

THE CORPORATION OF THE TOWN OF GORE BAY

BY-LAW NO. 2020-27

BEING THE BY-LAW TO REGULATE THE OPERATION OF OFF-ROAD VEHICLES ON MUNICIPAL HIGHWAYS WITHIN THE BOUNDARIES OF THE TOWN OF GORE BAY

WHEREAS *The Ontario Municipal Act 2001, c. 25 section 8(1)* grants the municipality the authority to govern its own affairs;

AND WHEREAS *The Ontario Municipal Act, 2001, c. 25 section 10 (2) (7)* grants the authority to a municipality to pass By-Laws for the health, safety and well being of persons;

AND WHEREAS *The Highway Traffic Act R.S.O 1990, Chapter H.8 section 191.8 (3)(a) (b) (c)* states that the council of a municipality may pass By-Laws permitting the operation of off-road vehicles on highways within their municipalities or prohibit the operation of off-road vehicles on any highway under its jurisdiction;

AND WHEREAS The Council of the Corporation of the Town of Gore Bay deems it in the best interest of the public to regulate, govern and prohibit the operation of off-road vehicles within the boundaries of the Town of Gore Bay;

NOW THEREFORE THE COUNCIL OF THE CORPORATION OF THE TOWN OF GORE BAY ENACTS AS FOLLOWS:

1.0 DEFINITIONS

1.1 “ALL TERRAIN VEHICLE/ATV” means as defined by *Ontario Regulation 316/03 section 1*.

1.2 “COUNCIL” means the Council of the Corporation of the Town of Gore Bay.

1.3 “HIGHWAY” means as defined by the *Highway Traffic Act, R.S.O.,1990, Chapter H.8*.

1.4 ‘OFF-ROAD VEHICLE/ORV’ means the following.

- a) Single Rider ATV- an All Terrain Vehicle designed to carry one rider and no passengers.
- b) Two-up Rider ATV -an ALL Terrain Vehicle designed for an operator and one passenger.
- c) ROV- Recreational Off-highway Vehicle that normally has two abreast seats, a hood and a steering wheel.
- d) UTV-Utility Terrain Vehicle that is similar to an ROV, but typically features a box.
- e) XTV-Extreme Terrain Vehicle commonly referred to as “Argos is a 6 wheeled capable of riding through multiple terrains including water.
- f) ORMs- Off Road Motorcycles that come in varying configurations but not limited to: Recreational ORMs, Competition ORMs, Trail ORMs or Dual-sport ORMs.

1.5 “TOWN” means the Corporation of the Town of Gore Bay.

2.0 GENERAL PROVISIONS

2.1 Off Road Vehicles are permitted on any Highway within the boundaries of the Town or on any such Highway, subject to the provisions set out under *Ontario Regulation 316/03* of the *Highway Traffic Act*, and amendments thereto, except those areas listed in Section 3.0 of this By-Law.

3.0 PROHIBITIONS

3.1 No person shall operate an ORV in, over or upon the following Streets within the boundaries of the Town.

3.1.1 Meredith Street, commencing where Main Street intersects with Meredith Street to the point where Meredith Street intersects with Dawson Street.

3.2 No person shall operate an ORV or ORM within the Town that has an exhaust system that is not in good working order and that does not prevent excessive/unusual noise or excessive smoke as defined in the *Highway Traffic Act sec 75(1)*.

4.0 ENFORCEMENT

4.1 This By-Law shall be enforced by a By-Law Enforcement Officer, or designate, who has been appointed by Council or by an officer of the Ontario Provincial Police.

4.2 No Person shall obstruct or hinder or attempt to obstruct or hinder an Officer who is exercising a power or performing a duty under this By-Law.

4.3 Every Person who contravenes any provision of this By-Law and is guilty of an offence and upon conviction is liable to a fine as provided for by the *Provincial Offences Act, R.S.O 19 Chapter p.33 as amended*.

5.0 VALIDITY and SEVERABILITY

5.1 If a court of competent jurisdiction should declare any section of this By-Law to be invalid, such section shall not be construed as having persuaded or influenced Council to pass the remainder of the By-Law, and here declared that the remainder of the By-Law shall be valid and shall remain in force.

5.2 Where a provision of this By-Law conflicts with the provision of another By-Law that is in force, the provisions that establishes the higher standard to protect the health, safety and welfare of the general public shall prevail.

6.0 ADMINISTRATION

6.1 This By-Law may be cited as the Off- Road Vehicle By-Law.

6.2 This By-Law will repeal Town of Gore Bay By-Law # 2004-10.

6.3 This By-Law shall come into effect upon its being passed by Council.

READ FOR THE FIRST, SECOND and THIRD TIME ON THIS 14TH DAY OF SEPTEMBER, 2020.

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MAYOR

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CLERK

Schedule "A"

Town of Gore Bay

By-Law No. 2020-27

Off Road Vehicle By-Law

POA Part 1

Set Fine Rates

Item	Short Form Wording	Provision Creating or Defining Offence	Set Fine
1	Operate ORV in a prohibited place	3.1.1	\$ 200.00
2	Operate ORV with improper exhaust	3.2	\$ 200.00
3	Attempt to obstruct or hinder an Officer	4.2	\$ 500.00
4	Obstruct or hinder an Officer	4.2	\$ 500.00

Note: The penalty provision for the offences listed above is section 4.3 of By-Law 2020-26 a certified copy of which has been filed.