering handlebars,
- 3) has a seat that is designated to be straddled by the driver, and
- 4) is designed to carry,
  - a) a driver only and no passengers, or
  - b) a driver and only one passenger, if the vehicle,
    - a.a) has one passenger seat that is designed to be straddled by the passenger while sitting facing forward behind the driver, and
    - b.b) is equipped with the footrests for the passenger that are separate from the footrests for the driver, and;
- 5) in all respects meets the requirements of the Highway Traffic Act and the Off-Road Vehicles Act and any regulations passed thereunder, as amended and as may be replaced from time to time, and the expression “ATV” shall have the corresponding meaning;

b) **“Designated Highway”** means an opened maintained road allowance or part thereof, under the jurisdiction of the Township that is indicated on Schedule “A” as being permitted for use by ATV's, Multi-Purpose Off-Highway Utility Vehicles, Recreational Off-Highway Vehicles and Motorized

Snow Vehicles under this by-law, as the case may be;

- c) **“Designated Unopened Road Allowance”** means an unopened road allowance or part thereof, under the jurisdiction of the Township that is indicated on Schedule “B” as being permitted for use by ATV’s, Multi-Purpose Off-Highway Utility Vehicles, Recreational Off-Highway Vehicles and Motorized Snow Vehicles under this by-law, as the case may be;
- d) **“Helmet”** means a protective head covering made of hard material, such as metal, or plastic that has a chin strap that is securely fastened and has Canadian Standards Association (CSA) Approval;
- e) **“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;
- f) **“Highway Traffic Act”** means the Highway Traffic Act, R.S.O. 1990, c.H.8 as amended or replaced;
- g) **“Motorized Snow Vehicle”** means a self-propelled vehicle designed to be driven primarily on snow;
- h) **“Motorized Snow Vehicle Act”** means the Motorized Snow Vehicle Act, R.S.O. 1990, c.M.44, as amended or replaced;
- i) **“Motor Vehicle”** includes an automobile, a motorcycle, a motor-assisted bicycle unless otherwise indicated in the *Highway Traffic Act*, and any other vehicle propelled or driven otherwise than by muscular power, but does not include a street car or other motor vehicle running upon rails, a power-assisted bicycle, a motorized snow vehicle, a traction engine, a farm tractor, a self-propelled implement of husbandry, or a road-building machine;
- j) **“Multi-Purpose Off-Highway Utility Vehicle”** means an off-road vehicle that,
  - 1) has four or more wheels, the tires of which are all in contact with the ground;
  - 2) has a steering wheel for steering control;
  - 3) has seats that are not designed to be straddled;
  - 4) has seat belts for each seated position, and
  - 5) has a minimum cargo capacity of 159 kilograms, in all respects meets the requirements of the Highway Traffic Act

and the Off-Road Vehicles Act and any regulations passed thereunder, as amended and as may be replaced from time to time;

- k) **"Municipal Law Enforcement Officer"** means a municipal law enforcement officer duly authorized by the Council of the Township of Southgate to enforce this by-law;
- l) **"Off-Road Vehicle"** means a vehicle propelled or driven otherwise than by muscular power or wind and designed to travel;
- m) **"Off-Road Vehicles Act"** means the *Off-Road Vehicles Act*, R.S.O. 1990, Regulation 863 c. O.4, as amended;
- n) **"Police Officer"** means the Ontario Provincial Police or other police service having jurisdiction in the area, who are duly appointed under the Police Services Act;
- o) **"Provincial Offences Act"** means the *Provincial Offences Act*, R.S.O. 1990 c.P.33, as amended;
- p) **"Public Works Manager"** means the Township-authorized representative or designated staff;
- q) **"Race"** means any competitions of speed between 2 or more ATV, Multi-Purpose Off-Highway Utility Vehicle, Recreational Off-Highway Vehicle, or Motorized Snow Vehicle and/or drivers thereof;
- r) **"Recreational Off-Highway Vehicle"** means an off-road vehicle that,
  - 1) has four or more wheels, the tires of which are all in contact with the ground;
  - 2) has steering wheel for steering control;
  - 3) has a steering wheel for steering control;
  - 4) has seats that are not designed to be straddled;
  - 5) has seat belts for each seated position, and
  - 6) has an engine displacement equal to or less than 1,000 cubic centimeters, in all respects meets the requirements of the Highway Traffic Act and the Off-Road Vehicles Act and any regulations passed thereunder, as amended and as may be replaced from time to time;
- s) **"Settlement Area"** means a defined area shown in the County of Grey Official Plan;

