



THE CORPORATION OF THE TOWNSHIP OF NORWICH

BY-LAW NUMBER 14-2021

**BEING A BY-LAW TO REGULATE THE OPERATION OF OFF-ROAD VEHICLES
WITHIN THE TOWNSHIP OF NORWICH**

WHEREAS section 191.8(1) of the *Highway Traffic Act*, R.S.O. 1990, c. H.8 as amended, provides that no person shall drive an off-road vehicle on a highway except in accordance with the regulations to the *Highway Traffic Act* and any applicable municipal by-laws;

AND WHEREAS section 191.8(3) of the *Highway Traffic Act* provides that a municipality may pass by-laws:

- (a) permitting the operation 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 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;
- (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;

AND WHEREAS O. Reg. 316/03, as amended, made under the *Highway Traffic Act*, sets out regulations for the operation, regulation, and exemptions related to off-road vehicles on highways;

AND WHEREAS in municipalities listed in O. Reg. 8/03, permitted off-road vehicles will be allowed by default on municipal highways unless the municipality prohibits or restricts by by-law the use of some or all off-road vehicles;

AND WHEREAS the Township of Norwich is listed in O. Reg. 8/03;

AND WHEREAS pursuant to sections 11, 27 and 28 of the *Municipal Act, 2001*, S.O. 2001, c. 25, as amended, the Township of Norwich may enact by-laws in respect of highways within its jurisdiction;

AND WHEREAS the Council of the Corporation of the Township of Norwich deems it appropriate to regulate the operation of off-road vehicles on highways within its jurisdiction;

NOW THEREFORE THE COUNCIL OF THE CORPORATION OF THE TOWNSHIP OF NORWICH ENACTS AS FOLLOWS:

Short Title

1. This by-law shall be known and referred to as the “Township of Norwich Off-Road Vehicles By-Law”.

Definitions

2. In this By-law,

“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,
 - (i) a driver only and no passengers, or
 - (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 drive, and
 - (b) 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” includes a common and public highway, street, avenue, parkway, driveway, square, place, drive, 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 and which is under the jurisdiction of the Township pursuant to the *Municipal Act, 2001*;

“*Highway Traffic Act*” means the *Highway Traffic Act*, R.S.O. 1990, c. H. 8, as amended or replaced;

“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;

“Off-Road Motorcycle” 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 only and no passengers, and
- (g) does not have a sidecar;

“Off-Road Vehicle” means an off-road vehicle as defined by the *Off-Road Vehicles Act*, and includes an All-Terrain Vehicle, an Extreme Terrain Vehicle, a Multi-Purpose Off-Highway Utility Vehicle, an Off-Road Motorcycle, and a Recreational Off-Highway Vehicle, as defined by this by-law, and/or the *Highway Traffic Act*, the *Off-Road Vehicles Act*, and/or any Regulations to those Acts;

“*Off-Road Vehicle Act*” means the *Off-Road Vehicles Act*, R.S.O. 1990, c. O.4, as amended or replaced;

“Peace Officer” includes a police officer, conservation officer, by-law enforcement officer or other person employed or engaged for the preservation and maintenance of the public peace or any officer appointed for enforcing or carrying out the provisions of the By-law;

“Person” includes an individual, corporation, firm, association, and/or partnership;

“*Provincial Offences Act*” means the *Provincial Offences Act*, R.S.O. 1990, c. P. 33, as amended or replaced;

“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;

“Township” means The Corporation of the Township of Norwich;

“Township Public Property” means any land owned or leased by the Township 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, as well as land owned or leased by the Township that is not normally accessible to the public; and

“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.

Prohibitions

3. No Person shall operate an Off-Road Vehicle on a Highway or part of a Highway.
4. No Person shall operate an Off-Road Vehicle on an Unopened Road Allowance or part of an Unopened Road Allowance.
5. No Person shall operate an Off-Road Vehicle on any Township Public Property.

Exemptions

6. This By-law does not apply to the following, provided the operator of the Off-Road Vehicle holds a valid drivers license issued in accordance with section 32 of the *Highway Traffic Act*:
 - (a) Employees, representatives or agents of the Township, the Province of Ontario and/or the Government of Canada 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 within the Township;
 - (c) Emergency services personnel while in the course of their duties;
 - (d) Any Person involved in a community or special event where an exemption to this By-law is authorized by the Township;
 - (e) Any Person operating an Off-Road Vehicle for farming or trapping purposes when permitted by the *Off-Road Vehicles Act* and/or O. Reg. 316/03; and
 - (f) Any Person crossing a Highway when permitted by the *Off-Road Vehicles Act* and/or O. Reg. 316/03.

Enforcement

7. The provisions of this By-law shall be enforceable by any Peace Officer.

Offences and Penalties

8. No Person shall hinder, obstruct, or interfere with a Peace Officer in the lawful execution of his or her duties under this By-law.
9. No Person operating an Off-Road Vehicle shall fail to stop that Off-Road Vehicle when directed to do so by a Peace Officer while executing his or her duties under this By-law.
10. No Person operating an Off-Road Vehicle or any passenger thereon shall fail to identify himself or herself when demanded to do so by a Peace Officer while executing his or her duties under this By-law.
11. Any Person who contravenes any provision of this By-law is guilty of an offence and on conviction is subject to any penalty as provided for in the *Provincial Offences Act*.
12. Set fines for the violation of this By-law are as set out in Schedule "A" of this By-law.

Severability

13. If any section, subsection, paragraph, sentence, clause, or provision of this By-law is declared by a Court of competent jurisdiction to be invalid, illegal or *ultra vires* for any other reason, all other provisions of this By-law shall remain and continue in full force and effect and shall remain valid and binding.

Enactment

14. This By-law shall take force and effect immediately upon the final passage thereof, save and except for the Set Fine provisions of section 12, which shall not come into force and effect until it is approved by the Ontario Court of Justice.

READ A FIRST, SECOND AND THIRD TIME AND FINALLY PASSED THIS 9TH DAY OF MARCH, 2021.

MAYOR
LARRY MARTIN

CAO/CLERK
KYLE KRUGER

TOWNSHIP OF NORWICH

PART I Provincial Offences Act

By-law 14-2021

Schedule "A"

Set Fines

ITEM	COLUMN 1 Short Form Wording	COLUMN 2 Provision Creating or Defining Offence	COLUMN 3 Set Fine
1	Operating an Off-Road Vehicle on a Highway	3	\$250
2	Operating an Off-Road Vehicle on an Unopened Road Allowance	4	\$250
3	Operating an Off-Road Vehicle on Township Public Property	5	\$250

NOTE: The penalty provision for the offences indicated above is section 11 of By-law No 14-2021, a certified copy of which has been filed.