

## **THE CORPORATION OF THE CITY OF DRYDEN**

### **BY-LAW 2021-102**

BEING A BY-LAW TO REGULATE THE OPERATION OF ALL-TERRAIN VEHICLES, DIRT BIKES, MOTORIZED SNOW VEHICLES, MULTI-PURPOSE OFF-HIGHWAY UTILITY VEHICLES, RECREATIONAL OFF-HIGHWAY VEHICLES AND EXTREME TERRAIN VEHICLES WITHIN THE CITY OF DRYDEN.

WHEREAS Section 191.8 of the *Highway Traffic Act* permits the Council of a municipality to pass by-laws:

- Permitting the operation of off-road vehicles with three or more wheels on any highway within the municipality that is under the jurisdiction of the municipality, or on any part of such highway; and
- Prescribing a lower rate of speed for off-road vehicles with three or more wheels, than that prescribed for off-road vehicles by regulation, on any highway within the municipality that is under its jurisdiction, or on any part or parts of such highway, including prescribing different rates of speed for different highways or parts of highways; and
- Permitting the operation of off-road vehicles with three or more wheels on any highway or on any part or parts of a highway only during specified months or hours; and

WHEREAS Section 191.8 of the *Highway Traffic Act* identifies that no person shall drive an off-road vehicle on a highway except in accordance with the regulations and any applicable municipal by-laws; and

WHEREAS Ontario Regulation 135/15, dated May 27, 2015, authorized modifications to the *Highway Traffic Act* O. Reg. 316/03 to identify the classification of various off-road vehicles, including all-terrain vehicles, multi-purpose off-highway utility vehicles and recreational off-highway vehicles as well as areas where driving said vehicles is restricted and safety precautions required; and

WHEREAS Section 195 (1) of the *Highway Traffic Act* identifies that if a provision of a municipal by-law passed by the Council of a municipality or a Police Services Board for regulating traffic on the highways; regulating noise, fumes or smoke created by the operation of motor vehicles on the highways; or prohibiting or regulating the operation of motor vehicles or any type or class thereof on the highways, is inconsistent with this *Act* or the *Regulations*, the provision of the by-law shall be deemed to be repealed upon the inconsistency arising; and

WHEREAS *Ontario Regulation 315/20*, dated June 19, 2020 authorized changes to the *Highway Traffic Act* O. Reg. 316/03 to allow new types of Off-Road Vehicles to be operated on municipal roads and provincial roadways if local municipalities create new by-laws to enable their use.

NOW THEREFORE the Council of The Corporation of The City of Dryden hereby enacts as follows:

#### **1. DEFINITIONS**

In this by-law:

"*All-Terrain Vehicle*" means a vehicle as defined in the *Highway Traffic Act* O. Reg. 316/03 meaning 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 footrests for the passenger that are separate from the footrests for the driver.

"*Dirt Bike*" means a lightweight motorcycle designed for racing or operation on unpaved rough surfaces or dirt tracks (motocross racing). Dirt bikes are prohibited on all highways within the City of Dryden.

"*Extreme Terrain Vehicle*" means a vehicle as defined in the *Highway Traffic Act* O. Reg. 316/03 meaning 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.

Extreme Terrain Vehicles are prohibited on all highways within the City of Dryden.

"*Highway*" means a highway as defined in the *Highway Traffic Act* and includes a common and public highway, street, avenue, parkway, driveway, square, place, 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.

"*Motorized Snow Vehicle*" means a motorized snow vehicle as defined in the *Motorized Snow Vehicles Act* meaning a self-propelled vehicle designed to be driven primarily on snow.

"*Multi-Purpose Off-Highway Utility Vehicle*" means a vehicle as defined in the *Highway Traffic Act* O. Reg. 316/03 meaning an off-road vehicle that:

- (a) Has four 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; and
- (d) Has a minimum cargo capacity of 159 kilograms.

