

THE CORPORATION OF THE TOWN OF GEORGINA
IN THE
REGIONAL MUNICIPALITY OF YORK

BYLAW NUMBER 2024-0003 (REG-1)

BEING A BYLAW TO PERMIT ALL-TERRAIN VEHICLES,
EXTREME TERRAIN VEHICLES, MULTI-PURPOSE OFF-
HIGHWAY UTILITY VEHICLES AND RECREATIONAL OFF-
HIGHWAY VEHICLES ON SPECIFIED MUNICIPAL ROADS
IN THE TOWN OF GEORGINA

WHEREAS Section 191.8(1) of the *Highway Traffic Act* provides that no person shall drive an off-road vehicle on a highway except in accordance with the regulations made under 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 permitting certain off-road vehicles on highways under the jurisdiction of the municipality, and providing speed limits for such vehicles;

AND WHEREAS Section 11(3) of the *Municipal Act, 2001* provides that a municipality may pass by-laws with respect to highways under its jurisdiction, including parking and traffic on such highways;

AND WHEREAS the Council of The Corporation of the Town of Georgina deems it desirable and expedient to enact a by-law to permit the use of specific off-road vehicles on certain highways under its jurisdiction;

BE IT THEREFORE ENACTED BY THE COUNCIL OF THE CORPORATION OF THE TOWN OF GEORGINA:

1.0 DEFINITIONS

For the purposes of this by-law:

- 1) "All-Terrain Vehicle" means an Off-Road Vehicle that:
 - a) Has four wheels, the tires of all 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;
 - d) is designed to carry:
 - i. a driver only and no passengers; or
 - ii. a driver and only one passenger, if the vehicle:
 - 1. has one passenger seat that is designed to be straddled by the passenger while sitting facing forward behind the driver; and
 - 2. is equipped with foot rests for the passenger that are separate from the foot rests for the driver;
- 2) "Boulevard" means that portion of a Highway, paved or unpaved, between the Town property line representing the lateral limit of the Highway and the travelled portion of the Highway, but does not include the Sidewalk;
- 3) "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;
- 4) "Highway" means a common and public highway, street, avenue, parkway, driveway, square, place, bridge, viaduct or trestle under the jurisdiction of the Town, which is designed and intended for, or used by, the general public for the passage of vehicles, and includes the total width of the road allowance;
- 5) "*Highway Traffic Act*" means the Ontario legislation that regulates all transportation-related use of roadways, including privileges and responsibilities of road users, presently the *Highway Traffic Act*, R.S.O. 1990, c. H.8, as amended;
- 6) "Liability Insurance" means insurance providing the insured party with protection against claims resulting from injury or damage to people or properties;
- 7) "Licence" means an Ontario driver's licence of Class A, B, C, D, E, F, G, G2, M or M2;
- 8) "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;
- 9) “Officer” means any person appointed by the Town or other governmental authority to enforce the provisions of this by-law, including, but not limited to, Municipal Law Enforcement Officers, Provincial Offences Officers, and Police Officers;
- 10) “Off-Road Motorcycle” means an off-road vehicle, also known as a dirt bike, 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;
- 11) “Off-Road Vehicle” means an off-road vehicle intended for off-road use within the meaning of the *Off-Road Vehicles Act*, R.S.O. 1990, c. O.4, as amended, and as defined by the *Highway Traffic Act* and/or the regulations made thereunder, and only includes the following off-road vehicles as defined in this by-law: All-Terrain Vehicles, Extreme Terrain Vehicles, Multi-Purpose Off-Highway Utility Vehicles, and Recreational Off-Highway Vehicles;
- 12) “O. Reg. 316/03” means Ontario Regulation 316/03: Operation of Off-Road Vehicles on Highways, as amended, made under the *Highway Traffic Act*;
- 13) “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;

- 14) "Sidewalk" means that part of a Highway that is not part of the roadway, and that has been improved by paving or other means for pedestrian traffic;
- 15) "Town" means The Corporation of the Town of Georgina or the geographic area of the Town of Georgina, as the context may require;
- 16) "Ward 5 Catchment Area" means the area shown on Schedule "A" to this by-law, and includes all Highways within that area, which is enclosed by Park Road, Old Homestead Road, Weir's Sideroad, Ravenshoe Road, Lakeridge Road, and Highway 48;
- 17) "Waterfront Park Buffer Zone" means the area described in Schedule XII of the Town's Parking and Traffic By-law No. 2023-0087 (TR-1), as amended, and includes all Highways within that area.

