

THE CORPORATION OF THE CITY OF ELLIOT LAKE

BY-LAW NO. 23-56

Being a By-Law to regulate the operation of Off Roads Vehicles (ORV).

WHEREAS under subsection 11. (3) and section 27 of the *Municipal Act, 2001* S.O. c.25, as amended, a Municipality may pass by-laws with respect to highways, including parking and traffic on highways over which it has jurisdiction;

AND WHEREAS under subsection 11(3) of the *Municipal Act, 2001* S.O. c.25, as amended, a Municipality may pass by-laws with respect to parks;

AND WHEREAS subsection 191.8(3) of the *Highway Traffic Act* R.S.O. 1990 c.H.3, as amended, enables municipal councils to pass by-laws permitting the operation of Off-Road Vehicles on highways or parts thereof within the Municipality under the jurisdiction of the Municipality;

AND WHEREAS subsection 191.8(4) of the *Highway Traffic Act* R.S.O. 1990 c. H3.as amended, provides that the by-law may regulate the times of operation;

AND WHEREAS subsection 17 (1) of the *Off-Road Vehicles Act* R.S.O. 1990, CHAPTER O.4 as amended, a peace officer may stop any person driving an off-road vehicle. R.S.O. 1990, c. O.4, s. 17 (1);

AND WHEREAS Section 8(3) of the *Municipal Act, 2001*, S.O. 2001, Chapter 25, as amended, provides that a by-law under Section 11 respecting a matter may: (a) regulate or prohibit respecting the matter; and, (b) require persons to do things respecting the matter.

AND WHEREAS section 391 of the *Municipal Act* enables a municipality to pass a by-law imposing fees or charges for services or activities provided or done by or on behalf of it;

AND WHEREAS the Council of the Corporation of the City of Elliot Lake is desirous of passing such a by-law;

NOW THEREFORE the Council of The Corporation of the City of Elliot Lake **ENACTS AS FOLLOWS:**

In this by-law:

“Boulevard” means part of a street line between the roadway and sidewalk or, where no sidewalk has been laid, that part between the travelled portion of the roadway and the highway boundary;

“Central Commercial Area” means the part of the City bounded on the north by the southerly limit of Hillside Drive North, on the east by the westerly limit of Highway No108, on the south by the westerly limit of Ontario Avenue and the southerly limit of Hillside Drive South as shown on the attached Schedule “A”;

“City” means the geographical area occupied by The Corporation of the City of Elliot Lake;

“ City Park” means any public park, athletic field, playground, golf course or similar area owned or maintained by the City for use by the public;

“Extreme Terrain Vehicles” (XTVs) are Off-Road Vehicles (ORV’s) with six or eight wheels all in contact with the ground.

“Highway” includes a common and public highway, street, avenue, parkway, driveway, square, bridge, viaduct or trestle, any part of which is intended for or used by the general public for the passage of vehicles, and the area between the lateral property lines thereof;

“Low Pressure Bearing Tire” means a wide, balloon-type tire with a rounded cross section and no distinct shoulder area and that is designed to operate with inflation pressure of no greater than 70kpa.(10psi);

“Identified Trail” means a trail shown on the trail map provided by the City for the use of off- road vehicles or as identified for such use city signage.

“Off-Road Motorcycles” (ORMs) are Off-Road Vehicles with two wheels in contact with the ground.

“Off Road Vehicle” means a vehicle propelled or driven otherwise than by muscular power or wind and designed to travel,

- a) on not more than three wheels, or
- b) on more than three wheels and being of a prescribed class of vehicle;

“Officer” A Peace Officer or Municipal By-Law Enforcement Officer or a Police Officer;

“Park” means the standing of a vehicle, whether occupied or not, except when standing temporarily for the purpose of and while actually engaged in the loading or unloading of passengers;

“Sidewalk” means the untraveled portion of a highway intended for the use of pedestrians)