"*Recreational Off-Highway Vehicle*" means a vehicle as defined in the *Highway Traffic Act* O. Reg. 316/03 meaning an off-road vehicle that:

- (a) Has four 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; and
- (d) Has an engine displacement equal to or less than 1,000 cubic centimetres.

"*Roadway*" means a roadway as defined in the *Highway Traffic Act* meaning the part of the highway that is improved, designed or ordinarily used for vehicular traffic, but does not include the shoulder, and, where a highway includes two or more separate roadways, the term "roadway" refers to any one roadway separately and not to all of the roadways collectively.

## **2. OPERATION ON HIGHWAYS IN CERTAIN AREAS PROHIBITED**

No person shall operate an all-terrain vehicle, motorized snow vehicle, multi-purpose off-highway utility vehicle or recreational off-highway vehicle upon any highway within the following defined areas of the City of Dryden:

- (a) The overpass from Memorial Avenue to Highway 17; and
- (b) The King Street underpass; and
- (c) From the intersection of Queen Street and Casimir Avenue south along Casimir Avenue to the intersection of Casimir Avenue and Highway 594 (Duke Street); then east along Highway 594 (Duke Street) to the intersection of Highway 594 (Duke Street) and Elizabeth Avenue; then south along Elizabeth Avenue to the intersection of Elizabeth Avenue and Arthur Street; then west along Arthur Street to the intersection of Arthur Street and Earl Avenue; then north along Earl Avenue to the intersection of Earl Avenue and Queen Street; then east to the point of commencement. (See Map – Appendix A)

## **3. OPERATION ON CERTAIN HIGHWAYS RESTRICTED**

Except to cross at a right angle, no person shall operate an all-terrain vehicle, motorized snow vehicle, multi-purpose off-highway utility vehicle or recreational off-highway vehicle upon any of the following highways in the City of Dryden: Highway 17, Van Horne Avenue, Goodall Street, Casimir Avenue and Memorial Avenue.

## **4. GENERAL PROHIBITIONS**

(a) No person shall operate an all-terrain vehicle, motorized snow vehicle, multi-purpose off-highway utility vehicle or recreational off-highway vehicle on any private or public property other than a highway, driveway or parking lot or similar surface intended for the operation of such vehicles except with the permission of the owner or occupant of the property in question.

(b) No person shall operate an all-terrain vehicle, motorized snow vehicle, multi-purpose off-highway utility vehicle or recreational off-highway vehicle upon or in any park under the jurisdiction of the City of Dryden except for the following:

- Sandy Beach Park commencing at the shore of Wabigoon Lake; then north along the western boundary of Sandy Beach Park to the south side of Sandy Beach Road; and joining the section of the Dryden Power Toboggan Club Trail System known as "The Town Loop."

(c) A person operating an all-terrain vehicle, motorized snow vehicle, multi-purpose off-highway utility vehicle or recreational off-highway vehicle upon a highway upon which such operation is not prohibited by legislation or by this by-law may enter or cross the roadway of that highway provided that he or she does so at an angle of approximately 90 degrees in the direction of said roadway.

(d) No person shall operate an all-terrain vehicle, motorized snow vehicle, multi-purpose off-highway utility vehicle or recreational off-highway vehicle within the corporate limits of the City of Dryden in the following places:

- On any sidewalk, path or trail used and set apart for the use of pedestrians and forming part of any highway, bridge, boulevard or other

means of public communication; or being in or upon any boulevard, park, park-lot, garden or place set apart for ornament or embellishment or public recreation;

- On any lands acquired by The Corporation for public parks;
- On any lands set apart for cemeteries or sports fields; and
- On any other lands owned by The Corporation.

## **5. SPEED LIMITS**

No person shall operate an all-terrain vehicle, motorized snow vehicle, multi-purpose off-highway utility vehicle or recreational off-highway vehicle within the City of Dryden at a speed greater than:

- (a) 20 kilometres per hour where the speed limit is designated at 50 kilometres per hour or less; or
- (b) 50 kilometres per hour where the speed limit is in excess of 50 kilometres per hour on highways within the City of Dryden.

