

**THE CORPORATION OF THE
TOWNSHIP OF EDWARDSBURGH CARDINAL**

BY-LAW NO. 2021-09

**“A BY-LAW TO REGULATE THE OPERATION OF OFF-ROAD VEHICLE ACCESS
ON DESIGNATED MUNICIPAL HIGHWAYS AND UNOPENED ROAD
ALLOWANCES WITH THE TOWNSHIP OF EDWARDSBURGH CARDINAL”**

WHEREAS Section 191.8 of the Highway Traffic Act 1990, authorizes a municipality to pass bylaws permitting and regulating the operation of off-road vehicles on any highway or part of a highway under the jurisdiction of the municipality and further, to prescribe the rate of speed for such off-road vehicles as well as the specific months or hours during which they can be operated on a municipal highway or part of a highway; and

WHEREAS Ontario Regulation 316/03: Operation of Off-Road Vehicles on Highways, as amended, passed under the Highway Traffic Act, regulates the operation and requirements of All Terrain Vehicles, Multi-Purpose Off Highway Utility Vehicles and Recreational Off Highway Vehicles; and

WHEREAS Section 11(3) of the Municipal Act 2001, provides that a municipality may pass bylaws with respect to municipally owned highways, including parking and traffic on such highways; and

WHEREAS Section 35 of the Municipal Act 2001, allows a municipality to restrict the common law right of passage by the public on a highway within its jurisdiction; and

WHEREAS Municipal Council deems it appropriate to regulate the use of off-road vehicles on certain designated highways and unopened road allowances within the Township of Edwardsburgh Cardinal.

NOW THEREFORE BE IT RESOLVED the Council of the Corporation of the Township of Edwardsburgh Cardinal enacts as follows:

Section 1: Definitions

1. In this bylaw:

“Council” means the Council of the Corporation of the Township of Edwardsburgh Cardinal.

“Designated Highway” means a public highway or part thereof, under the jurisdiction of the Township, that is indicated on Schedule “A” and shown on Schedule “C” as being permitted for use by authorized off road vehicles under this bylaw.

“Designated Unopened Road Allowance” means an unopened road allowance or part thereof, under the jurisdiction of the Township, that is indicated on Schedule “B” and shown on Schedule “C” as being permitted for use by authorized off road vehicles under this bylaw.

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

“Motor Vehicle” means any private or commercial automobile, motorcycle, motorized assisted bicycle, and any other road vehicle that requires a motor or engine to be moveable.

"Officer" means a municipal bylaw enforcement officer authorized by the Council of the Township of Edwardsburgh Cardinal, any member of the Ontario Provincial Police, any Provincial Offences Officer pursuant to the Provincial Offences Act, or a Trail Warden through the Ontario Federation of All-Terrain Vehicle Clubs and the Central ATV Club.

"Off-Road Vehicle" shall mean an off-road vehicle intended for off-road and within the meaning of the Off-Road Vehicles Act, and as defined by the Highway Traffic Act and or the regulations thereto and includes off-road vehicles as defined as follows:

"All-Terrain Vehicle" (ATV) means an off-road vehicle that:

- a) Has four wheels, the tires of which are all 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,
 - (i) A driver only and no passengers, or
 - (ii) A driver and only one passenger, if the vehicle,
 - (A) Has one passenger seat that is designed to be straddled by the passenger while sitting facing forward behind the driver, and
 - (B) Is equipped with foot rests for the passenger that are separate from the foot rests for the driver.

"Extreme Terrain Vehicle" (XTV) means an off-road vehicle that:

- a) Has six or eight wheels, the tires of which are all in contact with the ground,
- b) Has no tracks that are in contact with the ground,
- c) Has seats that are not designed to be straddled, and
- d) Has a minimum cargo capacity of 159 kilograms.

"Multi-Purpose Off-Highway Utility Vehicle" (UTV) means an off-road vehicle that:

- a) Has four or more wheels, the tire of which are all in contact with the ground,
- b) Has a steering wheel for steering control,
- c) Has seats that are not designed to be straddled, and
- d) Has a minimum cargo capacity of 159 kilograms.