- t) **"Township"** means the Corporation of the Township of Southgate or the geographic area of the Township, as the context requires; and
- u) **"Unopened Road Allowance"** means a highway under the jurisdiction of the Township that has neither been opened for public travel nor assumed for maintenance purposes by the Township as indicated on Schedule "C".

## **Section 2 – Interpretation**

**2.1** This by-law includes the Schedules attached to it, and the Schedules are hereby declared to form part of the by-law.

**2.2** The headings and subheadings used in this by-law are inserted for convenience of reference only, form no part of this by-law, and shall not in any way change or alter the meaning or interpretation of the provisions of this by-law.

**2.3** Unless the context requires otherwise, references to items in the plural include the singular unless used with a number modifying the term, and words imparting the masculine gender shall include the feminine.

**2.4** It is declared that if any section, subsection, paragraph or part thereof is declared by any Court to be bad, illegal, or ultra vires, such section, subsection, paragraph part or parts shall be deemed to be severable and all other parts of this by-law are declared to be separate and independent, and enacted as such.

## **Section 3 - Vehicles on Public Highways**

**3.1** No person shall operate ATV, Multi-Purpose Off-Highway Utility Vehicle, Recreational Off-Highway Vehicle, or Motorized Snow Vehicle on any highway or part of a highway under the jurisdiction of the Township that is not a Designated Highway.

## **Section 4 - Vehicles on Unopened Road Allowances**

**4.1** No person shall operate an ATV, Multi-Purpose Off-Highway Utility Vehicle, Recreational Off-Highway Vehicle, or Motorized Snow Vehicle on an unopened road allowance or part of an unopened road allowance under the jurisdiction of the Township that is not a Designated Unopened Road Allowance.

## **Section 5 – Trail Network System: New Routes**

**5.1** New routes in respect to the network system trails to be applied for, permitting ATV, Multi-Purpose Off-Highway Utility Vehicles, Recreational Off-Highway Vehicles, or Motorized Snow Vehicle to ride on the Township's approved network system must submit an application in writing to the Township and provide the following to be considered:

- 1) Applicants must have membership in, or affiliation, with Ontario Federation of ATV Clubs;
- 2) Proof of appropriate insurance with a minimum limit of \$2,000,000.00;
- 3) Documented support of Ontario Federation of ATVs Clubs for proposed new routes;
- 4) Confirmation that the applicant has consulted with the local Snowmobile Club and include response from the consultation; and
- 5) Detailed descriptions of proposed new routes for the network system, including maps.

Once these conditions are met, Township staff will review the proposed new routes, and work with the applicant to complete the following:

- 1) Identify which parts of the proposed network system are:
  - a) Township owned land;
  - b) Township owned right-of-way;
  - c) private land; and
  - d) shared use trails
- 2) Township staff will assist Applicant with public outreach to the community and adjacent landowners to determine support;
- 3) Upon completion of review, Township staff will make a determination based on the full application and make a recommendation to Council regarding the proposed new route; and
- 4) All membership clubs will execute a written agreement (MOU) with the Township of Southgate to the Township's satisfaction.

