



**BY-LAW NUMBER 135-2020
OF
THE CORPORATION OF THE CITY OF STRATFORD**

BEING a By-law to permit and control the operation of Off Road Vehicles on certain highways and streets and property under the jurisdiction of The Corporation of the City of Stratford and to repeal By-law 65-2012, as amended.

WHEREAS Section 8.(1) of the *Municipal Act, 2001, S.O. 2001, c.25 as amended*, provides that the powers of a municipality under this or any other Act, shall be interpreted broadly so as to confer broad authority on the municipality to enable the municipality to govern its affairs as it considers appropriate and to enhance the municipality's ability to respond to municipal issues;

AND WHEREAS Section 9 of the *Municipal Act, 2001*, provides that a municipality has the capacity, rights, powers and privileges of a natural person for the purpose of exercising its authority under this or any other Act;

AND WHEREAS Section 10.(1) of the *Municipal Act 2001* provides that a single-tier municipality may provide any service or thing that the municipality considers necessary or desirable for the public;

AND WHEREAS section 191.8 of the Highway Traffic Act, R.S.O. 1990, Chapter.H.8 as amended, authorizes the Council of a municipality to pass by-laws:

- (a) prohibiting, permitting and regulating the operation of off-road vehicles on any highway within the municipality that is under the jurisdiction of the municipality, or on any parts of such highway,
- (b) prescribing a lower rate of speed for all-terrain vehicles on any highway within the municipality that is under its jurisdiction, or any part or parts of such highway including different rates of speed for different highways or parts of highways;

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 off-road vehicles and states that every highway or part of highway in a municipality on which an off road vehicle is permitted to operate under the authority of a by-law made by the municipality under subsection 191.8 of the Act, but only during the months or hours specified in the By-law if the by-law limits the operation of off road vehicles on a highway or part of a highway within the municipality to certain months or hours;

AND WHEREAS Council of The Corporation of the City of Stratford deems it necessary in the public interest to permit the operation of off-road vehicles on certain streets, recreation trails and municipal property in Stratford during certain hours specified herein;

NOW THEREFORE BE IT ENACTED by Council of The Corporation of the City of Stratford as follows:

1.0 DEFINITIONS

1.1 "Off Road Vehicle" means:

"Multi-purpose off-highway utility vehicle" 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, and
- (d) has a minimum cargo capacity of 159 kilograms.

"Recreational off-highway vehicle" 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, and
- (d) has an engine displacement equal to or less than 1,000 cubic centimetres.

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

- a) has four (4) wheels, the tires of all of which are 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.

1.2 **"Boulevard"** means that part of the highway situated between the curb line and the property line of the lot abutting the highway, but does not include a sidewalk or shoulder;

1.3 **"By-law Enforcement Officer"** means a police officer of Stratford Police Services, commissionaire, assistant or any other officer, peace officer or civilian person engaged by Stratford Police Services and/or appointed by The Corporation of the City of Stratford to enforce or carry out the provisions of this by-law or any part or parts thereof;

1.4 **"City"** means The Corporation of the City of Stratford;

1.5 **"Highway"** includes a common and public highway, street, avenue, parkway, driveway, 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 line thereof;

1.6 **"Recreation Trail"** means property of the City that is operated as and maintained as a recreation trail for pedestrians, but does not include a sidewalk or boulevard;

1.7 **"Sidewalk"** means that portion of a highway between the curb line and the property line of the lot abutting the highway improved for the use of pedestrians.