"Off-Road Motorcycle" (ORM) means an off-road vehicle, designed primarily for recreational use that:

- a) Has steering handlebars,
- b) Has two wheels, the tires of which are all in contact with the ground,
- c) Has a minimum wheel rim diameter of 250 millimetres,
- d) Has a minimum wheelbase of 1,016 millimetres,
- e) Has a seat that is designed to be straddled by the driver,
- f) Is designed to carry a driver only and no passengers, and
- g) Does not have a sidecar

"Recreational Off-Highway Vehicle" (ROV) means an off-road vehicle that:

- a) Has four or more wheels, the tires of which are all in contact with the ground,
- b) Has a steering wheel for steering control,
- c) Has seats that are not designed to be straddled,
- d) Has seat belts for each seated position, and
- e) Has an engine displacement equal to or less than 1,000 cubic centimetres; in all respects meets the requirements of the Highway Traffic Act and the Off-Road Vehicles Act and any regulations passed thereunder, as amended and as may be replaced from time to time.

"Recognized Agency" shall mean the Ontario Federation of All-Terrain Vehicle Clubs.

"Township" means the Corporation of the Township of Edwardsburgh Cardinal.

"Unopened Road Allowance" means a highway under the jurisdiction of the Township that has neither been opened for public travel or assumed for maintenance purposed by the Township.

Section 2: Restrictions

- 2.1 No person shall operate an extreme terrain vehicle (XTV) or off-road motorcycles (ORM) on any highway or designated highway or unopened road allowance or designated unopened road allowance under the jurisdiction of the Township.
- 2.2 No person shall operate an all-terrain vehicle (ATV), multi-purpose off-highway utility vehicle (UTV) or recreational off-highway vehicle (ROV), on any highway or part of a highway under the jurisdiction of the Township that is not a Designated Highway as indicated in Schedule "A".
- 2.3 No person shall operate an all-terrain vehicle (ATV), multi-purpose off-highway utility vehicle (UTV) or recreational off-highway vehicle (ROV), on any unopened road allowance or part of an unopened road allowance under the jurisdiction of the Township that is not a Designed Unopened Road Allowance as indicated in Schedule "B".
- 2.4 No person shall operate an off-road vehicle or permit an off-road vehicle to be operated on a highway that is not a Designated Highway as indicted in Schedule "A", except for crossing the highways as permitted by subsection 26 of Ontario Regulation 316/03, Operation of Off-Road Vehicles on Highways, the Highway Traffic Act.

Section 3: Regulation of Off-Road Vehicles On Designated Highways and Unopened Road Allowances

Off-Road Vehicles throughout Section 3 shall mean those vehicles which have been permitted pursuant to Section 2.2 and 2.3 of this bylaw.

- 3.1 Any person operating an off-road vehicle under this bylaw shall comply with the Highway Traffic Act and the Off-Road Vehicles Act, and all other Federal or Provincial laws and municipal bylaws, as applicable, or any regulations made under them as amended or replaced from time to time.
- 3.2 Permission to operate an off-road vehicle on a designed highway or designed unopened road allowance under this bylaw does not constitute permission to travel upon or to operate such vehicles on any other private or public property without the consent of the property owner.
- 3.3 Unless such lands form part of a trail route that is approved by the Township and approved and maintained by a Recognized Agency, no person shall operate the permitted off-road vehicles over or upon the following areas:
 - a) Any park, sports field, playground, trail or community centre/area under the jurisdiction of the Township;
 - b) Any cemetery under the jurisdiction of the Township;
 - c) Any Township or public property within the Township, without the consent of the Township;
 - d) Upon any sidewalk/footpaths within the Township;
 - e) On any highway or unopened road allowance except those outlined for permitted use in Schedule "A" or Schedule "B";
 - f) In any settlement area, except as a means to obtain core services.
- 3.4 No person shall operate a permitted off-road vehicle unless it meets the equipment and operation requirements of Ontario Regulation 316/03, as amended.