2.0 PROHIBITIONS

- 1) No person shall operate an Off-Road Vehicle or permit an Off-Road Vehicle to be operated on any Highway, unless otherwise permitted by this by-law;
- 2) No person shall operate an Off-Road Vehicle on any Highway from two (2) hours after sunset until two (2) hours prior to sunrise the following day;
- 3) No person shall operate an Off-Road Vehicle on any Highway between April 15 and December 15;
- 4) No person shall operate an Off-Road Vehicle on any Boulevard at any time;
- 5) No person shall operate an Off-Road Vehicle on any Sidewalk at any time;
- 6) No person shall operate an Off-Road Vehicle on any Highway without Liability Insurance;
- 7) No person shall operate an Off-Road Vehicle on any Highway without a License;
- 8) No person shall operate an off-road vehicle on any Highway unless it meets the equipment requirements of Sections 7 to 15 of O. Reg. 316/03, and is operated in accordance with Sections 16 to 24 of O. Reg. 316/03; and
- 9) No person shall operate an Off-Road Motorcycle on any Highway at any time.

3.0 EXEMPTIONS

- 1) A person may operate an Off-Road Vehicle on a Highway if:
 - a) the Highway is within the Waterfront Park Buffer Zone or the Ward 5 Catchment Area; and
 - b) all other prohibitions and provisions contained in this by-law are complied with.
- 2) Save for this Subsection 2), no provision of this by-law shall apply to a police officer or an employee of the Town, The Regional Municipality of York, the Provincial Government, or the Federal Government while in the course of their duties.

4.0 GENERAL PROVISIONS

- 1) On those Highways where Off-Road Vehicle use is permitted under Section 3.0, no person shall operate such Off-Road Vehicle at a rate of speed greater than:
 - a) 20 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 50 kilometers per hour or less; or
 - b) 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 kilometres per hour.
- 2) An Off-Road vehicle operating on a Highway shall be driven on the shoulder of the Highway in the same direction as the traffic using the same side of the highway.
- 3) Despite Subsection 2), an Off-Road Vehicle may be driven on the roadway in the same direction as the traffic using the same side of the Highway if:
 - a) there is no shoulder;
 - b) the shoulder of the Highway is obstructed and cannot be used by the Off-Road Vehicle; or
 - c) the shoulder is not wide enough to allow the Off-Road Vehicle to be driven with all of its tires remaining completely off of the roadway.
- 4) This by-law may be enforced by an Officer.

5.0 OFFENCE AND PENALTY

- 1) Every person who contravenes any provision of this by-law is guilty of an offence and upon conviction is liable to a fine as provided for by the *Provincial Offences Act*, R.S.O. 1990, c. P.33, as amended; or
- 2) Alternatively, every person who contravenes any provision of this by-law is guilty of an offence and may be liable to pay an administrative penalty and administrative fees in accordance with the Town's Administrative Monetary Penalty By-law No. 2022-0052 (REG-1), as amended, on any date after this by-law becomes a Designated By-law under Schedule "B" to the said By-law No. 2022-0052 (REG-1), as amended.

6.0 VALIDITY AND SEVERABILITY

- 1) Notwithstanding that any section, subsection, clause, paragraph or provision of this by-law, or any part thereof, may be declared by any Court of competent jurisdiction to be invalid, unenforceable, illegal or beyond the powers of Council to enact, such provision or part thereof shall be deemed to be severable and shall not affect the validity or enforceability of any other provision of this by-law, and all other provisions of this by-law shall be deemed to be separate and independent therefrom and to have been enacted as such.

7.0 FORCE AND EFFECT

- 1) This by-law shall take effect upon its passage.

READ AND ENACTED this 17th day of January, 2024

Margaret Quirk, Mayor

Rachel Dillabough, Town Clerk

Schedule "A"

The "Ward 5 Catchment Area" is the shaded area within the dotted blue lines shown on the map below.

