

The Corporation of the Township of Springwater

By-law 2020-013

A By-law to permit and regulate Off-Road Vehicles on Municipal Highways in the Township of Springwater and repeal By-law 2011-029

(Off-Road Vehicles By-law)

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-laws;

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 certain off-road vehicles on highways under the jurisdiction of the municipality and providing speed limits for such vehicles;

And Whereas the Municipal Act, S.O. 2001, Chapter 25, Section 11(3), provides that a municipality may pass by-laws with respect to municipality owned roads, including parking and traffic on such highways;

And Whereas Council deems it necessary to enact a by-law to permit the use of off-road vehicles on certain municipal highways.

Now Therefore the Council of The Corporation of the Township of Springwater enacts as follows:

1. Definitions

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

“Boulevard” shall mean that part of the highway situated between the curb line and the property line of the lot abutting the highway, but does not include the sidewalk or shoulder.

“Core Services” shall mean accessing lodging or accommodations, food or fuel within the urban areas of the Township of Springwater.

“Community Event” means an event which is held for and benefits residents or local area within the Township of Springwater.

“Council” means the Council for The Corporation of the Township of Springwater.

“Designated Parking Area” means a part of a municipal facility that is designated and intended to park motor vehicles.

“Designated Trail Route” shall mean a trail that has been approved by Council and designated by agreement or memorandum of understanding with a recognized agency and includes extension of the agency’s insurance coverage to terms acceptable to the Township.

“Farming” shall mean a property used for growing of crops or raising of livestock.

“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 that area between the lateral property lines thereof.

“Hunting” includes seeking, pursuing and capturing or killing of wild animals.

“Municipal Law Enforcement Officer” means a person duly appointed by the Corporation of the Township of Springwater 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.

“Municipality” shall mean the Corporation of the Township of Springwater.

“Municipal Facility” shall mean any land owned or leased by the Township of Springwater, which is accessed by or provided for public use including but not limited to an arena, community centre, parking lot, public library, parks and offices.

“Officer” means a Municipal Law Enforcement Officer appointed by Council or any authorized member of the Ontario Provincial Police or any other Police Services or any other person appointed or designated by Council to provide law enforcement services in the Township of Springwater.

“Off-Road Vehicle” shall mean an off-road vehicle intended for off-road and within the meaning of the Off-Road Vehicles Act, and as defined by the Highway Traffic Act and or the regulations thereto and includes off-road vehicles as defined as follows:

“All-terrain vehicle” means an off-road vehicle that,

- (a) Has four wheels, the tires of which are all 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. A driver only and no passengers, or
 - b. A driver and only one passenger, if the vehicle,

- i. Has one passenger seat that is designed to be straddled by the passenger while sitting facing forward behind the driver, and
- ii. Is equipped with foot rests for the passenger that is separate from the foot rests for the driver;

“Multi-purpose off-highway vehicle” means an off-road vehicle that,

- (a) Has four or more wheels, that 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;

For the purposes of this By-law the terms off-road vehicle, multi-purpose off-highway utility vehicle, and recreational off-highway vehicle shall be referred to as “off-road vehicle” and treated as one in the same.

“Person” means an individual, firm, corporation, business, association or partnership.

“Recognized Agency” shall be the Ontario Federation of All-Terrain Vehicle Clubs and the Central Ontario ATV Club.

“Settlement Area” for the purpose of this By-law shall include: Anten Mills, Centre Vespra, Elmvale, Midhurst, Hillsdale, Minesing, Phelpston, Snow Valley.

“Sidewalks/Footpaths” means that portion of a highway as is set aside by The Corporation of the Township of Springwater for the use of pedestrians.

“Special Event” means an exhibition, concert, festival or other organized event held for profit or otherwise.

“Township” shall mean The Corporation of the Township of Springwater.

“Work Purposes” shall mean an activity involving mental or physical effort done in order to achieve a purpose or result.