## **6. APPLICABILITY OF ACT AND REGULATIONS**

Notwithstanding the provisions of this by-law, the Motorized Snow Vehicles Act, R.S.O. 1990, c. M.44, as amended, the *Off-Roads Vehicles Act*, R.S.O. 1990, c. O.4, as amended and the *Highway Traffic Act*, R.S.O. 1990, c. H.8, as amended and Ontario Regulations under these Acts shall apply to the operation of an all-terrain vehicle, motorized snow vehicle, multi-purpose off-highway utility vehicle or recreational off-highway vehicle in the City of Dryden.

## **7. RESPONSIBILITY OF VEHICLE OWNERS FOR OFFENCES**

The registered owner of any vehicle may be charged with and convicted of an offence under this by-law 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 a person other than the owner without the owner's consent, and on conviction the owner is liable to the penalty prescribed for the offence.

## **8. EXEMPTIONS**

The operation of an all-terrain vehicle, motorized snow vehicle, multi-purpose off-highway utility vehicle or recreational off-highway vehicle under any of the following conditions shall not be deemed to be in violation of this by-law:

- (a) By police, fire and public utility personnel in the execution of their duties;
- (b) While equipped with a snowplow and bearing a slow-moving vehicle sign and engaged in the operation of snow removal and/or plowing, subject to the provisions of the *Off-Road Vehicles Act*;
- (c) When operated by any person following a declaration by the Mayor or alternate that a state of emergency exists; and

(d) In a group under the supervision of a responsible officer of a club or organization; providing however, that prior written approval for such operation is obtained from the Council of The Corporation of The City of Dryden.

## **9. PENALTY AND OFFENCE**

Every person who contravenes any provision of this by-law is guilty of an offence and upon conviction, is liable to a fine as provided in the *Provincial Offences Act*.

## **10. SEVERABILITY**

In the event that any particular provision or part of a provision of this by-law is found to be invalid or unenforceable for any reason whatsoever, then the particular provision, provisions or part of the provision(s) shall be deemed to be severed from the remainder of this by-law and all other provisions shall remain in full force and shall be valid and enforceable to the fullest extent permitted by the law.

11. THAT Chapter 144 – Off-Road Vehicles of the City of Dryden Municipal Code and By-law 4095-2013 are hereby rescinded.
12. THAT Chapter 222 – Snowmobiles of the City of Dryden Municipal Code and By-law 2348-95 are hereby rescinded.
13. THAT this By-law shall come into force and take effect on the final passage hereof.

ENACTED AND PASSED THIS 13<sup>th</sup> DAY OF DECEMBER 2021 as witnessed by the Corporate Seal of The Corporation of The City of Dryden and the hands of its proper Officers duly authorized in that behalf.

