

THE CORPORATION OF THE TOWN OF GRAND VALLEY

BY-LAW NUMBER 2020- 49

A By-law to permit the operation of Off-Road Vehicles on certain highways under the jurisdiction of the Town of Grand Valley.

WHEREAS the *Municipal Act*, S.O. 2011, Chapter 25, Section 11(3), provides that a municipality may pass By-laws with respect to municipally owned highways, including parking and traffic on such highways;

AND WHEREAS the *Highway Traffic Act*, R.S.O. 1990, Chapter H.8, Section 191.8(1), provides that 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-law;

AND WHEREAS the *Highway Traffic Act*, R.S.O. 1990, Chapter H.8, Section 191.8(3), provides that a municipality may pass By-laws permitting or prohibiting certain off-road vehicles on highways under the jurisdiction of the municipality and providing speed limits for such vehicles;

AND WHEREAS the *Highway Traffic Act*, R.S.O. 1990, Chapter H.8, Section 191.8(4) authorizes a By-law passed under subsection (3) may permit the operation of off-road vehicles only during specified times;

AND WHEREAS the operation of off-road vehicles on highways is a privilege and not a right, and shall be performed in accordance with the *Off-Road Vehicles Act*, R.S.O. 1990, Chapter O.4;

AND WHEREAS requests have been received to permit off-road vehicles on certain municipally owned highways within the boundary of the Town of Grand Valley;

NOW THEREFORE BE IT RESOLVED THAT the Council of the Corporation of the Town of Grand Valley enacts as follows:

1. Pursuant to this By-law, the definition of all types of off-road vehicles shall be as defined in the *Highway Traffic Act*, R.S.O. 1990, as amended (the HTA), and its regulations, including the defined vehicles listed in Ontario Regulation 316/03, as amended, and in the *Off-Road Vehicles Act*, R.S.O. 1990, Chapter O.4, as amended (the OVA).
2. No person shall operate any type of off-road vehicle upon any Highways under the jurisdiction of the Town of Grand Valley in accordance with the provisions of the HTA and the OVA, except as permitted in accordance with this by-law and Schedule A attached hereto.
3. No person shall operate any type of off-road vehicle in any park, playground, cemetery or sidewalk that is under the jurisdiction of the Town of Grand Valley,
4. No person shall drive an off-road vehicle on those highways listed in Schedule A at a rate of speed greater than 50 kilometres per hour.
5. No person shall operate an off-road vehicle on those highways listed in Schedule A except between one-half hour after sunrise and one-half hour before sunset as determined by the National Research Council of Canada.

6. No person shall operate an off-road vehicle in such a manner as to disturb or distort the natural environment including fish habitats, property and any flora or fauna.
7. Any person who contravenes any of the provisions of this By-law is guilty of an offence and upon conviction, is liable to a fine as provided for under the *HTA*, the *OVA*, and/or the *Provincial Offences Act*.
8. This By-law shall be enforced by the Ontario Provincial Police.
9. The Ontario Provincial Police are exempt from complying with the provisions of this by-law while actively engaged in its enforcement or the parts thereof that they have been appointed to enforce.
10. The provisions of this by-law shall not, if compliance therewith would be impractical, apply to:
 - a. An Authorized Vehicle, including a vehicle registered to a municipal corporation or registered to a utility, while actually performing work on behalf of a municipal corporation within the Town, or while responding to an emergency; or,
 - b. When the driver or operator of a vehicle is in compliance with the direction of a police officer or a traffic control device.
11. If a court of competent jurisdiction declares any provision, or any part of a provision of this By-law to be invalid, or to be of no force and effect, it is the intention of Council in enacting this By-law that each and every provision of this By-law authorized by law be applied and enforced in accordance with its terms to the extent possible according to law
12. The provisions of this By-law come into force and take effect on the final passing hereof, and Schedule A forms part of this by-law.
13. The Schedules referred to in this by-law shall form part of this by-law.
14. By-law 2017-41 and any by-laws inconsistent with this by-law are hereby repealed.
15. The repeal of any by-law referred to in Section 13 shall not affect any offence committed against the provisions of that by-law or any penalty incurred in respect thereof or any investigative procedure, including but not limited to any prosecution thereunder.
16. This by-law shall be known as the Off-Road Vehicle By-law.

BY-LAW READ A FIRST AND SECOND TIME AND PASSED THIS 13th DAY OF Oct, 2020.



Steve Soloman, Mayor



Meghan Townsend, CAO/Clerk-Treasurer

Schedule A
By-Law 2020-

Pursuant to By-Law 2020- , Licensed and Insured Off-Road Vehicles will be permitted only on the following roads under the jurisdiction of the Town of Grand Valley:

Road Name	From	To
East Luther-Amaranth Townline	County Road 109	Highway 89