

The Corporation of the City of Pembroke

By-law Number 2017-69

A By-law to regulate and govern the operation of All-Terrain, Multi-purpose and Recreation Off-Road vehicles (Off-Road Vehicles) within the City of Pembroke

Whereas the Council of the Corporation of the City of Pembroke deems it appropriate to pass a by-law to regulate, govern and limit the operation of All-Terrain Vehicles (ATVs) on Municipal Roads within the Municipality of the City of Pembroke;

And Whereas the *Highway Traffic Act, 1990*, as amended, and *Ontario Regulation 316/03* authorizes municipalities to pass by-laws permitting ATVs to be operated on highways or part of highways within the municipality and during specific months and hours as set out;

Now therefore the Municipal Council of the Corporation of the City of Pembroke enacts as follows:

Section 1 – Definitions

1.1 For the purpose of this by-law, whenever the term “All-terrain vehicle” or (ATV) is stipulated, it shall include any of the following:

“All-terrain 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 steering handlebars;
- c. has a seat that is designated to be straddled by the driver, and
- d. is designed to carry:
 - a) a driver only and no passengers, or
 - b) a driver and only one passenger, if the vehicle,
 - i. has one passenger seat that is designed to be straddled by the passenger while sitting facing forward behind the driver, and
 - ii. is equipped with foot rests for the passenger that is separate from the foot rests for the driver.

“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 centimeters.

1.2 “City” means The Corporation of the City of Pembroke

1.3 “Highway” includes a common or open 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.

- 1.4 “Sidewalk” means that portion of a street between the curb lines or the lateral lines of a roadway and the adjacent property lines intended for the use of the pedestrians.

Section 2 – Regulations

- 2.1 ATVs shall not be operated on a Highway unless such vehicle meets all of the equipment requirements of Section 7 to 15 of *Ontario Regulation 316/03*, as amended, and is operated in accordance with Sections 16 to 24 of *Ontario Regulation 315/03*, as amended.
- 2.2 No person shall operate an ATV along any highway or part of any highway except on the prescribed route as depicted on “Schedule A” attached hereto unless it is to cross over such highway.
- 2.3 No person shall operate an ATV on any pedestrian walkway or sidewalk, within the geographic boundaries of the City except to cross over such sidewalk.
- 2.4 No person shall drive an ATV upon any municipally owned or municipally maintained lands used as parks, playgrounds, beaches, sports fields, or for the utility purposes unless expressly permitted by municipal by-law, save and except the following
- a. designated parking area located at 0 Forced Road which shall be made available as an ATV staging area to facilitate access to municipal roadways and regionally approved trails, and
 - b. the gravel roadways in Riverside Park to facilitate access to Riverside Park’s Campground.
- 2.5 No person shall drive an ATV on any part of a highway that is designated as a construction zone under section 128(8) of the *Highway Traffic Act* or any other part of a highway where construction work or highway maintenance is being carried out.
- 2.6 No person shall drive an ATV on any highway and organized trails between the periods of the 15th day of March to the 15th day of May of every year except for maintenance.
- 2.7 Subject to Section 2.6, the City’s Chief Administrative Officer and/or designate is authorized, at their discretion to shorten or prolong the period of time where any designated highways under “Schedule A” and organised trail may be closed to ATV traffic during the spring thaw period or at any time when the City deems necessary to do so.
- 2.8 The operation of ATVs shall not be permitted one half hour before sunset to one half hour after sunrise.

Section 3 – Exemptions

- 3.1 In cases of emergency, parades and other special events, the City may authorize or permit the use of ATVs on specific highways during specific times.

- 3.2 The regulations prescribed in this by-law do not apply to an ATV operated by a police officer, conservation officer or by-law enforcement officer while on duty or any other employee as defined at Section 25, Part IV, of the *Ontario Regulation 315/03* made under the *Highway Traffic Act*.

Section 4 – Enforcement

- a. The provisions of this by-law shall be subject to the provision of the *Highway Traffic Act, R.S.O. 1990 c. H.8* and the *Ontario Regulation 316/03* and amendments thereto.
- b. This by-law shall be enforced by any Municipal By-law Enforcement Officer of the City or by any member of the Ontario Provincial Police.

Section 5 - Penalty

- a. Any person who contravenes any provision of the *Highway Traffic Act, R.S.O. 1990, c.H.8*, as amended, its regulations, or this By-law shall be guilty of an offence and shall be liable, upon conviction, to a fine for each offence as provided for in the *Provincial Offences Act, R.S.O. 1990, c.P.33*. or as per “Schedule B” of this By-law as applicable.

Section 6 – General

- a. If a court of competent jurisdiction should declare any section or part of any section of this by-law invalid, the remainder of the by-law shall be valid and shall remain in force.
- b. Where a provision of this By-law conflicts with the provisions of another By-law in force in the City, the provision that establishes the higher standard to protect the health, safety and welfare of the general public shall prevail.
- c. The CAO/Clerk of the City of Pembroke is hereby authorized to make any minor modifications or corrections of an administrative, numeric, grammatic, semantic or descriptive nature or kind to the by-law and schedule(s) as may be deemed necessary after the passage of this by-law, where such modifications or corrections do not alter the intent of the by-law.

Section 7 – Review

There shall be a review of this entire by-law by the City no later than the last day of November 2019.

Section 8 – Short Title

The short title of this By-law is the “ATV By-law”.

Section 9 – Effective Date

That this by-law shall come into full force and effect on the date of final passage hereof and “Schedule B” Short Form Wording/Set Fines shall come into force and take effect immediately upon approval by the Ontario “Court of Justice”.

Passed and Enacted
This 21st Day of November, 2017

Michael LeMay
Mayor

Terry Lapierre
Chief Administrative Officer/Clerk

City of Pembroke

By-law 2017-69

Schedule "A"

City of Pembroke Prescribed ATV Routes are as follows:

In the southern portion of the municipality:

- Bennett Street crossing at the CN spur line
- Boundary Road access adjacent to PACC.
- Westerly on Boundary Road to Bennett Street at the 4 way stop.
- Northerly on International Drive to Upper Valley Drive westerly then to International Drive.
- Crossing access on Paul Martin Drive to Irving Big stop.

In the westerly portion of the municipality:

- At 0 Forced Road the use of the city owned lot to stage vehicles to access CN Spur line.
- Street access on Forced Road to Lea Street.
- Lea Street to George Street to have safe access to the lights at Pembroke Street in order to get into Riverside Park.
- Lea Street to Douglas Street.
- Douglas Street to access fuel station.
- Bronx Street from Douglas Street to access West End Mall and restaurants.

City of Pembroke

Part 1 Provincial Offences Act

Schedule B – By-law 2017-69: ATV By-law

Item	Column 1 – Short Form Wording	Column 2 – Provision creating or defining offence	Column 3 – Set Fine
1	Operating an ATV on a restricted street	Section 2.2	\$200.00
2	Operating an ATV on a sidewalk or walkway	Section 2.3	\$200.00
3	Operating an ATV in a municipal park	Section 2.4	\$200.00
4	Operating an ATV in a playground	Section 2.4	\$200.00
5	Operating an ATV on a beach	Section 2.4	\$200.00
6	Operating an ATV on a sports field	Section 2.4	\$200.00
7	Operating an ATV in a construction zone	Section 2.5	\$200.00
8	Operating an ATV at a prohibited time of year	Section 2.6	\$200.00
9	Operating an ATV at a prohibited time of day	Section 2.8	\$200.00

Note:

The penalty provisions for the offences indicated above is Section 5 of By-law 2017-69, a certified copy of which has been filed.