2. By-law Administration

- 2.1 The Clerk or designate is responsible for the administration of this by-law and is delegated the authority to receive written applications from a Recognized Agency under this By-law.

3. Regulation of Off-Road Vehicles on Highways

- 3.1 Off-road vehicles shall be permitted upon the highways under the jurisdiction of the Township of Springwater under and in accordance with *Ontario Regulation 316/03 of the Highway Traffic Act, as amended*, and the *Off Roads Vehicle Act, as amended*.
- 3.2 Unless such lands form part of a trail route approved and maintained by a Recognized Agency, no person shall operate an off-road vehicle over or upon the following areas:
- a) Any park, sports field, playground or trail under the jurisdiction of the Municipality;
 - b) Any unopened road allowance unless such vehicle is required for emergency response purposes;
 - c) Any cemetery under the jurisdiction of the Municipality;
 - d) Any municipal public property in the Municipality without the consent of the Municipality;
 - e) Upon any sidewalk/footpaths or boulevard within the Municipality;
 - f) Within any ditches, drainage areas or other portions of the highway outside of the travelled portion (of the highway).
 - g) In any settlement area except as a means of direct access to the trail routes or to obtain core services.
- 3.3 Notwithstanding subsection 3.1, no person shall operate an off-road vehicle or permit an off-road vehicle to be operated on a highway or portions thereof set out in Schedule 'A' of this By-law, except for crossing the restricted highways as permitted by subsection 26 of *O. Reg 316/03, Operation of Off-Road Vehicles on Highways*, under the *Highway Traffic Act*.
- 3.4 Notwithstanding subsection 3.2, off-road vehicles are permitted to attend and park within the designated parking areas at all municipal facilities while participating in an activity.

- 3.5 An off-road vehicle shall not be operated on highways unless it meets the equipment requirements of Section 7 to 15 of O. Reg. 316/03, as amended, and it is opened in accordance with Sections 16 to 24 of O. Reg. 316/03, as amended.
- 3.6 The off-road vehicle shall not be driven at a rate of speed greater than:
- a) 20 kilometres per hour, if the speed limit established under the Highway Traffic Act or by Municipal By-law 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 Highway Traffic Act or by Municipal By-law for that part of the highway is greater than 50 kilometres per hour
- 3.7 No person shall operate an off-road vehicle within the municipality during the period of 11P.M. through till 7A.M. the following day.
- 3.8 No person shall operate an off-road vehicle in such a way as to disrupt or destroy the natural environment, create a nuisance by method or frequency of operation on any municipal property or upon any highway within the municipality.
- 3.9 No person shall park an off-road vehicle on a municipal highway except in accordance with the Parking By-law or where otherwise authorized by signage displayed and indicating that off-road vehicle parking is permitted.

4. Exemptions

- 4.1 This By-law does not apply to the following:
- a) Employees, representatives or agents of the Corporation of the Township of Springwater, the Provincial or Federal Government while in the course of their duties;
 - b) Employees, representatives or agents of any utility while in the course of their duties where such utility maintains or operates services in;
 - c) Emergency service personnel while in the course of their duties; and
 - d) Community Events or Special Events authorized by the Township.
 - e) Notwithstanding section 3.7, persons operating an off-road vehicle for hunting, farming or work purposes.

5. Authorization

- 5.1 Notwithstanding subsection 3.2(b), The Township Council may authorize in writing the use of off-road vehicles on an unopen road allowance or trail or Township property, upon receiving an application from a Recognized Agency, and such authorization may be made upon the terms and conditions deemed appropriate by the Township. Without limiting the generality of the foregoing, this may require the “user” to enter into an agreement concerning such use.
- 5.2 For the purpose of subsection 5.1, agreements existing as of the date of the passage of this By-law, entered into by the Township with an off-road vehicle club regarding the creation, improvement, and maintenance of Central Ontario ATV Clubs trails, shall be deemed to be authorized in writing and maintained in accordance with the Township.