## **Sections 6 to 17 – General Regulations**

**6.** Any person operating an ATV, Multi-Purpose Off-Highway Utility Vehicle, Recreational Off-Highway Vehicle, or Motorized Snow Vehicle under this by-law shall comply with *Highway Traffic Act*, *Off-Road Vehicles Act*, *the Motorized Snow Vehicles Act*, and all other Federal or Provincial laws and municipal bylaws, as applicable, or any regulations made under them as amended or replaced from

time to time.

**7.** Permission to operate an ATV, Multi-Purpose Off-Highway Utility Vehicle, Recreational Off-Highway Vehicle, or Motorized Snow Vehicle on a Designated Highway or Designated Unopened Road Allowance under this by-law does not constitute permission to travel upon or operate such vehicles on any private or public property without the consent of the property owner.

## **8. Proof of Membership**

**8.1** When requested to do so by a police officer or municipal law enforcement officer, no person operating an ATV, Multi-Purpose Off-Highway Utility Vehicle, Recreational Off-Highway Vehicle on a Designated Highway or Designated Unopened Road Allowance shall fail to present for inspection proof of valid membership to the Ontario Federation of ATVs Clubs or to an affiliated ATV Club recognized by the Ontario Federation of ATV Clubs.

**8.2** When requested to do so by a police officer or municipal law enforcement officer, no person operating a Motorized Snow Vehicle on a Designated Highway or Designated Unopened Road Allowance shall fail to present for inspection proof of valid membership to a recognized Motorized Snow Vehicle club recognized by the Township.

**9.** No person shall operate an ATV, Multi-Purpose Off-Highway Utility Vehicle, Recreational Off-Highway Vehicle, or Motorized Snow Vehicle on a Designated Highway or Designated Unopened Road Allowance at a speed greater than:

- 1) for a Designated Highway:
  - a) 20 kilometers per hour, if the speed limit under the Highway Traffic Act for that part of the highway is not greater than 50 kilometers per hour; and
  - b) 50 kilometers per hour, if the speed limit under the Highway Traffic Act for that part of the highway is greater than 50 kilometers per hour; and
- 2) for a Designated Unopened Road Allowance, the speed limit indicated on a sign posted on site.
- 3) 20 kilometers per hour within a Township of Southgate Settlement Area.

**10.** No person shall operate an ATV, Multi-Purpose Off-Highway Utility Vehicle, Recreational Off-Highway Vehicle, or Motorized Snow Vehicle on a Designated Highway or Designated Unopened Road Allowance at any time earlier than 0600 hours (6:00 AM) and later than 2300 hours (11:00 PM)

## **11. Membership or Affiliation Requirement**

**11.1** No person shall operate an ATV, Multi-Purpose Off-Highway Utility Vehicle, Recreational Off-Highway Vehicle on a Designated Highway or Designated Unopened Road Allowance unless he or she is a valid member or valid affiliated member of Ontario Federation of ATVs Clubs or to an affiliated ATV Club recognized by the Ontario Federation of ATV Clubs.

**11.2** No person shall operate a Motorized Snow Vehicle on a Designated Highway or Designated Unopened Road Allowance unless he or she is a valid member or valid affiliated member of a bona fide Motorized Snow Vehicle Club.

**11.3** An exemption for operators of off-road vehicles used for recreation or pleasure, whether driven on or off the road, is applicable to gasoline and diesel powered off-road vehicles that are being used for agricultural purposes and are plated under the Off-Road Vehicle Act but do not require a number plate under the Highway Traffic Act. When travelling either on or off the road, a Slow-Moving Vehicle (SMV) sign must be on the rear of the vehicle, or on the rear of any towed implement or trailer.

**11.4** An exemption for licensed trappers driving an off-road vehicle on the traveled portion of most roads for "trapping purposes" is applicable.

**12.** No person shall operate an ATV, Multi-Purpose Off-Highway Utility Vehicle, Recreational Off-Highway Vehicle, or Motorized Snow Vehicle in any park, playground or municipal facility that is under the jurisdiction of the Township of Southgate.