“Utility Task Vehicle” (UTV) - means an Off Road Vehicle that,

- a) is designed for utility applications or uses on all terrains;
- b) has four or more wheels;
- c) has a seat that is not designed to be straddled by the driver, and;
- d) is designed to carry a driver and one or more passengers;

1. Operation of Off Road Vehicles on Highways

- a) No person shall operate an Off Road Vehicle with three or more wheels and low pressure bearing tires on or across a highway or any part thereof in the City including, but not limited to, Highway 108 and the Central Commercial Area
- b) Notwithstanding the provisions of subsection 1.a), a person is permitted to operate an off- road vehicle with three or more wheels and low pressure bearing tires as follows:
 - i. On Highway 108:
Between the intersections of Esten Drive South and Mountain Road and; between the intersections of Manitoba Road and Timber Road North;
 - ii. For access to an identified trail if the part of the highway used is a route to an identified trail to and from the operator’s residence and, if the Off Road Vehicle being operated has a plate and permit or is otherwise in compliance with the *Off Road Vehicles Act* and meets the requirements of Ontario Regulation 316/03 made under the *Highway Traffic Act*.
- c) No person shall operate an ORM or XTV on any City street within Elliot Lake.

2. Hours of Operations

- a) Where the operation of the Off Road Vehicle is permitted under subsection 1.b), no person shall operate the Off Road Vehicle outside the hours of 6 am and 11 pm on any day.

3. Operation of Off Road Vehicles off Highways

- a) No person shall operate an Off Road Vehicle at any location where the use is prohibited by a municipal sign.
- b) No person shall operate an Off Road Vehicle on a sidewalk, boulevard or in a City park

4. Parking Off Road Vehicles on Sidewalk.

- a) No person shall leave an Off Road Vehicle on a sidewalk or boulevard.

5. Exemptions

- a) The provisions of this by-law do not apply to prohibit operation or parking of an Off Road Vehicle on a highway or part thereof if:
 - i. the use is in response to an emergency;
 - ii. the Off Road Vehicle is being used by a municipal employee or their agent in municipal work;
 - iii. the Off Road Vehicle is participating in a parade or contest under authority of a permit from the Ontario Provincial Police;

6. Penalty

- a) Any person who contravenes any provision of this by-law is guilty of an offence and is liable upon conviction to a fine as provided under the *Provincial Offences Act, R.S.O. 1990, c. P33, as amended*.
- b) No person shall hinder or otherwise 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. Short Title

- a) This by-law shall be known as the "Off Road Vehicle By-law".

8. Repeal

- a) Bylaw 10-38 is hereby repealed

PASSED this 12th day of June, 2023

MAYOR

CITY CLERK

THE CORPORATION OF THE CITY OF ELLIOT LAKE
PART I PROVINCIAL OFFENCES ACT
BYLAW 23-56: Off Roads Vehicles (ORV)
Schedule B – Provincial Offences Act

Item	Column 1 Short Form Wording	Column 2 Provision Creating or Defining Offence	Column 3 Set Fine
1.	Operation of an Off Road Vehicle with three or more wheels and low pressure bearing tires on or across a highway or any part thereof in the City including, but not limited to, Highway 108 and the Central Commercial Area	Section 1.a)	\$ 200.00
2.	Operation of an ORM or XTV on any City street within Elliot Lake.	Section 1. c)	\$ 200.00
3.	Operate Off Road Vehicle outside the hours of 6 am and 11 pm on any day.	Section 2.a)	\$ 200.00
4.	Operate Off Road Vehicle where the use is prohibited by a municipal sign.	Section 3.a)	\$ 200.00
5.	Operate an Off Road Vehicle on a sidewalk, boulevard or in a City park	Section 3.b)	\$ 200.00
6.	No person shall leave an Off Road Vehicle on a sidewalk or boulevard.	Section 4.a)	\$ 200.00

Note: The general penalty provision for the offences listed above is section 6.a) of bylaw 23-56, a certified copy of which has been filed.