6. Enforcement

- 6.1 The provisions of this By-law shall be enforceable by a Police Officer, Municipal Law Enforcement Officer, or other such persons as appointed by the municipality.

7. Offences and Penalties

- 7.1 No person shall obstruct, hinder, or otherwise interfere with a Police Officer, Municipal Law Enforcement Officer or other duly appointed individual in the lawful carrying out of their duties and responsibilities under the provisions of this By-law.
- 7.2 Failure to stop when directed by a Police Officer, Municipal Law Enforcement Officer, or appointed person shall be an offence of obstruction.
- 7.3 Every person who contravenes any provision of this By-law shall be guilty of an offence and upon conviction is liable to a fine pursuant to the *Provincial Offences Act*, R.S.O. 1990, c. P. 33, as amended.

8. Severability

- 8.1 That in the event any provision of this By-law are found by a court of competent jurisdiction to be without effect under Section 14. (1) of the Municipal Act, S.O. 2001, as amended, such provisions shall be deemed to be severed and the remainder of this By-law shall remain in full force and effect.
- 8.2 This By-law shall apply in addition to the provisions of any other Township By-law and the Municipal Act, S.O. 2001 c.25, as amended, provided that in the event of conflict, the provisions of any other Township By-law or the Municipal Act, 2001, S.O. 2001, c.25, as amended, shall not be paramount over this By-law, provided such provisions are not contrary to law.

- 8.3 Whenever any reference is made in this By-law to a statute of the Legislature of the Province of Ontario, such reference shall be deemed to include all subsequent amendments to such statute and all successor legislation to such statute.
- 8.4 That it is hereby recognized this By-law may be revoked and repealed at anytime.
- 8.5 That nothing in this By-law shall limit any other statutory or common law rights or powers of the municipality or any Officer to enter on land.
- 8.6 That this By-law shall be cited as the "Off-Road Vehicles By-law".

9. Repeal

- 9.1 That By-law 2011-029 is hereby repealed.

10. Force and Effect

- 10.1 This By-law shall take force and effect upon final passage hereof.

Read a First, Second and Third Time and Finally Passed this 4th day of March, 2020.



Don Allen, Mayor



Renée Ainsworth, Clerk

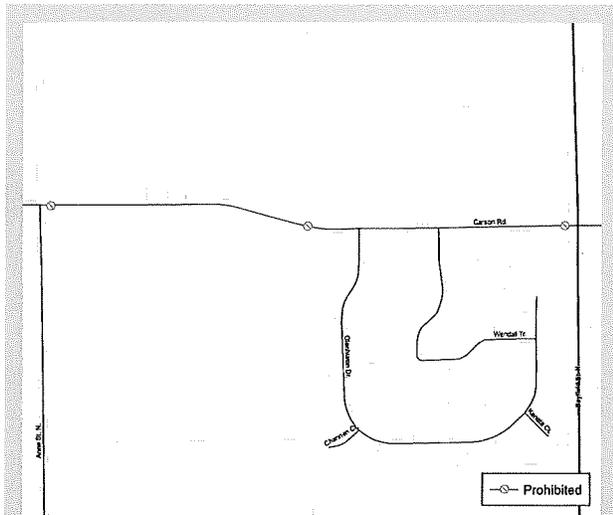
The Corporation of the Township of Springwater

Off-Road Vehicles By-law 2020-013

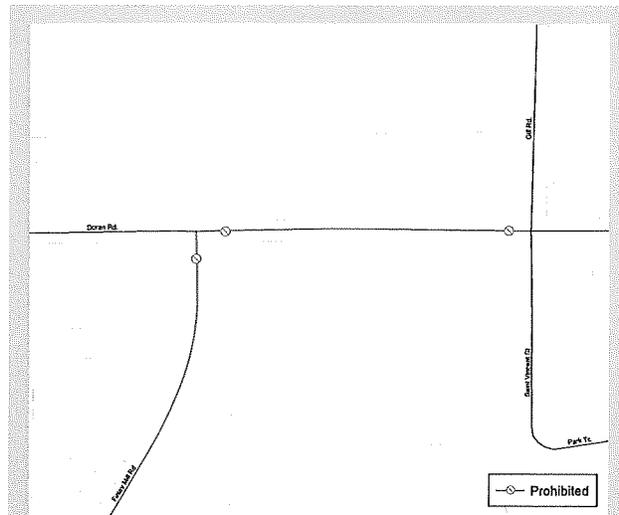
Schedule "A"