**13.** No person shall operate an ATV, Multi-Purpose Off-Highway Utility Vehicle, Recreational Off-Highway Vehicle, or Motorized Snow Vehicle on a public sidewalk that is under the jurisdiction of the Township of Southgate.

**14.** No person shall operate a Motor Vehicle on any Unopened Road Allowance unless such vehicle is required for emergency response purposes or unless prior permission has been obtained by the Township.

**15.** A helmet shall be worn while operating any type of Off-Road Vehicle as outlined in Section 19. (1) and (2) of Ontario Regulation 316/03 of the Highway Traffic Act.

**16.** The off-road vehicle shall be insured in accordance with section 2 of the Compulsory Automobile Insurance Act and section 15 of the Off-Road Vehicles Act.



**17.** No person shall race an ATV, Multi-Purpose Off-Highway Utility Vehicle, Recreational Off-Highway Vehicle, or Motorized Snow Vehicle on a highway throughout the Township of Southgate.

## **Section 18 – No Evidence of Opening or Assumption of Unopened Road Allowance and Use at Own Risk**

**18.1** Permission under this by-law to operate an ATV, Multi-Purpose Off-Highway Utility Vehicle, Recreational Off-Highway Vehicle, or Motorized Snow Vehicle on a Designated Unopened Road Allowance does not constitute evidence that the Council of the Township of Southgate agrees to open or to assume for maintenance purposes the unopened road allowance and all persons use such Designated Unopened Road Allowance at their own risk.

## **Section 19 – Non-exclusive Use**

**19.1** It is declared that any permitted use under this by-law of a Designated Highway and a Designated Unopened Road Allowance is non-exclusive and any person operating an ATV, Multi-Purpose Off-Highway Utility Vehicle, Recreational Off-Highway Vehicle, or Motorized Snow Vehicle shall have regard for other users and shall use caution when approaching or passing other users.

## **Section 20 – Enforcement**

**20.1** This by-law may be enforced by an Ontario Provincial Police Officer or a municipal by-law enforcement officer.

## **Section 21 – Hinder/Obstruct Officer**

**21.1** 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.

## **Section 22 – Offences and Penalties**

**22.1** Every person who contravenes any portion of the provisions of this by-law is guilty of an offence and upon conviction thereof shall be liable to a fine as provided for by the Provincial Offences Act, R.S.O. 1990, Chapter P.33, as amended.

**22.2** When a person has been convicted of an offence under this by-law:

- 1) The Ontario Court of Justice; or

- 2) Any court of competent jurisdiction thereafter may, in addition to any other penalty imposed on the person convicted, make an order prohibiting the continuation or repetition of the offence by the person convicted.

## **Section 22 – Enactment**

**23.1** In the event of any conflict between any provisions of this by-law and any other by-law, the provisions of this by-law shall prevail.

**23.2** By-law No. 84-2015 is hereby repealed.

**23.3** That this by-law shall come into full force and effect on the date of passing.

## **Section 24 - Short Title**

**24.1** This by-law may be referred to as the ATV By-law.

**Read a first, second and third time and finally passed this 2<sup>nd</sup> day of September, 2020.**

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**John Woodbury, Mayor**

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**Lindsey Green, Clerk**

## By-law 2020-089

### Schedule "A"

#### Designated Highways

##### Dufferin Grey ATV Club Trails

Highway	From:	To:
Southgate-Melancthon Townline	Southgate Road 08	Southgate Road 12
Southgate Road 12	Southgate-Melancthon Townline	Southgate Sideroad 21
Southgate Sideroad 21	Southgate Road 12	Southgate Sideroad 71
Southgate Road 24	Southgate Sideroad 71	Grey County Rail Trail
Ida Street North (Southgate SDR 75)	Grey County Road 9	Southgate Road 26
Southgate Road 26	Southgate Sideroad 75	Southgate Sideroad 73
Southgate Sideroad 73	Southgate Road 26	Southgate-Artemesia Townline
Southgate Road 24	Southgate Sideroad 71	Highway 6