- 3.5 Permitted off-road vehicles (ATV, UTV and ROV) shall not be driven at a rate of speed greater than:
- a) 20 kilometres per hour, if the speed limit established under the Highway Traffic Act for that part of the highway is not greater than 50 kilometres per hour, or
 - b) 50 kilometres per hour, if the speed limit established under the Highway Traffic Act for that part of the highway is greater than 50 kilometres per hour.
- 3.6 No person shall operate an off-road vehicle within the Township between the hours of 11:00 p.m. and 7:00 a.m. the following day.
- 3.7 No person shall operate an off-road vehicle in such a way as to disrupt or destroy the natural environment, create a nuisance by method or frequency of operate on any Township property or upon any highway or unopened road allowance within the Township.
- 3.8 No person shall operate a motor vehicle on any unopened road allowance unless such vehicle is required for emergency response purposes.
- 3.9 Permission under this bylaw to operate an ATV, UTV or ROV on a Designated Unopened Road Allowance does not constitute evidence that the Council or the Township agrees to open or to assume for maintenance purposes the unopened road allowance and all persons use such Designated Unopened Road Allowance at their own risk.
- 3.10 It is declared that any permitted use under this bylaw of a Designated Highway and a Designated Unopened Road Allowance is non-exclusive and any person operating an ATV, UTV or ROV, shall have due regard for other users and shall use caution when passing other users.

Section 4: Exemptions

- 4.1 This bylaw does not apply to the following:
- a) Employees, representatives or agents of the Township, the Federal or Provincial Government, Ontario Federation of All-Terrain Vehicle Club Trail Wardens, and Provincial Police while in the course of their duties;
 - b) Employees, representatives or agents of any utility while in the course of their duties where such utility maintains or operates services;
 - c) Emergency service personnel while in the course of their duties

Section 5: Enforcement, Offences and Penalties

- 5.1 This bylaw may be enforced by an officer as defined within this bylaw.
- 5.2 Every person who contravenes any provision of this bylaw is guilty of an offence and upon conviction is liable to a fine as provided for in the Provincial Offences Act, R.S.O. 1990, c. P. 33, as amended.
- 5.3 A person who is convicted of an offence under this bylaw is liable for each day or part of a day that the offence continues, where the minimum fine shall not exceed \$500.00 and a maximum fine of \$10,000.00 and a total of all daily fines for the offences is not limited to \$100,000.00 as provided for in Section 429(3) of the Municipal Act, SO 2001, c. 25, as amended.
- 5.4 Upon registering a conviction for a contravention of any provision of this bylaw, the court in which the conviction has been entered, may in addition to any other remedy and to any penalty imposed by this bylaw, make an order prohibiting the continuation or repetition of the offence by the person convicted, pursuant to Section 431 of the Municipal Act, SO 2001, c. 25, as amended.

- 5.5 The driver of an off-road vehicle, not being the owner, is liable to any penalty provided under this bylaw.
- 5.6 The owner of the vehicle may be charged with and convicted of an offence under this bylaw for which the driver of the vehicle is subject to be charged unless, at the time of the offence, the vehicle was in the possession of some person other than the owner without the owner's consent and on conviction the owner is liable to the penalty prescribed or provided for the offence.

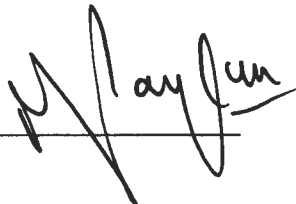
Section 6: Other

- 6.1 Where a provision of this bylaw conflicts with a provision of another bylaw enforced in the Township, the provisions that establishes the higher standards shall prevail in order to protect the health, safety and welfare of the general public.
- 6.2 It is the declared intention of the Council of the Corporation of the Township of Edwardsburgh Cardinal that any section or part of this bylaw which if found by a court of competent jurisdiction to be without effect or to be held to be illegal shall be severable from the remainder of the bylaw and shall not be deemed to have persuaded or influenced the Council to pass the remainder of the bylaw.
- 6.3 That Schedules "A", "B", "C" and "D" shall constitute part of this bylaw.
- 6.4 That bylaws 2015-28, 2017, 25, and 2018-64 and all other bylaws previously passed that are inconsistent with the provisions of this bylaw are hereby repealed.
- 6.5 That this by-law will come into force and take effect on its passing.

Read a first and second time in open Council this 22 day of February, 2021.

Read a third and final time, passed, signed and sealed in open Council this 22 day of February, 2021.

