

THE CORPORATION OF THE TOWN OF GRAND VALLEY

BY-LAW NUMBER 2017-41

BEING A BY-LAW TO PERMIT THE OPERATION OF OFF-ROAD VEHICLES (ORV) ON CERTAIN HIGHWAYS UNDER THE JURISDICTION OF THE TOWN OF GRAND VALLEY, AS REGULATED IN ACCORDANCE WITH ONTARIO REGULATION 316/03

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 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 months or hours;

AND 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 operation of off-road vehicles on highways is a privilege and not a right;


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 and in the *Off Road Vehicles Act*, as amended.
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 *Highway Traffic Act*, R.S.O. 1990, nor in any park, playground or sidewalk that is under the jurisdiction of the Town of Grand Valley, except as permitted in accordance with this by-law and any Schedule attached hereto.
3. The off-road vehicle shall not be driven at a rate of speed greater than 50 kilometres per hour.
4. No person shall operate an off-road vehicle except between one half hour after sunrise and one half hour before sunset as determined by the National Research Council of Canada.

5. 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.
6. 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 *Highway Traffic Act*, R.S.O. 1990 and/or the *Provincial Offences Act*.
7. 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
8. 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.

BY-LAW READ A FIRST AND SECOND TIME AND PASSED THIS 8th DAY OF August, 2017.



STEVE SOLOMAN, MAYOR



JANE WILSON, CAO/CLERK-TREASURER

Schedule A
By-Law 2017-41

Pursuant to By-Law 2017-41, 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