##### West Grey ATV Club Trails

Highway	From:	To:
Southgate Sideroad 47	Southgate-Glenelg Townline	Southgate Road 22
Southgate Sideroad 41	Southgate Road 22	Southgate Road 14
Southgate Road 14	Southgate Sideroad 41	Highway 6
Southgate Sideroad 47	Southgate Road 14	Southgate Road 08
Southgate Sideroad 57	Southgate-Glenelg Townline	Southgate Road 08
Southgate Sideroad 61	Southgate-Glenelg Townline	Southgate Road 12
Southgate Road 12	Southgate Sideroad 61	Southgate Sideroad 57
Southgate Road 10	Southgate Sideroad 57	Southgate Sideroad 61

Southgate Sideroad 61	Southgate Road 10	Southgate Road 08
Southgate Road 08	Southgate Sideroad 57	Southgate Sideroad 41
Southgate Sideroad 41	Southgate Road 08	Southgate Road 06
Southgate Road 06	Southgate Sideroad 41	Grey County Road 109

### **Mount Forest Drifters Snowmobile Trails**

<b>Highway</b>	<b>From:</b>	<b>To:</b>
Southgate Sideroad 21	Grey County Road 9	Southgate Road 12
Southgate Road 12	Southgate Sideroad 21	Southgate Sideroad 19
Southgate Sideroad 19	Southgate Road 12	Southgate Road 08

### **No Winter Maintenance Roads**

All other open, maintained Southgate roads that are not included in Schedule "A" are permitted for travel.

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**Schedule "B"**

**Designated Unopened Road Allowances with Access**

<b>Highway</b>	<b>From:</b>	<b>To:</b>
Southgate Road 22	Southgate Sideroad 75	Highway 10

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### Schedule "C"

#### Unopened Road Allowances with Restricted Access

Highway	From:	To:
Southgate-Melancthon Townline	Highway 89	North Southgate Road 04
Southgate-Melancthon Townline	Southgate Road 10	Southgate Sideroad 71
Southgate Sideroad 21	Highway 89	Southgate Road 10
Southgate Sideroad 19	Southgate Road 10	Southgate Road 12
Southgate Sideroad 19	Southgate Road 24	Southgate-Artemesia Townline
Southgate Sideroad 15	Southgate Road 22	Southgate Road 26
Southgate Sideroad 13	Grey County Road 9	Southgate Road 22
Southgate Sideroad 13	Southgate Road 26	Southgate-Artemesia Townline
Southgate Sideroad 07	Highway 89	Southgate Road 04
Southgate Sideroad 07	Southgate Road 10	Southgate Road 12
Southgate Sideroad 03	Grey County Road 9	Southgate-Glenelg TL
Southgate Sideroad 61	Highway 89	Southgate Road 08
Southgate Sideroad 61	Southgate Road 10	Southgate Road 12
Southgate Sideroad 55	Highway 89	Southgate Road 04
Southgate Sideroad 55	Southgate Road 10	Southgate Road 12
Southgate Sideroad 41	Southgate Road 22	Southgate Road 24
Southgate Sideroad 71	Southgate Road 26	Southgate-Artemesia Townline
Southgate Road 26	Southgate Sideroad 15	Southgate Sideroad 19
Southgate-Glenelg Townline	Southgate Sideroad 41	Southgate Sideroad 47
Southgate-Glenelg	Southgate Sideroad 47	Southgate Sideroad 49

Townline		
Southgate-Glenelg Townline	Southgate Sideroad 49	Grey County Road 23
Southgate-Glenelg Townline	Stonehill Road	Southgate Sideroad 61
Southgate-Glenelg Townline	Southgate Sideroad 61	Southgate Sideroad 03
Southgate-Artemesia Townline	Southgate Sideroad 03	Southgate Sideroad 07
Southgate-Artemesia Townline	Grey County Road 14	Southgate Sideroad 15
Southgate-Wellington North Townline	Sligo Road	Grey County Road 109