Mayor



Clerk



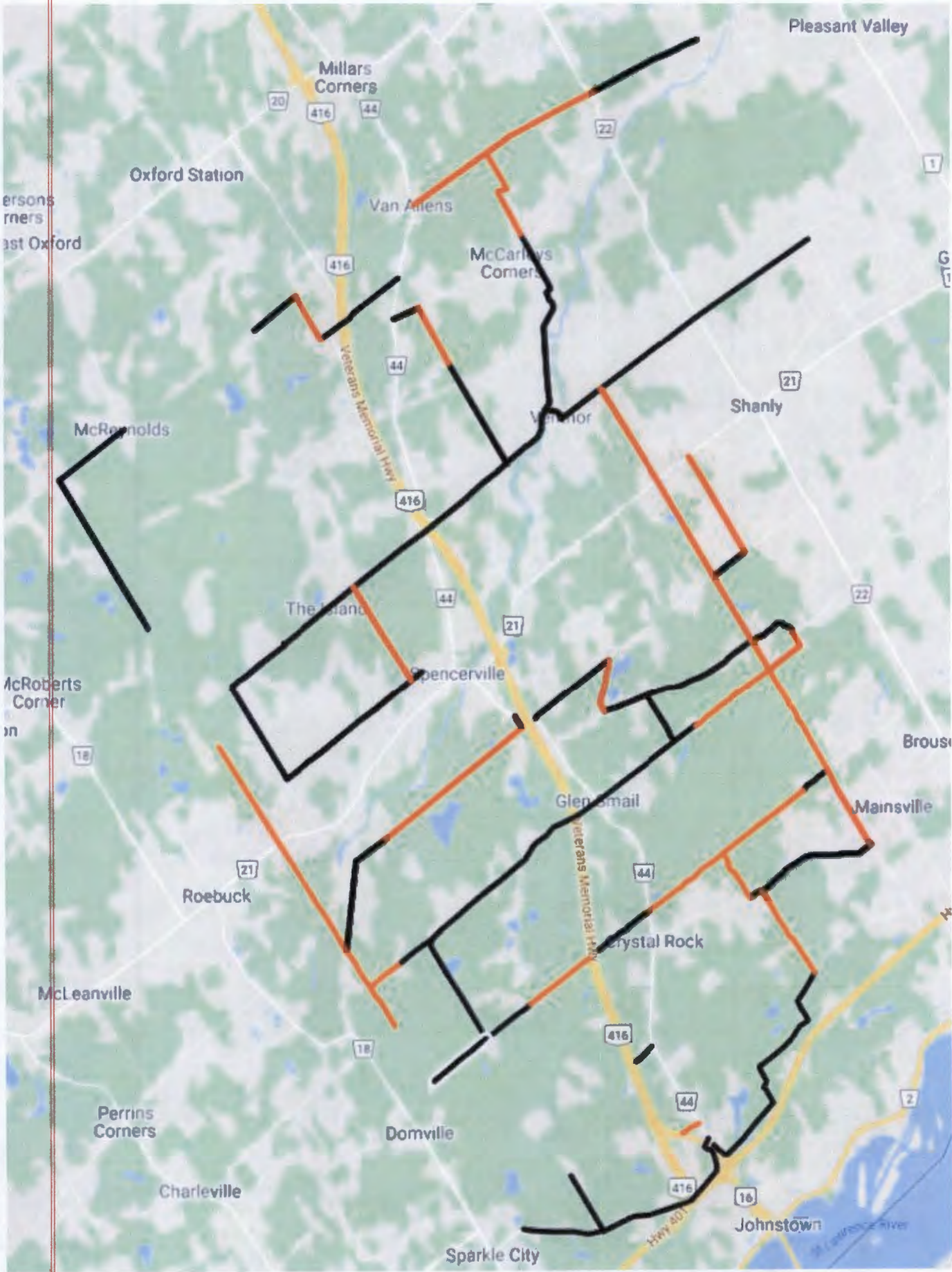
Schedule "A"
Designated Highways

Name of Road	Description		Length (in kms)
	From	To	
Burnie Road	0.7 kms east of Weir Road	Weir Road	0.70
Road between lots 24 and 25 (HP Automotive)	Unopened Road Allowance between Concessions 5 and 6	north to County Road 44	0.50
Brouseville Road	Jordan Rd	2700 m West (drive on shoulder of road)	2.70
Byers Road	Mainsville Road	1300 m West	1.30
Campbell Road	Ventnor Road	Hyndman Road	3.60
Cedar Grove Road	Angelo's Truck Stop County Road 44	West to Boundary	4.80
Crowder Road	Tutecky Road	County Road 44	1.60
Crowder Road	Unopened road allownace between lot 10 and 11	Unopened road allownace between lot 13 and 14	0.80
Cucman Road	Hyndman Road	0.25 kms north	0.25
Dobbie Road	Byker Road (Boundary)	County Road 22	2.60
Dukelow Road	County Road 44	Hurley Road	4.70
Forsythe Road	Boundary	Limerick Road	3.20
Glen Smail Road	Glen Smail Rd East of Young Rd	West Boundary	10.20
Goodin Road	County Road 44	Hurley Road	4.10
Groveton Road	Ventnor Road	North 2.3 kms	2.30
Hands Road	Eastend of Hands Road	Glen Smail Road	0.90
Hurley Road	Goodin Road	Dukelow Road	2.16
Hyndman Road	0.6 kms east of County Road 44	County Road 44	0.60
Jochem Road	County Road 44	Smith Road	2.00
Latimer Road	Boundary/Hyndman Road	County Road 22	2.40
Limerick Road	1.6 kms east of Forsythe Road	Forsythe Road	1.60
McNeilly Road	County Road 44	to end (Hwy 416)	1.30
Newman Road	Cross over Rd near east of Hwy 416	1/2 way down Newman Rd to ATV Trail, west of County Rd 44	0.45
Noe Road	Cedar Grove Road	north to end	1.20
Patterson Road	Glen Smail Rd	end of maintained section	1.30
Pittston Road	Glen Smail Road (Hutton)	Tutecky Road	4.40
Rooney Road	Unopened road allowance between lot 18 and 19	County Road 44	7.60
