



By-law Number 2024-XXX

A by-law to regulate the operation of Off-Road Vehicles and Snowmobiles on Highways under the jurisdiction of the Corporation of the County of Bruce

Whereas Section 191.8, subsection (3) of the Highway Traffic Act, R.S.O. 1990, c. H.8, as amended, authorizes the Council of a municipality to pass by-laws:

- (a) permitting 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, subject to any limitations prescribed under clause (2.1) (b);
- (b) prohibiting 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, in accordance with a regulation under clause (2.1) (a);

And Whereas the Council of The Corporation of the County of Bruce deems it desirable and necessary to regulate the operation of all-terrain vehicles (ATV's), multi-purpose off-highway utility vehicles, recreational off-highway vehicles, and off-road motorcycles being classes of Off-Road Vehicles as defined in Section 1 of O. Reg. 316/03: Operation of Off-Road Vehicles on Highways, as amended, on highways within the jurisdiction of the municipality, or on any part or parts of such highways;

And Whereas Section 7(2) of the Motorized Snow Vehicle Act, R.S.O. 1990, c. M.44, as amended, allows a municipality to pass a by-law regulating, governing or prohibiting the operation of motorized snow vehicles within the municipality including any highway therein or any part or parts thereof;

And Whereas the Council of the Corporation of the County of Bruce deems it desirable and necessary to regulate the operation of motorized snow vehicles on highways within the municipality, or on part or parts of such highways;

And Whereas the County of the Corporation of the County of Bruce deems it necessary to establish penalties for those convicted of an offence under any provision of this By-law or any Schedule to this By-law;

Now Therefore the Council of the Corporation of the County of Bruce enacts as follows:

1. SHORT TITLE

- 1.1. This by-law may be cited as the "Off-Road Vehicles and Snowmobiles on County Highways By-law".

2. DEFINITIONS

In this Bylaw:

- 2.1. **“Highway”** includes any open road allowance under the jurisdiction of the Corporation of the County of Bruce including common and public highway, street, road, avenue, laneway or bridge, any part of which is actually used by the general public for the passage of vehicles and includes the area between the lateral property lines thereof.
- 2.2. **“Municipality”** means the Corporation of the County of Bruce.
- 2.3. **“Off-Road Vehicle”** shall include all-terrain vehicle, multi-purpose off-highway utility vehicle, off-road vehicle, recreational off-highway vehicle, off-road motorcycle all having the same meaning as provided in the *Highway Traffic Act Ontario Regulation 316/03* and amendments thereto.
- 2.4. **“Roadway”** means that portion of a highway that is improved, designed or ordinarily used for the passage of vehicles, but does not include the shoulder.
- 2.5. **“Shoulder”** means a portion of a highway that provides lateral support to the roadway and that may accommodate stopped motor vehicles and emergency use.
- 2.6. **“Snowmobile”** means a self-propelled vehicle designed to be driven primarily on snow and described as a motorized snow vehicle within the meaning of the Motorized Snow Vehicles Act, R.S.O. 1990, Chapter M 44.

3. GENERAL PROVISIONS AND DUTIES

- 3.1. The Council of the Corporation of the County of Bruce hereby enacts that Off-Road Vehicles and Snowmobiles shall be permitted on highways under the jurisdiction of the County of Bruce, in accordance with the provisions of this by-law.
- 3.2. “Schedule A” attached to and forming part of this by-law hereby establishes certain Highways under the jurisdiction of the County of Bruce that are prohibited from use by Off-Road Vehicles and Snowmobiles.
- 3.3. The Director of Transportation and Environmental Services, or their designate, may be authorized to divert Off-Road Vehicle and Snowmobile traffic to a highway listed in Schedule A on a temporary basis to accommodate disruptions to trail access due to construction, maintenance, or at the request of law enforcement.
- 3.4. The operator of an Off-Road Vehicle or Snowmobile shall ensure:
 - a) That when towing a trailing device, that the said trailing device shall be equipped with a rigid hitch and shall be fastened securely to the Vehicle.
 - b) That all trailing devices shall meet all requirements in accordance with the Highway Traffic Act, R.S.O. 1990, Chapter H.8, as amended, and the Off-Road Vehicles Act, R.S.O. 1990, Chapter O.4, as amended.
- 3.5. Any person operating an Off-Road Vehicle or Snowmobile under this by-law shall comply with Highway Traffic Act, the Off-Road Vehicles Act, Motorized Snow Vehicle Act and all other Federal or Provincial laws and municipal by-laws, as applicable, or any regulations made under them, as amended or replaced from time to time.