Prohibited Highways

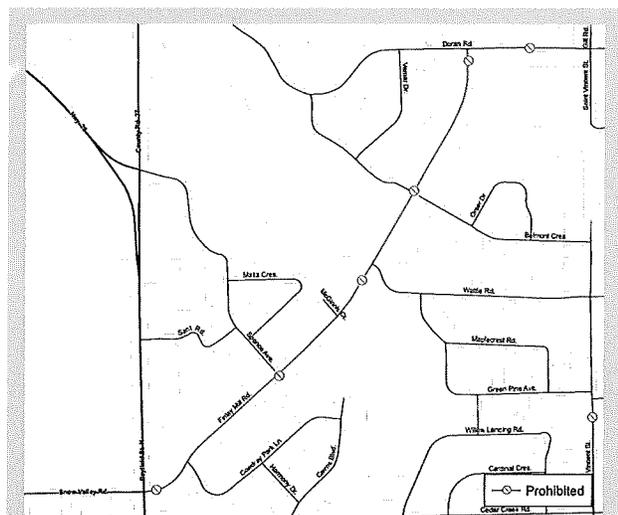
Road Allowance	From:	To:
Carson Road	Anne Street North	Bayfield Street North
Doran Road	Finlay Mill Road	Gill Road
Finlay Mill Road	Bayfield Street North	Doran Road
St. Vincent Street	City of Barrie Limits	Pooles Road



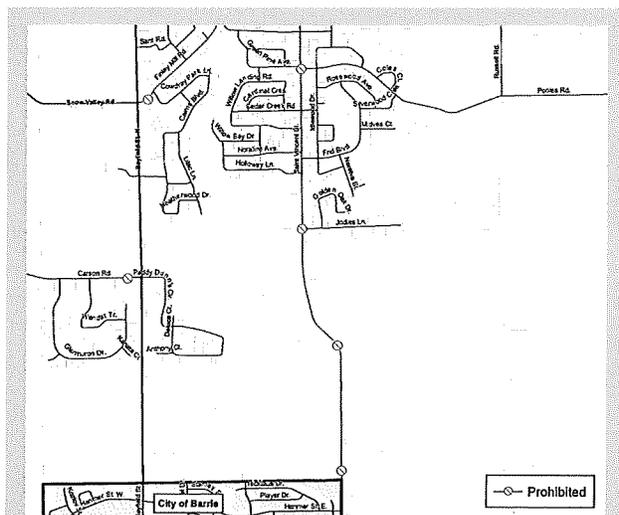
Carson Rd – Anne St N to Bayfield St N



Doran Rd – Finlay Mill Rd to Gill Rd



Finlay Mill Rd – Bayfield St N to Doran Rd



St. Vincent St – City of Barrie to Pooles Rd

**The Corporation of the Township of Springwater
Off-Road Vehicles By-law 2020-013**

A By-law to permit and regulate Off-Road Vehicles on Municipal Highways in the
Township of Springwater

Schedule "B"