Totem Ranch Road W	0.5 east of Smith Road	Abandoned Railway Line	1.25
Tutecky Road	Pittston Road	0.15 north	0.15
Ventnor Road	County Road 22	County Road 44	6.62
Weir Road	Boundary	Burnie Road	1.50
Young Road	Glen Smail Road	Pittston Road	1.10

Schedule "B"
Designated Unopened Road Allowances

Name of Road	Description		Length (in kms)
	From	To	
Unopened Road Allowance between Concessions 5 and 6 (Byers Road)	County Rd 44	west end of Byers Road	4.50
Patterson Road	end of maintained section	Skakum Road	2.50
Tutecky Road	0.15 kms north of Pittston Road	Crowder Road	1.50
Unopened Boundary Allowance Road between Edwardsburgh Cardinal and Augusta	Skakum Road	north 2.5 kms in Concession 7	9.00
Unopened Road Allowance between Concessions 5 and 6	End of Burnie Road	3.5 kms east	3.50
Unopened Road Allowance between Concessions 3 and 4	Hwy 416	End of Hands Road E	1.50
Unopened Road Allowance between Concessions 4 and 5	Eastend of Glen Smail Road	Lot line between lots 10 and 11	3.00
Unopened Road Allowance between Lots 18 and 19	Rooney Road	Line between concession 3 and 4 (Byers Rd)	4.00
Unopened Road Allowance between Lots 13 and 14	Brouseville Road	Ventnor Road	14.50
Unopened Road Allowance between Lots 10 and 11	Crowder Road	County Road 21	3.00
Unopened Road Allowance between Lots 10 and 11	Goodin Road	Dukelow Road	3.00
Unopened Road Allowance between Lots 18 and 19	Groveton Road	Hyndman Road	1.70
Unopened Road Allowance between Lots 11 and 12	End of Cucman Road	Boundary between Edwardsburgh Cardinal and North Grenville	2.20
Unopened Boundary Allowance Road between Edwardsburgh Cardinal and North Grenville	County Road 22	County Road 44	6.75

Schedule "C"
Map of Designated Highways and Unopened Road Allowances



Black represents highways.
Orange represents unopened road allowances.

