

# **The Corporation of the Township of Guelph/Eramosa**

## **By-law Number 17/2004**

### **A By-law to regulate the operation of all terrain vehicles, off-road vehicles and motorized snow vehicles within the Township of Guelph/Eramosa.**

WHEREAS by Section 7 (2) of the Motorized Snow Vehicles Act, S.O. 1990, c. M.44, as amended, provides that the council of a local municipality may pass by-laws regulating, governing or prohibiting the operation of motorized snow vehicles within the municipality including highways therein or any part or parts thereof;

AND WHEREAS by Section 130 of the Municipal Act, S.O. 2001, c.25, as amended permits a municipality to regulate matters not specifically provided for by this Act or any other Act for purposes related to the health, safety and well being of the inhabitants of the municipality;

AND WHEREAS it is desirable to regulate the operation of off-road vehicles and motorized snow vehicles within certain areas within the Municipality;

NOW THEREFORE the Council of the Township of Guelph/Eramosa enacts as follows:

#### 1. Definitions

In this By-law:

"All Terrain Vehicle" shall mean 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, and
- (d) is designed to carry a driver only and no passengers.

"Highway" includes a common and public highway, street, avenue, parkway, driveway, square, place, bridge, viaduct or trestle, designed and intended for, or used by, the general public for the passage of vehicles.

"Median Strip" means the portion of a highway so constructed as to separate traffic travelling in one direction from traffic travelling in the opposite direction by a physical barrier or an unpaved strip of ground.

"Motorized Snow Vehicle" means a self-propelled vehicle designed to be driven primarily on snow.

"Off-Road Vehicle" means a vehicle propelled or driven otherwise than by muscular power or wind and designed to travel on not more than three wheels.

#### 2. Prohibitions

- (a) All motorized snow vehicles, off-road vehicles and all terrain vehicles operated within the Corporation limits shall be subject to the provisions of the Highway Traffic Act and or all other applicable legislation

- (b) All motorized snow vehicles, off-road vehicles and all terrain vehicles operated within the Corporation limits shall be prohibited from operating on sidewalks, median strips, parks and any other municipally owned property
- (c) No person operating a motorized snow vehicle, off-road vehicle or all terrain vehicle within Rockwood, Eden Mills and a Residential or Rural Residential Zone anywhere within the Corporation limits pursuant to Zoning By-law 57/1999, shall operate between 11:00 p.m. and 07:00 a.m.
- (d) Except for the purpose of ingress and egress and crossovers at a 90 degree angle, no person shall operate a motorized snow vehicle or off-road vehicle at any time on a highway within local jurisdiction within the limits of the Township of Guelph/Eramosa, this section excluding the operation of All Terrain Vehicles.

3. General Provisions

- (a) The By-law Enforcement Officer for the Corporation and any Police Officer of the Wellington County Ontario Provincial Police shall enforce this by-law
- (b) The provisions regulating or governing the operation of motorized snow vehicles under the by-law do not apply to highways or any part or parts thereof that are not under the jurisdiction of the local municipality
- (c) Any person who contravenes any provision of this By-law is guilty of an offence and, upon conviction, is liable to a penalty in accordance with Section 61 of the Provincial Offences Act, R.S.O. 1990, c.P.33, as amended from time to time, or any successor thereof.

4. Repeals

The following by-laws are repealed on the passing of this by-law:

Township of Guelph By-law No. 9/71  
Township of Eramosa By-law No. 11/91

5. Coming into Force

That this By-law shall become effective from the date of passing hereof.

READ a three times and finally passed  
this **15th** day of **March, 2004**.

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Clint Martin, Mayor

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Janice Sheppard, Clerk

## Township of Guelph/Eramosa

## Part I Provincial Offences Act

By-law No.17/2004, to regulate the operation of off-road vehicles and motorized snow vehicles within the Township of Guelph/Eramosa

| <b>ITEM</b> | <b>COLUMN 1<br/>Short Form Wording</b>                                  | <b>COLUMN 2<br/>Provision<br/>creating or<br/>defining offence</b> | <b>COLUMN 3<br/>Set Fine<br/>(includes cost)</b> |
|-------------|---|--|--|
| <b>1</b>    | <b>Operate Motorized Snow Vehicle on sidewalk, median or park</b>       | <b>2(b)</b>  | <b>\$155.00</b>                                  |
| <b>2</b>    | <b>Operate Off-road Vehicle on sidewalk, median or park</b>             | <b>2(b)</b>  | <b>\$155.00</b>                                  |
| <b>3</b>    | <b>Operate All Terrain Vehicle on sidewalk, median or park</b>          | <b>2(b)</b>  | <b>\$155.00</b>                                  |
| <b>4</b>    | <b>Operate Off-road Vehicle between 11:00 p.m. and 07:00 a.m.</b>       | <b>2(c)</b>  | <b>\$155.00</b>                                  |
| <b>5</b>    | <b>Operate Motorized Snow Vehicle between 11:00 p.m. and 07:00 a.m.</b> | <b>2(c)</b>  | <b>\$155.00</b>                                  |
| <b>6</b>    | <b>Operate All Terrain Vehicle between 11:00 p.m. and 07:00 a.m.</b>    | <b>2(c)</b>  | <b>\$155.00</b>                                  |
| <b>7</b>    | <b>Operate Off-road vehicle on highway</b>                              | <b>2(d)</b>  | <b>\$155.00</b>                                  |
| <b>6</b>    | <b>Operate Motorized Snow Vehicle on highway</b>                        | <b>2(d)</b>  | <b>\$155.00</b>                                  |

NOTE: The general penalty provision for the offences listed above is section 61 of the Provincial Offences Act, R.S.O. 1990, c.P.33