Part I Provincial Offences Act Fines

Item	Short Form Wording	Provision for Creating or Defining Offence	Set Fine
1	Operate or permit an off-road vehicle on a municipal park, sports field, playground or trail.	s.3.2(a)	\$205.00
2	Operate or permit an off-road vehicle on an unopen road allowance.	s.3.2(b)	\$205.00
3	Operate or permit an off-road vehicle on a municipal cemetery.	s.3.2(c)	\$205.00
4	Operate or permit an off-road vehicle on municipal property without permission.	s.3.2(d)	\$205.00
5	Operate or permit an off-road vehicle on a municipal sidewalk/footpath or boulevard.	s.3.2(e)	\$205.00
6	Operate or permit an off-road vehicle outside travelled portion of a highway.	s.3.2(f)	\$205.00
7	Operate or permit an off-road vehicle in a settlement area.	s.3.2(g)	\$205.00
8	Operate or permit an off-road vehicle on a prohibited highway.	s.3.4	\$205.00
9	Operate or permit an off-road vehicle during prohibited time of day.	s.3.7	\$205.00
10	Operate or permit an off-road vehicle on municipal property in a way to disturb or destroy the natural environment or create a nuisance	s.3.9	\$205.00
11	Obstruct, hinder or otherwise interfere with an officer.	s.7.1	\$250.00
12	Fail to stop when directed by an officer	s.7.2	\$250.00

Note: The set fines set out in Schedule "B" shall be approved by the Chief Justice before coming into force and effect.

THE HONOURABLE ESTHER ROSENBERG
REGIONAL SENIOR JUSTICE
ONTARIO COURT OF JUSTICE
CENTRAL EAST REGION

50 EAGLE STREET WEST
NEWMARKET, ONTARIO L3Y 6B1



L'HONORABLE ESTHER ROSENBERG
JUGE PRINCIPAL RÉGIONAL
COUR DE JUSTICE DE L'ONTARIO
RÉGION DU CENTRE-EST

50, RUE EAGLE OUEST
NEWMARKET (ONTARIO) L3Y 6B1

TELEPHONE/TÉLÉPHONE (905) 853-4890
FAX/TÉLÉCOPIEUR (905) 853-4891

July 9, 2020

Ms. Brittany Kellington
2231 Nursery Road
Minesing, Ontario
L9X 1A8

Dear Ms. Kellington,

Re: Set Fines – Part I
Township of Springwater

Enclosed herewith please find the Order and the schedule of set fines.

The setting of the fines does not constitute my approval of the short form of the wording used to describe the offences.

I have forwarded a copy of the Order and the schedule of set fines to the POA Court in Barrie.

Yours truly,

A handwritten signature in blue ink that reads "Esther Rosenberg".

Esther Rosenberg
Regional Senior Justice
Central East Region

/bmw
Enclosures

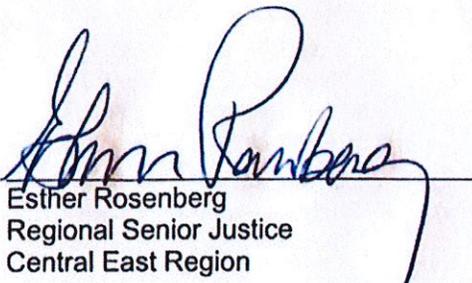
PROVINCIAL OFFENCES ACT

Part I

IT IS ORDERED pursuant to the provisions of the *Provincial Offences Act* and the rules for the Ontario Court of Justice that the amount set opposite each of the offences in the attached schedule of offences under the Provincial Statutes and Regulations thereunder and Municipal By Law 2020-013, for the Township of Springwater, attached hereto is the set fine for that offence. This Order is to take effect July 9, 2020

DATED at Newmarket this 9th

day of July, 2020



Esther Rosenberg
Regional Senior Justice
Central East Region

The Corporation of the Township of Springwater

Off-Road Vehicles By-law 2020-013

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9	Operate an off-road vehicle during prohibited time of day.	s.3.7	\$205.00
10	Operate an off-road vehicle on municipal property in a way to disturb or destroy the natural environment or create a nuisance	s.3.8	\$205.00
11	Obstruct, hinder or otherwise interfere with an officer.	s.7.1	\$250.00
12	Fail to stop when directed by an officer	s.7.2	\$250.00

Note: The penalty provision for the offences indicated above is Section 7.3 of By-law 2020-013, and also Section 61 of the Provincial Offences Act, R.S.O. 1990, c. P. 33