4. PROHIBITIONS

4.1.No person shall:

- a) operate an Off-Road Vehicle or Snowmobile on a Highway described in Schedule “A”, unless an agreement is in place for the use of the Highway.operate an Off-Road Vehicle or Snowmobile on a Highway from half an hour before sunrise until sunrise, or from sunset until half an hour after sunset.
- c) operate an Off-Road Vehicle on a Highway between December 1st and April 30th.
- d) operate an Off-Road Vehicle or Snowmobile on any portion of the highway other than the shoulder of the highway but may operate on the roadway if the shoulder is unsafe.
- e) operate Off-Road Vehicle or Snowmobile on a Highway at a rate of speed greater than:
 - i) 20 kilometres per hour, if the speed limit under the *Highway Traffic Act* for that part of the highway is not greater than 50 kilometres per hour; and,
 - ii) 50 kilometres per hour, if the speed limit under the *Highway Traffic Act* for that part of the highway is greater than 50 kilometres per hour.

5. EXEMPTIONS

5.1 The Exemptions set out in sections 25 through 28 of Ontario Regulation 316/03, as amended, regarding the operation of Off-Road Vehicles on highways shall apply to this by-law and the permissions granted hereunder.

5.2 The exemptions set out in Ontario Regulation 397/04, as amended, regarding the operation of motorized snow vehicles on highways shall apply to this by-law and the permissions granted hereunder.

6. ENFORCEMENT

6.1.This by-law may be enforced by a police officer or a municipal law enforcement officer.

7. OFFENCE AND PENALTIES

7.1.No person shall provide false information or give a false statement to an officer, employee and/or agent of the Municipality in the lawful exercise of a power or duty under this by-law.

7.2.No person shall hinder or obstruct, nor attempt to hinder or obstruct, either directly or indirectly, an Officer, employee and/or agent of the Municipality in the lawful exercise of a power or duty under this by-law.

7.3.Every person who contravenes any provision of this bylaw is guilty of an offence and upon conviction is liable to a fine or penalty as provided for in the Provincial Offences Act, R.S.O. 1990, c.33, as amended.

7.4. Each day on which a person contravenes any provision of this by-law shall be deemed to constitute a separate offence under this by-law as provided for in Section 429(2) of the Municipal Act, S.O. 2001, c. 25.

7.5. Every person shall comply with any Order or Notice under the authority of this by-law.

8. VALIDITY AND SEVERABILITY

8.1. Should any section of this by-law be declared by a court of competent jurisdiction to be ultra vires or illegal for any reason, the remaining part shall nevertheless remain valid and binding, and shall be read as if the offending section or part had been struck out.

9. ENACTMENT

9.1. In the event of any conflict between any provisions of this by-law and any other by-law hereto passed, the provisions of this by-law shall prevail.

9.2. This by-law shall come into force and take effect on July 1, 2024.

9.3. By-law 2021-060 of the Corporation of the County of Bruce is hereby repealed on July 1, 2024.

Passed this ____ day of _____, 2024

Chris Peabody
Warden

Linda White
Clerk

Schedule "A" to By-law 2024-XXXX

Highways under the jurisdiction of the County of Bruce
Prohibited for use by Off-Road Vehicles or Snowmobiles

ITEM	ROAD SECTION	FROM	TO
1.	Bruce Road 9	Berford Lake Road	Mallory Beach Road
2.	Bruce Road 8	Allenford Road	Legion Road
3.	Grey Bruce Line	Scone	Highway 21
4.	Bruce Road 40	Bruce Road 3	Highway 21
5.	Bruce Road 3	Bruce Road 40	Concession 8 East
6.	Bruce Road 4	Grey Bruce Line	Bruce Road 19
7.	Bruce Road 22	Airport Road	Bruce Road 4
8.	Bruce Road 23	Kincardine	Bruce Road 20

Off-Road Vehicle and Snowmobiles are permitted on all other Bruce County highways not listed above.

Schedule “B” to By-law 2021-XXXX

Part I - Provincial Offences Act

The Corporation of the County of Bruce

Off-Road Vehicles and Snowmobiles on County Highways By-law

Item	Column 1 Short Form Wording	Column 2 Provision Creating or Defining Offence	Column 3 Set Fine (CAD \$)
1.	Operate Off-Road Vehicle or Snowmobile on prohibited highway	4.1 a)	\$150.00
	Operate Off-Road Vehicle or Snowmobile during prohibited hours	4.1 a)	\$150.00
2.	Operate Off-Road Vehicle between December 1 and April 30	4.1 c)	\$150.00
3.	Operate Off-Road Vehicle or Snowmobile in prohibited area of highway	4.1 d)	\$150.00
4.	Speeding - 20 kilometres per hour or more	4.1 e) i)	\$150.00
5.	Speeding - 50 kilometres per hour or more	4.1 e) ii)	\$150.00
6.	Providing a false statement	7.1	\$150.00
7.	Hindering or obstructing an Officer	7.2	\$150.00

NOTE: The penalty provision for the offences listed above is Section 7.3 of By-law 2024-XXX , a certified copy of which has been filed.