2.0 REGULATIONS

- 2.1 An off road vehicle shall not be operated on highways or recreation trails unless it meets the requirements of, and is operated in accordance with, Ontario Regulation 316/03 of the *Highway Traffic Act*, the *Operation of Off-Road Vehicles on Highways*, as may be amended and/or replaced from time to time.
- 2.2 As set out in Schedule "A" to this By-law, Off Road Vehicles shall be permitted upon the highways and recreation trails and municipal property under the jurisdiction of The Corporation of the City of Stratford accordance with Ontario Regulation 316/03 of the *Highway Traffic Act*, the *Operation of Off-Road Vehicles on Highways*, as may be amended and/or replaced from time to time and in accordance with the provisions of this By-law, as may be amended and/or replaced from time to time
- 2.3 Notwithstanding section 2.2 of this By-law, Off Road Vehicles shall not be permitted on sidewalks under the jurisdiction of The Corporation of the City of Stratford. City vehicles and contractors working on behalf of the City are exempted from this provision.
- 2.4 The exemptions as set out in Part IV Exemptions of Ontario Regulation 316/03 of the *Highway Traffic Act*, the *Operation of Off-Road Vehicles on Highways* as amended and/or replaced from time to time, regarding the operation of Off-Road Vehicles on highway shall apply to the regulation of off-road vehicles as set out in this By-law.
- 2.5 An Off Road Vehicles shall not be driven at a rate of speed greater than:
- 2.5.1 20 kilometres per hour if the speed limit established under the Highway Traffic Act or by Municipal By-law for that part of the highway is not greater than 50 kilometres per hour, or
- 2.5.2 50 kilometres per hour if the speed limit established under the Highway Traffic Act or by Municipal By-law is greater than 50 kilometres per hour, or
- 2.5.3 20 kilometres per hour for any recreation trails and municipally operated property under the jurisdiction of The Corporation of the City of Stratford.
- 2.6 An Off Road Vehicle shall not be operated on any highways, recreation trails or municipal property between the hours of 10:00 pm of one day to 7:00 am of the next day.

3.0 GRANT OF EXEMPTION BY COUNCIL:

(1) Application to Council:

Notwithstanding anything contained in this by-law, any person may makes an application to Council to be granted an exemption from any of the provisions of this by-law for which a person might be prosecuted and Council, by resolution, may refuse to grant any exemption or may grant the exemption applied for or any exemption of lesser effect and any exemption granted shall specify the time period, not in excess of six months during which it is effective and may contain such terms and conditions as Council sees fit.

(2) Decision:

In deciding whether to grant the exemption, Council shall give the applicant and any person opposed to the application an opportunity to be heard and may consider such other matters as it sees fit.

(3) **Breach:**

Breach by the applicant of any of the terms or conditions of any exemption granted by Council shall render the exemption null and void.

(4) Subject to Delegation of Authority By-law 135-2017 as amended from time to time, and notwithstanding anything contained in this By-law, the Director of Community Services or the Director of Infrastructure and Development Services, in writing, may grant or may refuse an exemption as part of a special event, under the following terms and conditions:

- a) the complete special event application including a request for an exemption and all necessary documents have been received by Community Services at least 12 weeks prior to the special event;
- b) that all requirements for notice related to the exemption as required by The Corporation of the City of Stratford have been met;
- c) that the decision of the Director of Community Services or the Director of Infrastructure and Development Services to grant or to refuse an application for an exemption may be appealed to City Council within 20 calendar days of receipt of the decision in writing from the Director and that the organization or person appealing the decision must provide written reasons for the appeal.

4.0 PENALTIES

4.1. Every person who contravenes a provision of this By-law is guilty of an offence and liable on conviction to a fine as provided for in the Provincial Offences Act, R.S.O. 1990, c.P.33.

5.0 INTERPRETATION

5.1. In this By-law, unless the context otherwise requires words importing the singular number shall include the plural.

5.2. If a Court of competent jurisdiction declares any section or part of a section of this By-law invalid, it is the intention of Council that the remainder of the By-law shall continue to be in force.

6.0 REPEAL

6.1 That By-law 65-2012 and all amendments thereto are hereby repealed upon this By-law coming into force and effect.

7.0 TITLE

7.1. This By-law may be referred to as the "**Off Road Vehicle By-law**" of The Corporation of the City of Stratford.

8.0 EFFECTIVE

8.1 This by-law shall come into force and take effect upon the final passage thereof.

Read a FIRST, SECOND and THIRD time and
FINALLY PASSED this 26th day of October, 2020.

"Daniel B. Mathieson"
Mayor – Daniel B. Mathieson

"Tatiana Dafoe"
Clerk – Tatiana Dafoe

THIS IS SCHEDULE "A" TO BY-LAW 135-2020

passed this 26th day of October, 2020

The following are exempt from By-law number **135-2020**

1. By-law Enforcement employees for The Corporation of the City of Stratford.
2. All Stratford Police Services Officers while performing his or her duties.
3. All Stratford Fire Department personnel while performing his or her duties.
4. All Medical Rescue personnel while performing his or her duties.
5. All employees of The Corporation of the City of Stratford while performing his or her duties.
6. Any person operating an Off-Road Vehicle for the purpose of rendering assistance during a declared emergency within the Municipality.
7. Contractors employed by the City while completing work for the City of Stratford.