THE CORPORATION OF THE CITY OF DRYDEN

---

Mayor

---

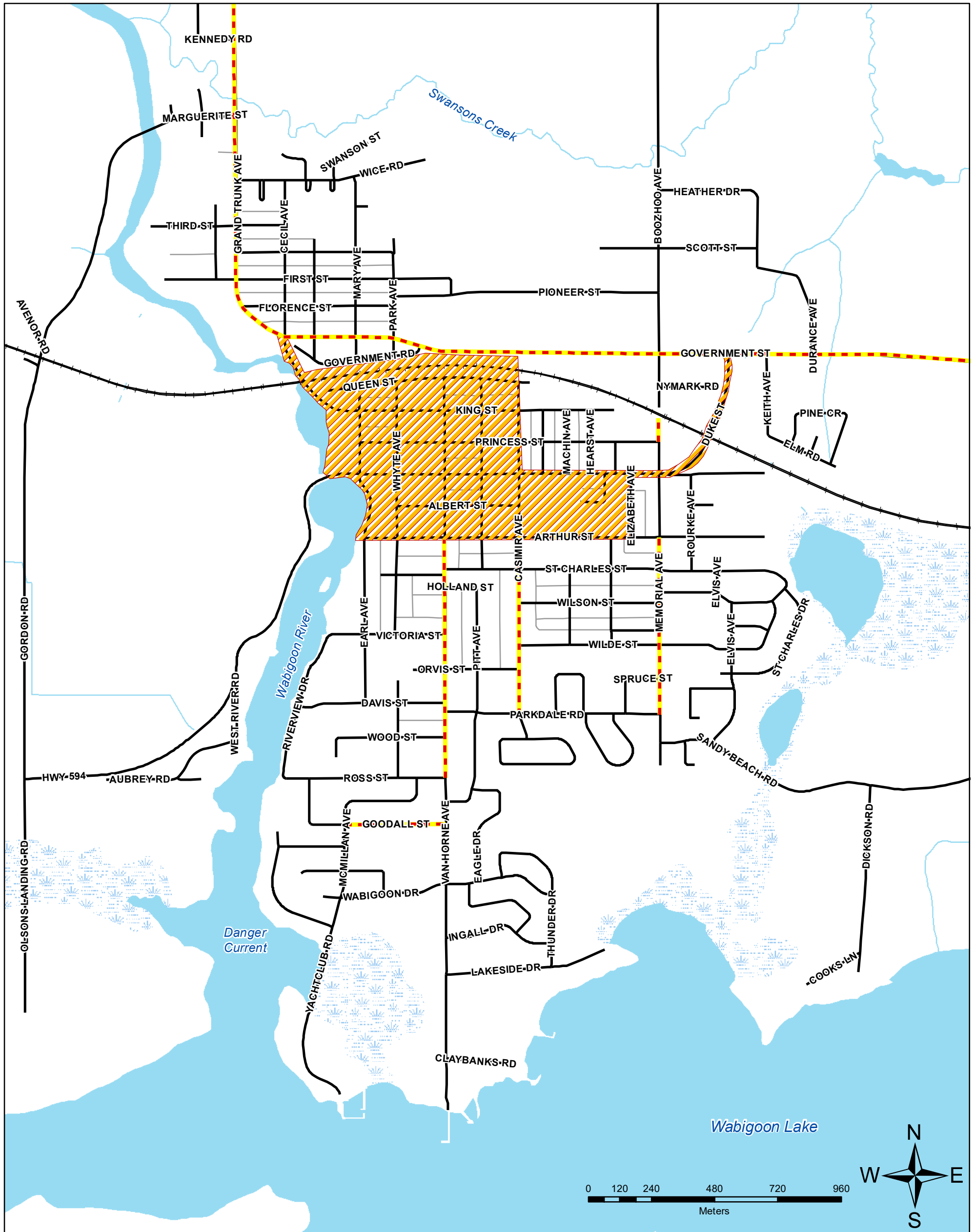
Clerk

READ A FIRST AND SECOND TIME THIS 13<sup>th</sup> DAY OF DECEMBER 2021.

READ A THIRD TIME AND PASSED AS READ THIS 13<sup>th</sup> DAY OF DECEMBER 2021.


# The City of Dryden

## ATV/Snowmobile Operation Map By-Law 2021-102



ATVs and Snowmobiles are not to be operated at speeds in excess of 20 Kilometers per hour.

Right Angle Crossing Only:  
 Except to Cross at Right angle, no person shall operate an ATV or Snowmobile upon these roadways.

 No Travel Zone:  
 No travel upon any Roadway within this area



Map Created by: City of Dryden Date Created: Nov 2021 Data Source: City of Dryden UTM NAD83 Zone 15

This Map is illustrative only. Do not Rely on it as being a precise indicator of routes, locations of features, nor as a guide to navigation. A margin of error is inherent in all data and maps. This product is distributed without warranties of any kind, either expressed or implied, including but not limited to warranties of suitability of particular purpose or use. The City shall not be held liable for special, incidental, consequential or indirect damages arising from the use of this data. Users assume all risks in using this data.