Schedule "D"
Township of Edwardsburgh Cardinal
Part 1 – Provincial Offences Act
Bylaw 2021-09

Regulate the Operation of Off-Road Vehicle Access on Designated Township
Highways and Unopened Road Allowances

ITEM	SHORT FORM WORDING	PROVISION CREATING OR DEFINING OFFENCE	SET FINE
1	Operate a XTV or ORM on any highway/designated highway or unopened road allowance/designated unopened road allowance in the Township	2.1	\$300.00
2	Operate an ATV,UTV or ROV on Township highway that is not designated	2.2	\$100.00
3	Operate an ATV, UTV or ROV on Township unopened road allowance that is not designated	2.3	\$100.00
4	Operate off-road vehicle on – park, sports field, playground, trail or community centre/area	3.3 a)	\$100.00
5	Operate off-road vehicle on – cemetery	3.3 b)	\$400.00
6	Operate off-road vehicle on – Township or public property without prior consent	3.3. c)	\$100.00
7	Operate off-road vehicle on – sidewalk/footpath	3.3. d)	\$100.00
8	Operate off-road vehicle in any settlement area	3.3 f)	\$100.00
9	Operate off-road vehicle between 11:00 p.m. to 7:00 a.m.	3.6	\$200.00
10	Operate off-road vehicle - disrupt or destroy natural environment or create a nuisance	3.7	\$300.00
11	Operate motor vehicle on an unopened road allowance	3.8	\$200.00

Note: The general penalty section of the offences indicated above is Section 5 of Bylaw 2021-09. A certified copy of which has been filed.

PROVINCIAL OFFENCES ACT

Part I

IT IS ORDERED pursuant to the provisions of the *Provincial Offences Act* and the rules for the Ontario Court of Justice, that the amount set opposite each of the offences in the schedule of offences under the Provincial Statutes and Regulations thereunder and Municipal By-law No. 2021-09, of the Township of Edwardsburgh Cardinal attached hereto is the set fine for that offence. This Order is to take effect on May 18th, 2021.

Dated at Ottawa, this 18th day of May 2021.

Electronic Signature:

A handwritten signature in black ink that reads "Vincent Clifford". The signature is written in a cursive style with a large, stylized 'V' and 'C'.

W. Vincent Clifford
Regional Senior Justice
Ontario Court of Justice
East Region

Schedule "D"
Township of Edwardsburgh Cardinal
Part 1 – Provincial Offences Act
Bylaw 2021-09
Regulate the Operation of Off-Road Vehicle Access on Designated Township
Highways and Unopened Road Allowances

ITEM	SHORT FORM WORDING	PROVISION CREATING OR DEFINING OFFENCE	SET FINE
1	Operate a XTV or ORM on any highway/designated highway or unopened road allowance/designated unopened road allowance in the Township	2.1	\$300.00
2	Operate an ATV,UTV or ROV on Township highway that is not designated	2.2	\$100.00
3	Operate an ATV, UTV or ROV on Township unopened road allowance that is not designated	2.3	\$100.00
4	Operate off-road vehicle on – park, sports field, playground, trail or community centre/area	3.3 a)	\$100.00
5	Operate off-road vehicle on – cemetery	3.3 b)	\$400.00
6	Operate off-road vehicle on – Township or public property without prior consent	3.3. c)	\$100.00
7	Operate off-road vehicle on – sidewalk/footpath	3.3. d)	\$100.00
8	Operate off-road vehicle in any settlement area	3.3 f)	\$100.00
9	Operate off-road vehicle between 11:00 p.m. to 7:00 a.m.	3.6	\$200.00
10	Operate off-road vehicle - disrupt or destroy natural environment or create a nuisance	3.7	\$300.00
11	Operate motor vehicle on an unopened road allowance	3.8	\$200.00

Note: The general penalty section of the offences indicated above is Section 5 of Bylaw 2021-09. A certified copy of which has been filed.

The fine amounts listed above have been set by the Regional Senior Justice.

Dated: May 18, 2021

Electronic Signature:

Vincent Clifford

W. Vincent Clifford
Regional Senior Justice
Ontario Court of Justice - East Region